

ENGROSSED SENATE
BILL NO. 328

By: Stipe of the Senate
and
Ross of the House

An Act relating to statutes and reports; amending 75 O.S. 1991, Section 311, as amended by Section 9, Chapter 310, O.S.L. 1992 (75 O.S. Supp. 1994, Section 311), which relates to the Administrative Procedures Act; authorizing designee for certain purpose; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 75 O.S. 1991, Section 311, as amended by Section 9, Chapter 310, O.S.L. 1992 (75 O.S. Supp. 1994, Section 311), is amended to read as follows:

Section 311. A. If the administrative head or a designee of an agency has not heard the case or read the record of an individual proceeding, a final agency order adverse to a party shall not be made until a proposed order is served upon the party, and an opportunity is afforded to the party to file exceptions and present briefs and oral argument to the administrative head or a designee who is to render the final agency order. The proposed order shall be accompanied by a statement of the reasons therefor and of each issue of fact or law necessary to the proposed order, prepared by the hearing examiner or by one who has read the record.

B. Such proposed order shall be served upon the parties at least fifteen (15) days prior to a hearing or meeting at which the administrative head is to consider or render a decision on the proposed order. At such hearing or meeting, the parties shall be afforded an opportunity to present briefs and oral arguments concerning the proposed order.

C. The parties by written stipulation may waive compliance with this section.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 6th day of March, 1995.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1995.

Speaker of the House of Representatives