

House Bill 3210

Sponsored by Representatives SPRENGER, LEWIS; Representatives OLSON, 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**.

Requires Oregon Department of Administrative Services to provide notice and opportunity for comment for statewide human resource policy and to submit policy to Legislative Counsel for review.

A BILL FOR AN ACT

1
2 Relating to the review of Oregon Department of Administrative Services human resource policy;
3 amending ORS 183.720 and 240.145.

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

5 **SECTION 1.** ORS 183.720 is amended to read:

6 183.720. (1) The Legislative Counsel may review, or shall review at the direction of the Legis-
7 lative Counsel Committee, a proposed rule or an adopted rule of a state agency.

8 (2) The Legislative Counsel may review an adopted rule of a state agency upon the written re-
9 quest of any person affected by the rule. The Legislative Counsel shall review a proposed or adopted
10 rule of a state agency upon the written request of any member of the Legislative Assembly. The
11 written request for review must identify the specific objection or problem with the rule.

12 (3) When reviewing a rule of a state agency pursuant to subsection (1) or (2) of this section, the
13 Legislative Counsel shall:

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

16 (b) Determine whether the rule raises any constitutional issue other than described in paragraph
17 (a) of this subsection, and if so, the nature of the issue.

18 (4) In making a determination under subsection (3)(a) of this section, the Legislative Counsel
19 shall, wherever possible, follow generally accepted principles of statutory construction.

20 (5) The Legislative Counsel shall prepare written findings on a rule reviewed, setting forth the
21 determinations made under subsection (3) of this section.

22 (6) When a review of a rule is made by the Legislative Counsel, the Legislative Counsel shall
23 send a copy of the determinations made under subsection (3) of this section to the appropriate in-
24 terim committee or, if the review was requested by a member of the Legislative Assembly or by a
25 person affected by the rule, to the person requesting the review. If the Legislative Counsel deter-
26 mines that a rule is not within the intent and scope of the enabling legislation purporting to au-
27 thorize the state agency's adoption of the rule, or that the rule raises a constitutional issue, the
28 Legislative Counsel shall also send a copy of the determination to the agency. The Legislative
29 Counsel may request that the state agency respond in writing to the determinations or appear at
30 the meeting of the interim committee at which the committee will consider the determinations. The
31 interim committee may direct the Legislative Counsel to send a copy of the determinations to 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 presiding officer of a house of the Legislative Assembly, who may refer the determinations to any
 2 legislative committee concerned.

3 (7)(a) A member of the Legislative Assembly may request that Legislative Counsel prepare a
 4 report on a rule adopted by a state agency that the member asserts is duplicative of or conflicts
 5 with another rule. A person affected by a rule adopted by a state agency may request that Legisla-
 6 tive Counsel prepare a report on the rule if the person asserts that the rule is duplicative of or
 7 conflicts with another rule. A request for a report must be in writing and contain copies of the two
 8 rules that are claimed to be duplicative or conflicting. The second rule may be either a rule adopted
 9 by a state agency or a rule or regulation adopted by a federal agency.

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

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

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

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

18 (8) Upon receipt of a report under subsection (7)(b)(A) of this section, the interim committee may
 19 issue a determination that a rule is duplicative of or conflicts with the other cited rule.

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

25 **(10) The Legislative Counsel shall review the human resource policies developed by the**
 26 **Oregon Department of Administrative Services in the manner described in this section.**

27 **SECTION 2.** ORS 240.145 is amended to read:

28 240.145. The Administrator of the Personnel Division, subject to the approval of the Director
 29 of the Oregon Department of Administrative Services, shall direct and supervise all the administra-
 30 tive and technical activities of the Personnel Division. In addition to the duties imposed upon the
 31 administrator elsewhere in this chapter, the administrator shall:

32 (1) Establish and maintain a roster of all employees in state service, in which there shall be set
 33 forth, as to each employee, the class title of the position held, the salary or pay; any change in class
 34 title, pay, status or merit rating; and any other data about the employee that the division deems
 35 necessary.

36 (2) Select for appointment, under this chapter, such employees of the division and such experts
 37 and special assistants as are necessary to carry out effectively the provisions of this chapter.

38 (3) Prepare such rules, policies and procedures, tests and eligible lists as are necessary to carry
 39 out the duties, functions and powers of the Personnel Division under this chapter.

40 (4) Devise plans for and cooperate with appointing authorities and other supervisory officers in
 41 the conduct of employee training programs, to the end that the quality of service rendered by state
 42 personnel may be continually improved.

43 (5) Investigate from time to time the operation and effect of this chapter and the rules there-
 44 under, and report findings and recommendations to the director of the department.

45 (6) Make annual reports to the director of the department regarding the work of the division,

1 and such special reports as the director considers desirable.

2 **(7) Ensure an opportunity for notice and comment under ORS 183.335 prior to the**
3 **adoption of a human resource policy.**

4 **(8) Submit a copy of the adopted human resource policy to the Legislative Counsel under**
5 **ORS 183.715.**

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