

# House Bill 2093

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 **as introduced**.

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.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the publication of administrative rules; amending ORS 183.355; and declaring an emer-  
3 gency.

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21 (3) When a rule is amended or repealed by an agency, the agency shall file a certified copy of  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.

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

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

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

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

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

11 (c) **Electronic publication of rules and other information relating to rules under ORS**  
12 **183.365.**

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

16 **SECTION 2. This 2009 Act being necessary for the immediate preservation of the public**  
17 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
18 **on its passage.**

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