

House Joint Resolution 39

Sponsored by Representative HICKS

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**.

Proposes amendment to Oregon Constitution relating to administrative rules. Provides that administrative rule adopted by state agency after effective date of constitutional amendment has no force and effect unless joint legislative committee approves rule before rule becomes effective.

Allows review of administrative rule adopted by state agency before effective date of constitutional amendment upon request of member of Legislative Assembly or upon request of person affected by rule.

Specifies membership of joint legislative committee.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 5 to be added to and made a part of Article III, such section to read:

SECTION 5. (1)(a) An administrative rule adopted by a state agency after the effective date of this section has no force and effect unless the joint committee established under subsection (3) of this section approves the rule before the rule becomes effective.

(b) Before adopting an administrative rule, a state agency must file the proposed rule with the joint committee established under subsection (3) of this section.

(2)(a) Upon the request of a member of the Legislative Assembly or the request of a person affected by an administrative rule, the joint committee established under subsection (3) of this section may review any administrative rule adopted by a state agency, without regard to when the rule was adopted.

(b) The joint committee established under subsection (3) of this section shall take public testimony regarding any rule reviewed under this section. The state agency shall provide to the joint committee the record on which the state agency relied, including any testimony received at public hearings held by the state agency.

(c) If the joint committee established under subsection (3) of this section approves an administrative rule after review, the rule shall take effect when filed with the Secretary of State.

(3) The Legislative Assembly shall establish by law a joint committee on administrative rule oversight composed of members of both houses of the Legislative Assembly. The members of the committee from the House of Representatives shall be the Speaker of the House of Representatives and members of the House appointed by the Speaker of the House of Representatives. The members of the committee from the Senate shall be the President of the Senate and members of the Senate appointed by the President of the Senate.

(4) As used in this section:

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 (a) “Administrative rule” means any state agency directive, standard, regulation or
2 statement of general applicability that implements, interprets or prescribes law or policy or
3 describes the procedures or practices of a state agency, but does not include executive or-
4 ders, agency internal management directives, regulations or statements that do not sub-
5 stantially affect the interests of members of the general public.

6 (b) “State agency” means any elected or appointed state officer, board, commission, de-
7 partment, agency or institution, except those in the legislative and judicial branches, that is
8 authorized by law to adopt administrative rules.

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10 PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the
11 people for their approval or rejection at the next regular general election held throughout
12 this state.

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