

The Senate Committee on Judiciary offered the following substitute to HB 553:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to  
2 administrative procedure, so as to provide for participation in hearings by electronic  
3 communications; to provide for electronic filing of documents; to provide for electronic  
4 service; to provide for the electronic availability or transfer of the record; to provide that the  
5 Department of Community Health is considered a reviewing agency for purposes of  
6 contested cases; to provide for related matters; to provide for an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to administrative  
11 procedure, is amended by revising paragraph (5) of Code Section 50-13-15, relating to rules  
12 of evidence in contested cases, official notice, and conducting hearings by utilizing remote  
13 telephonic communications, as follows:

14 "(5) Any hearing which is required or permitted hereunder may be conducted by utilizing  
15 remote ~~telephonic~~ electronic communications if the record reflects that all parties have  
16 consented to the conduct of the hearing by use of such communications and that such

procedure will not jeopardize the rights of any party to the hearing. In the administrative law judge's discretion, one or more witnesses may participate by remote electronic communications."

## SECTION 2.

Said chapter is further amended by adding three new paragraphs to subsection (a) and by revising paragraph (1) of subsection (d) of Code Section 50-13-41, relating to hearing procedures, powers of administrative law judge, issuance of decision, reviewing agency, and review of contested cases, as follows:

"(4) The Office of State Administrative Hearings may require the electronic filing of documents.

(5) Except where alternative means of service are required by law, the Office of State Administrative Hearings may serve any party electronically.

(6) The Office of State Administrative Hearings may make available or transfer the record of any hearing to any party electronically."

"(d)(1) As used in this subsection, the term 'reviewing agency' shall mean the ultimate decision maker in a contested case that is a constitutional board or commission; an elected constitutional officer in the executive branch of this state; or a board, bureau, commission, or other agency of the executive branch of this state created for the purpose of licensing or otherwise regulating or controlling any profession, business, or trade if members thereof are appointed by the Governor; the Department of Transportation; the Department of Community Health; or the Department of Human Services, in a contested case where such department is required to be the ultimate decision maker by federal law or regulations governing Title IV-B and Title IV-E of the federal Social Security Act."

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**SECTION 3.**

41 This Act shall become effective upon its approval by the Governor or upon its becoming law  
42 without such approval.

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**SECTION 4.**

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