

HOUSE BILL 406

By Faison

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

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

SECTION 1. Tennessee Code Annotated, Section 4-5-226(g), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision:

(2) The general assembly's authority to amend any rule by legislative enactment includes, but is not limited to, the authority to amend any part of a rule in legislation that is enacted to continue the rule to a date certain or indefinitely pursuant to subsection (a).

SECTION 2. Tennessee Code Annotated, Section 4-5-226(j), is amended by adding the following as a new subdivision:

(3)

(A) If the committee requests that an agency amend a rule in order to satisfy any of the factors enumerated in subsection (e), the agency may, as promptly as is consistent with the orderly dispatch of its business, file an amendment to the rule in:

(i) The office of the attorney general and reporter for review consistent with § 4-5-211; and

(ii) The office of the secretary of state for filing by the secretary consistent with § 4-5-206 and publication consistent with §§ 4-5-220 and 4-5-221.

(B) An amendment to a rule that is filed pursuant to subdivision (j)(3)(A) is not subject to the requirements of §§ 4-5-202–4-5-205.

(C) An amendment to a rule may:

(i) Completely rewrite the rule, so long as the amendment is within the scope of:

(a) The rulemaking notice filed with the secretary of state for the rule being amended; and

(b) The committee's request that the agency amend the rule; or

(ii) Rewrite only the portions of the rule that the committee requested the agency to amend.

(D) The committee shall review each amendment to a rule that is filed pursuant to subdivision (j)(3)(A), consistent with the requirements of this section.

(E) All agencies, upon filing an amendment to a rule in the office of the secretary of state pursuant to subdivision (j)(3)(A), shall supplement any changed or additional information that is required to be submitted with a rule filing pursuant to subsection (i).

(F) Notwithstanding § 4-5-207, an amendment to a rule that is filed pursuant to subdivision (j)(3)(A) shall take effect:

(i) On the same day that the rule being amended takes effect, if the rule being amended takes effect after the date that the committee reviews the amendment to the rule; or

(ii) Ten (10) days after the committee reviews the amendment to the rule, if the rule being amended has taken effect before or on the date that the committee reviews the amendment to the rule.

(G) For the purposes of subsection (a), the filing date of an amendment to a rule that is filed pursuant to subdivision (j)(3)(A) shall be deemed the same as the filing date for the rule being amended.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.