

House Bill 2963

Sponsored by Representative ESQUIVEL; Representatives BUEHLER, HACK, HEARD, JOHNSON, KENNEMER, POST, SMITH G, VIAL, WHISNANT, WILSON

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**.

Modifies existing administrative rule review process to require legislative approval of newly adopted administrative rules in order for rules to take effect. Establishes process by which rules receive legislative consideration and approval or rejection.

Takes effect only if constitutional amendment proposed by _____ Joint Resolution _____ (2017) (LC 1182) is approved by people at next regular general election. Applies to rules adopted by state agencies on or after January 1, 2019.

A BILL FOR AN ACT

1
2 Relating to legislative approval of administrative rules; creating new provisions; amending ORS
3 183.335, 183.710, 183.720 and 183.722; and prescribing an effective date.

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

5 **SECTION 1.** ORS 183.335 is amended to read:

6 183.335. (1) Prior to the adoption, amendment or repeal of any rule, the agency shall give notice
7 of its intended action:

8 (a) In the manner established by rule adopted by the agency under ORS 183.341 (4), which pro-
9 vides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

10 (b) In the bulletin referred to in ORS 183.360 at least 21 days prior to the effective date;

11 (c) At least 28 days before the effective date, to persons who have requested notice pursuant to
12 subsection (8) of this section; and

13 (d) Delivered only by electronic mail, at least 49 days before the effective date, to the persons
14 specified in subsection (15) of this section.

15 (2)(a) The notice required by subsection (1) of this section must include:

16 (A) A caption of not more than 15 words that reasonably identifies the subject matter of the
17 agency's intended action. The agency shall include the caption on each separate notice, statement,
18 certificate or other similar document related to the intended action.

19 (B) An objective, simple and understandable statement summarizing the subject matter and
20 purpose of the intended action in sufficient detail to inform a person that the person's interests may
21 be affected, and the time, place and manner in which interested persons may present their views on
22 the intended action.

23 (b) The agency shall include with the notice of intended action given under subsection (1) of this
24 section:

25 (A) A citation of the statutory or other legal authority relied upon and bearing upon the
26 promulgation of the rule;

27 (B) A citation of the statute or other law the rule is intended to implement;

28 (C) A statement of the need for the rule and a statement of how the rule is intended to meet the

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 need;

2 (D) A list of the principal documents, reports or studies, if any, prepared by or relied upon by
3 the agency in considering the need for and in preparing the rule, and a statement of the location
4 at which those documents are available for public inspection. The list may be abbreviated if neces-
5 sary, and if so abbreviated there shall be identified the location of a complete list;

6 (E) A statement of fiscal impact identifying state agencies, units of local government and the
7 public that may be economically affected by the adoption, amendment or repeal of the rule and an
8 estimate of that economic impact on state agencies, units of local government and the public. In
9 considering the economic effect of the proposed action on the public, the agency shall utilize avail-
10 able information to project any significant economic effect of that action on businesses which shall
11 include a cost of compliance effect on small businesses affected. For an agency specified in ORS
12 183.530, the statement of fiscal impact shall also include a housing cost impact statement as de-
13 scribed in ORS 183.534;

14 (F) If an advisory committee is not appointed under the provisions of ORS 183.333, an explana-
15 tion as to why no advisory committee was used to assist the agency in drafting the rule; and

16 (G) A request for public comment on whether other options should be considered for achieving
17 the rule's substantive goals while reducing the negative economic impact of the rule on business.

18 (c) The Secretary of State may omit the information submitted under paragraph (b) of this sub-
19 section from publication in the bulletin referred to in ORS 183.360.

20 (d) When providing notice of an intended action under subsection (1)(c) of this section, the
21 agency shall provide a copy of the rule that the agency proposes to adopt, amend or repeal, or an
22 explanation of how the person may acquire a copy of the rule. The copy of an amended rule shall
23 show all changes to the rule by striking through material to be deleted and underlining all new
24 material, or by any other method that clearly shows all new and deleted material.

25 (3)(a) When an agency proposes to adopt, amend or repeal a rule, it shall give interested persons
26 reasonable opportunity to submit data or views. Opportunity for oral hearing shall be granted upon
27 request received from 10 persons or from an association having not less than 10 members before the
28 earliest date that the rule could become effective after the giving of notice pursuant to subsection
29 (1) of this section. An agency holding a hearing upon a request made under this subsection shall give
30 notice of the hearing at least 21 days before the hearing to the person who has requested the
31 hearing, to persons who have requested notice pursuant to subsection (8) of this section and to the
32 persons specified in subsection (15) of this section. The agency shall publish notice of the hearing
33 in the bulletin referred to in ORS 183.360 at least 14 days before the hearing. The agency shall
34 consider fully any written or oral submission.

35 (b) If an agency is required to conduct an oral hearing under paragraph (a) of this subsection,
36 and the rule for which the hearing is to be conducted applies only to a limited geographical area
37 within this state, or affects only a limited geographical area within this state, the hearing shall be
38 conducted within the geographical area at the place most convenient for the majority of the resi-
39 dents within the geographical area. At least 14 days before a hearing conducted under this para-
40 graph, the agency shall publish notice of the hearing in the bulletin referred to in ORS 183.360 and
41 in a newspaper of general circulation published within the geographical area that is affected by the
42 rule or to which the rule applies. If a newspaper of general circulation is not published within the
43 geographical area that is affected by the rule or to which the rule applies, the publication shall be
44 made in the newspaper of general circulation published closest to the geographical area.

45 (c) Notwithstanding paragraph (a) of this subsection, the Department of Corrections and the

1 State Board of Parole and Post-Prison Supervision may adopt rules limiting participation by inmates
 2 in the proposed adoption, amendment or repeal of any rule to written submissions.

3 (d) If requested by at least five persons before the earliest date that the rule could become ef-
 4 fective after the agency gives notice pursuant to subsection (1) of this section, the agency shall
 5 provide a statement that identifies the objective of the rule and a statement of how the agency will
 6 subsequently determine whether the rule is in fact accomplishing that objective.

7 (e) An agency that receives data or views concerning proposed rules from interested persons
 8 shall maintain a record of the data or views submitted. The record shall contain:

9 (A) All written materials submitted to an agency in response to a notice of intent to adopt,
 10 amend or repeal a rule.

11 (B) A recording or summary of oral submissions received at hearings held for the purpose of
 12 receiving those submissions.

13 (C) Any public comment received in response to the request made under subsection (2)(b)(G) of
 14 this section and the agency's response to that comment.

15 (D) Any statements provided by the agency under paragraph (d) of this subsection.

16 (4) Upon request of an interested person received before the earliest date that the rule could
 17 become effective after the giving of notice pursuant to subsection (1) of this section, the agency shall
 18 postpone the date of its intended action no less than 21 nor more than 90 days in order to allow the
 19 requesting person an opportunity to submit data, views or arguments concerning the proposed
 20 action. Nothing in this subsection shall preclude an agency from adopting a temporary rule pursuant
 21 to subsection (5) of this section.

22 (5) Notwithstanding subsections (1) to (4) of this section, an agency may adopt, amend or sus-
 23 pend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds
 24 practicable, if the agency prepares:

25 (a) A statement of its findings that its failure to act promptly will result in serious prejudice to
 26 the public interest or the interest of the parties concerned and the specific reasons for its findings
 27 of prejudice;

28 (b) A citation of the statutory or other legal authority relied upon and bearing upon the
 29 promulgation of the rule;

30 (c) A statement of the need for the rule and a statement of how the rule is intended to meet the
 31 need;

32 (d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by
 33 the agency in considering the need for and in preparing the rule, and a statement of the location
 34 at which those documents are available for public inspection; and

35 (e) For an agency specified in ORS 183.530, a housing cost impact statement as defined in ORS
 36 183.534.

37 (6)(a) A rule adopted, amended or suspended under subsection (5) of this section is temporary
 38 and may be effective for a period of not longer than 180 days **and may be effective in the absence**
 39 **of any legislative approval required under ORS 183.710 to 183.725.** The adoption of a rule under
 40 this subsection does not preclude the subsequent adoption of an identical rule under subsections (1)
 41 to (4) of this section **for the next succeeding period of not longer than 180 days, but does**
 42 **preclude the adoption of an identical or similar rule for any period thereafter, absent the**
 43 **legislative approval required under ORS 183.710 to 183.725.**

44 (b) A rule temporarily suspended shall regain effectiveness upon expiration of the temporary
 45 period of suspension unless the rule is repealed under subsections (1) to (4) of this section.

1 (7) Notwithstanding subsections (1) to (4) of this section, an agency may amend a rule without
 2 prior notice or hearing if the amendment is solely for the purpose of:

3 (a) Changing the name of an agency by reason of a name change prescribed by law;

4 (b) Changing the name of a program, office or division within an agency as long as the change
 5 in name does not have a substantive effect on the functions of the program, office or division;

6 (c) Correcting spelling;

7 (d) Correcting grammatical mistakes in a manner that does not alter the scope, application or
 8 meaning of the rule;

9 (e) Correcting statutory or rule references; or

10 (f) Correcting addresses or telephone numbers referred to in the rules.

11 (8)(a) Any person may request in writing that an agency send to the person copies of the
 12 agency's notices of intended action issued under subsection (1) of this section. The person must
 13 provide an address where the person elects to receive notices. The address provided may be a postal
 14 mailing address or, if the agency provides notice by electronic mail, may be an electronic mailing
 15 address.

16 (b) A request under this subsection must indicate that the person requests one of the following:

17 (A) The person may request that the agency mail paper copies of the proposed rule and other
 18 information required by subsection (2) of this section to the postal mailing address.

19 (B) If the agency posts notices of intended action on a website, the person may request that the
 20 agency mail the information required by subsection (2)(a) of this section to the postal mailing ad-
 21 dress with a reference to the website where electronic copies of the proposed rule and other infor-
 22 mation required by subsection (2) of this section are posted.

23 (C) The person may request that the agency electronically mail the information required by
 24 subsection (2)(a) of this section to the electronic mailing address, and either provide electronic
 25 copies of the proposed rule and other information required by subsection (2) of this section or pro-
 26 vide a reference to a website where electronic copies of the proposed rule and other information
 27 required by subsection (2) of this section are posted.

28 (c) Upon receipt of any request under this subsection, the agency shall acknowledge the request,
 29 establish a mailing list and maintain a record of all mailings made pursuant to the request. Agen-
 30 cies may establish procedures for establishing the mailing lists and keeping the mailing lists current.
 31 Agencies by rule may establish fees necessary to defray the costs of mailings and maintenance of
 32 the lists.

33 (d) Members of the Legislative Assembly who receive notices under subsection (15) of this sec-
 34 tion may request that an agency furnish paper copies of the notices.

35 (9) This section does not apply to rules establishing an effective date for a previously effective
 36 rule or establishing a period during which a provision of a previously effective rule will apply.

37 (10) This section does not apply to ORS 279.835 to 279.855, 279A.140 to 279A.161, 279A.250 to
 38 279A.290, 279A.990, 279B.050 to 279B.085, 279B.200 to 279B.240, 279B.270, 279B.275, 279B.280,
 39 279C.360, 279C.365, 279C.370, 279C.375, 279C.380, 279C.385, 279C.500 to 279C.530, 279C.540, 279C.545,
 40 279C.550 to 279C.570, 279C.580, 279C.585, 279C.590, 279C.600 to 279C.625, 279C.650 to 279C.670 and
 41 279C.800 to 279C.870 relating to public contracts and purchasing.

42 (11)(a) Except as provided in paragraph (c) of this subsection, a rule is not valid unless adopted
 43 in substantial compliance with the provisions of this section in effect on the date that the notice
 44 required under subsection (1) of this section is delivered to the Secretary of State for the purpose
 45 of publication in the bulletin referred to in ORS 183.360.

1 (b) In addition to all other requirements with which rule adoptions must comply, a rule is not
2 valid if the rule has not been submitted to the Legislative Counsel in the manner required by ORS
3 183.715.

4 (c) A rule is not subject to judicial review or other challenge by reason of failing to comply with
5 subsection (2)(a)(A) of this section.

6 (12)(a) Notwithstanding the provisions of subsection (11) of this section, but subject to paragraph
7 (b) of this subsection, an agency may correct its failure to substantially comply with the require-
8 ments of subsections (2) and (5) of this section in adoption of a rule by an amended filing, as long
9 as the noncompliance did not substantially prejudice the interests of persons to be affected by the
10 rule.

11 (b) An agency may use an amended filing to correct a failure to include a fiscal impact state-
12 ment in a notice of intended action, as required by subsection (2)(b)(E) of this section, or to correct
13 an inaccurate fiscal impact statement, only if the agency developed the fiscal impact statement with
14 the assistance of an advisory committee or fiscal impact advisory committee appointed under ORS
15 183.333.

16 (13) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an
17 agency need not be based upon or supported by an evidentiary record.

18 (14) When an agency has established a deadline for comment on a proposed rule under the pro-
19 visions of subsection (3)(a) of this section, the agency may not extend that deadline for another
20 agency or person unless the extension applies equally to all interested agencies and persons. An
21 agency shall not consider any submission made by another agency after the final deadline has
22 passed.

23 (15) The notices required under subsections (1) and (3) of this section must be given by the
24 agency to the following persons:

25 (a) If the proposed adoption, amendment or repeal results from legislation that was passed
26 within two years before notice is given under subsection (1) of this section, notice shall be given to
27 the legislator who introduced the bill that subsequently was enacted into law, and to the chair or
28 cochairs of all committees that reported the bill out, except for those committees whose sole action
29 on the bill was referral to another committee.

30 (b) If the proposed adoption, amendment or repeal does not result from legislation that was
31 passed within two years before notice is given under subsection (1) of this section, notice shall be
32 given to the chair or cochairs of any interim or session committee with authority over the subject
33 matter of the rule.

34 (c) If notice cannot be given under paragraph (a) or (b) of this subsection, notice shall be given
35 to the Speaker of the House of Representatives and to the President of the Senate who are in office
36 on the date the notice is given.

37 *[(16)(a) Upon the request of a member of the Legislative Assembly or of a person who would be*
38 *affected by a proposed adoption, amendment or repeal, the committees receiving notice under subsection*
39 *(15) of this section shall review the proposed adoption, amendment or repeal for compliance with the*
40 *legislation from which the proposed adoption, amendment or repeal results.]*

41 *[(b) The committees shall submit their comments on the proposed adoption, amendment or repeal*
42 *to the agency proposing the adoption, amendment or repeal.]*

43 **(16) Unless subsections (5) and (6) of this section apply, a rule that is adopted or amended**
44 **may not take effect until the rule receives legislative approval under ORS 183.710 to 183.725.**

45 **SECTION 2.** ORS 183.710 is amended to read:

1 183.710. As used in ORS 183.710 to 183.725, unless the context requires otherwise:

2 (1) **“Adopted rule” means an entirely new rule that has been adopted by a state agency**
 3 **or a rule that existed prior to January 1, 2019, or that received legislative approval under**
 4 **ORS 183.710 to 183.725 on or after January 1, 2019, that is being amended by the state agency.**

5 [(1)] (2) “Interim committee” means a committee of the Legislative Assembly that is scheduled
 6 to meet when the Legislative Assembly is not in session and that has subject-matter jurisdiction
 7 over the state agency that has adopted a rule, as set forth in the subject-matter jurisdiction list
 8 developed under ORS 183.724.

9 [(2)] (3) “Rule” has the meaning given that term in ORS 183.310.

10 [(3)] (4) “State agency” means an agency as defined in ORS 183.310.

11 **SECTION 3.** ORS 183.720 is amended to read:

12 183.720. (1) The Legislative Counsel may review, or shall review at the direction of the Legis-
 13 lative Counsel Committee, a proposed rule or an adopted rule of a state agency.

14 [(2)] *The Legislative Counsel may review an adopted rule of a state agency upon the written request*
 15 *of any person affected by the rule. The Legislative Counsel shall review a proposed or adopted rule of*
 16 *a state agency upon the written request of any member of the Legislative Assembly. The written request*
 17 *for review must identify the specific objection or problem with the rule.]*

18 [(3)] (2) When reviewing a rule of a state agency pursuant to subsection (1) [or (2)] of this sec-
 19 tion, the Legislative Counsel shall:

20 (a) Determine whether the rule appears to be within the intent and scope of the enabling legis-
 21 lation purporting to authorize its adoption; [and]

22 (b) Determine whether the rule raises any constitutional issue other than described in paragraph
 23 (a) of this subsection, and if so, the nature of the issue; **and**

24 (c) **Determine whether the rule promotes, implements or otherwise carries out the leg-**
 25 **islative direction or policy of the subject of the rule.**

26 [(4)] (3) In making a determination under subsection [(3)(a)] (2)(a) of this section, the Legislative
 27 Counsel shall, wherever possible, follow generally accepted principles of statutory construction.

28 [(5)] (4) The Legislative Counsel shall prepare written findings on a rule reviewed, setting forth
 29 the determinations made under subsection [(3)] (2) of this section.

30 [(6)] (5) When a review of a rule is made by the Legislative Counsel, the Legislative Counsel
 31 shall send a copy of the determinations made under subsection [(3)] (2) of this section to the ap-
 32 propriate interim committee [or, if the review was requested by a member of the Legislative Assembly
 33 or by a person affected by the rule, to the person requesting the review]. If the Legislative Counsel
 34 determines that a rule is not within the intent and scope of the enabling legislation purporting to
 35 authorize the state agency’s adoption of the rule, [or] that the rule raises a constitutional issue **or**
 36 **that the rule fails to carry out a legislative direction or policy relating to the subject of the**
 37 **rule**, the Legislative Counsel shall also send a copy of the determination to the agency. The Legis-
 38 lative Counsel [may] **shall** request that the state agency respond in writing to the determinations
 39 or appear at the meeting of the interim committee at which the committee will consider the deter-
 40 minations. The interim committee may direct the Legislative Counsel to send a copy of the deter-
 41 minations to the presiding officer of a house of the Legislative Assembly, who may refer the
 42 determinations to any legislative committee concerned.

43 [(7)(a)] (6)(a) A member of the Legislative Assembly may request that Legislative Counsel pre-
 44 pare a report on a rule adopted by a state agency that the member asserts is duplicative of or
 45 conflicts with another rule. A person affected by a rule adopted by a state agency may request that

1 Legislative Counsel prepare a report on the rule if the person asserts that the rule is duplicative
 2 of or conflicts with another rule. A request for a report must be in writing and contain copies of
 3 the two rules that are claimed to be duplicative or conflicting. The second rule may be either a rule
 4 adopted by a state agency or a rule or regulation adopted by a federal agency.

5 (b)(A) Upon receipt of a written request by a member of the Legislative Assembly, the Legisla-
 6 tive Counsel shall prepare a report to the interim committee that contains:

7 (i) A copy of the request, including copies of the two rules that the member asserts are con-
 8 flicting or duplicative; and

9 (ii) Legislative Counsel's analysis of the requirements of the two rules.

10 (B) Upon receipt of a written request by a person affected by a rule adopted by a state agency,
 11 the Legislative Counsel may prepare a written report to the person and each state agency concerned
 12 that contains the Legislative Counsel's analysis of the requirements of the two rules.

13 [(8)] (7) Upon receipt of a report under subsection [(7)(b)(A)] **(6)(b)(A)** of this section, the interim
 14 committee may issue a determination that a rule is duplicative of or conflicts with the other cited
 15 rule.

16 [(9)] (8) When a report on a rule is made by the Legislative Counsel under subsection
 17 [(7)(b)(A)] **(6)(b)(A)** of this section, the Legislative Counsel shall send a copy of the report and any
 18 determinations made under subsection [(8)] (7) of this section to each state agency concerned. The
 19 interim committee may direct the Legislative Counsel to send a copy of the determinations to the
 20 presiding officer of a house of the Legislative Assembly, who may refer the determinations to any
 21 legislative committee concerned.

22 **SECTION 4.** ORS 183.722 is amended to read:

23 183.722. (1)(a) If the Legislative Counsel determines under ORS 183.720 [(3)] (2) that a proposed
 24 or adopted rule is not within the intent and scope of the enabling legislation purporting to authorize
 25 the rule's adoption, [or] that the rule is not constitutional **or that the rule fails to carry out a**
 26 **legislative direction or policy relating to the subject of the rule**, and the Legislative Counsel
 27 has provided a copy of that determination to the state agency pursuant to 183.720 [(6)] (5), the
 28 agency shall either make a written response to the determination or appear at the meeting of the
 29 interim committee at which the committee will consider the determinations. The response of the
 30 state agency shall indicate if the agency intends to repeal, amend or take other action with respect
 31 to the rule.

32 (b) The interim committee shall consider the Legislative Counsel determination described in
 33 paragraph (a) of this subsection and any state agency response to the determination. If the interim
 34 committee adopts the Legislative Counsel determination, the Legislative Counsel shall post the de-
 35 termination on the Legislative Counsel website[.] **under the heading "Rules not approved by**
 36 **Legislative Assembly."** Adopted determinations that are posted on the website shall be organized
 37 by OAR number and shall remain on the website until the [earlier] **earliest** of the date that:

38 (A) The rule is modified and the [Legislative Counsel] **interim committee that originally con-**
 39 **sidered the rule, or its successor**, determines that the modified rule is within the intent and scope
 40 of the enabling legislation, **is otherwise constitutional and carries out the legislative direction**
 41 **or policy that relates to the subject of the rule;**

42 (B) A court makes a final determination that the rule is within the intent and scope of the en-
 43 abling legislation, [and] is otherwise constitutional **and carries out the legislative direction or**
 44 **policy that relates to the subject of the rule**, all appeals of the court's determination are ex-
 45 hausted and the state agency notifies the Legislative Counsel of the determination; or

1 (C) The Legislative Assembly modifies the enabling legislation so as to bring the rule within the
2 intent and scope of the enabling legislation **and related legislative policy or direction**, any other
3 constitutional defect in the rule is cured and the state agency notifies the Legislative Counsel of the
4 modification or cure.

5 (2) If the Legislative Counsel determines under ORS 183.720 [(3)] (2) that a proposed or adopted
6 rule is not within the intent and scope of the enabling legislation purporting to authorize the rule's
7 adoption, [or] that the rule is not constitutional **or that the rule fails to carry out a legislative**
8 **direction or policy relating to the subject of the rule**, and the interim committee is not satisfied
9 with the response to those issues made by the state agency, the committee may request that one or
10 more representatives of the agency appear at a subsequent meeting of the committee along with a
11 representative of the Oregon Department of Administrative Services for the purpose of further ex-
12 plaining the position of the agency.

13 (3) If a state agency is requested under subsection (2) of this section to appear at a subsequent
14 meeting of the interim committee along with a representative of the Oregon Department of Admin-
15 istrative Services, the agency shall promptly notify the department of the request. The notification
16 to the department must be in writing, and must include a copy of the determinations made by the
17 Legislative Counsel and a copy of any written response made by the state agency to the determi-
18 nations.

19 (4) **An adopted rule that the Legislative Counsel has found to be within the intent and**
20 **scope of the enabling legislation, constitutional and consistent with a legislative direction and**
21 **policy related to the subject of the rule shall be deemed to have received the approval of the**
22 **interim committee, except that if any member of the interim committee requests committee**
23 **review of the rule, the rule may not be deemed approved by the committee.**

24 **SECTION 5.** Sections 6 and 7 of this 2017 Act are added to and made a part of ORS 183.710
25 to 183.725.

26 **SECTION 6.** (1) As soon as practicable after the start of each regular session of the
27 Legislative Assembly, the Legislative Counsel Committee shall convene and consider a re-
28 solution to approve all rules adopted by state agencies that have also been approved by an
29 interim committee under ORS 183.722.

30 (2) The Legislative Counsel, in preparing the resolution for consideration by the com-
31 mittee under subsection (1) of this section, shall omit from the resolution those rules listed
32 on the Legislative Counsel website under ORS 183.722.

33 (3) The committee shall deliberate on the resolution and may amend the resolution to
34 exclude additional rules from receiving legislative approval or to include any rule omitted
35 from the resolution under subsection (2) of this section.

36 (4) Upon completing deliberations, the committee may take action on the resolution. A
37 resolution prepared under this section that has been approved by both houses of the Legis-
38 lative Assembly shall serve as the approval required by Article III, section 5, of the Oregon
39 Constitution.

40 **SECTION 7.** Section 6 of this 2017 Act applies to rules that meet the definition of
41 "adopted rule" under ORS 183.710.

42 **SECTION 8.** Sections 6 and 7 of this 2017 Act and the amendments to ORS 183.335,
43 183.710, 183.720 and 183.722 by sections 1 to 4 of this 2017 Act become operative on January
44 1, 2019.

45 **SECTION 9.** This 2017 Act does not take effect unless the amendment to the Oregon

1 **Constitution proposed by _____ Joint Resolution _____ (2017) (LC 1182) is approved by the**
2 **people at the regular general election held in November 2018. This 2017 Act takes effect on**
3 **the effective date of that amendment.**

4 _____