

House Bill 1077

By: Representatives Kirby of the 114<sup>th</sup>, Trammell of the 132<sup>nd</sup>, Welch of the 110<sup>th</sup>, Werkheiser of the 157<sup>th</sup>, McClain of the 100<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to  
2 definitions for the "Georgia Administrative Procedure Act," so as to remove from the  
3 definition of the term "agency" the exemption for the State Board of Workers' Compensation;  
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions for  
8 the "Georgia Administrative Procedure Act," is amended by revising paragraph (1) as  
9 follows:

10 "(1) 'Agency' means each state board, bureau, commission, department, activity, or  
11 officer authorized by law expressly to make rules and regulations or to determine  
12 contested cases, except the General Assembly; the judiciary; the Governor; the State  
13 Board of Pardons and Paroles; the State Financing and Investment Commission; the State  
14 Properties Commission; the Board of Bar Examiners; the Board of Corrections and its  
15 penal institutions; ~~the State Board of Workers' Compensation~~; all public authorities  
16 except as otherwise expressly provided by law; the State Personnel Board; the  
17 Department of Administrative Services or commissioner of administrative services; the  
18 Board of Regents of the University System of Georgia; the Technical College System of  
19 Georgia; the Nonpublic Postsecondary Education Commission; the Department of Labor  
20 when conducting hearings related to unemployment benefits or overpayments of  
21 unemployment benefits; the Department of Revenue when conducting hearings relating  
22 to alcoholic beverages, tobacco, or bona fide coin operated amusement machines or any  
23 violations relating thereto; the Georgia Higher Education Savings Plan; the Georgia  
24 ABLE Program Corporation; any school, college, hospital, or other such educational,  
25 eleemosynary, or charitable institution; or any agency when its action is concerned with

26 the military or naval affairs of this state. Such term shall include the State Board of  
27 Education and Department of Education, subject to the following qualifications:

28 (A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid  
29 rules adopted by the State Board of Education and Department of Education prior to  
30 January 1, 1990, are ratified and validated and shall be effective until January 1, 1991,  
31 whether or not such rules were adopted in compliance with the requirements of this  
32 chapter; and

33 (B) Effective January 1, 1991, any rule of the State Board of Education or Department  
34 of Education which has not been proposed, submitted, and adopted in accordance with  
35 the requirements of this chapter shall be void and of no effect."

36 **SECTION 2.**

37 All laws and parts of laws in conflict with this Act are repealed.