

HB 3141 STAFF MEASURE SUMMARY

Carrier: Rep. Holvey

House Committee On Rules**Action Date:** 03/14/23**Action:** Do Pass.**Vote:** 6-0-1-0**Yeas:** 6 - Breese-Iverson, Fahey, Kropf, Nosse, Valderrama, Wallan**Exc:** 1 - Scharf**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Melissa Leoni, LPRO Analyst**Meeting Dates:** 2/28, 3/14**WHAT THE MEASURE DOES:**

Makes appointment of chief administrative law judge (chief ALJ) by Governor subject to confirmation by Senate. Adds requirement that chief ALJ, at time of appointment, must have at least one year of employment experience in administrative law or administrative hearings, and within six months of appointment meet all statutory requirements of administrative law judge. Directs Employment Department, in coordination with Office of Administrative Hearings Oversight Committee, to conduct public candidate search, recruitment, and application process to assist committee in making recommendations to Governor on appointment of chief ALJ. Gives Governor authority to decline reappointment of chief ALJ at end of four-year term without cause and appoint an acting chief ALJ until vacancy is filled. Clarifies that Office of Administrative Hearings provides staff support to committee and department provides human resources services and assists committee with candidate searches.

ISSUES DISCUSSED:

- Measure requested by Office of Administrative Hearing Oversight Committee
- Role of chief administrative law judge (chief ALJ) to oversee other ALJs and run the agency
- History of Employment Department in conducting past candidate searches
- Challenges of candidate search and allowing search for expected vacancies
- Establishing minimum experience for chief ALJ in administrative law

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Legislative Assembly originally created the Office of Administrative Hearings (OAH), then called the Hearing Officer Panel, in 1999 as a pilot program. The OAH was made permanent in 2003. The OAH's role is to provide an independent and impartial forum for citizens and businesses to dispute state agency action against them. The OAH is headed by a chief administrative law judge (chief ALJ) who is appointed by the Governor to serve a term of four years and can only be removed for cause.

The Office of Administrative Hearings Oversight Committee was originally established in 2001 to oversee the activities of the newly created Hearing Officer Panel. The Committee has nine members appointed by the President of the Senate, Speaker of the House, Governor, and Attorney General. The chief ALJ serves as an ex officio member. The Oversight Committee's statutory responsibilities include studying the operations of the OAH; making recommendations to the Governor and the Legislative Assembly that the committee deems necessary to increase the effectiveness, fairness, and efficiencies of the OAH's operations; making recommendations for legislation related to OAH operations; and conducting any other necessary studies.

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House Bill 3141 makes the appointment of the chief ALJ by the Governor subject to Senate confirmation, changes the chief ALJ qualification requirements, and directs the Employment Department, in coordination with the Oversight Committee, to conduct a public candidate search, recruitment, and application process to assist the Oversight Committee in making recommendations to the Governor on the appointment of a chief ALJ.