

House Bill 903

By: Representatives Powell of the 33rd, Werkheiser of the 157th, Tarvin of the 2nd, Jasperse of the 11th, and McDonald III of the 26th

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 regarding administrative procedure, so as to provide that the
3 "Georgia Administrative Procedure Act" shall apply to all executive branch agencies; to
4 provide for certain exceptions; to revise a definition; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding administrative procedure, is amended by revising paragraph (1)
10 of Code Section 50-13-2, relating to definitions, as follows:

11 "(1) 'Agency' means, unless otherwise required by federal law, each state board, bureau,
12 commission, department, activity, or officer of the executive branch of state government
13 authorized by law expressly to make rules and regulations or to determine contested
14 cases, ~~except~~. Such term shall specifically not include the General Assembly; or the
15 judiciary; ~~the Governor; the State Board of Pardons and Paroles; the State Financing and~~
16 ~~Investment Commission; the State Properties Commission; the Board of Bar Examiners;~~

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17 ~~the Board of Corrections and its penal institutions; the State Board of Workers'~~
18 ~~Compensation;. Such term shall include all public authorities except as otherwise~~
19 ~~expressly provided by law; the State Personnel Board; the Department of Administrative~~
20 ~~Services or commissioner of administrative services; the Board of Regents of the~~
21 ~~University System of Georgia; the Technical College System of Georgia; the Nonpublic~~
22 ~~Postsecondary Education Commission; the Department of Labor when conducting~~
23 ~~hearings related to unemployment benefits or overpayments of unemployment benefits;~~
24 ~~the Department of Revenue when conducting hearings relating to alcoholic beverages,~~
25 ~~tobacco, or bona fide coin operated amusement machines or any violations relating~~
26 ~~thereto; the Georgia Higher Education Savings Plan; the Georgia ABLE Program~~
27 ~~Corporation; any school, college, hospital, or other such educational, eleemosynary, or~~
28 ~~charitable institution; or any agency when its action is concerned with the military or~~
29 ~~naval affairs of this state. Such term shall also include the State Board of Education and~~
30 ~~Department of Education, subject to the following qualifications:~~

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

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

39 **SECTION 2.**

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