

Enrolled
House Bill 3141

Sponsored by Representative HOLVEY, Senator SOLLMAN; Representative EVANS, Senator MANNING JR (at the request of Office of Administrative Hearings Oversight Committee)

CHAPTER

AN ACT

Relating to the Office of Administrative Hearings; creating new provisions; and amending ORS 183.610 and 183.690.

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

SECTION 1. ORS 183.610 is amended to read:

183.610. (1)(a) The Governor shall appoint a person to serve as chief administrative law judge for the Office of Administrative Hearings. **The appointment of the chief administrative law judge is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.**

(b) **At the time of appointment, the chief administrative law judge must be an active member of the Oregon State Bar with at least one year of employment experience in administrative law or administrative hearings. Within six months after the appointment, the chief administrative law judge must meet all qualifications required of an administrative law judge under ORS 183.615.**

(c) The Governor shall consider recommendations by the Office of Administrative Hearings Oversight Committee in appointing **or reappointing** a chief administrative law judge. [*The person appointed to serve as chief administrative law judge must be an active member of the Oregon State Bar.*]

(d) The chief administrative law judge has all the powers necessary and convenient to organize and manage the office. Subject to the State Personnel Relations Law, the chief administrative law judge shall employ all persons necessary for the administration of the office, prescribe the duties of those employees and fix their compensation.

(e) The chief administrative law judge shall serve for a term of four years.

(f) Upon a vacancy or expected vacancy in the office of chief administrative law judge, the Governor shall notify the Office of Administrative Hearings Oversight Committee and the Oregon State Bar of the vacancy and direct the Employment Department, in coordination with the oversight committee, to conduct a public candidate search, recruitment and application process to assist the oversight committee in making recommendations to the Governor to fill the vacancy. The Governor may appoint an acting chief administrative law judge until the vacancy is filled.

(g) Notwithstanding ORS 236.140, the Governor may remove the chief administrative law judge only for cause, **but the Governor may decline to reappoint the chief administrative law judge at the end of the four-year term without cause.**

(2) The chief administrative law judge shall employ administrative law judges. The chief administrative law judge shall ensure that administrative law judges employed for the office receive all training necessary to meet the standards required under the program created under ORS 183.680.

(3) The chief administrative law judge shall take all actions necessary to protect and ensure the independence of each administrative law judge assigned from the office.

SECTION 2. ORS 183.690 is amended to read:

183.690. (1) The Office of Administrative Hearings Oversight Committee is created. The committee consists of nine members, as follows:

(a) The President of the Senate and the Speaker of the House of Representatives shall appoint four legislators to the committee. Two shall be Senators appointed by the President. Two shall be Representatives appointed by the Speaker.

(b) The Governor shall appoint two members to the committee. At least one of the members appointed by the Governor shall be an active member of the Oregon State Bar with experience in representing parties who are not agencies in contested case hearings.

(c) The Attorney General shall appoint two members to the committee.

(d) The chief administrative law judge for the Office of Administrative Hearings shall serve as an ex officio member of the committee. The chief administrative law judge may cast a vote on a matter before the committee if the votes of the other members are equally divided on the matter.

(2) The term of a legislative member of the committee shall be two years. If a person appointed by the President of the Senate or by the Speaker of the House ceases to be a Senator or Representative during the person's term on the committee, the person may continue to serve as a member of the committee for the balance of the member's term on the committee. The term of all other appointed members shall be four years. Appointed members of the committee may be reappointed. If a vacancy occurs in one of the appointed positions for any reason during the term of membership, the official who appointed the member to the vacated position shall appoint a new member to serve the remainder of the term. An appointed member of the committee may be removed from the committee at any time by the official who appointed the member.

(3)(a) The members of the committee shall select from among themselves a chairperson and a vice chairperson.

(b) The committee shall meet at such times and places as determined by the chairperson.

(4) Legislative members shall be entitled to payment of per diem and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

(5) The committee shall:

(a) Study the operations of the Office of Administrative Hearings;

(b) Make any recommendations to the Governor and the Legislative Assembly that the committee deems necessary to increase the effectiveness, fairness and efficiency of the operations of the Office of Administrative Hearings;

(c) Make any recommendations for additional legislation governing the operations of the Office of Administrative Hearings; *[and]*

(d) Make recommendations to the Governor for the appointment or reappointment of the chief administrative law judge; and

[(d)] (e) Conduct such other studies as necessary to accomplish the purposes of this subsection.

(6)(a) The *[Employment Department]* Office of Administrative Hearings shall provide the committee with staff, *subject to availability of funding for that purpose*.

(b) The Employment Department shall provide the committee with human resources services and assist the committee with candidate searches for appointment of the chief administrative law judge.

SECTION 3. The amendments to ORS 183.610 by section 1 of this 2023 Act apply to appointments and reappointments of the chief administrative law judge occurring on or after the effective date of this 2023 Act.

Passed by House March 22, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate April 27, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Shemia Fagan, Secretary of State