

HOUSE BILL 1995

By Daniel

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5, relative to the uniform administrative procedures act.

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

SECTION 1. Tennessee Code Annotated, Section 4-5-226, is amended by adding the following as a new subsection:

( )

(1) In response to any action or assertion by an agency that the agency's statement, order, or intra-agency memorandum qualifies as an exception to the definition of a rule under § 4-5-102, and that no rule is required to be promulgated on such subjects:

(A)

(i) A member of the general assembly may petition a chairman of the government operations committee of the house of representatives or senate to review the statement, order, or intra-agency memorandum to determine if a rule is required to be promulgated on such subjects in accordance with this chapter;

(ii) Each member of the general assembly is authorized no more than one (1) petition for review in a calendar year under this subdivision;

(B) The chairmen of the government operations committees of the house of representatives and senate, if petitioned, shall direct that the joint government operations committee meet to review the statement,

order, or intra-agency memorandum to determine if a rule is required to be promulgated on such subjects in accordance with this chapter; or

(C) The government operations committee of the house of representatives or senate may vote to request the agency to promulgate the statement, order, or intra-agency memorandum as a rule. If the agency fails to comply with the government operations committee's request to promulgate the agency's statement, order, or intra-agency memorandum as a rule pursuant to this chapter, the government operations committee of the house of representatives or senate may vote to request the general assembly to suspend any or all of the agency or related agency's rulemaking authority for any reasonable period of time or with respect to any subject matter, by legislative enactment.

(2) Notwithstanding any other exclusion to rulemaking requirements, this subsection also applies when an agency fails or refuses to promulgate a rule on any other subject.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.