

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Anna Braun, Counsel
Meeting Dates:	3/19, 3/24, 4/20

WHAT THE MEASURE DOES: Requires Governor to appoint Chief Administrative Law Judge (ALJ). States the Chief ALJ serves at the pleasure of the Governor. Clarifies relationship with the Employment Department. Requires the Attorney General to consult with an advisory group to make hearing rules. Members of the group are the Chief ALJ, an agency representative appointed by the Governor, attorney who practices administrative law appointed by the Oregon State Bar, designee of the Attorney General and a public member who is not employee of the state or an attorney. Allows agencies to modify a finding of historical fact by an ALJ only if there is clear and convincing evidence the finding is wrong. Expands disclosure requirement for ex parte contact to include Assistant Attorney General's who are not advising the agency conducting the hearing. Requires Secretary of State to use the Office of Administrative Hearings. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Secretary of State's use of hearings officers
- Clear and convincing and preponderance of the evidence standards

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: The Office of Administrative Hearings (OAH) began as the Hearings Officer Panel in the year 2000 in an effort to create a centralized hearings panel. It was renamed in 2003. In order to save money, the legislature decided to place the OAH inside the Employment Department rather than make it an independent agency. OAH has 119 permanent employees, 65 of whom are administrative law judges. It is headed by the Chief Administrative Law Judge.