

Senate Bill 1571

Sponsored by Senator WINTERS; Senators ATKINSON, BOQUIST, FERRIOLI, GEORGE, GIROD, KRUSE, MORSE, OLSEN, STARR, TELFER (Pre-session filed.)

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**.

Prohibits agencies from adopting any rule that becomes effective on or after effective date of Act and before July 1, 2013. Specifies exceptions.

Creates Joint Legislative Committee on Rule Review. Directs committee to review all rules adopted by agencies. Requires report on rules reviewed. Allows committee to introduce legislation addressing subject matter of rules reviewed by committee.

Requires committee to review all rules in effect on effective date of Act before February 1, 2013, and prepare report reflecting committee's determinations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to administrative rules; and declaring an emergency.

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

3 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS 183.325 to**
4 **183.410.**

5 **SECTION 2. (1) Except as provided in this section, an agency may not adopt any rule that**
6 **becomes effective on or after the effective date of this 2012 Act and before July 1, 2013.**

7 **(2) Subsection (1) of this section does not apply to:**

8 **(a) Adoption of rules that are required by federal law;**

9 **(b) Adoption of rules for administration of laws that are enacted on or after January 1,**
10 **2012; or**

11 **(c) Repeal of rules.**

12 **(3) The Governor may exempt a rule from the prohibitions of subsection (1) of this sec-**
13 **tion if the Governor makes a written finding that public health, economic development or**
14 **public safety would be jeopardized if the rule is not implemented and issues an executive**
15 **order specifically exempting the rule from the prohibitions of subsection (1) of this section.**

16 **(4) Notwithstanding ORS 183.400, upon judicial review of a rule a court shall declare the**
17 **rule invalid if the rule violates this section.**

18 **SECTION 3. (1) The Joint Legislative Committee on Rule Review is created and consists**
19 **of:**

20 **(a) Five members of the Senate appointed by the President of the Senate; and**

21 **(b) Five members of the House of Representatives appointed by the Speaker of the House.**

22 **(2) The committee has a continuing existence and may meet, act and conduct its business**
23 **during sessions of the Legislative Assembly or any recess thereof and in the interim between**
24 **sessions.**

25 **(3) The term of a member shall expire upon the date of the convening of the odd-**
26 **numbered year regular session of the Legislative Assembly next following the commence-**
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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.

1 ment of the member's term.

2 (4) Members of the committee shall receive an amount equal to that authorized under
3 ORS 171.072 from funds appropriated to the Legislative Assembly for each day spent in the
4 performance of their duties as members of the committee.

5 (5) The committee may not transact business unless a quorum is present. A quorum
6 consists of a majority of committee members from the House of Representatives and a ma-
7 jority of committee members from the Senate.

8 (6) Action by the committee requires the affirmative vote of a majority of committee
9 members from the House of Representatives and a majority of committee members from the
10 Senate.

11 **SECTION 4.** (1) The Legislative Counsel shall provide to the Joint Legislative Committee
12 on Rule Review a copy of every rule submitted to the Legislative Counsel under ORS 183.715.

13 (2) The committee shall review all rules provided to the committee under subsection (1)
14 of this section for the purpose of determining:

15 (a) Whether the rule is consistent with legislative objectives in enacting the statutes
16 implemented by the rule;

17 (b) Whether the statutes implemented by the rule should be revised to reflect changes
18 in circumstances that have occurred since the statutes were enacted;

19 (c) Whether the anticipated fiscal impact of the rule was underestimated or overesti-
20 mated;

21 (d) Whether there is continued need for the rule; and

22 (e) Whether a less restrictive rule, or less costly rule, would better implement the intent
23 of the enabling legislation.

24 (3) Based on the review conducted under this section, the committee shall prepare a re-
25 port not later than February 1 of each odd-numbered year that reflects the determinations
26 of the committee on the rules reviewed by the committee in the immediately preceding
27 two-year period. The committee may introduce legislation addressing the subject matter of
28 the rules reviewed by the committee.

29 **SECTION 5.** On or before February 1, 2013, the Joint Legislative Committee on Rule Re-
30 view shall review all rules in effect on March 1, 2012, in the manner described in section 4
31 (2) of this 2012 Act. The committee shall prepare a report not later than February 1, 2013,
32 that reflects the determinations of the committee on the rules reviewed by the committee.
33 The committee may introduce legislation addressing the subject matter of the rules reviewed
34 by the committee under this section.

35 **SECTION 6.** This 2012 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
37 on its passage.
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