

A-Engrossed
House Bill 4106

Ordered by the House February 15
Including House Amendments dated February 15

Sponsored by Representatives KENNEMER, GOMBERG; Representatives DAVIS, DOHERTY, EVANS, HOYLE, HUFFMAN, KENY-GUYER, KOMP, MCLANE, PILUSO, SPRENGER, STARK, WEIDNER, WILSON, WITT, Senators BEYER, BOQUIST (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.

[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.]

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

A BILL FOR AN ACT

Relating to state agency adoption of temporary rules.

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

SECTION 1. (1) As used in this section:

(a) "Agency" has the meaning given that term in ORS 183.310.

(b) "Rule" has the meaning given that term in ORS 183.310.

(c) "Statement of need" means the statement described in ORS 183.335 (5)(c).

(2) No later than February 1 of each year, an agency that is subject to ORS 183.335 shall provide a report to the Legislative Assembly, in the manner provided in ORS 192.245, regarding all rules that the agency adopted, amended, repealed or suspended during the preceding 12-month period. The report must include:

(a) The number of rules adopted, amended or repealed in accordance with ORS 183.335 (2) and (3); and

(b) With respect to rules adopted, amended or suspended using the procedure described in ORS 183.335 (5):

(A) The number of rules;

(B) A list of the rules;

(C) A statement of need for each rule and all of the agency's findings that a failure to act promptly would result in serious prejudice to the public interest or the interest of parties concerned; and

(D) For each rule, an explanation of why proceeding under ORS 183.335 (5) was the most appropriate method for adopting, amending or suspending the rule and why it was not appropriate to proceed in accordance with ORS 183.335 (2) and (3).

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.