

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Beyer, Kruse, Prozanski, Walker, Burdick
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	3/8, 3/13

WHAT THE MEASURE DOES: Allows an agency to delegate authority to enter a final order in an administrative proceeding to an officer or employee of the agency or a class of officers or employees of the agency. Requires that delegation be in writing and made before the issuance of the order. Requires that agency retain the delegation in its records.

ISSUES DISCUSSED:

- Agencies usually delegate more than one employee
- Does not overrule specific statutory delegation of authority
- Clarifies that an agency may delegate to someone other than the director to sign-off on final orders

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon's Administrative Procedures Act is set forth in Chapter 183 of the Oregon Revised Code. It establishes the procedure for the adoption of agency rules and the conducting of administrative proceedings, including "contested case" hearings, before most state agencies and commissions. Agencies can, and do, issue "orders" and "final orders" to persons other than agency employees. "Final orders" must be in writing. ORS 183.470 sets forth the procedure for issuance of a "final order" in a contested case. ORS 183.470 does not specifically state who has authority to sign a final order. Agency directors often delegate their inherent authority to employees under their supervision. The Oregon Supreme Court noted in passing that there was not specific statutory authority for agency directors to do so in a matter involving the Superintendent of the Department of State Police. *Marshall's Towing v. Department of State Police*, 339 Or 54, n.5 (2005)