

ENGROSSED HOUSE  
BILL NO. 2963

By: Glover and Seikel of the  
House

and

Morgan and Cain of the  
Senate

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.

Passed the House of Representatives the 10th day of March, 1998.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1998.

President of the Senate