

House Bill 1078

By: Representatives Hilton of the 48<sup>th</sup>, Tarvin of the 2<sup>nd</sup>, Horner of the 3<sup>rd</sup>, Barrett of the 24<sup>th</sup>, Powell of the 33<sup>rd</sup>, and others

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 relative to the "Georgia Administrative Procedure Act," so as  
3 to provide for periodic review and automatic sunset of agency rules; to provide for notice to  
4 agencies subject to review; to require that agencies review and report upon rules and  
5 regulatory requirements in preparation for review; to provide for forms and reporting  
6 procedures; to provide for public hearings; to provide for related matters; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to  
11 general provisions relative to the "Georgia Administrative Procedure Act," is amended by  
12 adding a new Code section to read as follows:

13 "50-13-24.

14 (a) As used in this Code section, the term 'regulatory requirements' means mandates within  
15 agency rules including the following words and phrases: 'shall,' 'must,' 'may not,' 'required,'  
16 and 'prohibited.'

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17 (b) Not later than July 1, 2026, the Office of Planning and Budget or other designee of the  
18 Governor shall establish and publish a schedule for the review of the rules of all agencies,  
19 subject to the provisions of this chapter, on a four-year cycle, with the first of such reviews  
20 occurring in the 2027 calendar year.

21 (c) The Office of Planning and Budget or other designee of the Governor shall notify in  
22 December of the immediately preceding year each agency whose rules are subject to  
23 review in a given calendar year of the upcoming review period. All rules of an agency that  
24 are scheduled for review under this Code section shall stand automatically repealed on  
25 December 31 of the review year unless the rules are continued or repromulgated pursuant  
26 to this Code section. An agency that has been through a review under this Code section  
27 previously and, in the intervening years since such last review, has decreased the number  
28 of its rules, regulatory requirements, and total number of words by 10 percent or more shall  
29 have their following scheduled review postponed by two calendar years.

30 (d) In the year of review, each agency or agency designee shall undertake an analysis of  
31 each of its rules and shall create a written report of the results of such analysis. Such  
32 analysis:

33 (1) Shall include:

34 (A) The total number of rules of the agency;

35 (B) The total number of regulatory requirements within such rules;

36 (C) The total number of words of guidance;

37 (D) The aggregate compliance cost of such rules to the private sector; and

38 (E) The statute or statutes authorizing the creation of such rules, regulatory  
39 requirements, and words of guidance; and

40 (2) Shall consider:

41 (A) Whether the benefits sought to be achieved by the rule are being realized and are  
42 in compliance with current law;

43 (B) Whether such benefits justify the costs of implementing and complying with the  
44 provisions of the rule; and

45 (C) Whether there are less restrictive and less costly alternatives to accomplish the  
46 desired benefits or results.

47 (e) The Office of Planning and Budget or other designee of the Governor shall develop and  
48 provide to each agency a standardized process and forms for such analysis and shall make  
49 such process and forms available on the Office of Planning and Budget's website not later  
50 than October 1, 2027. Such analysis shall be completed not later than September 1 of the  
51 year of review. Such analysis shall be published, clearly identifiable, and accessible via  
52 a link on the agency's website. Upon its completion, such analysis shall be submitted for  
53 review to the Office of Planning and Budget or other designee of the Governor.

54 (f) As a part of the rules analysis process, each agency shall solicit public input on the  
55 impact, cost, and effectiveness of its rules. The public shall be notified of the opportunity  
56 to provide such input in a manner designed to obtain the widest possible public notification  
57 of interested parties, as well as by mailing such notice to all persons who have requested  
58 in writing that they be placed upon the mailing list maintained by the agency for advance  
59 notice of its rule-making proceedings. The notice shall include a date by which public  
60 input shall be submitted for consideration which shall be not less than 30 days after the date  
61 the notice is published. Such notice shall be published not later than March 1 of the review  
62 year. In addition, the agency shall conduct at least two public hearings to receive public  
63 comment on its rules. Such public hearings shall be held in a manner designed to  
64 maximize public input and shall be completed not later than July 1 of the review year.

65 (g) Agencies that desire to continue their rules in effect shall not simply repromulgate the  
66 rules and regulations without critical review of the necessity, effectiveness, and cost of  
67 such rules; without considering possible less onerous, less costly, and more effective  
68 alternatives to such rules; and without determining whether such rules or regulations are  
69 actually necessary.

70 (h) Any continuation or repromulgation of a rule shall reduce or maintain the current  
71 regulatory burden and costs of such rule and shall not increase such burden or costs."

72 **SECTION 2.**

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