

Senate Bill 429

By: Senators Dolezal of the 27th, Gooch of the 51st, Kennedy of the 18th, Robertson of the 29th, Anavitarte of the 31st and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 28, 31, and 50 of the Official Code of Georgia Annotated, relating to the
2 General Assembly, health, and state government, respectively, so as to provide for
3 procedures and processes concerning the enactment of legislation and the adoption of rules
4 and regulations; to provide definitions; to provide for the preparation and submission of
5 small business impact analyses for bills introduced during sessions of the General Assembly;
6 to provide for contracting; to provide for the revision of small business impact analyses; to
7 provide for legislative construction; to revise procedures concerning the adoption of
8 administrative rules; to revise procedures within the General Assembly concerning objections
9 to proposed administrative rules; to provide for effective dates for adopted administrative
10 rules; to provide for periodic review and sunset of administrative rules; to conform
11 cross-references; to provide for related matters; to provide a short title; to provide an
12 effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 429

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14

PART I

15

SECTION 1-1.

16 This Act shall be known and may be cited as the "Small Business Protection Act of 2024."

17

PART II

18

SECTION 2-1.

19 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
20 amended in Chapter 5, relating to financial affairs, by adding a new article to read as follows:

21

"ARTICLE 3B22 28-5-57.

23 As used in this article, the term 'small business' means a business that is independently
24 owned and operated, is not dominant in its field, and employs 300 or fewer employees.

25 28-5-58.

26 (a) Prior to the convening of a session of the General Assembly, the Governor, the
27 President of the Senate, or any member of the General Assembly may request that the
28 Office of Planning and Budget and the Department of Audits and Accounts prepare a small
29 business impact analysis of any bill. Following the convening of a session of the General
30 Assembly, a small business impact analysis for a bill may only be requested by the
31 Governor, the President of the Senate, the Speaker of the House of Representatives, or the
32 chairperson of a committee to which such bill has been assigned. A small business impact
33 analysis shall estimate the economic costs and benefits that such bill may have on small
34 businesses in the state and shall include, if any, the estimated impacts on:

- 35 (1) The costs of providing goods and services;
36 (2) The availability and cost of workers;
37 (3) Industry competition or consumer choice; and
38 (4) Potential costs of compliance.
- 39 (b) A small business impact analysis requested pursuant to subsection (a) of this Code
40 section shall be prepared and submitted by the director of the Office of Planning and
41 Budget and the state auditor within 30 days after receipt of the request or, if requested
42 during a session of the General Assembly, within ten days after receipt of such request. A
43 copy of the small business impact analysis shall be submitted to:
- 44 (1) The Governor;
45 (2) The President of the Senate;
46 (3) The Speaker of the House of Representatives;
47 (4) The chairperson of the committee to which the bill that is the subject of the small
48 business impact analysis is assigned in the house of the General Assembly in which the
49 bill was introduced;
50 (5) The sponsor of the bill that is the subject of the small business impact analysis;
51 (6) The individual who requested the small business impact analysis, if such individual
52 is not listed in paragraphs (1) through (5) of this subsection;
53 (7) The Secretary of the Senate; and
54 (8) The Clerk of the House of Representatives.
- 55 (c)(1) If a bill that is the subject of a small business impact analysis prepared pursuant
56 to subsection (a) of this Code section is amended or is proposed to be amended, the
57 Office of Planning and Budget and Department of Audits and Accounts shall revise such
58 small business impact analysis to account for the amended version of such bill upon the
59 request of:

60 (A) The Governor, the President of the Senate, or any member of the General
61 Assembly, if such request is made prior to the convening of a session of the General
62 Assembly; or

63 (B) The Governor, the President of the Senate, the Speaker of the House of
64 Representatives, or the chairperson of a committee to which such bill has been
65 assigned, if such request is made after the convening of a session of the General
66 Assembly.

67 (2) A revised small business impact analysis requested pursuant to paragraph (1) of this
68 subsection shall be prepared and submitted by the director of the Office of Planning and
69 Budget and the state auditor in the same manner as the original small business impact
70 analysis pursuant to subsection (b) of this Code section.

71 (d)(1) The Office of Planning and Budget and the Department of Audits and Accounts
72 may contract with a person or persons independent of state government to prepare any
73 small business impact analysis or revised small business impact analysis requested
74 pursuant to this Code section.

75 (2) When preparing a small business impact analysis or revised small business impact
76 analysis requested pursuant to this Code section, the Office of Planning and Budget, the
77 Department of Audits and Accounts, and any person or persons contracted with under
78 paragraph (1) of this subsection may consult with other units of state government, units
79 of local government, and business, industry, and community stakeholders impacted by
80 or having an interest in the bill that is the subject of such small business impact analysis.

81 (e) Any small business impact analysis or revised small business impact analysis prepared
82 for a bill pursuant to this Code section shall be attached to the bill by the Secretary of the
83 Senate or the Clerk of the House of Representatives and shall be read to the members of
84 each respective house of the General Assembly at the third reading of such bill. In
85 addition, a copy of each small business impact analysis or revised small business impact
86 analysis prepared for a bill pursuant to this Code section shall be distributed to each

87 member of the respective house of the General Assembly before which such bill is pending
88 prior to any such bill being voted upon by such house of the General Assembly.

89 28-5-59.

90 Nothing in this article shall be construed to require any degree of formality of proof of
91 compliance with any requirement of this article, and any enrolled bill shall be conclusively
92 presumed to have been enacted in compliance with the requirements of this article."

93 **SECTION 2-2.**

94 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
95 in Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or
96 repeal of rules, emergency rules, limitation on action to contest rule, and legislative override,
97 by revising subsections (a), (b), and (f) as follows:

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

100 (1) Give at least 30 days' notice of its intended action.

101 The notice shall include an exact copy of the proposed rule and a synopsis of the
102 proposed rule. The synopsis shall be distributed with and in the same manner as the
103 proposed rule. The synopsis shall contain a statement of the purpose and the main
104 features of the proposed rule, and, in the case of a proposed amendatory rule, the synopsis
105 also shall indicate the differences between the existing rule and the proposed rule. The
106 notice shall also include the exact date on which the agency shall consider the adoption
107 of the rule and shall include the time and place in order that interested persons may
108 present their views thereon. The notice shall also contain a citation of the authority
109 pursuant to which the rule is proposed for adoption and, if the proposal is an amendment
110 or repeal of an existing rule, the rule shall be clearly identified. There shall be included
111 with the notice an economic analysis of the impact of the proposed rule. The Office of

112 Planning and Budget or other designee of the Governor shall create standards and shall
113 provide training to agencies on the drafting of economic analyses. Such economic
114 analysis shall include the following:

115 (A) An estimate, and identification when possible, of the number of individuals and
116 businesses subject to the proposed rule;

117 (B) The projected reporting, record keeping, and other administrative costs and time
118 required for compliance with the proposed rule, including the types of professional
119 skills necessary for preparation of any documentation, records, or reports required by
120 the proposed rule;

121 (C) A statement of the probable effect of the rule on impacted individuals and
122 businesses; and

123 (D) Such other provisions or information to assess the economic impact of the
124 proposed rule as may be required by the Office of Planning and Budget or other
125 designee of the Governor.

126 The notice shall be mailed to all persons who have requested in writing that they be
127 placed upon a mailing list which shall be maintained by the agency for advance notice
128 of its rule-making proceedings and who have tendered the actual cost of such mailing as
129 from time to time estimated by the agency and to the Office of Planning and Budget or
130 other designee of the Governor;

131 (2) Afford to all interested persons reasonable opportunity to submit data, views, or
132 arguments, orally or in writing. In the case of substantive rules, opportunity for oral
133 hearing must be granted if requested by 25 persons who will be directly affected by the
134 proposed rule, by a governmental subdivision, or by an association having not less
135 than 25 members. The agency shall consider fully all written and oral submissions
136 respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so
137 by an interested person either prior to adoption or within 30 days thereafter, shall issue

138 a concise statement of the principal reasons for and against its adoption and incorporate
139 therein its reason for overruling the consideration urged against its adoption;

140 (3) In the formulation and adoption of any rule which will have an economic impact on
141 businesses in the state, reduce the economic impact of the rule on small businesses which
142 are independently owned and operated, are not dominant in their field, and
143 employ ~~100~~ 300 employees or ~~less~~ fewer by implementing one or more of the following
144 actions when it is legal and feasible in meeting the stated objectives of the statutes which
145 are the basis of the proposed rule:

146 (A) Establish ~~differing~~ reduced compliance or reporting requirements ~~or~~ and differing
147 timetables for small businesses;

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

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

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

152 (4) In the formulation and adoption of any rule which places administrative burdens on
153 charitable organizations in this state, including, but not limited to, any rule that would
154 require any new or expanded filing or reporting requirements or that would limit the
155 ability of charitable organizations to solicit or collect funds, ~~the agency or official shall:~~

156 (A) Absent the showing of a compelling state interest, not impose any annual filing or
157 reporting requirements on an organization regulated or specifically exempted from
158 regulation under Chapter 17 of Title 43, the 'Georgia Charitable Solicitations Act of
159 1988,' that are more burdensome than the requirements authorized by applicable law,
160 and any such filing or reporting requirements shall be narrowly tailored to achieve such
161 compelling state interest. The requirements of this subparagraph shall not apply to the
162 state's direct spending programs; and

163 (B) Email the notice provided for in paragraph (1) of this subsection to each
164 chairperson of any standing committee in each house as shown on the General
165 Assembly's public website.

166 For purposes of this paragraph, the term 'charitable organization' means a nonprofit
167 charitable organization which is exempt from taxation under the provisions of
168 Section 501(c)(3) of the United States Internal Revenue Code; and

169 (5) In the formulation and adoption of any rule, ~~an agency shall~~ choose an alternative
170 that does not impose excessive regulatory costs on any regulated person or entity which
171 costs could be reduced by a less expensive alternative that fully accomplishes the stated
172 objectives of the statutes which are the basis of the proposed rule.

173 (b) If any agency finds that an imminent peril to the public health, safety, or welfare,
174 including but not limited to, summary processes such as quarantines, contrabands, seizures,
175 and the like authorized by law without notice, requires adoption of a rule upon fewer
176 than 30 days' notice and states in writing its reasons for that finding, it may proceed without
177 prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable
178 to adopt an emergency rule. Any such rule adopted relative to a public health emergency
179 shall be submitted as promptly as reasonably practicable to the House of Representatives
180 and Senate Committees on Judiciary, provided that any such rule adopted relative to a state
181 of emergency by the State Election Board shall be submitted as soon as practicable but not
182 later than 20 days prior to the rule taking effect. Any emergency rule adopted by the State
183 Election Board pursuant to the provisions of this subsection may be suspended upon the
184 majority vote of the House of Representatives or Senate Committees on Judiciary within
185 ten days of the receipt of such rule by the committees. ~~The rule may be effective for a~~
186 ~~period of not longer than 120 days but the adoption of an identical rule under~~
187 ~~paragraphs (1) and (2) of subsection (a) of this Code section is not precluded; provided,~~
188 ~~however, that such a rule adopted pursuant to discharge of responsibility under an~~
189 ~~executive order declaring a state of emergency or disaster exists as a result of a public~~

190 ~~health emergency, as defined in Code Section 38-3-3, shall be effective for the duration of~~
191 ~~the emergency or disaster and for a period of not more than 120 days thereafter."~~

192 "(f)(1) In the event a standing committee to which a notice is assigned as provided in
193 subsection (e) of this Code section ~~files an objection~~ objects to a proposed rule prior to
194 its adoption and the agency adopts the proposed rule over the objection, the rule may be
195 considered by the branch of the General Assembly whose committee objected to its
196 adoption by the introduction of a resolution for the purpose of overriding the rule at any
197 time within the first 30 days of the next regular session of the General Assembly. It shall
198 be the duty of any agency which adopts a proposed rule over such objection so to notify
199 the presiding officers of the Senate and the House of Representatives, the chairpersons
200 of the Senate and House committees to which the rule was referred, and the legislative
201 counsel within ten days after the adoption of the rule. In the event the resolution is
202 adopted by such branch of the General Assembly, it shall be immediately transmitted to
203 the other branch of the General Assembly. It shall be the duty of the presiding officer of
204 the other branch of the General Assembly to have such branch, within five days after the
205 receipt of the resolution, to consider the resolution for the purpose of overriding the rule.
206 In the event the resolution is adopted by two-thirds of the votes of each branch of the
207 General Assembly, the rule shall be void on the day after the adoption of the resolution
208 by the second branch of the General Assembly. In the event the resolution is ratified by
209 less than two-thirds of the votes of either branch, the resolution shall be submitted to the
210 Governor for his or her approval or veto. In the event of ~~his or her~~ the Governor's veto,
211 or if no resolution is introduced for the purpose of overriding the rule, or if the resolution
212 introduced is not approved by at least a majority of the vote of each branch of the General
213 Assembly, the rule shall remain ~~in effect~~ adopted and shall become or remain effective
214 in accordance with the provisions of Code Section 50-13-6. In the event of ~~his or her~~
215 ~~approval~~ the Governor's approval of the resolution, the rule shall be void on the day after
216 the date of his or her approval.

217 (2) In the event each standing committee to which a notice is assigned as provided in
218 subsection (e) of this Code section ~~files an objection~~ objects to a proposed rule prior to
219 its adoption by a two-thirds' vote of the members of the committee ~~who were voting~~
220 ~~members on the tenth day of the current session~~, after having given public notice of the
221 time, place, and purpose of such vote at least 48 hours in advance, as well as the
222 opportunity for members of the public including the promulgating agency, to have a
223 reasonable time to comment on the proposed committee action at the hearing, ~~the~~
224 ~~effectiveness of such rule shall be stayed until the next legislative session at which time~~
225 ~~the rule may be considered by the General Assembly by the introduction of a resolution~~
226 ~~in either branch of the General Assembly for the purpose of overriding the rule at any~~
227 ~~time within the first 30 days of the next regular session of the General Assembly~~ not be
228 adopted by the promulgating agency and shall instead be deemed withdrawn by the
229 promulgating agency unless such agency, within the first 15 days of the next regular
230 session of the General Assembly, transmits written notification to the chairpersons of the
231 objecting committees that such agency does not intend to withdraw such rule but instead
232 intends to adopt such rule following adjournment sine die of that regular session. Such
233 notification shall include a detailed statement setting forth the basis for and necessity of
234 the proposed rule, an explanation of how the adoption of the proposed rule is within the
235 authority of the promulgating agency, any alternatives to the proposed rule considered
236 by the promulgating agency, and the potential costs or adverse effects of the proposed
237 rule, as well as the identification of those likely to bear such costs or adverse effects. A
238 resolution objecting to the intended adoption of the proposed rule may be introduced in
239 either branch of the General Assembly after the fifteenth day but before the thirtieth day
240 of the regular session in which the notice of intent not to withdraw the proposed rule was
241 given by the promulgating agency in accordance with this paragraph. In the event the
242 resolution is adopted by the branch of the General Assembly in which it was introduced,
243 it shall be immediately transmitted to the other branch of the General Assembly. It shall

244 be the duty of the presiding officer of the other branch of the General Assembly to have
 245 such branch, within five days after the receipt of the resolution, to consider the resolution
 246 for the purpose of ~~overriding~~ objecting to the intended adoption of the proposed rule.
 247 In the event the resolution is adopted by two-thirds of the votes of each branch of the
 248 General Assembly, the proposed rule ~~shall be void on the day after the adoption of the~~
 249 ~~resolution by the second branch of the General Assembly~~ shall be disapproved and shall
 250 not be adopted by the promulgating agency. In the event the resolution is ratified by less
 251 than two-thirds of the votes of either branch, the resolution shall be submitted to the
 252 Governor for his or her approval or veto. In the event of ~~his or her~~ the Governor's veto,
 253 ~~the rule shall remain in effect~~ or if no resolution is introduced objecting to the proposed
 254 rule, or if the resolution introduced is not approved by at least a majority of the vote of
 255 each branch of the General Assembly, the proposed rule shall automatically become
 256 adopted the day following adjournment sine die of that regular session and shall become
 257 effective in accordance with the provisions of Code Section 50-13-6. In the event of ~~his~~
 258 ~~or her~~ the Governor's approval of the resolution, the proposed rule shall be ~~void on the~~
 259 ~~day after the date of his or her approval~~ disapproved and shall not be adopted by the
 260 promulgating agency. ~~If after the thirtieth legislative day of the legislative session of~~
 261 ~~which the challenged rule was to be considered the General Assembly has not considered~~
 262 ~~an override of the challenged rule pursuant to this subsection, the rule shall then~~
 263 ~~immediately take effect."~~

264 **SECTION 2-3.**

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

268 "50-13-6.

269 (a) ~~Each rule adopted after July 1, 1965, shall not become effective until the expiration~~
270 ~~of 20 days after the rule is filed in the office of the Secretary of State~~ Except for emergency
271 rules adopted pursuant to subsection (b) of Code Section 50-13-4, any rule that is adopted
272 shall not become effective unless it is filed with the office of the Secretary of State and
273 such rule, if filed with the office of the Secretary of State between January 1 and June 30
274 of a calendar year, shall become effective on July 1 of that year or, if filed with the office
275 of the Secretary of State between July 1 and December 31 of a calendar year, shall become
276 effective on January 1 of the immediately succeeding calendar year. Each rule so filed
277 shall contain a citation of the authority pursuant to which it was adopted and, if an
278 amendment or repeal of an existing rule, shall clearly identify the original rule.

279 (b) Any emergency rule adopted pursuant to subsection (b) of Code Section 50-13-4 shall:

280 (1) Not become effective unless and until such emergency rule is approved by the
281 Governor. Such an approved emergency rule may be effective for a period of not longer
282 than 120 days but the adoption of an identical rule under paragraphs (1) and (2) of
283 subsection (a) of Code Section 50-13-4 is not precluded; provided, however, that such an
284 approved emergency rule adopted pursuant to a discharge of responsibility under an
285 executive order declaring that a state of emergency or disaster exists as a result of a
286 public health emergency, as defined in Code Section 38-3-3, shall be effective for the
287 duration of the emergency or disaster and for a period of not more than 120 days
288 thereafter; and

289 (2) Be filed, along with a copy of the finding as required by subsection (b) of Code
290 Section 50-13-4 and the Governor's approval of such emergency rule, with the office of
291 the Secretary of State within four days after its adoption.

292 (b)(c) The Secretary of State shall endorse on each rule thus filed the time and date of
293 filing and shall maintain a record of the rules for public inspection.

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

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

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

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

305 **SECTION 2-4.**

306 Said title is further amended by adding a new Code section to read as follows:

307 "50-13-25.

308 (a) Not later than December 31, 2024, the Office of Planning and Budget or other designee
309 of the Governor shall establish and publish a schedule for the review of the rules and
310 regulations of all agencies, subject to the provisions of this chapter, on a seven-year cycle.
311 In establishing such schedule, the Office of Planning and Budget or other designee of the
312 Governor shall take into consideration the volume of rules that will be subject to review
313 in any given year and the ability of the public to provide meaningful input into such
314 reviews. An agency that has been through a review under this Code section previously and,
315 in the intervening years since such last review, has not increased the number of its rules and
316 regulations by more than 10 percent shall be exempt from review under this Code section
317 during that cycle.

318 (b) The Office of Planning and Budget or other designee of the Governor shall notify in
319 December of the immediately preceding year each agency whose rules and regulations are
320 subject to review in a given calendar year of the upcoming review period. All rules and

321 regulations of an agency that are scheduled for review under this Code section shall stand
322 automatically repealed on December 31 of the review year unless the rules and regulations
323 are continued or repromulgated pursuant to this Code section.

324 (c) In the year of review, each agency shall undertake an analysis of each of its rules and
325 regulations and shall create a written report of the results of such analysis. Such analysis
326 shall consider:

327 (1) Whether the benefits sought to be achieved by the rule or regulation are being
328 realized and are in compliance with current law;

329 (2) Whether such benefits justify the costs of implementing and complying with the
330 provisions of the rule or regulation; and

331 (3) Whether there are less restrictive and less costly alternatives to accomplish the
332 desired benefits or results.

333 The Office of Planning and Budget or other designee of the Governor shall develop and
334 provide to each agency a standardized process and forms for such analysis and shall make
335 such process and forms available on the Office of Planning and Budget's public website not
336 later than October 1, 2024. Such analysis shall be completed not later than September 1
337 of the year of review. Such analysis shall be published on the agency's public website upon
338 its completion and shall be submitted to the Office of Planning and Budget or other
339 designee of the Governor for review.

340 (d) As a part of the rules and regulations analysis process, each agency shall solicit public
341 input on the impact, cost, and effectiveness of its rules and regulations. The public shall
342 be notified of the opportunity to provide such input in a manner designed to obtain the
343 widest possible public notification of interested parties, as well as by mailing such notice
344 to all persons who have requested in writing that they be placed upon the mailing list
345 maintained by the agency for advance notice of its rule-making proceedings. The notice
346 shall include a date by which public input shall be submitted for consideration which shall
347 be not less than 30 days after the date the notice is published. Such notice shall be

348 published not later than March 1 of the review year. In addition, the agency shall conduct
 349 at least two public hearings to receive public comment on its rules and regulations. Such
 350 public hearings shall be held in a manner designed to maximize public input and shall be
 351 completed not later than July 1 of the review year.

352 (e) Agencies that desire to continue their rules and regulations in effect shall not simply
 353 repromulgate the rules and regulations without critical review of the necessity,
 354 effectiveness, and cost of such rules and regulations; without considering possible less
 355 onerous, less costly, and more effective alternatives to such rules and regulations; and
 356 without determining whether such rules or regulations are actually necessary.

357 (f) Any rule or regulation that an agency desires to continue or repromulgate shall be
 358 repromulgated in the same manner as for new rules and regulations under this chapter.
 359 Any continuation or repromulgation of a rule or regulation shall reduce or maintain the
 360 current regulatory burden and costs of such rule or regulation and shall not increase such
 361 burden or costs."

362 **PART III**

363 **SECTION 3-1.**

364 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code
 365 Section 31-6-21.1, relating to procedures for rule making by the Department of Community
 366 Health, by revising subsections (c) and (f) as follows:

367 "(c) Any rule or part thereof to which an objection is made by both committees within the
 368 30 day objection period under subsection (b) of this Code section shall not be adopted by
 369 the department and shall be invalid if so adopted. A rule or part thereof thus prohibited
 370 from being adopted shall be deemed to have been withdrawn by the department unless the
 371 department, within the first 15 days of the next regular session of the General Assembly,
 372 transmits written notification to each member of the objecting committees that the

373 department does not intend to withdraw that rule or part thereof but intends to adopt the
374 specified rule or part ~~effective the day~~ following adjournment sine die of that regular
375 session. A resolution objecting to such intended adoption may be introduced in either
376 branch of the General Assembly after the fifteenth day but before the thirtieth day of the
377 session in which occurs the notification of intent not to withdraw a rule or part thereof. In
378 the event the resolution is adopted by the branch of the General Assembly in which the
379 resolution was introduced, it shall be immediately transmitted to the other branch of the
380 General Assembly. It shall be the duty of the presiding officer of the other branch to have
381 that branch, within five days after receipt of the resolution, consider the resolution for
382 purposes of objecting to the intended adoption of the rule or part thereof. Upon such
383 resolution being adopted by two-thirds of the vote of each branch of the General Assembly,
384 the rule or part thereof objected to in that resolution shall be disapproved and not adopted
385 by the department. If the resolution is adopted by a majority but by less than two-thirds of
386 the vote of each such branch, the resolution shall be submitted to the Governor for his or
387 her approval or veto. In the event of a veto, or if no resolution is introduced objecting to
388 the rule, or if the resolution introduced is not approved by at least a majority of the vote of
389 each such branch, the rule shall automatically become adopted the day following
390 adjournment sine die of that regular session. In the event of the Governor's approval of the
391 resolution, the rule shall be disapproved and not adopted by the department."

392 "(f) Emergency rules shall not be subject to the requirements of subsection (b), (c), or (d)
393 of this Code section but shall be subject to the requirements of subsection (b) of Code
394 Section 50-13-4 and subsection (b) of Code Section 50-13-6. Upon the first expiration of
395 any department emergency rules, where those emergency rules are intended to cover
396 matters which had been dealt with by the department's nonemergency rules but such
397 nonemergency rules have been objected to by both legislative committees under this Code
398 section, the emergency rules concerning those matters may not again be adopted except for

399 one 120 day period. No emergency rule or part thereof which is adopted by the department
400 shall be valid unless adopted in compliance with this subsection."

401 **SECTION 3-2.**

402 Said title is further amended in Code Section 50-13A-20, relating to applicability of
403 provisions, by revising paragraph (3) of subsection (b) as follows:

404 "(3) Code Section 50-13-6, except for ~~paragraph (2)~~ of subsection ~~(c)~~(b);"

405 **PART IV**

406 **SECTION 4-1.**

407 This Act shall become effective upon its approval by the Governor or upon its becoming law
408 without such approval.

409 **SECTION 4-2.**

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