

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2963

By: Glover

COMMITTEE SUBSTITUTE

An Act relating to administrative procedures; amending 75 O.S. 1991, Section 316, as amended by Section 23, Chapter 206, O.S.L. 1997 (75 O.S. Supp. 1997, Section 316), which relates to individual proceedings; clarifying procedures for disqualification of hearing examiner or agency member; and providing an effective date.

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

SECTION 1. AMENDATORY 75 O.S. 1991, Section 316, as amended by Section 23, Chapter 206, O.S.L. 1997 (75 O.S. Supp. 1997, Section 316), is amended to read as follows:

Section 316. A hearing examiner or agency member shall withdraw from any individual proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a hearing examiner or agency member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the administrative head of the agency, or, if it affects a member or members of the agency, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a hearing examiner, the agency shall assign another in his stead or shall conduct the hearing itself. Upon the disqualification of a member of an agency, the agency shall proceed with the proceeding if a quorum remains. If a quorum no longer exists, by virtue of the member's disqualification, the Governor immediately

shall appoint a member pro tempore to sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of an agency, the provisions of Section ~~44~~ 311 of this ~~act~~ title shall apply.

SECTION 2. This act shall become effective November 1, 1998.

46-2-9721

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