

Representative Willard of the 51st offers the following substitute to SB 338:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated,
2 relating to general provisions for administrative procedure, so as to modify requirements for
3 agency rule making; to modify procedures for legislative objections; to revise the effective
4 dates for rules; to revise procedures and requirements for filing with the Secretary of State;
5 to provide for definitions; to amend various provisions of the Official Code of Georgia
6 Annotated to make conforming cross-references; to provide for related matters; to provide
7 for applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 PART I
10 SECTION 1-1.

11 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to
12 general provisions for administrative procedure, is amended by revising Code
13 Section 50-13-4, relating to procedural requirements for adoption, amendment, or repeal of
14 rules, emergency rules, limitation on action to contest rule, and legislative override, as
15 follows:

16 "50-13-4.

17 (a)(1) Prior to the adoption, which for the purposes of this Code section shall include the
18 amendment; or repeal, of any rule, other than interpretive rules or general statements of
19 policy, the each agency shall: publish on the agency's public website a notice of its intent
20 to adopt a rule at least 60 days prior to the date of the hearing in which such rule is to be
21 considered, provided that such hearing shall occur at least 30 days after the publishing
22 of the public notice required by this paragraph.

23 ~~(1)(2) Such Give at least 30 days' notice of its intended action. The notice shall include~~
24 ~~an:~~

25 (A) An exact copy of the proposed rule and a if amending or repealing a rule the
 26 existing rule and the proposed change;

27 (B) A synopsis of the proposed rule. ~~The synopsis shall be distributed with and in the~~
 28 ~~same manner as the proposed rule. The synopsis shall contain~~ containing a statement
 29 of the purpose and the main features of the proposed rule, and, in the case of a proposed
 30 amendatory rule, ~~the synopsis also shall indicate the differences between the existing~~
 31 rule and the proposed rule. ~~The notice shall also include the exact date on which;~~

32 (C) The date, time, and location of the public hearing at which the agency shall
 33 consider the adoption of the rule and shall include the time and place in order that
 34 interested persons may present their views thereon. The notice shall also contain a
 35 citation of the; and

36 (D) A citation and concise explanation of the statutory or constitutional authority
 37 pursuant to which the rule is proposed for adoption and, if the proposal is an
 38 amendment or repeal of an existing rule, the rule shall be clearly identified.

39 (3) The notice shall be mailed to all persons who have requested in writing that they be
 40 placed upon a mailing list which shall be maintained by the agency for advance notice
 41 of its rule-making proceedings and who have tendered the actual cost of such mailing as
 42 from time to time estimated by the agency;.

43 ~~(2)~~(4) The comment period shall:

44 (A) Afford to all interested persons reasonable opportunity to submit data, views, or
 45 arguments, orally or in writing, including, but not limited to, the public hearing as
 46 noticed in subparagraph (C) of paragraph (2) of this subsection; and. ~~In the case of~~
 47 ~~substantive rules, opportunity for oral hearing must be granted if requested by 25~~
 48 ~~persons who will be directly affected by the proposed rule, by a governmental~~
 49 ~~subdivision, or by an association having not less than 25 members. The agency shall~~
 50 consider

51 (B) Consider fully all written and oral submissions respecting the proposed rule. Upon
 52 adoption approval of a rule for submission to the office of the Secretary of State, the
 53 agency, if requested to do so by an interested person either prior to adoption such
 54 approval or within 30 days thereafter, shall issue a concise statement of the principal
 55 reasons for and against its adoption approval and incorporate therein its reason for
 56 overruling the consideration urged against its adoption; approval.

57 ~~(3)~~(5) When making rules that have ~~In the formulation and adoption of any rule which~~
 58 ~~will have~~ an economic impact on businesses in the state, the agency shall:

59 (A) Reduce ~~reduce~~ the economic impact of the rule on small businesses which are
 60 independently owned and operated, are not dominant in their field, and employ 100
 61 employees or less by implementing one or more of the following actions when it is

62 legal and feasible in meeting the stated objectives of the statutes which are the basis of
63 the proposed rule:

64 ~~(A)(i)~~ Establish differing compliance or reporting requirements or timetables for
65 small businesses;

66 ~~(B)(ii)~~ Clarify, consolidate, or simplify the compliance and reporting requirements
67 under the rule for small businesses;

68 ~~(C)(iii)~~ Establish performance rather than design standards for small businesses; or

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

70 ~~(4)(B) Choose~~ In the formulation and adoption of any rule, an agency shall choose an
71 alternative that does not impose excessive regulatory costs on any regulated person or
72 entity which costs could be reduced by a less expensive alternative that fully
73 accomplishes the stated objectives of the statutes which are the basis of the proposed
74 rule.

75 ~~(b) If any agency finds that an imminent peril to the public health, safety, or welfare,~~
76 ~~including but not limited to, summary processes such as quarantines, contrabands, seizures,~~
77 ~~and the like authorized by law without notice, requires adoption of a rule upon fewer than~~
78 ~~30 days' notice and states in writing its reasons for that finding, it may proceed without~~
79 ~~prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable~~
80 ~~to adopt an emergency rule. Any such rule adopted relative to a public health emergency~~
81 ~~shall be submitted as promptly as reasonably practicable to the House of Representatives~~
82 ~~and Senate Committees on Judiciary. The rule may be effective for a period of not longer~~
83 ~~than 120 days but the adoption of an identical rule under paragraphs (1) and (2) of~~
84 ~~subsection (a) of this Code section is not precluded; provided, however, that such a rule~~
85 ~~adopted pursuant to discharge of responsibility under an executive order declaring a state~~
86 ~~of emergency or disaster exists as a result of a public health emergency, as defined in Code~~
87 ~~Section 38-3-3, shall be effective for the duration of the emergency or disaster and for a~~
88 ~~period of not more than 120 days thereafter. When an agency complies with subsection (a)~~
89 ~~of this Code section, such rule shall be deemed adopted upon the date of filing with the~~
90 ~~office of the Secretary of State for purposes of Code Section 50-13-6, and such filing shall~~
91 ~~include the public notice that noticed such rule. The agency shall also concurrently submit~~
92 ~~such rule to the legislative counsel and such submission shall include the public notice that~~
93 ~~noticed such rule.~~

94 ~~(c)(1) Except as provided for in subsection (d) or (f) of this Code section, rules adopted:~~

95 ~~(A) On or before December 1 shall become effective as of March 15 of the following~~
96 ~~calendar year; and~~

97 ~~(B) After December 1 shall become effective as of March 15 in the calendar year~~
98 ~~following the next calendar year. It is the intent of this Code section to establish basic~~

~~minimum procedural requirements for the adoption, amendment, or repeal of administrative rules. Except for emergency rules which are provided for in subsection (b) of this Code section, the provisions of this Code section are applicable to the exercise of any rule-making authority conferred by any statute, but nothing in this Code section repeals or diminishes additional requirements imposed by law or diminishes or repeals any summary power granted by law to the state or any agency thereof.~~

(2)(A) In accordance with the procedures established by the General Assembly, the legislative counsel shall distribute rules submitted pursuant to this subsection to the presiding officers of each branch of the General Assembly and the presiding officers or legislative counsel shall distribute the rules to the chairperson of the appropriate standing committee in each branch for review and to any member thereof who makes a standing written request.

(B) Any standing committee to which a rule is distributed may, by a majority vote of the total number of members of such committee, object to a rule. Members may vote in person or by telephone if permitted by Rules of the Georgia Senate or House of Representatives Rules. Such objection to a rule may form a basis for, but shall not be required for, the introduction of a joint resolution disapproving of such rule as provided for in subsection (d) of this Code section.

~~(d)(1) No rule adopted after April 3, 1978, shall be valid unless adopted in exact compliance with subsections (a) and (e) of this Code section and in substantial compliance with the remainder of this Code section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this Code section must be commenced within two years from the effective date of the rule. Any rule adopted pursuant to subsection (b) or (f) of this Code section may be subject to a joint resolution:~~

(A) To provide an earlier effective date for the rule; or

(B) To disapprove the rule.

(2) A joint resolution for the purposes provided in paragraph (1) of this subsection may be introduced in either branch of the General Assembly.

(3) A joint resolution adopted by a majority vote of a branch of the General Assembly shall be immediately transmitted to the other branch of the General Assembly for consideration by that branch. It shall be the duty of the presiding officer of the other branch of the General Assembly to have such branch, within five legislative days after receiving the joint resolution but before the fortieth legislative day, consider the joint resolution for adoption by that branch by majority vote.

(4) A joint resolution adopted by both branches of the General Assembly shall be submitted to the Governor for his or her approval or veto.

135 (A) In the event of the Governor's veto, the rule shall be effective as otherwise
 136 provided for under subsection (c) of this Code section, unless the General Assembly
 137 overrides such veto.

138 (B) In the event of the Governor's approval of the joint resolution or if the General
 139 Assembly overrides the Governor's veto, then such joint resolution:

140 (i) Passed pursuant to subparagraph (A) of paragraph (1) of this subsection shall be
 141 effective on the day after the date of the Governor's approval or the General Assembly
 142 overriding such veto, whichever is later, not to exceed the effective date provided in
 143 paragraph (1) of subsection (c); or

144 (ii) Passed pursuant to subparagraph (B) of paragraph (1) of this subsection, voiding
 145 such rule, shall be effective on the day after the date of the Governor's approval or the
 146 General Assembly overriding such veto.

147 (5) Nothing in this subsection shall preclude the General Assembly from enacting any
 148 other law that may affect the effective date or applicability of any rule.

149 ~~(e) The agency shall transmit the notice provided for in paragraph (1) of subsection (a) of~~
 150 ~~this Code section to the legislative counsel. The notice shall be transmitted at least 30 days~~
 151 ~~prior to the date of the agency's intended action. Within three days after receipt of the~~
 152 ~~notice, if possible, the legislative counsel shall furnish the presiding officers of each house~~
 153 ~~with a copy of the notice, and the presiding officers shall assign the notice to the~~
 154 ~~chairperson of the appropriate standing committee in each house for review and any~~
 155 ~~member thereof who makes a standing written request. In the event a presiding officer is~~
 156 ~~unavailable for the purpose of making the assignment within the time limitations, the~~
 157 ~~legislative counsel shall assign the notice to the chairperson of the appropriate standing~~
 158 ~~committee. The legislative counsel shall also transmit within the time limitations provided~~
 159 ~~in this subsection a notice of the assignment to the chairperson of the appropriate standing~~
 160 ~~committee. Each standing committee of the Senate and the House of Representatives is~~
 161 ~~granted all the rights provided for interested persons and governmental subdivisions in~~
 162 ~~paragraph (2) of subsection (a) of this Code section. A proceeding to contest any rule on~~
 163 ~~the ground of noncompliance with the procedural requirements of this Code section shall~~
 164 ~~be commenced within two years from the effective date of the rule.~~

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

172 ~~the presiding officers of the Senate and the House of Representatives, the chairpersons~~
 173 ~~of the Senate and House committees to which the rule was referred, and the legislative~~
 174 ~~counsel within ten days after the adoption of the rule. In the event the resolution is~~
 175 ~~adopted by such branch of the General Assembly, it shall be immediately transmitted to~~
 176 ~~the other branch of the General Assembly. It shall be the duty of the presiding officer of~~
 177 ~~the other branch of the General Assembly to have such branch, within five days after the~~
 178 ~~receipt of the resolution, to consider the resolution for the purpose of overriding the rule.~~
 179 ~~In the event the resolution is adopted by two-thirds of the votes of each branch of the~~
 180 ~~General Assembly, the rule shall be void on the day after the adoption of the resolution~~
 181 ~~by the second branch of the General Assembly. In the event the resolution is ratified by~~
 182 ~~less than two-thirds of the votes of either branch, the resolution shall be submitted to the~~
 183 ~~Governor for his or her approval or veto. In the event of his or her veto, the rule shall~~
 184 ~~remain in effect. In the event of his or her approval, the rule shall be void on the day after~~
 185 ~~the date of his or her approval. As used in this subsection, the term:~~

186 (A) 'Emergency' means:

187 (i) A condition creating imminent peril to the public's health, safety, or welfare,
 188 including but not limited to, summary processes such as quarantines, contrabands,
 189 seizures; or

190 (ii) A law that requires a rule to be implemented that is passed during the regular or
 191 special session of the General Assembly but that does not take effect before the first
 192 day of the next regular session of the General Assembly.

193 (B) 'Public health emergency' shall have the same meaning as set forth in Code
 194 Section 38-3-3.

195 ~~(2) In the event each 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 by a two-thirds' vote of the members of the committee who were voting~~
 198 ~~members on the tenth day of the current session, after having given public notice of the~~
 199 ~~time, place, and purpose of such vote at least 48 hours in advance, as well as the~~
 200 ~~opportunity for members of the public including the promulgating agency, to have a~~
 201 ~~reasonable time to comment on the proposed committee action at the hearing, the~~
 202 ~~effectiveness of such rule shall be stayed until the next legislative session at which time~~
 203 ~~the rule may be considered by the General Assembly by the introduction of a resolution~~
 204 ~~in either branch of the General Assembly for the purpose of overriding the rule at any~~
 205 ~~time within the first 30 days of the next regular session of the General Assembly. In the~~
 206 ~~event the resolution is adopted by the branch of the General Assembly in which it was~~
 207 ~~introduced, it shall be immediately transmitted to the other branch of the General~~
 208 ~~Assembly. It shall be the duty of the presiding officer of the other branch of the General~~

209 ~~Assembly to have such branch, within five days after the receipt of the resolution, to~~
 210 ~~consider the resolution for the purpose of overriding the rule. In the event the resolution~~
 211 ~~is adopted by two-thirds of the votes of each branch of the General Assembly, the rule~~
 212 ~~shall be void on the day after the adoption of the resolution by the second branch of the~~
 213 ~~General Assembly. In the event the resolution is ratified by less than two-thirds of the~~
 214 ~~votes of either branch, the resolution shall be submitted to the Governor for his or her~~
 215 ~~approval or veto. In the event of his or her veto, the rule shall remain in effect. In the~~
 216 ~~event of his or her approval, the rule shall be void on the day after the date of his or her~~
 217 ~~approval. If after the thirtieth legislative day of the legislative session of which the~~
 218 ~~challenged rule was to be considered the General Assembly has not considered an~~
 219 ~~override of the challenged rule pursuant to this subsection, the rule shall then immediately~~
 220 ~~take effect. If an agency finds that an emergency exists that requires adoption of a rule~~
 221 ~~without compliance with subsection (a) of this Code section, such agency may submit~~
 222 ~~such rule to the Governor without compliance with subsection (a) together with a written~~
 223 ~~statement explaining the nature of the emergency and why compliance with~~
 224 ~~subsection (a) would be imprudent.~~

225 (3) Any rule that meets the requirements of paragraph (2) of this subsection shall be
 226 deemed adopted upon its submission to the Governor. Such agency shall also file such
 227 rule in the office of the Secretary of State for purposes of complying with Code Section
 228 50-13-6 and submit such rule to the legislative counsel for distribution in accordance with
 229 the procedures established by the General Assembly, provided that, if such rule relates
 230 to a public health emergency, the legislative counsel shall distribute such rule to the
 231 House Committee on Judiciary and the Senate Judiciary Committee. The submissions
 232 and filings under this paragraph shall include the written statement provided for in
 233 paragraph (2) of this subsection explaining the nature of the emergency.

234 (4) Rules adopted pursuant to this subsection shall be effective upon approval by
 235 signature of the Governor in an electronic or other writing and thereafter shall be
 236 effective for a period of not longer than 120 days; provided, however, that:

237 (A) Such rule shall be subject to subsection (d) of this Code section;

238 (B) The adoption of an identical rule under subsections (a) through (d) of this Code
 239 section shall not be precluded; and

240 (C) A rule adopted pursuant to discharge of responsibility under an executive order
 241 declaring a state of emergency as a result of a public health emergency shall be
 242 effective for the duration of the public health emergency and not more than 120 days
 243 thereafter.

244 (5) Except for rules that are provided for under this subsection and except as provided
 245 in subsections (h) and (i) of this Code section, this Code section shall be applicable to the

246 exercise of any rule-making authority conferred by any statute, provided that nothing in
 247 this Code section shall repeal or diminish additional requirements imposed by law or
 248 diminish or repeal any summary power granted by law to the state or any agency thereof.
 249 (g)(1) Subsections (a) through ~~Subsection~~ (f) of this Code section shall not apply to the
 250 Environmental Protection Division of the Department of Natural Resources as to any rule
 251 for which, as part of the notice required by subsection (a) of this Code section, the
 252 director of the division certifies that such rule is required for compliance with federal
 253 statutes or regulations or to exercise certain powers delegated by the federal government
 254 to the state to implement federal statutes or regulations, but paragraph (2) of this
 255 subsection shall apply to the Environmental Protection Division of the Department of
 256 Natural Resources as to any rule so certified. As part of such certification, the director
 257 shall cite the specific section or sections of federal statutes or regulations which the
 258 proposed rule is intended to comply with or implement. General references to the name
 259 or title of a federal statute or regulation shall not suffice for the purposes of this
 260 paragraph. Any proposed rule or rules that are subject to this paragraph shall be noticed
 261 separately from any proposed rule or rules that are not subject to this paragraph.

262 (2) In the event the chairperson of any standing committee to which a proposed rule
 263 certified by the director of the division pursuant to paragraph (1) of this subsection is
 264 assigned notifies the director that the committee objects to the adoption of the rule or has
 265 questions concerning the purpose, nature, or necessity of such rule, it shall be the duty of
 266 the director to consult with the committee prior to the adoption of the rule.

267 (h) ~~The provisions of subsections (e)~~ Subsections (a) and (f) of this Code section shall
 268 apply to any rule of the Department of Public Health that is promulgated pursuant to Code
 269 Section 31-2A-11 or 31-45-10, except that, in facilitation of subsection (c) of this Code
 270 section, the presiding officer of the Senate or legislative counsel is directed to assign ~~the~~
 271 ~~notice of such a~~ or distribute the rule to the chairperson of the Senate Science and
 272 Technology Committee and the presiding officer of the House of Representatives or
 273 legislative counsel is directed to assign ~~the notice of such a~~ or distribute the rule to the
 274 chairperson of the House Committee on Industry and Labor. As used in this subsection,
 275 the term 'rule' shall have the same meaning as provided in paragraph (6) of Code Section
 276 50-13-2 and shall include interpretive rules and general statements of policy;
 277 ~~notwithstanding any provision of subsection (a) of this Code section to the contrary.~~

278 (i) This Code section shall not apply to any comprehensive state-wide water management
 279 plan or revision thereof prepared by the Environmental Protection Division of the
 280 Department of Natural Resources and proposed, adopted, amended, or repealed pursuant
 281 to Article 8 of Chapter 5 of Title 12; provided, however, that this Code section shall apply
 282 to any rules or regulations implementing such a plan."

283 **SECTION 1-2.**

284 Said article is further amended by revising Code Section 50-13-6, relating to rules not
 285 effective until 20 days after filed with Secretary of State, maintenance of record of the rules,
 286 exceptions, and rules governing manner and form of filing, as follows:

287 "50-13-6.

288 (a) ~~Each rule adopted after July 1, 1965, shall not become effective until the expiration of~~
 289 ~~20 days after the rule is filed in the office of the Secretary of State. Each rule so filed shall~~
 290 ~~contain a citation of the authority pursuant to which it was adopted and, if an amendment,~~
 291 ~~shall clearly identify the original rule.~~

292 (b) The Secretary of State shall endorse on each rule ~~thus~~ filed pursuant to Code Section
 293 50-13-4 the time and date of filing and shall maintain a record of the rules for public
 294 inspection.

295 (c) ~~The 20 day filing period is subject to the following exceptions:~~

296 (1) ~~Where a statute or the terms of the rule require a date which is later than the 20 day~~
 297 ~~period, then the later date is the effective date; and~~

298 (2) ~~Any emergency rule adopted pursuant to subsection (b) of Code Section 50-13-4 may~~
 299 ~~become effective immediately upon adoption or within a period of less than 20 days. The~~
 300 ~~emergency rule, with a copy of the finding as required by subsection (b) of Code Section~~
 301 ~~50-13-4, shall be filed with the office of the Secretary of State within four working days~~
 302 ~~after its adoption.~~

303 (d)(b) The Secretary of State shall prescribe rules governing the manner and form in which
 304 regulations rules shall be prepared for filing in the office of the Secretary of State. ~~The~~
 305 ~~Secretary may refuse to accept for filing any rule that does not conform to such~~
 306 ~~requirements."~~

307 **PART II**

308 **SECTION 2-1.**

309 Code Section 27-1-5 of the Official Code of Georgia Annotated, relating to the applicability
 310 of the "Georgia Administrative Procedure Act" to rules and regulations promulgated by
 311 board, affirmation of decision by operation of law, and appellate review is amended by
 312 revising subsection (a) as follows:

313 "(a) Except as otherwise specifically provided, all rules and regulations promulgated by
 314 the board under this title shall be promulgated pursuant to Chapter 13 of Title 50, the
 315 'Georgia Administrative Procedure Act.' For the purposes of this title, rule making under
 316 subsection (b) (f) of Code Section 50-13-4 in response to an imminent peril to the public
 317 health, safety, or welfare shall include rule making to protect wildlife, the public, and the

318 natural resources of this state in the event of fire, flood, disease, pollution, or other
 319 emergency situations."

320 **SECTION 2-2.**

321 Code Section 28-5-50 of the Official Code of Georgia Annotated, relating to filing of notes
 322 for regulations, rules, or orders and requests by local political subdivisions for copies, as
 323 follows:

324 "28-5-50.

325 Except as otherwise provided in this Code section, no regulation, rule, order, or
 326 administrative law which would have a fiscal impact which in the aggregate exceeds \$5
 327 million on local political subdivisions in this state shall be valid unless 30 days prior to its
 328 adoption by a board, commission, agency, department, officer, or other authority of the
 329 government of this state, except the General Assembly, the courts, and the Governor, such
 330 board, commission, agency, department, officer, or other authority shall file a fiscal note
 331 with the members of the General Assembly. Any local political subdivisions that will be
 332 affected by the proposed regulation, rule, policy, order, or administrative law, upon request,
 333 shall immediately be furnished with a copy of the fiscal note by the board, commission,
 334 agency, department, officer, or other authority. This Code section shall not apply to an
 335 emergency regulation, rule, order, or administrative law as described by subsection ~~(b)~~ (f)
 336 of Code Section 50-13-4, to any rule or regulation adopted or order issued pursuant to
 337 legislation exempted from Code Section 28-5-49, or to any other order issued to abate or
 338 prevent violations of specific statutory provisions enacted by the General Assembly."

339 **SECTION 2-3.**

340 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
 341 Code Section 31-6-21.1, relating to the procedures for rule making by Department of
 342 Community Health, as follows:

343 "31-6-21.1.

344 (a) Rules of the department shall be adopted, promulgated, and implemented as provided
 345 in this Code section and in Chapter 13 of Title 50, the 'Georgia Administrative Procedure
 346 Act,' except that the department shall not be required to comply with ~~subsections (c)~~
 347 ~~through subsection~~ (g) of Code Section 50-13-4.

348 ~~(b) The department shall transmit three copies of the notice provided for in paragraph (1)~~
 349 ~~of subsection (a) of Code Section 50-13-4 to the legislative counsel. The copies shall be~~
 350 ~~transmitted at least 30 days prior to that department's intended action. Within five days~~
 351 ~~after receipt of the copies, if possible, the legislative counsel shall furnish the presiding~~
 352 ~~officer of each house with a copy of the notice and mail a copy of the notice to each~~

353 ~~member of the Health and Human Services Committee of the Senate and each member of~~
 354 ~~the Health and Human Services Committee of the House of Representatives. Each such~~
 355 ~~rule and any part thereof shall be subject to the making of an objection by either such~~
 356 ~~committee within 30 days of transmission of the rule to the members of such committee.~~
 357 ~~Any rule or part thereof to which no objection is made by both such committees may~~
 358 ~~become adopted by the department at the end of such 30 day period. The department may~~
 359 ~~not adopt any such rule or part thereof which has been changed since having been~~
 360 ~~submitted to those committees unless:~~

- 361 ~~(1) That change is to correct only typographical errors;~~
 362 ~~(2) That change is approved in writing by both committees and that approval expressly~~
 363 ~~exempts that change from being subject to the public notice and hearing requirements of~~
 364 ~~subsection (a) of Code Section 50-13-4;~~
 365 ~~(3) That change is approved in writing by both committees and is again subject to the~~
 366 ~~public notice and hearing requirements of subsection (a) of Code Section 50-13-4; or~~
 367 ~~(4) That change is again subject to the public notice and hearing requirements of~~
 368 ~~subsection (a) of Code Section 50-13-4 and the change is submitted and again subject to~~
 369 ~~committee objection as provided in this subsection.~~

370 ~~Nothing in this subsection shall prohibit the department from adopting any rule or part~~
 371 ~~thereof without adopting all of the rules submitted to the committees if the rule or part so~~
 372 ~~adopted has not been changed since having been submitted to the committees and objection~~
 373 ~~thereto was not made by both committees Reserved.~~

374 ~~(c) Any rule or part thereof to which an objection is made by both committees within the~~
 375 ~~30 day objection period under subsection (b) of this Code section shall not be adopted by~~
 376 ~~the department and shall be invalid if so adopted. A rule or part thereof thus prohibited~~
 377 ~~from being adopted shall be deemed to have been withdrawn by the department unless the~~
 378 ~~department, within the first 15 days of the next regular session of the General Assembly,~~
 379 ~~transmits written notification to each member of the objecting committees that the~~
 380 ~~department does not intend to withdraw that rule or part thereof but intends to adopt the~~
 381 ~~specified rule or part effective the day following adjournment sine die of that regular~~
 382 ~~session. A resolution objecting to such intended adoption may be introduced in either~~
 383 ~~branch of the General Assembly after the fifteenth day but before the thirtieth day of the~~
 384 ~~session in which occurs the notification of intent not to withdraw a rule or part thereof. In~~
 385 ~~the event the resolution is adopted by the branch of the General Assembly in which the~~
 386 ~~resolution was introduced, it shall be immediately transmitted to the other branch of the~~
 387 ~~General Assembly. It shall be the duty of the presiding officer of the other branch to have~~
 388 ~~that branch, within five days after receipt of the resolution, consider the resolution for~~
 389 ~~purposes of objecting to the intended adoption of the rule or part thereof. Upon such~~

390 resolution being adopted by two-thirds of the vote of each branch of the General Assembly,
 391 the rule or part thereof objected to in that resolution shall be disapproved and not adopted
 392 by the department. If the resolution is adopted by a majority but by less than two-thirds of
 393 the vote of each such branch, the resolution shall be submitted to the Governor for his or
 394 her approval or veto. In the event of a veto, or if no resolution is introduced objecting to
 395 the rule, or if the resolution introduced is not approved by at least a majority of the vote of
 396 each such branch, the rule shall automatically become adopted the day following
 397 adjournment sine die of that regular session. In the event of the Governor's approval of the
 398 resolution, the rule shall be disapproved and not adopted by the department Reserved.

399 (d) Any rule or part thereof which is objected to by only one committee under subsection
 400 (b) of this Code section and which is adopted by the department may be considered by the
 401 branch of the General Assembly whose committee objected to its adoption by the
 402 introduction of a resolution for the purpose of overriding the rule at any time within the
 403 first 30 days of the next regular session of the General Assembly. It shall be the duty of
 404 the department in adopting a proposed rule over such objection so to notify the
 405 chairpersons of the Health and Human Services Committee of the Senate and the Health
 406 and Human Services Committee of the House within ten days after the adoption of the rule.
 407 In the event the resolution is adopted by such branch of the General Assembly, it shall be
 408 immediately transmitted to the other branch of the General Assembly. It shall be the duty
 409 of the presiding officer of the other branch of the General Assembly to have such branch,
 410 within five days after the receipt of the resolution, consider the resolution for the purpose
 411 of overriding the rule. In the event the resolution is adopted by two-thirds of the votes of
 412 each branch of the General Assembly, the rule shall be void on the day after the adoption
 413 of the resolution by the second branch of the General Assembly. In the event the resolution
 414 is ratified by a majority but by less than two-thirds of the votes of either branch, the
 415 resolution shall be submitted to the Governor for his or her approval or veto. In the event
 416 of a veto, the rule shall remain in effect. In the event of the Governor's approval, the rule
 417 shall be void on the day after the date of approval Reserved.

418 (e) Except for emergency rules, no rule or part thereof adopted by the department after
 419 April 3, 1985, shall be valid unless adopted in compliance with subsections (b), (c), and (d)
 420 of this Code section and subsection (a) of Code Section 50-13-4 Reserved.

421 (f) Emergency rules shall not be subject to the requirements of subsection (b), (c), or (d)
 422 of this Code section but shall be subject to the requirements of subsection (b) of Code
 423 Section 50-13-4. Upon the first expiration of any department emergency rules, where those
 424 emergency rules are intended to cover matters which had been dealt with by the
 425 department's nonemergency rules but such nonemergency rules have been objected to by
 426 both legislative committees under this Code section, the emergency rules concerning those

427 ~~matters may not again be adopted except for one 120 day period. No emergency rule or~~
 428 ~~part thereof which is adopted by the department shall be valid unless adopted in~~
 429 ~~compliance with this subsection~~ Reserved.

430 (g) Any proceeding to contest any rule on the ground of noncompliance with this Code
 431 section ~~must~~ shall be commenced within two years from the effective date of the rule.

432 (h) For purposes of this Code section, 'rules' shall mean rules and regulations.

433 (i) The state health plan or the rules establishing considerations, standards, or similar
 434 criteria for the grant or denial of a certificate of need pursuant to Code Section 31-6-42
 435 shall not apply to any application for a certificate of need as to which, prior to the effective
 436 date of such plan or rules, respectively, the evidence has been closed following a full
 437 evidentiary hearing before a hearing officer.

438 (j) This Code section shall apply only to rules adopted pursuant to this chapter."

439 **SECTION 2-4.**

440 Said title is further amended by revising subsection (a.1) of Code Section 31-8-179.2,
 441 relating to the Department of Community Health authorized to assess one or more provider
 442 payments on hospitals for the purpose of obtaining federal financial participation for
 443 Medicaid, as follows:

444 "(a.1) The General Assembly shall have the authority to override any provider payment
 445 assessed by the board pursuant to this Code section in accordance with the procedures
 446 contained in subsection (f) (d) of Code Section 50-13-4."

447 **SECTION 2-5.**

448 Said title is further amended by revising subsection (b) of Code Section 31-12-2.1, relating
 449 to investigation of potential bioterrorism activity and regulations and planning for public
 450 health emergencies, as follows:

451 "(b) The department shall promulgate rules and regulations appropriate for management
 452 of any public health emergency declared pursuant to the provisions of Code
 453 Section 38-3-51, with particular regard to coordination of the public health emergency
 454 response of the state pursuant to subsection (i) of said Code section. Such rules and
 455 regulations shall be applicable to the activities of all entities created pursuant to Chapter 3
 456 of this title in such circumstances, notwithstanding any other provisions of law. In
 457 developing such rules and regulations, the department shall consult and coordinate as
 458 appropriate with the Georgia Emergency Management and Homeland Security Agency, the
 459 Federal Emergency Management Agency, the Georgia Department of Public Safety, the
 460 Georgia Department of Agriculture, and the federal Centers for Disease Control and
 461 Prevention. The department is authorized, in the course of management of a declared

462 public health emergency, to adopt and implement emergency rules and regulations pursuant
 463 to the provisions of subsection ~~(b)~~ (f) of Code Section 50-13-4. Such rules and regulations
 464 shall be adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure
 465 Act,' but shall be automatically referred by the Office of Legislative Counsel to the House
 466 of Representatives and Senate Committees on Judiciary."

467 **SECTION 2-6.**

468 Code Section 33-29A-8 of the Official Code of Georgia Annotated, relating to rules and
 469 regulations and compensation to licensed insurance agents, is amended by revising
 470 subsection (a) as follows:

471 "(a) The Commissioner shall adopt rules and regulations for the implementation of this
 472 chapter. Notwithstanding any provision of Chapter 2 of this title or any other law to the
 473 contrary, such rules and regulations shall be adopted in exact compliance with the
 474 procedures specified in Article 1 of Chapter 13 of Title 50, the 'Georgia Administrative
 475 Procedure Act.' In addition to any other materials submitted under ~~subsection (e)~~ of Code
 476 Section 50-13-4, there shall be so submitted the full text of the Georgia Health Insurance
 477 Assignment System, the Georgia Health Benefits Assignment System, the standard health
 478 insurance policies provided for in Code Section 33-29A-4, and the standard health benefit
 479 plans provided for in Code Section 33-29A-5."

480 **SECTION 2-7.**

481 Code Section 50-13A-20 of the Official Code of Georgia Annotated, relating to applicability
 482 of provisions in tax tribunals, is amended in subsection (b) as follows:

483 "(b) Only the following provisions of Article 1 of Chapter 13 of this title shall apply to the
 484 tribunal and its administration:

- 485 (1) Code Section 50-13-3, except for paragraph (4) of subsection (a);
- 486 (2) Code Section 50-13-4, except for ~~paragraphs (3) and (4)~~ paragraph (5) of subsection
 487 (a) and subsections ~~(b)~~ (f), (g), (h), and (i);
- 488 (3) ~~Code Section 50-13-6, except for paragraph (2) of subsection (c);~~
- 489 (4) Code Section 50-13-7;
- 490 (5) ~~(4)~~ Code Section 50-13-8; and
- 491 (6) ~~(5)~~ Code Section 50-13-10."

492

PART III

493

SECTION 3-1.

494

This Act shall be applicable to any rule promulgated by any agency of the executive branch

495

on or after July 1, 2018.

496

SECTION 3-2.

497

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