

A-Engrossed
House Bill 2093

Ordered by the Senate May 22
Including Senate Amendments dated May 22

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Secretary of State Bill Bradbury)

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.

Directs Secretary of State to establish and collect fees from agencies filing administrative rules. Provides that fees be established in amount necessary to pay costs of publishing administrative rules.

Specifies that Secretary of State may publish compilation of administrative rules and monthly bulletin that catalogs specified information, including proposed and filed administrative rules, in print or on Internet.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the publication of administrative rules; amending ORS 183.355 and 183.360; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 183.355 is amended to read:

6 183.355. (1)(a) Each agency shall file in the office of the Secretary of State a certified copy of
7 each rule adopted by it.

8 (b) Notwithstanding the provisions of paragraph (a) of this subsection, an agency adopting a rule
9 incorporating published standards by reference is not required to file a copy of those standards with
10 the Secretary of State if:

11 (A) The standards adopted are unusually voluminous and costly to reproduce; and

12 (B) The rule filed with the Secretary of State identifies the location of the standards so incor-
13 porated and the conditions of their availability to the public.

14 (2) Each rule is effective upon filing as required by subsection (1) of this section, except that:

15 (a) If a later effective date is required by statute or specified in the rule, the later date is the
16 effective date.

17 (b) A temporary rule becomes effective upon filing with the Secretary of State, or at a desig-
18 nated later date, only if the statement required by ORS 183.335 (5) is filed with the rule. The agency
19 shall take appropriate measures to make temporary rules known to the persons who may be affected
20 by them.

21 (3) When a rule is amended or repealed by an agency, the agency shall file a certified copy of
22 the amendment or notice of repeal with the Secretary of State who shall appropriately amend the
23 compilation required by ORS 183.360 (1).

24 (4) A certified copy of each executive order issued, prescribed or promulgated by the Governor
25 shall be filed in the office of the Secretary of State.

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 (5) No rule of which a certified copy is required to be filed shall be valid or effective against
2 any person or party until a certified copy is filed in accordance with this section. However, if an
3 agency, in disposing of a contested case, announces in its decision the adoption of a general policy
4 applicable to such case and subsequent cases of like nature the agency may rely upon such decision
5 in disposition of later cases.

6 (6) The Secretary of State shall, upon request, supply copies of rules, or orders or designated
7 parts of rules or orders, making and collecting therefor fees prescribed by ORS 177.130. All receipts
8 from the sale of copies shall be deposited in the State Treasury to the credit of the Secretary of
9 State Miscellaneous Receipts Account established under ORS 279A.290.

10 **(7) The Secretary of State shall establish and collect fees from agencies filing rules under**
11 **this section. The fees shall be established in amounts calculated to be necessary to generate**
12 **revenues adequate to pay costs incurred by the Secretary of State in performing the follow-**
13 **ing duties that are not paid for by subscriber fees or other fees prescribed by law:**

14 (a) **Publication of the compilation referred to in ORS 183.360 (1);**

15 (b) **Publication of the bulletin referred to in ORS 183.360 (3); and**

16 (c) **Electronic publication of rules and other information relating to rules under ORS**
17 **183.365.**

18 **(8) All fees collected under subsection (7) of this section shall be deposited in the State**
19 **Treasury to the credit of the Secretary of State Miscellaneous Receipts Account established**
20 **under ORS 279A.290.**

21 **SECTION 2.** ORS 183.360 is amended to read:

22 183.360. (1) The Secretary of State shall compile, index and publish all rules adopted by each
23 agency. The compilation shall be supplemented or revised as often as necessary and at least once
24 every six months. Such compilation supersedes any other rules. The Secretary of State may make
25 such compilations of other material published in the bulletin as are desirable. The Secretary of State
26 may copyright the compilations prepared under this subsection, and may establish policies for the
27 revision, clarification, classification, arrangement, indexing, printing, binding, publication, sale and
28 distribution of the compilations.

29 (2)(a) The Secretary of State has discretion to omit from the compilation rules the publication
30 of which would be unduly cumbersome or expensive if the rule in printed or processed form is made
31 available on application to the adopting agency, and if the compilation contains a notice summariz-
32 ing the omitted rule and stating how a copy thereof may be obtained. In preparing the compilation
33 the Secretary of State shall not alter the sense, meaning, effect or substance of any rule, but may
34 renumber sections and parts of sections of the rules, change the wording of headnotes, rearrange
35 sections, change reference numbers to agree with renumbered chapters, sections or other parts,
36 substitute the proper subsection, section or chapter or other division numbers, change capitalization
37 for the purpose of uniformity, and correct manifest clerical or typographical errors.

38 (b) The Secretary of State may by rule prescribe requirements, not inconsistent with law, for the
39 manner and form for filing of rules adopted or amended by agencies. The Secretary of State may
40 refuse to accept for filing any rules which do not comply with those requirements.

41 (3) The Secretary of State shall publish at least at monthly intervals a bulletin which:

42 (a) Briefly indicates the agencies that are proposing to adopt, amend or repeal a rule, the sub-
43 ject matter of the rule and the name, address and telephone number of an agency officer or employee
44 from whom information and a copy of any proposed rule may be obtained;

45 (b) Contains the text or a brief description of all rules filed under ORS 183.355 since the last

1 bulletin indicating the effective date of the rule;

2 (c) Contains executive orders of the Governor; and

3 (d) Contains orders issued by the Director of the Department of Revenue under ORS 305.157
4 extending tax statutes of limitation.

5 (4) Courts shall take judicial notice of rules and executive orders filed with the Secretary of
6 State.

7 (5) The compilation required by subsection (1) of this section shall be titled Oregon Adminis-
8 trative Rules and may be cited as "OAR" with appropriate numerical indications.

9 **(6) The Secretary of State may publish the compilation and bulletin required by this**
10 **section in print, or by placing the compilation and bulletin on the Internet.**

11 **SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
13 **on its passage.**

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