

**REVENUE:** No revenue impact

**FISCAL:** No fiscal impact

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<b>Action:</b>	Do Pass the A-Engrossed Measure
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Beyer, Kruse, Prozanski, Walker, Burdick
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Matt Kalmanson, Counsel
<b>Meeting Dates:</b>	5/10

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**WHAT THE MEASURE DOES:** Reorganizes statutes relating to notices of agency action in contested cases. Establishes that agencies must, in a contested case, send parties written notice of the rights and procedures that apply to the case. Clarifies that an officer at a hearing must develop the record fully to include the facts and the law applicable to the issues before the tribunal.

**ISSUES DISCUSSED:**

- Substance and form of notices provided by agencies in contested case hearings under the Administrative Procedures Act
- Confusion by pro se litigants regarding procedures in contested case hearing
- Need for clarity and specificity in notice provisions

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** ORS 183.413 and ORS 183.415 describe the notices that agencies must send parties about contested case proceedings. The organization of the statutes is somewhat confusing, however; the statutes both contain notice provisions relating to the action the agency is taking and the procedures of the contested case hearing. HB 2423-A would amend and reorganize these statutes: ORS 183.415 would now require a notice relating to the agency action in question and informing parties of a right to a hearing and ORS 183.413 would require a notice that describes the time, location and procedures of the hearing. The bill also establishes that agencies must: (1) serve the notices on the parties either personally or by mail; (2) identify in the notice, in a general manner, the issues to be considered at the hearing; (3) explain that parties may present evidence only if it is related to the issues that are the subject of the hearing; (4) state whether discovery is permitted and how it may be requested; and (5) inform the individual of all of the circumstances under which a default order may be entered.

5/10/2007 5:26:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*