

House Bill 15

By: Representatives Levitas of the 82nd, Lunsford of the 110th, Wilkinson of the 52nd, Jerguson of the 22nd, Mitchell of the 88th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to
2 procedures for adoption, amendment, or repeal of rules under the "Georgia Administrative
3 Procedure Act," so as to change certain procedures; to change matters relative to legislative
4 review; to provide for proposed rules to be made available to and made available by the
5 Secretary of the Senate and the Clerk of the House of Representatives; to provide for new
6 and revised procedures relative to legislative override; to provide for other related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedures for
11 adoption, amendment, or repeal of rules under the "Georgia Administrative Procedure Act,"
12 is amended by revising subsections (e) and (f) as follows:

13 "(e)(1) The agency shall transmit the notice provided for in paragraph (1) of subsection
14 (a) of this Code section to the legislative counsel. The notice shall be transmitted at least
15 30 days prior to the date of the agency's intended action. Within three days after receipt
16 of the notice, if possible, the legislative counsel shall ~~furnish~~ provide a copy of the notice
17 to the presiding officers of each house ~~with a copy of the notice, and the~~ and to the
18 Secretary of the Senate and the Clerk of the House of Representatives.

19 (2) The presiding officers shall assign the notice to the chairperson of the appropriate
20 standing committee in each house for review and any member ~~thereof~~ of each house who
21 makes a standing written request. In the event a presiding officer is unavailable for the
22 purpose of making the assignment within the time limitations, the legislative counsel
23 shall assign the notice to the chairperson of the appropriate standing committee. The
24 legislative counsel shall also transmit within the time limitations provided in this
25 subsection a notice of the assignment to the chairperson of the appropriate standing
26 committee. Each standing committee of the Senate and the House of Representatives is

27 granted all the rights provided for interested persons and governmental subdivisions in
 28 paragraph (2) of subsection (a) of this Code section.

29 (3) The Secretary of the Senate and the Clerk of the House of Representatives shall make
 30 the notice available for public inspection.

31 (f)(1) In the event a standing committee to which a notice is assigned as provided in
 32 paragraph (2) of subsection (e) of this Code section files an objection to a proposed rule
 33 prior to its adoption and the agency adopts the proposed rule over the objection, the rule
 34 may be considered by the branch of the General Assembly whose committee objected to
 35 its adoption by the introduction of a resolution for the purpose of overriding the rule at
 36 any time within the first 30 days of the next regular session of the General Assembly. It
 37 shall be the duty of any agency which adopts a proposed rule over such objection ~~so~~ to
 38 notify the presiding officers of the Senate and the House of Representatives, the ~~chairmen~~
 39 chairpersons of the Senate and House committees to which the rule was referred, and the
 40 legislative counsel within ten days after the adoption of the rule. In the event the
 41 resolution is adopted by such branch of the General Assembly, it shall be immediately
 42 transmitted to the other branch of the General Assembly. It shall be the duty of the
 43 presiding officer of the other branch of the General Assembly to have the full
 44 membership of such branch, within five days after the receipt of the resolution, ~~to~~
 45 consider vote for or against the resolution ~~for the purpose of overriding the rule~~. In the
 46 event the resolution is adopted by two-thirds of the votes of each branch of the General
 47 Assembly, the rule shall be void on the day after the adoption of the resolution by the
 48 second branch of the General Assembly. In the event the resolution is ratified by less
 49 than two-thirds of the votes of either branch, the resolution shall be submitted to the
 50 Governor for his or her approval or veto. In the event of his or her veto, the rule shall
 51 remain in effect. In the event of his or her approval, the rule shall be void on the day after
 52 the date of his or her approval.

53 (2) In the event each standing committee to which a notice is assigned as provided in
 54 paragraph (2) of subsection (e) of this Code section files an objection to a proposed rule
 55 prior to its adoption by a two-thirds' vote of the members of the committee who were
 56 voting members on the tenth day of the current or most recent session, after having given
 57 public notice of the time, place, and purpose of such vote at least 48 hours in advance, as
 58 well as the opportunity for members of the public, including the promulgating agency,
 59 to have a reasonable time to comment on the proposed committee action at the hearing
 60 and the agency adopts the proposed rule over the objection, the effectiveness of such rule
 61 shall be stayed until the next legislative session at which time the rule may be considered
 62 by the General Assembly by the introduction of a resolution in either branch of the
 63 General Assembly for the purpose of overriding the rule at any time within the first 30

64 days of the next regular session of the General Assembly. In the event the resolution is
65 adopted by the branch of the General Assembly in which it was introduced, it shall be
66 immediately transmitted to the other branch of the General Assembly. It shall be the duty
67 of the presiding officer of the other branch of the General Assembly to have the full
68 membership of such branch, within five days after the receipt of the resolution, ~~to~~
69 ~~consider vote for or against~~ the resolution ~~for the purpose of overriding the rule~~. In the
70 event the resolution is adopted by two-thirds of the votes of each branch of the General
71 Assembly, the rule shall be void on the day after the adoption of the resolution by the
72 second branch of the General Assembly. In the event the resolution is ratified by less
73 than two-thirds of the votes of either branch, the resolution shall be submitted to the
74 Governor for his or her approval or veto. In the event of his or her veto, the rule shall
75 remain in effect. In the event of his or her approval, the rule shall be void on the day after
76 the date of his or her approval. If after the thirtieth legislative day of the legislative
77 session of which the challenged rule was to be considered the General Assembly has not
78 considered an override of the challenged rule pursuant to this subsection, the rule shall
79 then immediately take effect.

80 (3)(A) In the event that an objection to a proposed rule is filed with signatures of at
81 least 91 members of the House of Representatives or of at least 29 members of the
82 Senate prior to its adoption, which members were voting members on the tenth day of
83 the current or most recent session, after having given public notice of the filing of the
84 objection as well as the opportunity for members of the public, including the
85 promulgating agency, to have a reasonable time to comment on the proposed objection
86 at a hearing, the place, time, and purpose of which shall be included as part of the
87 objection, and the agency adopts the proposed rule over the objection, the effectiveness
88 of such rule shall be stayed until the next legislative session at which time the rule may
89 be considered by the General Assembly by the introduction of a resolution in either
90 branch of the General Assembly for the purpose of overriding the rule at any time
91 within the first 30 days of the next regular session of the General Assembly. In the
92 event the resolution is adopted by the branch of the General Assembly in which it was
93 introduced, it shall be immediately transmitted to the other branch of the General
94 Assembly. It shall be the duty of the presiding officer of the other branch of the
95 General Assembly to have the full membership of such branch, within five days after
96 the receipt of the resolution, vote for or against the resolution. In the event the
97 resolution is adopted by two-thirds of the votes of each branch of the General
98 Assembly, the rule shall be void on the day after the adoption of the resolution by the
99 second branch of the General Assembly. In the event the resolution is ratified by fewer
100 than two-thirds of the votes of either branch, the resolution shall be submitted to the

101 Governor for his or her approval or veto. In the event of his or her veto, the rule shall
102 remain in effect. In the event of his or her approval, the rule shall be void on the day
103 after the date of his or her approval. If after the thirtieth legislative day of the
104 legislative session of which the challenged rule was to be considered the General
105 Assembly has not considered an override of the challenged rule pursuant to this
106 subsection, the rule shall then immediately take effect.
107 (B) Each objection filed by at least 36 members of the House of Representatives or by
108 at least 11 members of the Senate shall be granted all the rights provided for interested
109 persons and governmental subdivisions in paragraph (2) of subsection (a) of this Code
110 section."

111

SECTION 2.

112 All laws and parts of laws in conflict with this Act are repealed.