

Senate Bill 191

By: Senators Still of the 48th, Dixon of the 45th, Echols of the 49th, Hufstetler of the 52nd and Walker III of the 20th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to
2 employment security, so as to revise certain notice provisions relating to benefits and
3 appeals; to provide a definition; to provide for related matters; to provide for an effective
4 date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment
8 security, is amended by adding a new Code section to read as follows:

9 "34-8-53.

10 As used in this chapter, the term 'issue date' means the date on which the department
11 releases a determination or decision to an interested party by mail, hand delivery, or with
12 the consent of the party, electronically. The issue date shall be printed on a determination
13 or decision issued by the department. Through the promulgation of administrative rules,
14 the Commissioner is authorized to waive, alter, extend, or set aside the time limit
15 provisions of the law by which a determination or decision of the department becomes

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16 final; provided, however, that any such rule shall be consistent with due process to all
17 interested parties, and the purpose and policy of this chapter."

18 **SECTION 2.**

19 Said chapter is further amended by revising subsection (c) of Code Section 34-8-192, relating
20 to initial determination and redetermination of eligibility for, amount of, and duration of
21 benefits, as follows:

22 "(c) A determination shall be final unless a party entitled to notice applies for
23 reconsideration of the determination or appeals the determination within 15 days after the
24 ~~notice was mailed to the party's last known address or otherwise delivered to the party~~ issue
25 date printed on the determination. Before a determination becomes final as provided in this
26 Code section, the Commissioner may issue a redetermination if good cause is shown. Such
27 redetermination is subject to further appeal by any party entitled to notice as provided in
28 this chapter."

29 **SECTION 3.**

30 Said chapter is further amended by revising subsection (b) of Code Section 34-8-220, relating
31 to appointment of hearing officers to hear and decide appealed decisions, as follows:

32 "(b) Unless an appeal is withdrawn, an administrative hearing officer, after affording the
33 parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact
34 and initial determination or shall make a decision after hearing on issues referred by the
35 Commissioner pursuant to subsection (b) of Code Section 34-8-192. The parties shall be
36 duly notified of such decision, together with the reasons therefor, which shall be deemed
37 to be the final decision of the Commissioner, unless within 15 days after the ~~date of~~
38 ~~notification or mailing of such decision~~ issue date printed on the decision further appeal is
39 initiated pursuant to subsection (a) of Code Section 34-8-221."

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SECTION 4.

41 Said chapter is further amended by revising subsections (a) and (b) of Code Section
42 34-8-221, relating to review of decision of hearing officer by board of review, as follows:

43 "(a) The board of review may on its own motion affirm, modify, or set aside any decision
44 of an administrative hearing officer on the basis of the evidence previously submitted in
45 such case or direct the taking of additional evidence or may permit any of the parties to
46 such decision to initiate further appeals before the board of review. The board of review
47 shall promptly notify the parties to any proceedings of its findings and decision. The
48 decision of the board shall become final 15 days ~~from the date the decision is mailed to the~~
49 parties after the issue date printed on the decision.

50 (b) The board of review may, in its discretion and on its own motion, reconsider its
51 decision at any time within 15 days from the ~~date the decision is mailed to the parties~~ issue
52 date printed on the decision. The board shall notify all concerned parties of its intent to
53 reconsider a final decision. Such notice shall stay the process of judicial review until a
54 final decision is released by the board."

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SECTION 5.

56 Said chapter is further amended by revising subsection (a) of Code Section 34-8-223, relating
57 to procedure for judicial review of final decision of board of review, as follows:

58 "(a) Any decision of the board of review, in the absence of a reconsideration as provided
59 in subsection (b) of Code Section 34-8-221, shall become final 15 days after the ~~date of~~
60 ~~notification or mailing~~ issue date printed on the decision. Judicial review shall be
61 permitted only after any party claiming to be aggrieved thereby has exhausted his or her
62 administrative remedies as provided by this chapter. The Commissioner shall be deemed
63 to be a party to any judicial action involving any such decision and shall be represented in
64 any such judicial action by the Attorney General."

65 **SECTION 6.**

66 This Act shall become effective on January 1, 2026.

67 **SECTION 7.**

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