

Agenda Item No.:	F
Presentation Title:	Attorney General's Model Rules of Procedure 2008 Edition Adoption
Date of Presentation:	March 5, 2008
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SUMMARY

ORS 183.341 requires the Attorney General to prepare Model Rules of Procedure for use by as many agencies as possible. With the range of substantive and procedural concerns, and structural arrangements, among state agencies, the Model Rules focus on points of common interest. Agencies are urged to adopt the Model Rules in their entirety.

CONTEXT

The Board of Forestry and State Forester have operated under the Model Rules since 1973, adopting the revised editions when published. The last adoption was on March 8, 2006, when the Board of Forestry adopted the Attorney General's Model Rules of Procedure, effective January 1, 2006.

The Attorney General has revised those rules, reflecting changes enacted by the 2007 Legislature, and has published the new edition, effective January 1, 2008.

The 2007 Legislative Assembly made three noteworthy changes that affect administrative law. First, statutes governing military service members have been amended to accommodate those in service who may require a stay of an administrative action, or to ensure that a default order not be issued because a service member failed to appear due to active service. Second, changes were made to contested case notice requirements under ORS 183.413 and ORS 183.415. Finally, options for proving notice of proposed administrative rules were expanded.

Amending this administrative rule to adopt the current edition of the Model Rules does not require public notice.

The following is the proposed revision to OAR 629-001-0005, adopting the 2008 edition of the Attorney General's Model Rules of Procedure:

629-001-0005

Model Rules of Procedure

The Model Rules of Procedure under the Administrative Procedures Act, promulgated by the Attorney General effective *[January 1, 2006]* January 1, 2008 are hereby adopted as the rules of procedures of the Board of Forestry and the State Forester.

Stat. Auth: ORS 526.016(4), 526.041

Stat. Impl: ORS 183.341

RECOMMENDATION

Adopt the Model Rules of Procedure under the Administrative Procedures Act, promulgated by the Attorney General effective January 1, 2008, amending OAR 629-001-0005 Model Rules of Procedure.