

House Bill 697

By: Representatives Beverly of the 143rd, Mitchell of the 88th, Scott of the 76th, Cannon of the 58th, Roberts of the 52nd, 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 concerning administrative procedure, so as to require the
3 preparation and distribution of a regulatory impact analysis by state agencies prior to such
4 agencies adopting, amending, or repealing any regulatory rule; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

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

15 (1) Give at least 30 days' notice of its intended action. The notice shall include an exact
16 copy of the proposed rule and a synopsis of the proposed rule. The synopsis shall be

17 distributed with and in the same manner as the proposed rule. The synopsis shall contain
18 a statement of the purpose and the main features of the proposed rule, and, in the case of
19 a proposed amendatory rule, the synopsis also shall indicate the differences between the
20 existing rule and the proposed rule. The notice shall also include the exact date on which
21 the agency shall consider the adoption of the rule and shall include the time and place in
22 order that interested persons may present their views thereon. The notice shall also
23 contain a citation of the authority pursuant to which the rule is proposed for adoption and,
24 if the proposal is an amendment or repeal of an existing rule, the rule shall be clearly
25 identified. The notice shall be mailed to all persons who have requested in writing that
26 they be placed upon a mailing list which shall be maintained by the agency for advance
27 notice of its rule-making proceedings and who have tendered the actual cost of such
28 mailing as from time to time estimated by the agency;

29 (1.1) Prepare a regulatory impact analysis, which shall be included with the notice
30 provided for in paragraph (1) of this subsection and distributed to all persons entitled to
31 receive copies of such notice under this Code section. The regulatory impact analysis to
32 be prepared and distributed by the agency shall contain the following information:

33 (A) A description of the potential benefits of the proposed rule modification, including
34 any beneficial effects that cannot be quantified in monetary terms, and the identification
35 of those likely to receive such benefits;

36 (B) A description of the potential costs of the proposed rule modification, including
37 any adverse effects that cannot be quantified in monetary terms, and the identification
38 of those likely to bear such costs;

39 (C) A determination of the potential net benefits of the proposed rule modification,
40 including an evaluation of the effects that cannot be quantified in monetary terms; and

41 (D) A description of alternative approaches, if any, that could substantially achieve the
42 same regulatory goal at a lower cost, together with an analysis of the potential benefits

43 and costs of such alternatives and a brief explanation of the legal reasons why such
44 alternatives, if proposed, could not be adopted;

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

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

60 (A) Establish differing compliance or reporting requirements or timetables for small
61 businesses;

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

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

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

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

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

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

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

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

87 "(e) The agency shall transmit the notice provided for in paragraph (1) of subsection (a)
88 of this Code section to the legislative counsel. The notice shall be transmitted at least 30
89 days prior to the date of the agency's intended action. Within three days after receipt of the
90 notice, if possible, the legislative counsel shall furnish a copy of the notice to the presiding
91 officers of each house as well as the majority and minority leaders of each house ~~with a~~
92 ~~copy of the notice,~~ and Thereafter, the presiding officers of each house shall assign the
93 notice to the chairperson of the appropriate standing committee in each house for review
94 and any member thereof who makes a standing written request. In the event a presiding
95 officer is unavailable for the purpose of making the assignment within the time limitations,
96 the legislative counsel shall assign the notice to the chairperson of the appropriate standing

97 committee. The legislative counsel shall also transmit within the time limitations provided
98 in this subsection a notice of the assignment to the chairperson of the appropriate standing
99 committee. Each standing committee of the Senate and the House of Representatives is
100 granted all the rights provided for interested persons and governmental subdivisions in
101 paragraph (2) of subsection (a) of this Code section."

102

SECTION 2.

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