

House Committee On Consumer Protection and Government Effectiveness

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/11/16

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 02/09, 02/11

Vote:

Yeas: 8 - Buehler, Fagan, Holvey, Hoyle, McLain, Nearman, Rayfield, Stark

Prepared By: Victoria Cox, Committee Administrator

WHAT THE MEASURE DOES:

Requires state agencies to report to Legislative Assembly no later than February 1 of each year regarding all rules agency adopted, amended, repealed or suspended during preceding 12-month period. Specifies contents of report.

ISSUES DISCUSSED:

- Appropriate use of temporary rulemaking
- Importance of public involvement in rulemaking process
- Desire of sponsors to ensure that temporary rulemaking does not circumvent public involvement

EFFECT OF COMMITTEE AMENDMENT:

Replaces the measure.

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-A requires state agencies to report annually to the Legislative Assembly regarding all rulemaking undertaken during the preceding year. For cases of temporary rulemaking, agencies must include a statement of need and explanation as to why the temporary rulemaking process was more appropriate than permanent rulemaking.