

By: Smith of Tarrant

H.B. No. 3233

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the transfer of the administrative hearings functions
3 of certain state agencies to the State Office of Administrative
4 Hearings.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 2003.021(b), Government Code, is amended
7 to read as follows:

8 (b) The office:

9 (1) shall, notwithstanding other law, conduct all
10 administrative hearings in contested cases under Chapter 2001 that
11 are before a state agency [~~that does not employ an individual whose~~
12 ~~only duty is to preside as a hearings officer over matters related~~
13 ~~to contested cases before the agency~~];

14 (2) shall conduct administrative hearings in matters
15 for which the office is required to conduct the hearing under other
16 law;

17 (3) shall conduct alternative dispute resolution
18 procedures that the office is required to conduct under law; and

19 (4) may conduct, for a fee and under a contract,
20 administrative hearings or alternative dispute resolution
21 procedures in matters voluntarily referred to the office by a
22 governmental entity.

23 SECTION 2. (a) In this section, "state administrative
24 hearings functions" means the powers, duties, and related

1 activities that:

2 (1) relate to a contested case matter before a state
3 agency in this state; and

4 (2) are performed by a state agency that employs an
5 individual whose only duty is to preside as a hearings officer over
6 contested case matters before the agency.

7 (b) On September 1, 2003:

8 (1) all state administrative hearings functions and
9 all funds appropriated by the legislature for those functions are
10 transferred to the State Office of Administrative Hearings;

11 (2) all rulemaking and policymaking authority of a
12 state agency that relates to state administrative hearings
13 functions is transferred to the State Office of Administrative
14 Hearings;

15 (3) all obligations and contracts that relate to state
16 administrative hearings functions are transferred to the State
17 Office of Administrative Hearings;

18 (4) all records and other property that relate to
19 state administrative hearings functions are transferred to the
20 State Office of Administrative Hearings;

21 (5) all pending complaints, investigations, or
22 contested cases that relate to state administrative hearings
23 functions are transferred without change in status to the State
24 Office of Administrative Hearings;

25 (6) a rule or form that relates to state
26 administrative hearings functions is considered to be a rule or
27 form of the State Office of Administrative Hearings and remains in

1 effect until changed by the chief administrative law judge;

2 (7) a reference in law to an individual who performs
3 state administrative hearings functions is a reference to the State
4 Office of Administrative Hearings or an administrative law judge of
5 the State Office of Administrative Hearings, as appropriate; and

6 (8) an order in effect that was issued by an individual
7 who performed state administrative hearings functions is continued
8 in effect and is considered to be an order of an administrative law
9 judge of the State Office of Administrative Hearings.

10 SECTION 3. This Act takes effect September 1, 2003.