

Requested by SENATE COMMITTEE ON GENERAL GOVERNMENT AND ACCOUNTABILITY

**PROPOSED AMENDMENTS TO
SENATE BILL 227**

1 On page 2 of the printed bill, line 3, restore the bracketed material and
2 delete the boldfaced 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 require-**
7 **ments for the manner and form for filing rules adopted, amended or**
8 **repealed by agencies. The Secretary of State may refuse to accept for**
9 **filing any rules that do not comply with the requirements.**

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

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

16 **“(A)** The standards adopted are unusually voluminous and costly to re-
17 produce; and

18 **“(B)** The rule filed with the Secretary of State identifies the location of
19 the standards so incorporated and the conditions of their availability to the
20 public.

21 **“[(2)] (3)** Each rule is effective upon filing as required by subsection

1 [(1)] (2) of this section, except that:

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

4 “(b) A temporary rule becomes effective upon filing with the Secretary
5 of State, or at a designated later date, only if the statement required by ORS
6 183.335 (5) is filed with the rule. The agency shall take appropriate measures
7 to make temporary rules known to the persons who may be affected by them.

8 “[(3)] (4) When a rule is amended or repealed by an agency, the agency
9 shall file [*a certified copy of*] the amendment or notice of repeal with the
10 Secretary of State [*who shall appropriately amend the compilation required*
11 *by ORS 183.360 (1)*].

12 “[(4)] (5) A certified copy of each executive order issued, prescribed or
13 promulgated by the Governor shall be filed in the office of the Secretary of
14 State.

15 “[(5)] (6) [*No*] **A rule** [*of which a certified copy is required to be filed shall*
16 *be*] **is not** valid or effective against any person or party until [*a certified*
17 *copy*] **the rule** is filed in accordance with this section. However, if an
18 agency, in disposing of a contested case, announces in its decision the
19 adoption of a general policy applicable to [*such*] **the** case and subsequent
20 cases of like nature the agency may rely upon [*such*] **the** decision in dispo-
21 sition of later cases.

22 “[(6)] (7) The Secretary of State shall, upon request, supply copies of
23 rules, or orders or designated parts of rules or orders, **in the format re-**
24 **quested**, making and collecting therefor fees prescribed by ORS 177.130. All
25 receipts from the sale of copies shall be deposited in the State Treasury to
26 the credit of the Secretary of State Miscellaneous Receipts Account estab-
27 lished under ORS 279A.290.

28 “[(7)] (8) The Secretary of State shall establish and collect fees from
29 agencies filing rules under this section. The fees shall be established in
30 amounts calculated to be necessary to generate revenues adequate to pay

1 costs incurred by the Secretary of State in performing the following duties
2 that are not paid for by subscriber fees or other fees prescribed by law:

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

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

5 and

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

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

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

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