

House Bill 553 (AS PASSED HOUSE AND SENATE)

By: Representatives Gunter of the 8th, Reeves of the 34th, Efstoration of the 104th, Burchett of the 176th, Smith of the 18th, and others

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 style="text-align:center">**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

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

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SECTION 2.

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

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

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

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

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

40 **SECTION 3.**

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

43 **SECTION 4.**

44 All laws and parts of laws in conflict with this Act are repealed.