

SENATE BILL 1688

By Bell

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5, Part 2 and Title 4, Chapter 5, Part 4, relative to rules promulgated pursuant to the Uniform Administrative Procedures Act.

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

SECTION 1. Tennessee Code Annotated, Section 4-5-202(c), is amended by deleting the subsection and substituting instead the following:

(c) The secretary of state shall prescribe rules governing the manner and form in which proposed written rules shall be prepared by the agencies for submission for publication under subdivision (a)(2). The secretary of state may require the online submission of rules and related filings pursuant to this part. The secretary of state may refuse to accept for publication any proposed rule that does not conform to such requirements.

SECTION 2. Tennessee Code Annotated, Section 4-5-203(e), is amended by deleting the subsection and substituting instead the following:

(e) The secretary of state shall prescribe rules governing the manner and form in which written notice of hearings shall be transmitted by the agencies to the secretary of state for publication in the notice section of the administrative register web site. The secretary of state may require the online submission of notices of hearing and related filings pursuant to this part. The secretary of state may refuse to accept for publication any notice of hearing transmitted that does not conform to such requirements, in which case transmission of notice shall be deemed not to have been satisfied under subdivision (a)(1) and subsection (b).

SECTION 3. Tennessee Code Annotated, Section 4-5-206(d), is amended by deleting the subsection and substituting instead the following:

(d) The secretary of state shall prescribe rules governing the manner and form in which written rules shall be prepared and transmitted by the agencies to the secretary of state for filing. The secretary of state may require the online submission of rules filed pursuant to this part. The secretary of state may refuse to accept any rule that does not conform to such requirements.

SECTION 4. Tennessee Code Annotated, Section 4-5-214(a), is amended by deleting the subsection and substituting instead the following:

(a) A rule may be withdrawn by the agency proposing the rule at any point prior to the effective date of the rule. The withdrawal shall become effective upon delivery of a written notification of such withdrawal to the office of the secretary of state and shall result in the nullification of all procedures undertaken or performed in order to promulgate the rule. The secretary of state may require the online submission of the notification of withdrawal of rules filed pursuant to this part.

SECTION 5. Tennessee Code Annotated, Section 4-5-215(a), is amended by deleting the subsection and substituting instead the following:

(a) Prior to the effective date of the rule, the agency proposing the rule may stay the running of the ninety-day period required by § 4-5-207 for a period of time not to exceed seventy-five (75) days. The stay shall become effective at such time as the agency files written notice with the secretary of state and shall specify the length of the effectiveness of the stay. The secretary of state may require the online submission of the notice of stay or related filings filed pursuant to this part. Prior to the expiration of the stay, the stay may be withdrawn by the agency. Withdrawal or expiration of the stay shall reactivate the running of the balance of the ninety-day period that remained upon the date the stay was filed.

SECTION 6. Tennessee Code Annotated, Section 4-5-219(a), is amended in the first sentence by deleting the word "shall" and substituting instead the word "may".

SECTION 7. Tennessee Code Annotated, Section 4-5-220(b), is amended by deleting the subsection and substituting instead the following:

(b) The secretary of state shall compile on the secretary of state's web site an official compilation of all the effective rules of each agency. Rules compiled and published on the secretary of state's web site as of July 1, 2016, shall be deemed the official compilation of the effective rules of each agency, as amended by the secretary of state from time to time to reflect the addition, deletion, or revision of rules in accordance with this part. The secretary of state shall update agency rules on the effective date of any new amendment to existing rules or of any new rules. The secretary of state shall incorporate emergency rules within the appropriate agency's rules within four (4) days of their filing. The secretary of state shall revise the official compilation of rules upon the expiration of an emergency rule.

SECTION 8. Tennessee Code Annotated, Section 4-5-403, is amended by inserting the following language after the first sentence:

The secretary of state may require the online submission of economic impact statements filed pursuant to this part.

SECTION 9. This act shall take effect July 1, 2016, the public welfare requiring it.