

SB19-232

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Humphrey

- 1 Amend reengrossed bill, page 2, line 5, strike "**investigation and enforcement -**".
- 3 Page 2, strike lines 17 and 18.
- 4 Reletter succeeding paragraphs accordingly.
- 5 Page 5, line 7, strike "A HEARING OFFICER." and substitute "AN ADMINISTRATIVE LAW JUDGE.".
- 7 Page 6, line 25, strike "A HEARING OFFICER." and substitute "AN ADMINISTRATIVE LAW JUDGE.".
- 9 Page 7, strike lines 10 through 27 and substitute "TO CURE ANY ALLEGED DEFICIENCY, THE DIVISION SHALL FILE A COMPLAINT WITH AN ADMINISTRATIVE LAW JUDGE.".
- 12 Strike pages 8 and 9.
- 13 Page 10, strike lines 1 through 3.
- 14 Page 10, line 4, strike "(6)" and substitute "(5)".
- 15 Page 10, lines 4 and 5, strike "A HEARING OFFICER" and substitute "AN ADMINISTRATIVE LAW JUDGE".
- 17 Page 10, line 6, strike "A HEARING OFFICER" and substitute "THE ADMINISTRATIVE LAW JUDGE".
- 19 Page 10, strike lines 11 through 27 and substitute:
 - 20 "(b) ANY DETERMINATION MADE BY AN ADMINISTRATIVE LAW JUDGE CONSTITUTES FINAL AGENCY ACTION.
 - 22 (c) THE SECRETARY OF STATE SHALL APPOINT AND DESIGNATE PERSONS, IN ACCORDANCE WITH THIS SUBSECTION (5), TO SERVE AS ADMINISTRATIVE LAW JUDGES WITH RESPECT TO ANY COMPLAINT THAT IS FILED ALLEGING A VIOLATION OF ARTICLE XXVIII OR THIS ARTICLE 45.
 - 26 THE SECRETARY OF STATE SHALL APPOINT THE ADMINISTRATIVE LAW JUDGES IN THE FOLLOWING MANNER:
 - 28 (I) NOT LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5), THE SECRETARY OF STATE SHALL APPOINT TWO

1 PERSONS WHO WILL COMPRISE A RECOMMENDATIONS COMMITTEE TO
2 ASSIST HIM OR HER IN APPOINTING PERSONS AS ADMINISTRATIVE LAW
3 JUDGES UNDER THIS SUBSECTION (5). EACH APPOINTEE TO THE
4 RECOMMENDATIONS COMMITTEE MUST HAVE BEEN AFFILIATED FOR AT
5 LEAST FIVE YEARS WITH A MAJOR POLITICAL PARTY. THE TWO MEMBERS
6 OF THE RECOMMENDATIONS COMMITTEE SHALL NOT BE AFFILIATED WITH
7 THE SAME MAJOR POLITICAL PARTY.

8 (II) NOT LATER THAN THIRTY DAYS AFTER THEIR APPOINTMENT BY
9 THE SECRETARY OF STATE, THE MEMBERS OF THE RECOMMENDATIONS
10 COMMITTEE SHALL SOLICIT, BY MEANS OF A NOTICE PLACED ON THE
11 WEBSITE OF THE SECRETARY, A LIST OF CANDIDATES TO BE CONSIDERED
12 FOR APPOINTMENT AS AN ADMINISTRATIVE LAW JUDGE.

13 (III) NOT LATER THAN THIRTY DAYS AFTER THE POSTING OF THE
14 NOTICE REQUIRED BY SUBSECTION (5)(c)(II) OF THIS SECTION, THE
15 RECOMMENDATIONS COMMITTEE SHALL POST ON THE WEBSITE OF THE
16 SECRETARY OF STATE A LIST OF THE CANDIDATES TO BE CONSIDERED FOR
17 APPOINTMENT AS AN ADMINISTRATIVE LAW JUDGE. BY ADDITIONAL
18 NOTICE PLACED ON THE WEBSITE, THE RECOMMENDATIONS COMMITTEE
19 SHALL ALSO REQUEST PUBLIC COMMENTS ON THE CANDIDATES LISTED.

20 (IV) NOT LATER THAN THIRTY DAYS AFTER THE POSTING OF THE
21 NOTICE REQUIRED BY SUBSECTION (5)(c)(III) OF THIS SECTION
22 REQUESTING PUBLIC COMMENTS, THE RECOMMENDATIONS COMMITTEE
23 SHALL RECOMMEND TO THE SECRETARY OF STATE THREE CANDIDATES FOR
24 APPOINTMENT AS AN ADMINISTRATIVE LAW JUDGE.

25 (V) NOT LATER THAN THIRTY DAYS AFTER THE
26 RECOMMENDATIONS COMMITTEE SUBMITS ITS RECOMMENDATIONS TO THE
27 SECRETARY OF STATE PURSUANT TO SUBSECTION (5)(c)(IV) OF THIS
28 SECTION, THE SECRETARY SHALL APPOINT THREE PERSONS FROM THE LIST
29 OF CANDIDATES SUBMITTED BY THE RECOMMENDATIONS COMMITTEE TO
30 SERVE AS AN ADMINISTRATIVE LAW JUDGE. OF THE THREE PERSONS
31 APPOINTED INITIALLY, THE TERM OF OFFICE OF ONE PERSON APPOINTED
32 WILL BE TWO YEARS, THE TERM OF OFFICE OF ONE PERSON APPOINTED WILL
33 BE THREE YEARS, AND THE TERM OF OFFICE OF ONE PERSON APPOINTED
34 WILL BE FOUR YEARS. AFTER THE INITIAL THREE APPOINTMENTS ARE
35 MADE, THE TERM OF OFFICE OF PERSONS APPOINTED AS AN
36 ADMINISTRATIVE LAW JUDGE PURSUANT TO THIS SUBSECTION (5) IS THREE
37 YEARS.

38 (d) EACH ADMINISTRATIVE LAW JUDGE APPOINTED IN
39 ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SUBSECTION (5)(c) OF
40 THIS SECTION MUST BE AN ATTORNEY WITH AT LEAST FIVE YEARS OF
41 EXPERIENCE IN THE PRACTICE OF LAW.

42 (e) IF AT ANY TIME THE TWO MEMBERS OF THE RECOMMENDATIONS
43 COMMITTEE ARE NOT ABLE TO AGREE ON A LIST OF THREE CANDIDATES TO

1 RECOMMEND TO THE SECRETARY OF STATE AS REQUIRED BY SUBSECTION
2 (5)(c)(IV) OF THIS SECTION, THE SECRETARY SHALL DISCHARGE THE
3 EXISTING RECOMMENDATIONS COMMITTEE AND APPOINT A NEW
4 RECOMMENDATIONS COMMITTEE FOLLOWING THE SAME PROCEDURES AS
5 SPECIFIED IN SUBSECTION (5)(c)(I) OF THIS SECTION.

6 (f) EACH ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO
7 THIS SUBSECTION (5) IS AUTHORIZED TO ADMINISTER OATHS, EXAMINE
8 WITNESSES, ISSUE SUBPOENAS, RECEIVE EVIDENCE, CONDUCT HEARINGS,
9 AND EXERCISE ANY OTHER POWERS AND DUTIES THAT ARE DELEGATED TO
10 ADMINISTRATIVE LAW JUDGES UNDER ARTICLE XXVIII OR THIS ARTICLE
11 45.".

12 Page 11, strike lines 1 through 11.

13 Page 11, line 12, strike "(8)" and substitute "(6)".

14 Page 11, line 16, strike "(8)(a)" and substitute "(6)(a)".

15 Page 16, line 13, strike "A HEARING OFFICER" and substitute "AN
16 ADMINISTRATIVE LAW JUDGE".

17 Page 17, line 6, strike "A HEARING OFFICER" and substitute "AN
18 ADMINISTRATIVE LAW JUDGE".

19 Page 17, line 27, strike "~~administrative law judge~~ HEARING OFFICER" and
20 substitute "administrative law judge,".

21 Page 18, lines 2 and 3, strike "~~office of administrative courts~~ HEARING
22 OFFICER" and substitute "office of administrative courts".

23 Page 18, lines 18 and 19, strike "~~office of administrative courts~~ HEARING
24 OFFICER," and substitute "office of administrative courts".

25 Page 18, lines 20 and 21, strike "~~administrative law judge~~ HEARING
26 OFFICER" and substitute "administrative law judge".

27 Page 19, line 2, strike "~~administrative law judge~~ HEARING OFFICER" and
28 substitute "administrative law judge".

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