

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 2177

4
5 By: Representative Hathorn
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For An Act To Be Entitled

9 AN ACT TO ALLOW THE ATTORNEY GENERAL TO PROVIDE FOR
10 HEARING OFFICERS OR ADMINISTRATIVE LAW JUDGES; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13
14 TO ALLOW THE ATTORNEY GENERAL TO PROVIDE
15 FOR HEARING OFFICERS OR ADMINISTRATIVE
16 LAW JUDGES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 25, Chapter 16, Subchapter 7 is amended
22 by adding an additional section to read as follows:

23 25-16-713. Hearing officers and administrative law judges.

24 (a)(1) The Attorney General may appoint attorneys within the Office of
25 the Attorney General as temporary hearing officers or administrative law
26 judges if necessary for administrative hearings before the various state
27 agencies, boards, and commissions.

28 (2) If an agency has an attorney on staff as an administrative
29 law judge, the appointment of a hearing officer or administrative law judge
30 by the Attorney General shall only be upon request of the agency, and shall
31 continue to be a supplement for the staff attorneys or if conflict exists,
32 for staff attorneys of the agency.

33 (b) The Attorney General may provide mediation and arbitration
34 services for state agencies, boards, and commissions if the services would
35 provide an alternative to litigation.

36 (c)(1) The attorneys selected to act as hearing officers,

1 administrative law judges, mediators, or arbitrators shall not be:

2 (A) Selected from the same division within the Office of
3 the Attorney General as the attorneys who represent state agencies, boards,
4 and commissions; and

5 (B) Supervised by the same deputy attorney general or
6 senior assistant attorney general who supervises the attorneys representing
7 state agencies, boards, and commissions in administrative hearings,
8 mediations, or arbitration proceedings.

9 (2)(A) No conflict of interest exists if attorneys from one
10 division or department within the Office of Attorney General perform duties
11 as attorneys for state agencies, boards, and commissions before other
12 attorneys from another division or department within the Office of Attorney
13 General performing duties as hearing officers, administrative law judges,
14 mediators, or arbitrators, if procedures are taken to keep those functions
15 separate within the Office of the Attorney General.

16 (B) The Attorney General shall promulgate rules and
17 regulations establishing procedures implementing the provisions of the
18 section.

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