

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2127

STATUS: Original

SUBJECT: Allows the Department of Human Services to serve contested case notice by regular mail.

GOVERNMENT UNIT AFFECTED: Department of Human Services, Oregon Employment Department

PREPARED BY: Kim To

REVIEWED BY: John Britton, Michelle Deister

DATE: February 17, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Analysis		

EFFECTIVE DATE: January 1, 2010

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: House Bill 2127 permits the Department of Human Services (DHS) to notify, by regular mail, persons affected by actions taken by the agency in a contested case. The bill further prescribes that when DHS issues a contested case notice, this notice becomes a final order by default if:

1. the party fails to request a hearing within the allotted time;
2. DHS or the Office of Administrative Hearings dismisses the hearing because the party withdraws the request for the hearing; or
3. DHS or the Office of Administrative Hearings dismisses the hearing because the party or the party's representative fails to appear at the scheduled hearing.

The bill further specifies that if a contested case notice becomes final order by default in accordance to this Act, DHS is not required to produce in writing or stated in the record further findings supporting the agency's order.

The Office of Administrative Hearings in the Oregon Employment Department reports no fiscal impact on the agency if this bill passes.

Passage of this bill will not have a fiscal impact on DHS because the provisions of House Bill 2127 serve as current practice for the department. In addition, if this bill does not pass, DHS anticipates incurring significant mailing and production costs for contested case and final order notices because the Department of Justice has advised DHS that in absence of legislation such as House Bill 2127, DHS must serve all contested case and final order notices personally or by registered mail or certified mail.