

Senate Bill 333

Sponsored by Senator WINTERS (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, 2014. Specifies exceptions.

Establishes 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, 2014, and prepare report reflecting committee's determinations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to administrative rules; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 183.325 to**
5 **183.410.**

6 **SECTION 2. (1) Except as provided in this section, an agency may not adopt any rule that**
7 **becomes effective on or after the effective date of this 2013 Act and before July 1, 2014.**

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

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

10 (b) Adoption of rules for administration of laws that are enacted on or after January 1,
11 2013; or

12 (c) Repeal of rules.

13 (3) The Governor may exempt a rule from the prohibitions of subsection (1) of this sec-
14 tion if the Governor:

15 (a) Makes a written finding that public health, economic development or public safety
16 would be jeopardized if the rule is not implemented; and

17 (b) Issues an executive order specifically exempting the rule from the prohibitions of
18 subsection (1) of this section.

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

21 **SECTION 3. (1) The Joint Legislative Committee on Rule Review is established and con-**
22 **sists of:**

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

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

25 (2) The committee has a continuing existence and may meet, act and conduct business
26 during sessions of the Legislative Assembly or any recess, and in the interim between ses-
27 sions.

28 (3) The term of a member shall expire upon the date of the convening of the odd-

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 numbered year regular session of the Legislative Assembly next following the commence-
2 ment of the member's term.

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

6 (5) The committee may not transact business unless a quorum is present. For purposes
7 of this section, a quorum consists of a majority of committee members from the House of
8 Representatives and a majority of committee members from the Senate.

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

12 **SECTION 4.** (1) The Legislative Counsel shall provide to the Joint Legislative Committee
13 on Rule Review established under section 3 of this 2013 Act a copy of every rule submitted
14 to the Legislative Counsel under ORS 183.715.

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

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

19 (b) Whether the underlying statutes should be revised to reflect changes in circum-
20 stances that have occurred since the statutes were enacted;

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

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

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

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

31 **SECTION 5.** On or before February 1, 2014, the Joint Legislative Committee on Rule Re-
32 view established under section 3 of this 2013 Act shall review all rules in effect on March 1,
33 2013, in the manner described in section 4 (2) of this 2013 Act. The committee shall prepare
34 a report not later than February 1, 2014, that reflects the determinations of the committee
35 on the rules reviewed by the committee. The committee may introduce legislation addressing
36 the subject matter of the rules reviewed by the committee under this section.

37 **SECTION 6.** This 2013 Act being necessary for the immediate preservation of the public
38 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
39 on its passage.
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