

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Lundeen

- 1 Amend printed bill, page 2, line 5, strike " **investigation and**
2 **enforcement -**".
- 3 Page 2, line 6, strike "**audits -**".
- 4 Page 2, strike lines 17 and 18.
- 5 Reletter succeeding paragraphs accordingly.
- 6 Page 5, line 7, strike "A HEARING OFFICER." and substitute "AN
7 ADMINISTRATIVE LAW JUDGE."
- 8 Page 6, line 25, strike "A HEARING OFFICER." and substitute "AN
9 ADMINISTRATIVE LAW JUDGE."
- 10 Page 7, strike lines 10 through 27 and substitute "TO CURE ANY ALLEGED
11 DEFICIENCY, THE DIVISION SHALL FILE A COMPLAINT WITH AN
12 ADMINISTRATIVE LAW JUDGE."
- 13 Strike page 8.
- 14 Page 9, strike lines 1 through 25.
- 15 Page 9, line 26, strike "(6)" and substitute "(5)".
- 16 Page 9, lines 26 and 27, strike "A HEARING OFFICER" and substitute "AN
17 ADMINISTRATIVE LAW JUDGE".
- 18 Page 10, line 1, strike "A HEARING OFFICER" and substitute "THE
19 ADMINISTRATIVE LAW JUDGE".
- 20 Page 10, strike lines 6 through 27 and substitute:
- 21 (b) ANY DETERMINATION MADE BY AN ADMINISTRATIVE LAW
22 JUDGE CONSTITUTES FINAL AGENCY ACTION.
- 23 (c) THE SECRETARY OF STATE SHALL APPOINT AND DESIGNATE
24 PERSONS, IN ACCORDANCE WITH THIS SUBSECTION (5), TO SERVE AS
25 ADMINISTRATIVE LAW JUDGES WITH RESPECT TO ANY COMPLAINT THAT IS
26 FILED ALLEGING A VIOLATION OF ARTICLE XXVIII OF THE STATE
27 CONSTITUTION OR THIS ARTICLE. THE SECRETARY OF STATE SHALL

1 APPOINT THE ADMINISTRATIVE LAW JUDGES IN THE FOLLOWING MANNER:

2 (I) NOT LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF
3 THIS SUBSECTION (5), THE SECRETARY OF STATE SHALL APPOINT TWO
4 PERSONS WHO WILL COMPRISE A RECOMMENDATIONS COMMITTEE TO
5 ASSIST HIM OR HER IN APPOINTING PERSONS AS ADMINISTRATIVE LAW
6 JUDGES UNDER THIS SUBSECTION (5). EACH APPOINTEE TO THE
7 RECOMMENDATIONS COMMITTEE MUST HAVE BEEN AFFILIATED FOR AT
8 LEAST FIVE YEARS WITH A MAJOR POLITICAL PARTY. THE TWO MEMBERS
9 OF THE RECOMMENDATIONS COMMITTEE SHALL NOT BE AFFILIATED WITH
10 THE SAME MAJOR POLITICAL PARTY.

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

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

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

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

41 (d) EACH ADMINISTRATIVE LAW JUDGE APPOINTED IN
42 ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SUBSECTION (5)(c) OF
43 THIS SECTION MUST BE AN ATTORNEY WITH AT LEAST FIVE YEARS OF

1 EXPERIENCE IN THE PRACTICE OF LAW.

2 (e) IF AT ANY TIME THE TWO MEMBERS OF THE RECOMMENDATIONS
3 COMMITTEE ARE NOT ABLE TO AGREE ON A LIST OF THREE CANDIDATES TO
4 RECOMMEND TO THE SECRETARY OF STATE AS REQUIRED BY SUBSECTION
5 (5)(c)(IV) OF THIS SECTION, THE SECRETARY SHALL DISCHARGE THE
6 EXISTING RECOMMENDATIONS COMMITTEE AND APPOINT A NEW
7 RECOMMENDATIONS COMMITTEE FOLLOWING THE SAME PROCEDURES AS
8 SPECIFIED IN SUBSECTION (5)(c)(I) OF THIS SECTION.

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

15 Page 11, strike lines 1 through 7.

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

17 Page 16, line 8, strike "A HEARING OFFICER" and substitute "AN
18 ADMINISTRATIVE LAW JUDGE".

19 Page 17, line 1, strike "A HEARING OFFICER" and substitute "AN
20 ADMINISTRATIVE LAW JUDGE".

21 Page 17, line 15, strike "HEARING OFFICER" and substitute
22 "ADMINISTRATIVE LAW JUDGE".

23 Page 17, line 22, strike "~~or administrative law judge~~ HEARING OFFICER,"
24 and substitute "or administrative law judge,".

25 Page 17, line 25, strike "HEARING OFFICER" and substitute
26 "ADMINISTRATIVE LAW JUDGE".

27 Page 18, lines 15 and 16, strike "~~administrative law judge~~ HEARING
28 OFFICER" and substitute "administrative law judge".

29 Page 18, line 24, strike "~~administrative law judge~~ HEARING OFFICER" and
30 substitute "administrative law judge".

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