

PRELIMINARY STAFF MEASURE SUMMARY

House Committee On Consumer Protection and Government Effectiveness

Fiscal: May have fiscal impact, but no statement yet issued

Revenue: May have revenue impact, but no statement yet issued

Action Date:

Action:

Meeting Dates: 02/09

Prepared By: Victoria Cox, Committee Administrator

WHAT THE MEASURE DOES:

Prohibits state agency from relying only upon expediency, convenience, best interest of public, general public need or speculation as basis for finding of prejudice that authorizes temporary adoption, amendment or suspension of rule.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

Proposed -2 amendments delete requirement that agency not rely only on expediency, convenience, best interest of public, general public need or speculation as basis for finding of prejudice that authorizes temporary adoption, amendment or suspension of rule. Add requirement for all state agencies to report to Legislative Assembly annually on rules adopted.

BACKGROUND:

ORS 183.335 contains procedures and timelines for public notice and input in the adoption, amendment and repeal of administrative rules. Section 5 of the statute allows agencies to adopt, amend or suspend rules without the prescribed notice or public process in cases where it finds inaction would result in "serious prejudice to the public interest or the interest of the parties concerned." House Bill 4106 requires that an agency demonstrate that such findings do not "rely only upon expediency, convenience, best interest of the public, general public need or speculation."