

# Senate Bill 666

Sponsored by COMMITTEE ON JUDICIARY

## 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 Secretary of State use administrative law judges assigned from Office of Administrative Hearings to conduct contested case hearings.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to Secretary of State; creating new provisions; amending ORS 183.635; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 183.635 is amended to read:

6 183.635. (1) Except as provided in this section, all agencies must use administrative law judges  
7 assigned from the Office of Administrative Hearings established under ORS 183.605 to conduct con-  
8 tested case hearings, without regard to whether those hearings are subject to the procedural re-  
9 quirements for contested case hearings.

10 (2) The following agencies need not use administrative law judges assigned from the office:

11 (a) Attorney General.

12 (b) Boards of stewards appointed by the Oregon Racing Commission.

13 (c) Bureau of Labor and Industries and the Commissioner of the Bureau of Labor and Industries.

14 (d) Department of Corrections.

15 (e) Department of Education, State Board of Education and Superintendent of Public Instruction.

16 (f) Department of Higher Education and institutions of higher education listed in ORS 352.002.

17 (g) Department of Human Services for vocational rehabilitation services cases under 29 U.S.C.  
18 722(c) and disability determination cases under 42 U.S.C. 405.

19 (h) Department of Revenue.

20 (i) Department of State Police.

21 (j) Employment Appeals Board.

22 (k) Employment Relations Board.

23 (L) Energy Facility Siting Council.

24 (m) Fair Dismissal Appeals Board.

25 (n) Governor.

26 (o) Land Conservation and Development Commission.

27 (p) Land Use Board of Appeals.

28 (q) Local government boundary commissions created pursuant to ORS 199.430.

29 (r) Oregon Youth Authority.

30 (s) Psychiatric Security Review Board.

31 (t) Public Utility Commission.

**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        *[(u) Secretary of State.]*

2        *[(v)] (u) State Accident Insurance Fund Corporation.*

3        *[(w)] (v) State Apprenticeship and Training Council.*

4        *[(x)] (w) State Board of Parole and Post-Prison Supervision.*

5        *[(y)] (x) State Land Board.*

6        *[(z)] (y) State Treasurer.*

7        *[(aa)] (z) Wage and Hour Commission.*

8        (3) The Workers' Compensation Board is exempt from using administrative law judges assigned  
9 from the office for any hearing conducted by the board under ORS chapters 147, 654 and 656. Except  
10 as specifically provided in this subsection, the Department of Consumer and Business Services must  
11 use administrative law judges assigned from the office only for contested cases arising out of the  
12 department's powers and duties under:

13        (a) ORS chapter 59;

14        (b) ORS 200.005 to 200.075;

15        (c) ORS chapter 455;

16        (d) ORS chapter 674;

17        (e) ORS chapters 706 to 716;

18        (f) ORS chapter 717;

19        (g) ORS chapters 722, 723, 725 and 726; and

20        (h) ORS chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750.

21        (4) Notwithstanding any other provision of law, in any proceeding in which an agency is re-  
22 quired to use an administrative law judge assigned from the office, an officer or employee of the  
23 agency may not conduct the hearing on behalf of the agency.

24        (5) Notwithstanding any other provision of ORS 183.600 to 183.690, an agency is not required to  
25 use an administrative law judge assigned from the office if:

26        (a) Federal law requires that a different administrative law judge or hearing officer be used; or

27        (b) Use of an administrative law judge from the office could result in a loss of federal funds.

28        (6) Notwithstanding any other provision of this section, the Department of Environmental  
29 Quality must use administrative law judges assigned from the office only for contested case hearings  
30 conducted under the provisions of ORS 183.413 to 183.470.

31        **SECTION 2. The amendments to ORS 183.635 by section 1 of this 2009 Act apply to all**  
32 **contested case hearings conducted by the Secretary of State on or after the effective date**  
33 **of this 2009 Act.**

34        **SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**  
35 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
36 **on its passage.**

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