

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HB 3070
Version:	Introduced
Request Number:	9112
Author:	Rep. Dorman
Date:	2/27/2012
Impact:	Efficiencies Anticipated from Consolidation of Administrative Hearing Processes

Research Analysis

HB 3070, as introduced, creates the State Office of Administrative Hearings (SOAH) Act and creates a state agency in the Executive Department which is authorized to exercise judicial authority of various boards, agencies and commissions and will conduct all administrative hearings. The measure creates SOAH Revolving Fund.

The measure provides for the appointment of the Chief Administrative Law Judge who will appoint and remove administrative law judges. Hearings must be conducted pursuant to the Administrative Procedure Act and the rules of the SOAH.

An appeal from the decision of an administrative law judge will be to an appeals panel of three administrative law judges. An appeal from the decision of the panel will be to the Oklahoma Supreme Court.

The measure requires certain agency personnel with administrative hearing duties, equipment pending cases and funds will be transferred to SOAH.

The measure modifies the Administrative Procedure Act to make it applicable to agencies not subject to the SOAH Act or an administrative law judge within the SOAH.

Prepared By: Andrea Merten

Fiscal Analysis

The measure creates SOAH and directs the new agency to establish hearing facilities, conduct administrative hearings, maintain records and provide for a Chief Administrative Law Judge and other necessary employees. The Chief Administrative Law Judge is to receive, as a salary, an amount equal to ninety percent (90%) of the salary provided for a district court judge, which would be \$111,936. Full time administrative law judges will receive salaries equal to ninety percent (90%) of the salary of the Chief Administrative Law Judge, which would be set at \$100,742. Part-time judges would receive compensation at a day rate not exceed \$500.00.

The measure will transfer employees from other executive agencies whose duties are those primarily involved with administrative hearings to the SOAH effective January 1, 2013, unless the Director of the Office of State Finance determined an employee should not be transferred. Similarly, all equipment and other property used by an agency for administrative hearing activity will be transferred to SOAH.

The efficiencies of consolidating the administrative hearing efforts of those agencies involved in such activities are intended to result in cost savings in excess of any additional costs that might be incurred in the creation of the SOAH. Analysis of current administrative hearing direct costs continue.

Prepared By: Mark Tygret

Other Considerations

The measure proposes an independent, cost-effective and impartial administrative hearing structure for the State.