

Senate Bill 1553

Sponsored by Senator BEYER (Presession 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**.

Prohibits agencies from adopting rules during regular session of Legislative Assembly. Prohibits agencies from adopting rules that become effective before adjournment sine die of next regular legislative session. Specifies exceptions.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to procedure for adoption of administrative rules; and declaring an emergency.

2 Whereas administrative rules should be adopted only for the purpose of implementing the laws
3 enacted by the Legislative Assembly; and

4 Whereas in order to ensure that administrative rules accurately implement the legislative intent,
5 the Legislative Assembly must have the opportunity to review proposed administrative rules before
6 they take effect; now, therefore,

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

8 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS 183.325 to**
9 **183.410.**

10 **SECTION 2. (1) Except as provided in this section, an agency may not adopt rules during**
11 **a regular legislative session.**

12 **(2) Except as provided in this section, an agency may not adopt a rule that becomes ef-**
13 **fective before the adjournment sine die of the next regular legislative session.**

14 **(3) The Governor by executive order may exempt a rule from the provisions of this sec-**
15 **tion if the Governor makes a written finding that:**

16 **(a) Adoption or implementation of the rule is necessary for public health or public safety;**
17 **or**

18 **(b) Adoption or implementation of the rule is necessary to comply with federal law.**

19 **(4) Notwithstanding ORS 183.400, upon judicial review of a rule a court shall declare the**
20 **rule invalid if the rule violates this section.**

21 **SECTION 3. Section 2 of this 2012 Act applies to all rules adopted on or after the effective**
22 **date of this 2012 Act.**

23 **SECTION 4. This 2012 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
25 **on its passage.**

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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.