

Senate Bill 797

Sponsored by Senator WHITSETT, Representative THATCHER; Senators G GEORGE, L GEORGE, MORSE, Representatives BOQUIST, BUTLER, CANNON, ESQUIVEL, GILMAN, KRIEGER, KRUMMEL, MAURER, RILEY, WHISNANT, WITT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that chief administrative law judge of Office of Administrative Hearings provide statement of administrative law judge's qualifications upon request of party.

Directs chief administrative law judge to establish pools of administrative law judges based on subject matter expertise. Requires assignment of administrative law judge from appropriate pool whenever practicable to ensure that administrative law judge has expertise in legal issues or general subject matter of proceeding.

A BILL FOR AN ACT

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2 Relating to administrative law judges; amending ORS 183.615 and 183.625.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 183.615 is amended to read:

5 183.615. (1) An administrative law judge employed by or contracting with the chief administrative law judge shall conduct hearings on behalf of agencies as assigned by the chief administrative law judge. An administrative law judge shall be impartial in the performance of the administrative law judge's duties and shall remain fair in all hearings conducted by the administrative law judge.

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9 (2) Only persons who have a knowledge of administrative law and procedure may be employed by the chief administrative law judge as administrative law judges. The chief administrative law judge by rule may establish additional qualifications for administrative law judges employed for the office.

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13 **(3) The chief administrative law judge shall provide a statement of an administrative law judge's qualifications upon the request of any party to a proceeding.**

14 **SECTION 2.** ORS 183.625 is amended to read:

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16 183.625. (1) **The chief administrative law judge shall establish pools of administrative law judges based on subject matter expertise.** In assigning an administrative law judge to conduct hearings on behalf of an agency, the chief administrative law judge shall, whenever practicable, assign an administrative law judge [*that has*] **from the appropriate pool to ensure that the administrative law judge has** expertise in the legal issues or general subject matter of the proceeding.

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22 (2) Notwithstanding any other provision of state law, any agency that is required to use administrative law judges assigned from the Office of Administrative Hearings to conduct hearings must delegate responsibility for the conduct of the hearing to an administrative law judge assigned from the Office of Administrative Hearings, and the hearing may not be conducted by the administrator, director, board, commission or other person or body charged with administering the agency.

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27 (3) Any agency may authorize an administrative law judge assigned to conduct a hearing on behalf of the agency under this section to enter a final order for the agency.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) An agency that is not required to use administrative law judges assigned from the office may
2 contract with the chief administrative law judge for the assignment of an administrative law judge
3 from the office for the purpose of conducting one or more contested cases on behalf of the agency.
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