

House Bill 1137

By: Representatives Werkheiser of the 157th, Schofield of the 60th, Efstation of the 104th, McLaurin of the 51st, Beverly of the 143rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated,
2 relating to general provisions of administrative procedure, so as to remove the exemption of
3 administrative review from the Board of Corrections and its penal institutions; to provide for
4 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 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to
8 general provisions of administrative procedure, is amended by revising paragraph (1) of
9 Code Section 50-13-2, relating to definitions, as 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.