

**REVENUE: No revenue impact**

**FISCAL: No fiscal impact**

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 4 - 0 - 1

**Yeas:** Burdick, Ferrioli, Metsger, Devlin

**Nays:** 0

**Exc.:** Atkinson

**Prepared By:** Lisa Nuss, Administrator

**Meeting Dates:** 4/10

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**WHAT THE MEASURE DOES:** Requires Legislative Counsel's administrative rule review reports to be considered by interim legislative committees rather than by Legislative Counsel Committee. Requires Legislative Counsel to assign all state agencies to at least one interim committee for rule review. Provides that if interim legislative committee adopts Legislative Counsel adverse rule findings, the Legislative Counsel shall post the findings on its website until the earlier of the following: (i) the agency modifies the rule, (ii) a court determines the rule is legal, or (iii) the Legislature modifies the enabling legislation, or any constitutional defect is cured.

**ISSUES DISCUSSED:**

- The distinction between executive and legislative power, in rule-making versus legislating

**EFFECT OF COMMITTEE AMENDMENT:** Provides that if interim legislative committee adopts Legislative Counsel adverse rule findings, the Legislative Counsel shall post the findings on its website until the earlier of the following: (i) the agency modifies the rule, (ii) a court determines the rule is legal, or (iii) the Legislature modifies the enabling legislation, or any constitutional defect is cured.

**BACKGROUND:** Under existing law (ORS 183.710-183.725), Legislative Counsel reviews administrative rules at the request of the Legislative Counsel Committee or a legislator. Legislative Counsel determines whether the rule appears to be within the intent and scope of the enabling legislation, and whether it raises any constitutional issues, and then reports its findings to the Legislative Counsel Committee. This bill redirects the Legislative Counsel rule review reports to the interim legislative committees with subject-matter jurisdiction over the state agency that wrote the rules. The bill was requested by legislative leadership, in part because the Legislative Counsel Committee doesn't meet frequently enough to keep up with the volume of rules reviewed annually (about 1,600).

Currently, the Legislative Counsel Committee may request that agency representatives appear at a meeting and respond to the adverse rule finding. The separation of powers restricts the Legislature from any further efforts, short of changing the enabling legislation at issue. This bill similarly states that the interim committee may request that an agency respond to the findings. The amended version requires that if the interim committee agrees with and adopts Legislative Counsel's adverse findings, those findings are to be posted as described above.