

78th Oregon Legislative Assembly - 2016 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Workforce and General Government

MEASURE: HB 4106 A
CARRIER: Sen. Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/23/16

Action: Do Pass The A-Eng Bill.

Meeting Dates: 02/23

Vote:

Yeas: 5 - Dembrow, Gelser, Knopp, Rosenbaum, Thatcher

Prepared By: Jan Nordlund, Committee Administrator

WHAT THE MEASURE DOES:

Requires state agencies to report annually to Legislative Assembly information related to use of temporary rulemaking procedures.

ISSUES DISCUSSED:

- Use of temporary rulemaking by Oregon Health Authority
- Valid reasons for adopting or amending rules under temporary rulemaking process
- Measure does not interfere with agency use of temporary rulemaking process
- Value of knowing how frequently temporary rulemaking is used and by which agencies

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

ORS 183.335 provides the procedures and timelines for state agencies to give public notice and receive public input regarding the adoption, amendment, or repeal of administrative rules. Subsection 5 of the statute allows temporary rulemaking to occur without public notice and input if "failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned" and if specified steps are taken. Temporary rules may only be in effect for up to 180 days.

House Bill 4106-A requires state agencies to report annually to the Legislative Assembly information regarding the agencies' use of the temporary rulemaking process, specifically a statement of need for each rule and the agency's findings that a failure to act promptly would result in serious prejudice. In addition, the report must include an explanation, for each rule, as to why temporary rulemaking was the most appropriate method and the justification for not using the standard rulemaking procedure that includes public notice and input.