

House Bill 225

By: Representatives Kirby of the 114th, McCall of the 33rd, Powell of the 32nd, Geisinger of the 48th, Spencer of the 180th, 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 relative to the adoption, amendment, and modification of agency rules and
3 regulations, so as to require that rules or regulations administered by the Environmental
4 Protection Division of the Department of Natural Resources be approved by the General
5 Assembly prior to promulgation; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedures
9 relative to the adoption, amendment, and modification of agency rules and regulations, is
10 amended by revising subsection (f) to read as follows:

11 "(f)(1) In the event a standing committee to which a notice is assigned as provided in
12 subsection (e) of this Code section files an objection to a proposed rule prior to its
13 adoption and the agency adopts the proposed rule over the objection, the rule may be
14 considered by the branch of the General Assembly whose committee objected to its
15 adoption by the introduction of a resolution for the purpose of overriding the rule at any
16 time within the first 30 days of the next regular session of the General Assembly. It shall
17 be the duty of any agency which adopts a proposed rule over such objection so to notify
18 the presiding officers of the Senate and the House of Representatives, the chairpersons
19 of the Senate and House committees to which the rule was referred, and the legislative
20 counsel within ten days after the adoption of the rule. In the event the resolution is
21 adopted by such branch of the General Assembly, it shall be immediately transmitted to
22 the other branch of the General Assembly. It shall be the duty of the presiding officer of
23 the other branch of the General Assembly to have such branch, within five days after the
24 receipt of the resolution, to consider the resolution for the purpose of overriding the rule.
25 In the event the resolution is adopted by two-thirds of the votes of each branch of the
26 General Assembly, the rule shall be void on the day after the adoption of the resolution

27 by the second branch of the General Assembly. In the event the resolution is ratified by
28 less than two-thirds of the votes of either branch, the resolution shall be submitted to the
29 Governor for his or her approval or veto. In the event of his or her veto, the rule shall
30 remain in effect. In the event of his or her approval, the rule shall be void on the day after
31 the date of his or her approval.

32 (2) In the event each standing committee to which a notice is assigned as provided in
33 subsection (e) of this Code section files an objection to a proposed rule prior to its
34 adoption by a two-thirds' vote of the members of the committee who were voting
35 members on the tenth day of the current session, after having given public notice of the
36 time, place, and purpose of such vote at least 48 hours in advance, as well as the
37 opportunity for members of the public including the promulgating agency, to have a
38 reasonable time to comment on the proposed committee action at the hearing, the
39 effectiveness of such rule shall be stayed until the next legislative session at which time
40 the rule may be considered by the General Assembly by the introduction of a resolution
41 in either branch of the General Assembly for the purpose of overriding the rule at any
42 time within the first 30 days of the next regular session of the General Assembly. In the
43 event the resolution is adopted by the branch of the General Assembly in which it was
44 introduced, it shall be immediately transmitted to the other branch of the General
45 Assembly. It shall be the duty of the presiding officer of the other branch of the General
46 Assembly to have such branch, within five days after the receipt of the resolution, to
47 consider the resolution for the purpose of overriding the rule. In the event the resolution
48 is adopted by two-thirds of the votes of each branch of the General Assembly, the rule
49 shall be void on the day after the adoption of the resolution by the second branch of the
50 General Assembly. In the event the resolution is ratified by less than two-thirds of the
51 votes of either branch, the resolution shall be submitted to the Governor for his or her
52 approval or veto. In the event of his or her veto, the rule shall remain in effect. In the
53 event of his or her approval, the rule shall be void on the day after the date of his or her
54 approval. If after the thirtieth legislative day of the legislative session of which the
55 challenged rule was to be considered the General Assembly has not considered an
56 override of the challenged rule pursuant to this subsection, the rule shall then immediately
57 take effect.

58 (3) Notwithstanding any other provision in this subsection, no rule or regulation
59 promulgated after January 1, 2014, which is to be administered by the Environmental
60 Protection Division of the Department of Natural Resources shall become effective until
61 approved by the General Assembly through the adoption of a joint resolution so stating."

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SECTION 2.

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