

Senate Bill 2

By: Senators Dugan of the 30th, Shafer of the 48th, Cowsert of the 46th, Gooch of the 51st, Hill of the 32nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 60 of Title 36, Chapter 1 of Title 43, and Title 50 of the Official Code of
2 Georgia Annotated, relating to general provisions applicable to counties and municipal
3 corporations, general provisions regarding professions and businesses, and state government,
4 respectively, so as to enhance accountability and notice requirements for agency rule making
5 so as to reduce regulatory burdens on businesses; to facilitate the start of certain small
6 businesses; to provide for schedules of fees and timelines for permits, licenses, and other
7 regulatory requirements; to provide for reduced fees when such deadlines are not met; to
8 provide for expedited processing of licenses and permits; to provide for certain provisional
9 professional licenses; to provide for exceptions; to streamline the collection of personal
10 information; to provide for notices and timing for certain regulatory inspections; to provide
11 for the development of a building and infrastructure transparency score for each county and
12 municipality by the Department of Community Affairs; to provide for further information
13 regarding proposed rules; to provide for additional notice for rule making; to change the vote
14 requirement for legislative objections to proposed rule making; to provide a short title; to
15 provide for related matters; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 This Act shall be known and may be cited as the "The FAST Act - Fairness, Accountability,
19 Simplification, and Transparency - Empowering Our Small Businesses to Succeed."

20 **SECTION 2.**

21 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
22 provisions applicable to counties and municipal corporations, is amended by adding a new
23 Code section to read as follows:

24 "36-60-27.

25 (a) Each county or municipality which imposes fees for business licenses or permits or
 26 other regulatory fees for businesses within its jurisdiction shall establish a schedule of fees
 27 for such licenses, permits, and regulatory requirements for start-up businesses within its
 28 jurisdiction, along with timelines necessary for processing applications and documentation
 29 required for such licenses, permits, and fees. After publishing such fee schedule and
 30 timelines, whenever the county or municipality does not meet a published deadline, then
 31 the fee associated with such deadline shall be reduced by 10 percent of the original fee for
 32 each ten days that the county or municipality fails to meet the published deadline.

33 (b) Each county or municipality which imposes licensing or permitting requirements for
 34 businesses or professions shall establish an expedited licensing and permitting process
 35 which will give priority processing for such licenses or permits for which the county or
 36 municipality is authorized to charge an additional fee in an amount not to exceed two times
 37 the fee for the license or permit for which the applicant is requesting expedited processing.

38 (c) Each county or municipality in this state shall annually review its activities which
 39 require the collection of personal information and determine whether such information
 40 could be shared with or acquired from other agencies of government rather than requiring
 41 licensed or regulated individuals and businesses to provide such information to multiple
 42 agencies."

43 **SECTION 3.**

44 Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general
 45 provisions regarding professions and businesses, is amended by revising Code Section
 46 43-1-8, which was previously reserved, as follows:

47 "43-1-8.

48 (a) Each professional licensing board established pursuant to this title shall, not later than
 49 January 1, 2018, or six months after the creation of such board, whichever is later, establish
 50 provisions for the issuance of provisional licenses for individuals who have been licensed
 51 previously by such board or who have been licensed for such profession in another state
 52 whose criteria for licensing is at least as stringent as the qualifications for licensing in this
 53 state; provided, however, that, if the professional licensing board determines that the
 54 issuance of such provisional licenses would pose a significant danger to the life, health, or
 55 safety of the public, the board may by majority vote of its members choose not to issue
 56 such provisional licenses. If the board makes such a determination, the board shall fully
 57 state the reasons for such determination in writing. Such provisional licenses shall be valid
 58 for the period of time that the individual's application is being processed by the board.
 59 Upon final action by the board on such individual's license application, the provisional

60 license shall terminate. No provisional license shall be issued to individuals whose
 61 previous licenses were suspended or revoked by this state or any other state.

62 (b) Each professional licensing board established pursuant to this title shall, not later than
 63 January 1, 2018, or six months after the creation of such board, whichever is later, review
 64 its activities which require the collection of personal information and determine whether
 65 such information could be shared with or acquired from other agencies of government
 66 rather than requiring licensed or regulated individuals and businesses to provide such
 67 information to multiple agencies.

68 (c) Effective January 1, 2018, each professional licensing board which engages in site
 69 visits for the purpose of verifying compliance with its rules and regulations by licensees
 70 shall only make such site visits after providing reasonable notice to the licensee of the date
 71 and time of such site visit. When possible, such site visits shall be scheduled during
 72 nonpeak hours of the licensee to minimize disruption of the licensee's business.

73 (d) During each encounter with a licensee, each professional licensing board shall provide
 74 information on how such licensee can participate in the rule-making processes of the board
 75 and how to request waivers or variances, if any are available Reserved."

76 **SECTION 4.**

77 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 78 by adding a new Code section to Chapter 1, relating to general provisions regarding state
 79 government, to read as follows:

80 "50-1-10.

81 (a) For the purposes of this Code section, the term 'state agency' means a department,
 82 agency, board, commission, or authority of state government.

83 (b) Each state agency which imposes fees for business licenses or permits or other
 84 regulatory fees for businesses within its jurisdiction shall establish a schedule of fees for
 85 such licenses, permits, and regulatory requirements for start-up businesses within its
 86 jurisdiction, along with timelines necessary for processing applications and documentation
 87 required for such licenses, permits, and fees. After publishing such fee schedule and
 88 timelines, whenever the state agency does not meet a published deadline, then the fee
 89 associated with such deadline shall be reduced by 10 percent of the original fee for each
 90 ten days that the state agency fails to meet the published deadline.

91 (c) Each state agency which imposes licensing or permitting requirements for businesses
 92 or professions shall establish an expedited licensing and permitting process which will give
 93 priority processing for such licenses or permits for which the state agency is authorized to
 94 charge an additional fee in an amount not to exceed two times the fee for the license or
 95 permit for which the applicant is requesting expedited processing.

96 (d) Effective January 1, 2018, each state agency which engages in site visits for the
 97 purpose of verifying compliance with its rules and regulations by licensees shall only make
 98 such site visits after providing reasonable notice to the licensee of the date and time of such
 99 site visit. When possible, such site visits shall be scheduled during nonpeak hours of the
 100 licensee to minimize disruption of the licensee's business.

101 (e) Each state agency shall annually review its activities which require the collection of
 102 personal information and determine whether such information could be shared with or
 103 acquired from other agencies of government rather than requiring licensed or regulated
 104 individuals and businesses to provide such information to multiple agencies."

105 **SECTION 5.**

106 Said chapter is further amended by adding a new article to Chapter 8, relating to the
 107 Department of Community Affairs, to read as follows:

108 "ARTICLE 13

109 50-8-300.

110 (a) The department shall establish a system for providing a Building and Infrastructure
 111 Transparency Score for each county and municipality in this state. Such score shall be
 112 based upon metrics which include, but are not limited to, licensing and permitting fees
 113 charged by the county or municipality; time required by the county or municipality to
 114 process applications for licenses and permits and other regulatory requirements for
 115 businesses and professions in the county or municipality; the manner by which dispute
 116 resolution over such licensing, permitting, and regulatory requirements is handled; the
 117 consolidation of forms and documents to avoid repetitive or duplicative requests for
 118 information; and other items which are determined to be relevant to the development of
 119 such scoring.

120 (b) The department shall determine the metrics to be used in developing the Building and
 121 Infrastructure Transparency Score through a panel of experts assembled by the department
 122 and the weighting to be given each metric and shall determine a scoring methodology for
 123 such metrics which shall be assigned as excellent, average, needs improvement, or no
 124 response given.

125 (c) The department shall annually between July 1 and September 1 of each year survey the
 126 counties and municipalities in this state through the use of a questionnaire based upon the
 127 metrics established under this Code section. The results of such annual survey shall be
 128 published by the department not later than January 1 of each year."

SECTION 6.

129
130 Said title is further amended by revising subsections (a) and (f) of Code Section 50-13-4,
131 relating to procedural requirements for adoption, amendment, or repeal of rules, emergency
132 rules, limitation on action to contest rule, and legislative override, as follows:

133 "(a) Prior to the adoption, amendment, or repeal of any rule, other than interpretive rules
134 or general statements of policy, the agency shall:

135 (1) Give at least 30 days' notice of its intended action. The notice shall include an exact
136 copy of the proposed rule and a synopsis of the proposed rule. The synopsis shall be
137 distributed with and in the same manner as the proposed rule. The synopsis shall contain
138 a statement of the purpose and the main features of the proposed rule, and, in the case of
139 a proposed amendatory rule, the synopsis also shall indicate the differences between the
140 existing rule and the proposed rule. The notice shall also include the exact date on which
141 the agency shall consider the adoption of the rule and shall include the time and place in
142 order that interested persons may present their views thereon. The notice shall also
143 contain a citation of the authority pursuant to which the rule is proposed for adoption and
144 a concise explanation of such statutory authority and other provisions under which the
145 rule is proposed for adoption and, if the proposal is an amendment or repeal of an existing
146 rule, the rule shall be clearly identified. The notice shall also include a certification that
147 such proposed rule has been reviewed by the Attorney General and that the Attorney
148 General has found such proposed rule to be within the agency's authority to adopt. The
149 notice shall be mailed to all persons who have requested in writing that they be placed
150 upon a mailing list which shall be maintained by the agency for advance notice of its
151 rule-making proceedings and who have tendered the actual cost of such mailing as from
152 time to time estimated by the agency. Such notice shall also be sent to each licensee of
153 the agency by regular mail or e-mail;

154 (1.1) Prepare a fiscal note which shall state the name and title of the officer or employee
155 responsible for its preparation or approval that states for each year of the first five years
156 that the proposed rule would be in effect:

157 (A) The additional estimated costs to the state and to local governments as a result of
158 enforcing or administering the rule;

159 (B) The estimated reduction in costs to the state and to local governments as a result
160 of enforcing or administering the rule;

161 (C) The estimated loss or increase in revenue to the state or to local governments as a
162 result of enforcing or administering the rule; and

163 (D) If applicable, that enforcement or administration of the rule would not have
164 foreseeable implications relating to costs or revenues of the state or local governments;

165 (1.2) Prepare a note about public benefits and costs showing the name and title of the
 166 officer or employee responsible for preparing or approving the note and stating for each
 167 year of the first five years that the proposed rule would be in effect:

168 (A) The public benefits expected as a result of the adoption of the rule; and

169 (B) The probable economic costs to persons required to comply with the rule;

170 (2) Afford to all interested persons reasonable opportunity to submit data, views, or
 171 arguments, orally or in writing. In the case of substantive rules, opportunity for oral
 172 hearing must be granted if requested by 25 persons who will be directly affected by the
 173 proposed rule, by a governmental subdivision, or by an association having not less
 174 than 25 members. The agency shall consider fully all written and oral submissions
 175 respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so
 176 by an interested person either prior to adoption or within 30 days thereafter, shall issue
 177 a concise statement of the principal reasons for and against its adoption and incorporate
 178 therein its reason for overruling the consideration urged against its adoption;

179 (3) In the formulation and adoption of any rule which will have an economic impact on
 180 businesses in the state, reduce the economic impact of the rule on small businesses which
 181 are independently owned and operated, are not dominant in their field, and employ 100
 182 employees or less by implementing one or more of the following actions when it is legal
 183 and feasible in meeting the stated objectives of the statutes which are the basis of the
 184 proposed rule:

185 (A) Establish differing compliance or reporting requirements or timetables for small
 186 businesses;

187 (B) Clarify, consolidate, or simplify the compliance and reporting requirements under
 188 the rule for small businesses;

189 (C) Establish performance rather than design standards for small businesses; or

190 (D) Exempt small businesses from any or all requirements of the rules; and

191 (4) In the formulation and adoption of any rule, an agency shall choose an alternative
 192 that does not impose excessive regulatory costs on any regulated person or entity which
 193 costs could be reduced by a less expensive alternative that fully accomplishes the stated
 194 objectives of the statutes which are the basis of the proposed rule."

195 "(f)(1) In the event a standing committee to which a notice is assigned as provided in
 196 subsection (e) of this Code section files an objection to a proposed rule prior to its
 197 adoption and the agency adopts the proposed rule over the objection, the rule may be
 198 considered by the branch of the General Assembly whose committee objected to its
 199 adoption by the introduction of a resolution for the purpose of overriding the rule at any
 200 time within the first 30 days of the next regular session of the General Assembly. It shall
 201 be the duty of any agency which adopts a proposed rule over such objection so to notify

202 the presiding officers of the Senate and the House of Representatives, the chairpersons
 203 of the Senate and House committees to which the rule was referred, and the legislative
 204 counsel within ten days after the adoption of the rule. In the event the resolution is
 205 adopted by such branch of the General Assembly, it shall be immediately transmitted to
 206 the other branch of the General Assembly. It shall be the duty of the presiding officer of
 207 the other branch of the General Assembly to have such branch, within five days after the
 208 receipt of the resolution, to consider the resolution for the purpose of overriding the rule.
 209 In the event the resolution is adopted by ~~two-thirds~~ a majority of the votes of each branch
 210 of the General Assembly, the rule shall be void on the day after the adoption of the
 211 resolution by the second branch of the General Assembly. ~~In the event the resolution is~~
 212 ~~ratified by less than two-thirds of the votes of either branch, the resolution shall be~~
 213 ~~submitted to the Governor for his or her approval or veto. In the event of his or her veto,~~
 214 ~~the rule shall remain in effect. In the event of his or her approval, the rule shall be void~~
 215 ~~on the day after the date of his or her approval.~~

216 (2) In the event each standing committee to which a notice is assigned as provided in
 217 subsection (e) of this Code section files an objection to a proposed rule prior to its
 218 adoption by a two-thirds' vote of the members of the committee who were voting
 219 members on the tenth day of the current session, after having given public notice of the
 220 time, place, and purpose of such vote at least 48 hours in advance, as well as the
 221 opportunity for members of the public including the promulgating agency, to have a
 222 reasonable time to comment on the proposed committee action at the hearing, the
 223 effectiveness of such rule shall be stayed until the next legislative session at which time
 224 the rule may be considered by the General Assembly by the introduction of a resolution
 225 in either branch of the General Assembly for the purpose of overriding the rule at any
 226 time within the first 30 days of the next regular session of the General Assembly. In the
 227 event the resolution is adopted by the branch of the General Assembly in which it was
 228 introduced, it shall be immediately transmitted to the other branch of the General
 229 Assembly. It shall be the duty of the presiding officer of the other branch of the General
 230 Assembly to have such branch, within five days after the receipt of the resolution, to
 231 consider the resolution for the purpose of overriding the rule. In the event the resolution
 232 is adopted by ~~two-thirds~~ a majority of the votes of each branch of the General Assembly,
 233 the rule shall be void on the day after the adoption of the resolution by the second branch
 234 of the General Assembly. ~~In the event the resolution is ratified by less than two-thirds~~
 235 ~~of the votes of either branch, the resolution shall be submitted to the Governor for his or~~
 236 ~~her approval or veto. In the event of his or her veto, the rule shall remain in effect. In the~~
 237 ~~event of his or her approval, the rule shall be void on the day after the date of his or her~~
 238 ~~approval.~~ If after the thirtieth legislative day of the legislative session of which the

239 challenged rule was to be considered the General Assembly has not considered an
240 override of the challenged rule pursuant to this subsection, the rule shall then immediately
241 take effect."

242 **SECTION 7.**

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