

# Senate Bill 799

Sponsored by Senator WHITSETT, Representative THATCHER; Senators BEYER, BROWN, G GEORGE, L GEORGE, KRUSE, VERGER, Representatives BEYER, BOQUIST, BUTLER, CANNON, ESQUIVEL, GARRARD, GILLIAM, GILMAN, KOMP, KRIEGER, KRUMMEL, MAURER, RILEY, WHISNANT, WITT

## 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**.

Directs Legislative Counsel Committee to introduce appropriate legislation to address rules found by committee to be outside scope and intent of enabling legislation.

## A BILL FOR AN ACT

1  
2 Relating to administrative rules; amending ORS 183.722.

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

4 **SECTION 1.** ORS 183.722 is amended to read:

5 183.722. (1) If the Legislative Counsel determines under ORS 183.720 (3) that a proposed or  
6 adopted rule is not within the intent and scope of the enabling legislation purporting to authorize  
7 the rule's adoption, or that the rule is not constitutional, and the Legislative Counsel has provided  
8 a copy of that determination to the state agency pursuant to 183.720 (6), the state agency shall ei-  
9 ther make a written response to the determination or appear at the meeting of the Legislative  
10 Counsel Committee at which the committee will consider the determinations. The response of the  
11 state agency shall indicate if the agency intends to repeal, amend or take other action with respect  
12 to the rule.

13 (2) If the Legislative Counsel determines under ORS 183.720 (3) that a proposed or adopted rule  
14 is not within the intent and scope of the enabling legislation purporting to authorize the rule's  
15 adoption, or that the rule is not constitutional, and the Legislative Counsel Committee is not satis-  
16 fied with the response to those issues made by the state agency, the committee may request that  
17 one or more representatives of the state agency appear at a subsequent meeting of the committee  
18 along with a representative of the Oregon Department of Administrative Services for the purpose  
19 of further explaining the position of the state agency.

20 (3) If a state agency is requested under subsection (2) of this section to appear at a subsequent  
21 meeting of the committee along with a representative of the Oregon Department of Administrative  
22 Services, the state agency shall promptly notify the department of the request. The notification to  
23 the department must be in writing, and must include a copy of the determinations made by the  
24 Legislative Counsel and a copy of any written response made by the agency to the determinations.

25 (4) **If the Legislative Counsel Committee finds that an adopted rule is not within the in-**  
26 **tent and scope of the enabling legislation purporting to authorize the rule's adoption and the**  
27 **state agency fails to amend or repeal the rule within a reasonable time, the committee shall**  
28 **introduce any legislation the committee considers appropriate to address the committee's**  
29 **findings.**

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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.