

Enrolled Senate Bill 52

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CHAPTER

AN ACT

Relating to final orders.

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

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 183.

SECTION 2. (1) When an agency issues a final order in a contested case, the agency shall maintain the final order in a digital format that:

- (a) Identifies the final order by the date it was issued;**
- (b) Is suitable for indexing and searching; and**
- (c) Preserves the textual attributes of the document, including the manner in which the document is paginated and any boldfaced, italicized or underlined writing in the document.**

(2) The Oregon State Bar may request that an agency provide the Oregon State Bar, or its designee, with electronic copies of final orders issued by the agency in contested cases. The request must be in writing. No later than 30 days after receiving the request, the agency, subject to ORS 192.501 to 192.505, shall provide the Oregon State Bar, or its designee, with an electronic copy of all final orders identified in the request.

(3) Notwithstanding ORS 192.440, an agency may not charge a fee for the first two requests submitted under this section in a calendar year. For any subsequent request, an agency may impose a fee in accordance with ORS 192.440 to reimburse the agency for the actual costs of complying with the request.

(4) For purposes of this section, a final order entered in a contested case by an administrative law judge under ORS 183.625 (3) is a final order issued by the agency that authorized the administrative law judge to conduct the hearing.

(5) This section does not apply to final orders by default issued under ORS 183.417 (3) or to final orders issued in contested cases by:

- (a) The Department of Revenue;**
- (b) The State Board of Parole and Post-Prison Supervision;**
- (c) The Department of Corrections;**
- (d) The Employment Relations Board;**
- (e) The Public Utility Commission of Oregon;**
- (f) The Oregon Health Authority;**
- (g) The Land Conservation and Development Commission;**
- (h) The Land Use Board of Appeals;**

- (i) The Division of Child Support of the Department of Justice;
- (j) The Department of Transportation, if the final order relates to the suspension, revocation or cancellation of identification cards, vehicle registrations, vehicle titles or driving privileges or to the assessment of taxes or stipulated settlements in the regulation of vehicle related businesses;
- (k) The Employment Department or the Employment Appeals Board, if the final order relates to benefits as defined in ORS 657.010;
- (L) The Employment Department, if the final order relates to an assessment of unemployment tax for which a hearing was not held; or
- (m) The Department of Human Services, if the final order was not related to licensing or certification.

SECTION 3. Section 2 of this 2013 Act applies to final orders issued on or after the effective date of this 2013 Act.

Passed by Senate April 8, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 8, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State