



State of Tennessee

PUBLIC CHAPTER NO. 502

HOUSE BILL NO. 216

By Representatives Daniel, Ragan, Kane, Howell, Rogers, Carter, Hardaway

Substituted for: Senate Bill No. 467

By Senators Bell, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5, Part 2, relative to rulemaking.

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

SECTION 1. Tennessee Code Annotated, Section 4-5-202(a)(2), is amended by deleting the language "twenty-five (25)" each time that it appears and substituting instead the language "ten (10)".

SECTION 2. Tennessee Code Annotated, Section 4-5-215(b), is amended by deleting the language "sixty (60)" and substituting instead the language "seventy-five (75)".

SECTION 3. Tennessee Code Annotated, Section 4-5-215(b), is further amended by deleting the language "seventy-five-day" each time that it appears and substituting instead the language "ninety-day".

SECTION 4. Tennessee Code Annotated, Section 4-5-226(c), is amended by deleting the first sentence and substituting instead the following language:

Rules promulgated pursuant to this chapter shall be reviewed by the government operations committees of the senate and the house of representatives meeting jointly or separately, or, alternatively, at the discretion of the chair of either of such committees, by a subcommittee of the government operations committees.

SECTION 5. Tennessee Code Annotated, Section 4-5-226(e), is amended by adding the following language as new subdivisions:

() Arbitrariness and capriciousness;

() Effect of the rule on business;

SECTION 6. Tennessee Code Annotated, Section 4-5-226(f), is amended by adding the following language as new subdivisions:

() "Arbitrariness and capriciousness" means a willful or unreasonable agency action without consideration of or in disregard of facts or law;

() "Effect" means the change that results from the promulgation, implementation, and enforcement of the rule;

SECTION 7. Tennessee Code Annotated, Section 4-5-226(j)(1), is amended by deleting the language "fails to" and substituting instead the language "fails, in its judgment, to".

SECTION 8. Tennessee Code Annotated, Section 4-5-226(j)(1), is further amended by deleting the language "shall be posted on the administrative register web site" and substituting instead the language "shall be posted, by the secretary of state, to the administrative register on the secretary of state's web site".

SECTION 9. Tennessee Code Annotated, Section 4-5-209, is amended by deleting the following language:

HB 216

The Tennessee code commission is directed to compile a list of all public necessity rules that are subject to this section and provide such list by January 1 of each year to each member of the government operations committees of the house of representatives and the senate.

SECTION 10. This act shall take effect July 1, 2015, the public welfare requiring it.

HOUSE BILL NO. 216

PASSED: April 22, 2015

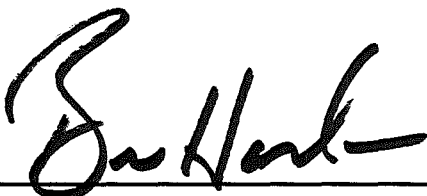


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 20th day of May 2015



BILL HASLAM, GOVERNOR