

Senate Bill 28

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

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 effective
12 dates; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14

PART I

15

SECTION 1-1.

16 This Act shall be known and may be cited as the "Red Tape Rollback Act of 2025."

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 the Department of Audits and Accounts shall revise
58 such small business impact analysis to account for the amended version of such bill upon
59 the 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 consider the economic impact of the
100 proposed rule and shall:

101 (1) Give at least 30 days' notice of its intended action. The notice shall include an exact
102 copy of the proposed rule and a synopsis of the proposed rule. The synopsis shall be
103 distributed with and in the same manner as the proposed rule. The synopsis shall contain
104 a statement of the purpose and the main features of the proposed rule, and, in the case of
105 a proposed amendatory rule, the synopsis also shall indicate the differences between the
106 existing rule and the proposed rule. The notice shall also include the exact date on which
107 the agency shall consider the adoption of the proposed rule and shall include the time and
108 place in order that interested persons may present their views thereon. The notice shall
109 also contain a citation of the authority pursuant to which the rule is proposed for adoption
110 and, if the proposal is an amendment or repeal of an existing rule, the existing rule shall
111 be clearly identified. For any proposed rule for which the agency reasonably anticipates

112 that \$1 million or more in cumulative implementation and compliance costs are
113 reasonably expected to be incurred by or passed along to individuals, businesses, and
114 units of local government as the result of the proposed rule over the initial five-year
115 period following the effective date of such proposed rule, the agency shall prepare and
116 there shall be included with the notice an economic analysis of the impact of the proposed
117 rule. Such economic analysis shall include the following:

118 (A) An estimate, and identification when possible, of the number of individuals,
119 businesses, and units of local government subject to the proposed rule;

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

124 (C) A statement of the probable effect of the rule on impacted individuals, businesses,
125 and units of local government;

126 (D) Whether the proposed rule is mandated by federal law as a requirement for
127 participating in or implementing a federally subsidized or assisted program and whether
128 the proposed rule exceeds the requirements of such applicable federal law;

129 (E) A comparison of the anticipated costs and benefits of the proposed rule;

130 (F) A description of the efforts taken by the agency to minimize the cost and impact
131 of the proposed rule on individuals, businesses, and units of local government in this
132 state; and

133 (G) Such other provisions or information the agency deems reasonably necessary for
134 the General Assembly and the public to assess the economic impact of the proposed
135 rule.

136 The notice shall be mailed to all persons who have requested in writing that they be
137 placed upon a mailing list which shall be maintained by the agency for advance notice
138 of its rule-making proceedings and who have tendered the actual cost of such mailing as

139 from time to time estimated by the agency and to the Office of Planning and Budget or
140 other designee of the Governor;

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

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

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

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

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

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

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

166 (A) Absent the showing of a compelling state interest, not impose any annual filing or
167 reporting requirements on an organization regulated or specifically exempted from
168 regulation under Chapter 17 of Title 43, the 'Georgia Charitable Solicitations Act of
169 1988,' that are more burdensome than the requirements authorized by applicable law,
170 and any such filing or reporting requirements shall be narrowly tailored to achieve such
171 compelling state interest. The requirements of this subparagraph shall not apply to the
172 state's direct spending programs; and

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

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

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

183 (b) If any agency finds that an imminent peril to the public health, safety, or welfare,
184 including, but not limited to, summary processes such as quarantines, contrabands,
185 seizures, and the like authorized by law without notice, requires adoption of a rule upon
186 fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed
187 without prior notice or hearing or upon any abbreviated notice and hearing that it finds
188 practicable to adopt an emergency rule. Any such rule adopted relative to a public health
189 emergency shall be submitted as promptly as reasonably practicable to the House of
190 Representatives and Senate Committees on Judiciary, provided that any such rule adopted
191 relative to a state of emergency by the State Election Board shall be submitted as soon as
192 practicable but not later than 20 days prior to the rule taking effect. Any emergency rule

193 adopted by the State Election Board pursuant to the provisions of this subsection may be
194 suspended upon the majority vote of the House of Representatives or Senate Committees
195 on Judiciary within ten days of the receipt of such rule by the committees. ~~The rule may~~
196 ~~be effective for a period of not longer than 120 days but~~ adoption of an emergency rule
197 pursuant to the provisions of this subsection shall not preclude the adoption of an identical
198 rule under paragraphs (1) and (2) of subsection (a) of this Code section is not precluded;
199 ~~provided, however, that such a rule adopted pursuant to discharge of responsibility under~~
200 ~~an executive order declaring a state of emergency or disaster exists as a result of a public~~
201 ~~health emergency, as defined in Code Section 38-3-3, shall be effective for the duration of~~
202 ~~the emergency or disaster and for a period of not more than 120 days thereafter."~~

203 "(f)(1) In the event a standing committee to which a notice is assigned as provided in
204 subsection (e) of this Code section ~~files an objection~~ objects to a proposed rule prior to
205 its adoption and the agency adopts the proposed rule over the objection, the rule may be
206 considered by the ~~branch~~ house of the General Assembly whose committee objected to
207 its adoption by the introduction of a resolution for the purpose of overriding the rule at
208 any time within the first 30 days of the next regular session of the General Assembly. It
209 shall be the duty of any agency which adopts a proposed rule over such objection so to
210 notify the presiding officers of the Senate and the House of Representatives, the
211 chairpersons of the Senate and House committees to which the rule was referred, and the
212 legislative counsel within ten days after the adoption of the rule. In the event the
213 resolution is adopted by such ~~branch~~ house of the General Assembly, it shall be
214 immediately transmitted to the other ~~branch~~ house of the General Assembly. It shall be
215 the duty of the presiding officer of the other ~~branch~~ house of the General Assembly to
216 have such ~~branch~~ house, within five days after the receipt of the resolution, to consider
217 the resolution for the purpose of overriding the rule. In the event the resolution is
218 adopted by two-thirds of the votes of each ~~branch~~ house of the General Assembly, the
219 rule shall be void on the day after the adoption of the resolution by the second ~~branch~~

220 house of the General Assembly. In the event the resolution is ratified by less than
221 two-thirds of the votes of either ~~branch~~ house, the resolution shall be submitted to the
222 Governor for his or her approval or veto. In the event of ~~his or her~~ the Governor's veto,
223 or if no resolution is introduced for the purpose of overriding the rule, or if the resolution
224 introduced is not approved by at least a majority of the vote of each house of the General
225 Assembly, the rule shall remain ~~in effect~~ adopted and shall become or remain effective
226 in accordance with the provisions of Code Section 50-13-6. In the event of ~~his or her~~
227 approval the Governor's approval of the resolution, the rule shall be void on the day after
228 the date of his or her approval.

229 (2) In the event each standing committee to which a notice is assigned as provided in
230 subsection (e) of this Code section ~~files an objection~~ objects to a proposed rule prior to
231 its adoption by a two-thirds' vote of the members of the committee ~~who were voting~~
232 ~~members on the tenth day of the current session~~, after having given public notice of the
233 time, place, and purpose of such vote at least 48 hours in advance, as well as the
234 opportunity for members of the public, including the promulgating agency, to have a
235 reasonable time to comment on the proposed committee action at the hearing, ~~the~~
236 ~~effectiveness of such rule shall be stayed until the next legislative session at which time~~
237 ~~the rule may be considered by the General Assembly by the introduction of a resolution~~
238 ~~in either branch of the General Assembly for the purpose of overriding the rule at any~~
239 ~~time within the first 30 days of the next regular session of the General Assembly~~ not be
240 adopted by the promulgating agency and shall instead be deemed withdrawn by the
241 promulgating agency unless such agency, within the first 15 days of the next regular
242 session of the General Assembly, transmits written notification to the chairpersons of the
243 objecting committees that such agency does not intend to withdraw such rule but instead
244 intends to adopt such rule following adjournment sine die of that regular session. Such
245 notification shall include a detailed statement setting forth the basis for and necessity of
246 the proposed rule, an explanation of how the adoption of the proposed rule is within the

247 authority of the promulgating agency, any alternatives to the proposed rule considered
248 by the promulgating agency, and the potential costs or adverse effects of the proposed
249 rule, as well as the identification of those likely to bear such costs or adverse effects. A
250 resolution objecting to the intended adoption of the proposed rule may be introduced in
251 either house of the General Assembly after the fifteenth day but before the thirtieth day
252 of the regular session in which the notice of intent not to withdraw the proposed rule was
253 given by the promulgating agency in accordance with this paragraph. In the event the
254 resolution is adopted by the branch house of the General Assembly in which it was
255 introduced, it shall be immediately transmitted to the other branch house of the General
256 Assembly. It shall be the duty of the presiding officer of the other branch house of the
257 General Assembly to have such branch house, within five days after the receipt of the
258 resolution, to consider the resolution for the purpose of overriding objecting to the
259 intended adoption of the proposed rule. In the event the resolution is adopted by
260 two-thirds of the votes of each branch house of the General Assembly, the proposed rule
261 shall be void on the day after the adoption of the resolution by the second branch of the
262 General Assembly shall be disapproved and shall not be adopted by the promulgating
263 agency. In the event the resolution is ratified by less than two-thirds of the votes of either
264 branch house, the resolution shall be submitted to the Governor for his or her approval
265 or veto. In the event of ~~his or her~~ the Governor's veto, ~~the rule shall remain in effect or~~
266 ~~if no resolution is introduced objecting to the proposed rule, or if the resolution~~
267 ~~introduced is not approved by at least a majority of the vote of each house of the General~~
268 ~~Assembly, the proposed rule shall automatically become adopted the day following~~
269 ~~adjournment sine die of that regular session and shall become effective in accordance~~
270 ~~with the provisions of Code Section 50-13-6.~~ In the event of ~~his or her~~ the Governor's
271 approval of the resolution, the proposed rule shall be ~~void on the day after the date of his~~
272 ~~or her approval~~ disapproved and shall not be adopted by the promulgating agency. If
273 ~~after the thirtieth legislative day of the legislative session of which the challenged rule~~

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

276 **SECTION 2-3.**

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

280 "50-13-6.

281 (a) ~~Each rule adopted after July 1, 1965, shall not become effective until the expiration~~
282 ~~of 20 days after the rule is filed in the office of the Secretary of State~~ Except for emergency
283 rules adopted pursuant to subsection (b) of Code Section 50-13-4, any rule that is adopted
284 shall not become effective unless it is filed with the office of the Secretary of State and
285 such rule, if filed with the office of the Secretary of State between January 1 and June 30
286 of a calendar year, shall become effective on July 1 of that year or, if filed with the office
287 of the Secretary of State between July 1 and December 31 of a calendar year, shall become
288 effective on January 1 of the immediately succeeding calendar year. Each rule so filed
289 shall contain a citation of the authority pursuant to which it was adopted and, if an
290 amendment or repeal of an existing rule, shall clearly identify the original rule.

291 (b) Any emergency rule adopted pursuant to subsection (b) of Code Section 50-13-4 shall:
292 (1) Become effective immediately upon its adoption or on such later date as the
293 promulgating agency may prescribe and may be effective for a period of not longer than
294 120 days; provided, however, that such an emergency rule adopted pursuant to a
295 discharge of responsibility under an executive order declaring that a state of emergency
296 or disaster exists as a result of a public health emergency, as defined in Code Section
297 38-3-3, shall be effective for the duration of the emergency or disaster and for a period
298 of not more than 120 days thereafter; and

299 (2) Be filed, along with a copy of the finding as required by subsection (b) of Code
 300 Section 50-13-4, with the office of the Secretary of State within four days after its
 301 adoption.

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

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

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

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

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

315 **SECTION 2-4.**

316 Said title is further amended by adding new Code sections to read as follows:

317 "50-13-24.

318 (a) Not later than July 1, 2027, the Office of Planning and Budget or other designee of the
 319 Governor shall establish and publish a schedule for the review of the rules of all agencies,
 320 subject to the provisions of this chapter, on a four-year cycle, with the first of such reviews
 321 occurring in the 2028 calendar year. In establishing such schedule, the Office of Planning
 322 and Budget or other designee of the Governor shall take into consideration the volume of
 323 rules that will be subject to review in any given year and the ability of the public to provide
 324 meaningful input into such reviews. An agency that has been through a review under this

325 Code section previously and, in the intervening years since such last review, has not
326 increased the number of its rules by more than 10 percent shall be exempt from review
327 under this Code section during that cycle.

328 (b) The Office of Planning and Budget or other designee of the Governor shall notify in
329 December of the immediately preceding year each agency whose rules are subject to
330 review in a given calendar year of the upcoming review period. All rules of an agency that
331 are scheduled for review under this Code section shall stand automatically repealed on
332 December 31 of the review year unless the rules are continued or repromulgated pursuant
333 to this Code section.

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

336 (1) Whether the benefits sought to be achieved by the rule are being realized and are in
337 compliance with current law;

338 (2) Whether such benefits justify the costs of implementing and complying with the
339 provisions of the rule; and

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

342 The Office of Planning and Budget or other designee of the Governor shall develop and
343 provide to each agency a standardized process and forms for such analysis and shall make
344 such process and forms available on the Office of Planning and Budget's public website not
345 later than October 1, 2027. Such analysis shall be completed not later than September 1
346 of the year of review. Such analysis shall be published on the agency's public website upon
347 its completion and shall be submitted to the Office of Planning and Budget or other
348 designee of the Governor for review.

349 (d) As a part of the rules analysis process, each agency shall solicit public input on the
350 impact, cost, and effectiveness of its rules. The public shall be notified of the opportunity
351 to provide such input in a manner designed to obtain the widest possible public notification

352 of interested parties, as well as by mailing such notice to all persons who have requested
353 in writing that they be placed upon the mailing list maintained by the agency for advance
354 notice of its rule-making proceedings. The notice shall include a date by which public
355 input shall be submitted for consideration which shall be not less than 30 days after the date
356 the notice is published. Such notice shall be published not later than March 1 of the review
357 year. In addition, the agency shall conduct at least two public hearings to receive public
358 comment on its rules. Such public hearings shall be held in a manner designed to
359 maximize public input and shall be completed not later than July 1 of the review year.

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

365 (f) Any rule that an agency desires to continue or repromulgate shall be repromulgated in
366 the same manner as for new rules under this chapter. Any continuation or repromulgation
367 of a rule shall reduce or maintain the current regulatory burden and costs of such rule and
368 shall not increase such burden or costs.

369 (g) The provisions of this Code section shall not apply to constitutional officers or their
370 respective agencies, as such terms are defined in subsection (a) of Code Section 50-13-25.

371 50-13-25.

372 (a) As used in this Code section, the term:

373 (1) 'Constitutional officer' means the Attorney General, the Secretary of State, the
374 Commissioner of Agriculture, the Commissioner of Insurance, the Commissioner of
375 Labor, and the State School Superintendent.

376 (2) 'Respective agency' means:

377 (A) With respect to the Attorney General, the Department of Law;

- 378 (B) With respect to the Secretary of State, the office of the Secretary of State;
379 (C) With respect to the Commissioner of Agriculture, the Department of Agriculture;
380 (D) With respect to the Commissioner of Insurance, the Department of Insurance;
381 (E) With respect to the Commissioner of Labor, the Department of Labor; and
382 (F) With respect to the State School Superintendent, the Department of Education.
- 383 (b) All constitutional officers shall, subject to the provisions of this chapter, review all of
384 the rules promulgated by such constitutional officers, their predecessors, or their respective
385 agencies that are in effect every four years, with the first year of review being the 2028
386 calendar year. In subsequent review years after 2028, each constitutional officer and such
387 officer's respective agency that has not, in the intervening years since such last review,
388 increased the number of its rules by more than 10 percent shall be exempt from review
389 under this Code section during that year of review.
- 390 (c) All rules of a constitutional officer and such officer's respective agency that are
391 scheduled for review under this Code section shall stand automatically repealed on
392 December 31 of the review year unless the rules are continued or repromulgated pursuant
393 to this Code section.
- 394 (d) In the year of review, each constitutional officer and such officer's respective agencies
395 shall undertake an analysis of each of its rules and shall create a written report of the results
396 of such analysis. Such analysis shall consider:
- 397 (1) Whether the benefits sought to be achieved by the rule are being realized and are in
398 compliance with current law;
399 (2) Whether such benefits justify the costs of implementing and complying with the
400 provisions of the rule; and
401 (3) Whether there are less restrictive and less costly alternatives to accomplish the
402 desired benefits or results.

403 Such analysis shall be completed not later than September 1 of the year of review. Such
404 analysis shall be published by the constitutional officer on such officer's respective
405 agency's public website upon its completion.

406 (e) As a part of the rules analysis process, each constitutional officer and such officer's
407 respective agency shall solicit public input on the impact, cost, and effectiveness of its
408 rules. The public shall be notified of the opportunity to provide such input in a manner
409 designed to obtain the widest possible public notification of interested parties, as well as
410 by mailing such notice to all persons who have requested in writing that they be placed
411 upon the mailing list maintained by each constitutional officer or such officer's respective
412 agency for advance notice of its rule-making proceedings. The notice shall include a date
413 by which public input shall be submitted for consideration which shall be not less than 30
414 days after the date the notice is published. Such notice shall be published not later than
415 March 1 of the review year. In addition, each constitutional officer and such officer's
416 respective agency shall conduct at least two public hearings to receive public comment on
417 its rules. Such public hearings shall be held in a manner designed to maximize public input
418 and shall be completed not later than July 1 of the review year.

419 (f) Constitutional officers and their respective agencies that desire to continue their rules
420 in effect shall not simply repromulgate the rules and regulations without critical review of
421 the necessity, effectiveness, and cost of such rules; without considering possible less
422 onerous, less costly, and more effective alternatives to such rules; and without determining
423 whether such rules or regulations are actually necessary.

424 (g) Any rule that a constitutional officer or such officer's respective agency desires to
425 continue or repromulgate shall be repromulgated in the same manner as for new rules under
426 this chapter. Any continuation or repromulgation of a rule shall reduce or maintain the
427 current regulatory burden and costs of such rule and shall not increase such burden or
428 costs."

429
430

PART III
SECTION 3-1.

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

434 "(c) Any rule or part thereof to which an objection is made by both committees within the
435 30 day objection period under subsection (b) of this Code section shall not be adopted by
436 the department and shall be invalid if so adopted. A rule or part thereof thus prohibited
437 from being adopted shall be deemed to have been withdrawn by the department unless the
438 department, within the first 15 days of the next regular session of the General Assembly,
439 transmits written notification to each member of the objecting committees that the
440 department does not intend to withdraw that rule or part thereof but intends to adopt the
441 specified rule or part ~~effective the day~~ following adjournment sine die of that regular
442 session. A resolution objecting to such intended adoption may be introduced in either
443 branch house of the General Assembly after the fifteenth day but before the thirtieth day
444 of the session in which occurs the notification of intent not to withdraw a rule or part
445 thereof. In the event the resolution is adopted by the branch house of the General
446 Assembly in which the resolution was introduced, it shall be immediately transmitted to
447 the other branch house of the General Assembly. It shall be the duty of the presiding
448 officer of the other branch house to have that branch house, within five days after receipt
449 of the resolution, consider the resolution for purposes of objecting to the intended adoption
450 of the rule or part thereof. Upon such resolution being adopted by two-thirds of the vote
451 of each branch house of the General Assembly, the rule or part thereof objected to in that
452 resolution shall be disapproved and not adopted by the department. If the resolution is
453 adopted by a majority but by less than two-thirds of the vote of each such branch house,
454 the resolution shall be submitted to the Governor for his or her approval or veto. In the

455 event of a veto, or if no resolution is introduced objecting to the rule, or if the resolution
 456 introduced is not approved by at least a majority of the vote of each such branch house, the
 457 rule shall automatically become adopted the day following adjournment sine die of that
 458 regular session. In the event of the Governor's approval of the resolution, the rule shall be
 459 disapproved and not adopted by the department."

460 "(f) Emergency rules shall not be subject to the requirements of subsection (b), (c), or (d)
 461 of this Code section but shall be subject to the requirements of subsection (b) of Code
 462 Section 50-13-4 and subsection (b) of Code Section 50-13-6. Upon the first expiration of
 463 any department emergency rules, where those emergency rules are intended to cover
 464 matters which had been dealt with by the department's nonemergency rules but such
 465 nonemergency rules have been objected to by both legislative committees under this Code
 466 section, the emergency rules concerning those matters may not again be adopted except for
 467 one 120 day period. No emergency rule or part thereof which is adopted by the department
 468 shall be valid unless adopted in compliance with this subsection."

469

SECTION 3-2.

470 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 471 in Code Section 50-13A-20, relating to applicability of provisions, by revising paragraph (3)
 472 of subsection (b) as follows:

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

474

PART IV

475

SECTION 4-1.

476 (a) Except as provided for in subsection (b) of this section, this Act shall become effective
 477 upon its approval by the Governor or upon its becoming law without such approval.

478 (b) Section 2-4 of this Act shall become effective on June 1, 2027.

479

SECTION 4-2.

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