

SENATE AMENDMENTS TO SENATE BILL 227

By COMMITTEE ON GENERAL GOVERNMENT AND ACCOUNTABILITY

April 4

1 On page 2 of the printed bill, line 3, restore the bracketed material and delete the boldfaced
2 material.

3 On page 6, delete lines 14 through 45.

4 On page 7, delete lines 1 through 17 and insert:

5 “**SECTION 3.** ORS 183.355 is amended to read:

6 “183.355. (1) **The Secretary of State shall by rule prescribe requirements for the manner**
7 **and form for filing rules adopted, amended or repealed by agencies. The Secretary of State**
8 **may refuse to accept for filing any rules that do not comply with the requirements.**

9 “[*(1)(a)*] (2)(a) Each agency shall file [*in*] **with** the office of the Secretary of State [*a certified*
10 *copy of*] each rule adopted by [*it*] **the agency.**

11 “(b) [*Notwithstanding the provisions of paragraph (a) of this subsection*] **Unless otherwise pro-**
12 **vided by rule adopted by the Secretary of State,** an agency adopting a rule incorporating pub-
13 lished standards by reference is not required to file a copy of those standards with the Secretary
14 of State if:

15 “(A) The standards adopted are unusually voluminous and costly to reproduce; and

16 “(B) The rule filed with the Secretary of State identifies the location of the standards so incor-
17 porated and the conditions of their availability to the public.

18 “[*(2)*] (3) Each rule is effective upon filing as required by subsection [*(1)*] (2) of this section,
19 except that:

20 “(a) If a later effective date is required by statute or specified in the rule, the later date is the
21 effective date.

22 “(b) A temporary rule becomes effective upon filing with the Secretary of State, or at a desig-
23 nated later date, only if the statement required by ORS 183.335 (5) is filed with the rule. The agency
24 shall take appropriate measures to make temporary rules known to the persons who may be affected
25 by them.

26 “[*(3)*] (4) When a rule is amended or repealed by an agency, the agency shall file [*a certified copy*
27 *of*] the amendment or notice of repeal with the Secretary of State [*who shall appropriately amend the*
28 *compilation required by ORS 183.360 (1)*].

29 “[*(4)*] (5) A certified copy of each executive order issued, prescribed or promulgated by the
30 Governor shall be filed in the office of the Secretary of State.

31 “[*(5)*] (6) [*No*] **A rule [of which a certified copy is required to be filed shall be] is not** valid or
32 effective against any person or party until [*a certified copy*] **the rule** is filed in accordance with this
33 section. However, if an agency, in disposing of a contested case, announces in its decision the
34 adoption of a general policy applicable to [*such*] **the** case and subsequent cases of like nature the
35 agency may rely upon [*such*] **the** decision in disposition of later cases.

1 “[(6)] (7) The Secretary of State shall, upon request, supply copies of rules, or orders or desig-
2 nated parts of rules or orders, **in the format requested**, making and collecting therefor fees pre-
3 scribed by ORS 177.130. All receipts from the sale of copies shall be deposited in the State Treasury
4 to the credit of the Secretary of State Miscellaneous Receipts Account established under ORS
5 279A.290.

6 “[(7)] (8) The Secretary of State shall establish and collect fees from agencies filing rules under
7 this section. The fees shall be established in amounts calculated to be necessary to generate reven-
8 ues adequate to pay costs incurred by the Secretary of State in performing the following duties that
9 are not paid for by subscriber fees or other fees prescribed by law:

10 “(a) Publication of the compilation referred to in ORS 183.360 (1);

11 “(b) **Electronic** publication of the bulletin referred to in ORS 183.360 (3); and

12 “(c) Electronic publication of rules and other information relating to rules under ORS 183.365.

13 “[(8)] (9) All fees collected under subsection [(7)] (8) of this section shall be deposited in the
14 State Treasury to the credit of the Secretary of State Miscellaneous Receipts Account established
15 under ORS 279A.290.

16 “(10) **No later than 10 days after an agency files an adopted, amended or repealed rule**
17 **with the Secretary of State, other than a rule amended for a purpose described in ORS**
18 **183.335 (7), the Secretary of State shall electronically transmit the rule to the Legislative**
19 **Counsel in accordance with ORS 183.715.”.**

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