

House Bill 2311

Sponsored by Representative MANNIX (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that OHA does not have to use ALJs from the OAH for contested case hearings involving the Oregon State Hospital. (Flesch Readability Score: 62.1).

Provides that the Oregon Health Authority is not required to use administrative law judges from the Office of Administrative Hearings for contested case hearings involving the Oregon State Hospital.

A BILL FOR AN ACT

1
2 Relating to contested case hearings involving the Oregon State Hospital; creating new provisions;
3 and amending ORS 183.635.

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

18 (g) Department of Revenue.

19 (h) Department of State Police.

20 (i) Employment Appeals Board.

21 (j) Employment Relations Board.

22 (k) Energy Facility Siting Council.

23 (L) Fair Dismissal Appeals Board.

24 (m) Governor.

25 (n) Land Conservation and Development Commission.

26 (o) Land Use Board of Appeals.

27 (p) Local government boundary commissions created pursuant to ORS 199.430.

28 (q) Public universities listed in ORS 352.002.

29 (r) Oregon Youth Authority.

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 (s) Psychiatric Security Review Board.

2 (t) **Oregon Health Authority, for purposes of contested case hearings involving the**
3 **Oregon State Hospital.**

4 [(t)] (u) Public Utility Commission.

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

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

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

8 [(x)] (y) State Land Board.

9 [(y)] (z) State Treasurer, except the State Treasurer shall use an administrative law judge for
10 contested cases involving claims arising under ORS 98.302 to 98.436, 98.992 or 116.253 or any other
11 claim to escheated or unclaimed property.

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

17 (a) ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59;

18 (b) ORS chapter 455;

19 (c) ORS chapter 674;

20 (d) ORS chapters 706 to 716;

21 (e) ORS chapter 717;

22 (f) ORS chapters 723, 725 and 726; and

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

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

27 (5) Notwithstanding any other provision of ORS 183.605 to 183.690, an agency is not required to
28 use an administrative law judge assigned from the office if:

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

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

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

34 **SECTION 2. The amendments to ORS 183.635 by section 1 of this 2025 Act apply to con-**
35 **tested case hearings occurring on or after the effective date of this 2025 Act.**

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