

HOUSE BILL 1748

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 5, relative to emergency rules.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-5-208(b), is amended by deleting the subsection and substituting:

(b)

(1) An agency must file an emergency rule and a written statement of the reason for the rule being filed with the secretary of state and the chairs of the government operations committees of the house of representatives and the senate.

(2) The government operations committees shall review an emergency rule within thirty (30) days of the rule being filed pursuant to subdivision (b)(1). In conducting the review required by this subdivision (b)(2), the government operations committees shall hold a public hearing to receive testimony from the public and from the administrative head of the agency, at which time the government operations committees, acting jointly, may disapprove the emergency rule if the emergency rule does not, in the committee's judgment, meet the requirements of subsection (a).

(3) Notice of the government operations committees' completed review in accordance with subdivision (b)(2), or completed review in accordance with subdivision (b)(2), and disapproval of an emergency rule, must be posted on the secretary of state's website as soon as possible after the committees' completed review.

(4) If an emergency rule is not disapproved by the government operations committees, then the emergency rule becomes effective upon the notice of the completed review being posted pursuant to subdivision (b)(3).

(5) An emergency rule is not effective for a period of longer than one hundred eighty (180) days. An agency shall not adopt the same or a substantially similar emergency rule within one (1) calendar year from its first adoption, unless the agency clearly establishes that it could not reasonably be foreseen during the initial one-hundred-eighty-day period that the emergency would continue or would likely recur during the next nine (9) months. The adoption of the same or substantially similar rule through ordinary rulemaking procedures authorized by this chapter is not precluded by this section.

SECTION 2. Tennessee Code Annotated, Section 4-5-208(a), is amended by deleting: An agency may, upon stating its reasons in writing for making such findings, proceed without prior notice or hearing to adopt an emergency rule, if the agency finds that: and substituting instead:

An agency may proceed without prior notice or hearing to adopt an emergency rule, if the government operations committees of the house of representatives and senate find that the rule meets one (1) of the following:

SECTION 3. The secretary of state may promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. This act takes effect July 1, 2022, the public welfare requiring it.