

# DRAFT

## SUMMARY

Requires agencies to post certain information about rulemaking on agency websites.

Requires agencies to include certain information in rules.

Requires Attorney General to allow public to attend rulemaking training, for reasonable fee.

Prohibits agency rules coordinator from drafting rules.

Provides that agency may adopt rule no sooner than seven days after agency stops accepting public comment.

Provides that temporary rule adopted during and because of state of emergency may remain in effect until termination of state of emergency.

Provides that agency may not impose civil penalty under rule earlier than 30 days after the adoption of rule.

## A BILL FOR AN ACT

Relating to administrative law; creating new provisions; and amending ORS 183.330, 183.335, 183.745, 469.085, 757.991, 757.994 and 757.995.

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

**SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS chapter 183.**

**SECTION 2. (1) An agency shall post on its main website notices of intended action under ORS 183.335, the dates of hearings held under ORS 183.335 and the deadlines for public comment before adoption, amendment or repeal of a rule.**

**(2) An agency shall post on its main website a summary of each rule for which the agency gives notice of intended action under ORS 183.335. The summary must include:**

**(a) A statement understandable to the general public of the need**

1 for the rule, the problem the rule is intended to solve and how the rule  
2 is intended to meet the need and resolve the problem.

3 (b) A link to or copy of any federal law or regulation that the rule  
4 seeks to implement.

5 (c) A link to or copy of any new state law that the rule seeks to  
6 implement.

7 (d) A statement of whether an advisory committee was appointed  
8 under the provisions of ORS 183.333, the members of the advisory  
9 committee and how many meetings the advisory committee conducted.

10 (e) A link to or copy of the fiscal impact statement required under  
11 ORS 183.335 (2)(b)(E).

12 (3) An agency shall post on its main website a summary of each rule  
13 the agency files with the Secretary of State under ORS 183.355. The  
14 summary must include:

15 (a) A statement understandable to the general public of the need  
16 for the rule, the problem the rule is intended to solve and how the rule  
17 is intended to meet the need and resolve the problem.

18 (b) A citation of the statutory or other legal authority relied upon  
19 and bearing upon the promulgation of the rule.

20 (c) A list of definitions that apply to the rule, if the definitions are  
21 not included in the rule before any other provisions of the rule.

22 (d) A statement of whether an advisory committee was appointed  
23 under the provisions of ORS 183.333, the members of the advisory  
24 committee, how many meetings the advisory committee conducted and  
25 the recommendations of the advisory committee.

26 (e) A description of hearings held by the agency on the rule and the  
27 public comments received by the agency on the rule.

28 (f) A description of how the rule changes current practice for the  
29 agency and for regulated parties.

30 (g) A description of what regulated parties will have to do to comply  
31 with the rule.

1 (h) A statement of the effective date of the rule.

2 (i) The contact information of a person in the agency who can an-  
3 swer questions about the rule.

4 (j) A statement of where updated information on the rule will be  
5 published.

6 (4) An agency shall post the full text of a rule on its main website  
7 for at least 30 days after filing the rule with the Secretary of State  
8 under ORS 183.355.

9 **SECTION 3.** (1) If a rule contains definitions, the definitions must  
10 be placed before any other provisions of the rule.

11 (2) If a rule contains terms that are not familiar to the general  
12 public, the agency shall define the terms in the rule.

13 (3) If a rule contains a reference to a chemical, the agency shall  
14 describe in the rule what the chemical is used for.

15 (4) If a rule contains a reference to a federal law or rule, the agency  
16 shall summarize in the rule the effect of the federal law or rule.

17 **SECTION 4.** If the Attorney General offers training to agencies on  
18 rulemaking, the Attorney General shall allow the public to attend the  
19 training. The Attorney General may charge members of the public a  
20 reasonable fee for attending the training.

21 **SECTION 5.** ORS 183.330 is amended to read:

22 183.330. (1) In addition to other rulemaking requirements imposed by law,  
23 each agency shall publish a description of its organization and the methods  
24 whereby the public may obtain information or make submissions or requests.

25 (2) Each state agency that adopts rules shall appoint a rules coordinator  
26 and file a copy of that appointment with the Secretary of State. **The rules**  
27 **coordinator may not draft the rules adopted by the agency.** The rules  
28 coordinator shall:

29 (a) Maintain copies of all rules adopted by the agency;

30 (b) Provide to the public, upon request, information pertaining to:

31 (A) All rulemaking proceedings of the agency;

(B) The status of the agency's rules; and

(C) All certificates and rules filed by the agency with the Secretary of State; and

(c) Keep and make available the mailing list required by ORS 183.335 (8).

(3) An order shall not be effective as to any person or party unless it is served upon the person or party either personally or by mail. This subsection is not applicable in favor of any person or party who has actual knowledge of the order.

(4) An order is not final until it is reduced to writing.

**SECTION 6.** ORS 183.335, as amended by section 6, chapter 97, Oregon Laws 2022, is amended to read:

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

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

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

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

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

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

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

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

1 tended action.

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

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

6 (B) A citation of the statute or other law the rule is intended to imple-  
7 ment;

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

10 (D) A list of the principal documents, reports or studies, if any, prepared  
11 by or relied upon by the agency in considering the need for and in preparing  
12 the rule, and a statement of the location at which those documents are  
13 available for public inspection. The list may be abbreviated if necessary, and  
14 if so abbreviated there shall be identified the location of a complete list;

15 (E) A statement of fiscal impact identifying state agencies, units of local  
16 government and the public that may be economically affected by the  
17 adoption, amendment or repeal of the rule and an estimate of that economic  
18 impact on state agencies, units of local government and the public. In con-  
19 sidering the economic effect of the proposed action on the public, the agency  
20 shall utilize available information to project any significant economic effect  
21 of that action on businesses which shall include a cost of compliance effect  
22 on small businesses affected. For an agency specified in ORS 183.530, the  
23 statement of fiscal impact shall also include a housing cost impact statement  
24 as described in ORS 183.534;

25 (F) A statement identifying how adoption of the rule will affect racial  
26 equity in this state;

27 (G) If an advisory committee is not appointed under the provisions of ORS  
28 183.333, an explanation as to why no advisory committee was used to assist  
29 the agency in drafting the rule; and

30 (H) A request for public comment on whether other options should be  
31 considered for achieving the rule's substantive goals while reducing the

negative economic impact of the rule on business.

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

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

(3)(a) When an agency proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views. Opportunity for oral hearing shall be granted upon request received from 10 persons or from an association having not less than 10 members before the earliest date that the rule could become effective after the giving of notice pursuant to subsection (1) of this section. An agency holding a hearing upon a request made under this subsection shall give notice of the hearing at least 21 days before the hearing to the person who has requested the hearing, to persons who have requested notice pursuant to subsection (8) of this section and to the persons specified in subsection (15) of this section. The agency shall publish notice of the hearing in the bulletin referred to in ORS 183.360 at least 14 days before the hearing. The agency shall consider fully any written or oral submission. **The agency may file the rule with the Secretary of State under ORS 183.355 no sooner than seven days after the agency stops accepting public comment.**

(b) If an agency is required to conduct an oral hearing under paragraph (a) of this subsection, and the rule for which the hearing is to be conducted applies only to a limited geographical area within this state, or affects only a limited geographical area within this state, the hearing shall be conducted within the geographical area at the place most convenient for the majority

1 of the residents within the geographical area. At least 14 days before a  
2 hearing conducted under this paragraph, the agency shall publish notice of  
3 the hearing in the bulletin referred to in ORS 183.360 and in a newspaper  
4 of general circulation published within the geographical area that is affected  
5 by the rule or to which the rule applies. If a newspaper of general circulation  
6 is not published within the geographical area that is affected by the rule or  
7 to which the rule applies, the publication shall be made in the newspaper  
8 of general circulation published closest to the geographical area.

9 (c) Notwithstanding paragraph (a) of this subsection, the Department of  
10 Corrections and the State Board of Parole and Post-Prison Supervision may  
11 adopt rules limiting participation by adults in custody in the proposed  
12 adoption, amendment or repeal of any rule to written submissions.

13 (d) If requested by at least five persons before the earliest date that the  
14 rule could become effective after the agency gives notice pursuant to sub-  
15 section (1) of this section, the agency shall provide a statement that identi-  
16 fies the objective of the rule and a statement of how the agency will  
17 subsequently determine whether the rule is in fact accomplishing that ob-  
18 jective.

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

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

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

26 (C) Any public comment received in response to the request made under  
27 subsection (2)(b)(H) of this section and the agency's response to that com-  
28 ment.

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

31 (4) Upon request of an interested person received before the earliest date

1 that the rule could become effective after the giving of notice pursuant to  
2 subsection (1) of this section, the agency shall postpone the date of its in-  
3 tended action no less than 21 nor more than 90 days in order to allow the  
4 requesting person an opportunity to submit data, views or arguments con-  
5 cerning the proposed action. Nothing in this subsection shall preclude an  
6 agency from adopting a temporary rule pursuant to subsection (5) of this  
7 section.

8 (5) Notwithstanding subsections (1) to (4) of this section, an agency may  
9 adopt, amend or suspend a rule without prior notice or hearing or upon any  
10 abbreviated notice and hearing that it finds practicable, if the agency pre-  
11 pares:

12 (a) A statement of its findings that its failure to act promptly will result  
13 in serious prejudice to the public interest or the interest of the parties con-  
14 cerned and the specific reasons for its findings of prejudice;

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

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

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

23 (e) For an agency specified in ORS 183.530, a housing cost impact state-  
24 ment as defined in ORS 183.534.

25 (6)(a) A rule adopted, amended or suspended under subsection (5) of this  
26 section is temporary and may be effective for a period of not longer than 180  
27 days. The adoption of a rule under this subsection does not preclude the  
28 subsequent adoption of an identical rule under subsections (1) to (4) of this  
29 section.

30 (b) A rule temporarily suspended shall regain effectiveness upon expira-  
31 tion of the temporary period of suspension unless the rule is repealed under



subsections (1) to (4) of this section.

**(c) Notwithstanding paragraph (a) of this subsection, if a rule adopted, amended or suspended under subsection (5) of this section is adopted during and because of a state of emergency declared under ORS 401.165 or a state of public health emergency declared under ORS 433.441, the rule may remain in effect until the termination of the state of emergency.**

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

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

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

(c) Correcting spelling;

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

(e) Correcting statutory or rule references;

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

(g) Changing a term or phrase in order to conform with a change prescribed by law.

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

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

(A) The person may request that the agency mail paper copies of the

proposed rule and other information required by subsection (2) of this section to the postal mailing address.

(B) *[If the agency posts notices of intended action on a website,]* The person may request that the agency mail the information required by subsection (2)(a) of this section to the postal mailing address with a reference to the website where electronic copies of the proposed rule and other information required by subsection (2) of this section are posted.

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

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

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

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

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

1 ing.

2 (11)(a) Except as provided in paragraph (c) of this subsection, a rule is  
3 not valid unless adopted in substantial compliance with the provisions of this  
4 section in effect on the date that the notice required under subsection (1)  
5 of this section is delivered to the Secretary of State for the purpose of pub-  
6 lication in the bulletin referred to in ORS 183.360.

7 (b) In addition to all other requirements with which rule adoptions must  
8 comply, a rule other than a rule amended for a purpose described in sub-  
9 section (7) of this section is not valid if the rule has not been submitted to  
10 the Legislative Counsel in the manner required by ORS 183.355 and 183.715.

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

13 (12)(a) Notwithstanding the provisions of subsection (11) of this section,  
14 but subject to paragraph (b) of this subsection, an agency may correct its  
15 failure to substantially comply with the requirements of subsections (2) and  
16 (5) of this section in adoption of a rule by an amended filing, as long as the  
17 noncompliance did not substantially prejudice the interests of persons to be  
18 affected by the rule.

19 (b) An agency may use an amended filing to correct a failure to include  
20 a fiscal impact statement in a notice of intended action, as required by sub-  
21 section (2)(b)(E) of this section, or to correct an inaccurate fiscal impact  
22 statement, only if the agency developed the fiscal impact statement with the  
23 assistance of an advisory committee or fiscal impact advisory committee ap-  
24 pointed under ORS 183.333.

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

28 (14) When an agency has established a deadline for comment on a pro-  
29 posed rule under the provisions of subsection (3)(a) of this section, the  
30 agency may not extend that deadline for another agency or person unless the  
31 extension applies equally to all interested agencies and persons. An agency

1 shall not consider any submission made by another agency after the final  
2 deadline has passed.

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

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

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

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

19 (16)(a) Upon the request of a member of the Legislative Assembly or of  
20 a person who would be affected by a proposed adoption, amendment or re-  
21 peal, the committees receiving notice under subsection (15) of this section  
22 shall review the proposed adoption, amendment or repeal for compliance with  
23 the legislation from which the proposed adoption, amendment or repeal re-  
24 sults.

25 (b) The committees shall submit their comments on the proposed adoption,  
26 amendment or repeal to the agency proposing the adoption, amendment or  
27 repeal.

28 **SECTION 7.** ORS 183.745 is amended to read:

29 183.745. (1) Except as otherwise provided by law, an agency may only  
30 impose a civil penalty as provided in this section.

31 **(2) An agency may not impose a civil penalty under a rule earlier**

**than 30 days after the adoption of the rule.**

[(2)] (3) A civil penalty imposed under this section shall become due and payable 10 days after the order imposing the civil penalty becomes final by operation of law or on appeal. A person against whom a civil penalty is to be imposed shall be served with a notice in the form provided in ORS 183.415. Service of the notice shall be accomplished in the manner provided by ORS 183.415.

[(3)] (4) The person to whom the notice is addressed shall have 20 days from the date of service of the notice provided for in subsection [(2)] (3) of this section in which to make written application for a hearing. The agency may by rule provide for a longer period of time in which application for a hearing may be made. If no application for a hearing is made within the time allowed, the agency may make a final order imposing the penalty. A final order entered under this subsection need not be delivered or mailed to the person against whom the civil penalty is imposed.

[(4)] (5) Any person who makes application as provided for in subsection [(3)] (4) of this section shall be entitled to a hearing. The hearing shall be conducted as a contested case hearing pursuant to the applicable provisions of ORS 183.413 to 183.470.

[(5)] (6) Judicial review of an order made after a hearing under subsection [(4)] (5) of this section shall be as provided in ORS 183.480 to 183.497 for judicial review of contested cases.

[(6)] (7) When an order assessing a civil penalty under this section becomes final by operation of law or on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the order may be recorded with the county clerk in any county of this state. The clerk shall thereupon record the name of the person incurring the penalty and the amount of the penalty in the County Clerk Lien Record.

[(7)] (8) This section does not apply to penalties:

(a) Imposed under the tax laws of this state;

(b) Imposed under the provisions of ORS 646.760 or 652.332;

(c) Imposed under the provisions of ORS chapter 654, 656 or 659A; or

(d) Imposed by the Public Utility Commission.

[(8)] (9) This section creates no new authority in any agency to impose civil penalties.

[(9)] (10) This section does not affect:

(a) Any right under any other law that an agency may have to bring an action in a court of this state to recover a civil penalty; or

(b) The ability of an agency to collect a properly imposed civil penalty under the provisions of ORS 305.830.

[(10)] (11) The notice provided for in subsection [(2)] (3) of this section may be made part of any other notice served by the agency under ORS 183.415.

[(11)] (12) Informal disposition of proceedings under this section, whether by stipulation, agreed settlement, consent order or default, may be made at any time.

[(12)] (13) In addition to any other remedy provided by law, recording an order in the County Clerk Lien Record pursuant to the provisions of this section has the effect provided for in ORS 205.125 and 205.126, and the order may be enforced as provided in ORS 205.125 and 205.126.

[(13)] (14) As used in this section:

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

(b) "Civil penalty" includes only those monetary penalties that are specifically denominated as civil penalties by statute.

**SECTION 8.** ORS 469.085 is amended to read:

469.085. (1) Except as otherwise provided in this section, civil penalties under ORS 469.992 shall be imposed as provided in ORS 183.745.

(2) Notwithstanding ORS 183.745 [(2)] (3), the notice to the person against whom a civil penalty is to be imposed shall reflect a complete statement of the consideration given to the factors listed in subsection (7) of this section. The notice may be served by either the Director of the State Department of Energy or the Energy Facility Siting Council.

(3) Notwithstanding ORS 183.745, if a hearing is not requested or if the person requesting a hearing fails to appear, a final order shall be entered upon a prima facie case made on the record of the agency.

(4) The provisions of this section are in addition to and not in lieu of any other penalty or sanction provided by law. An action taken by the director or the council under this section may be joined by the director or the council with any other action against the same person under this chapter.

(5) Any civil penalty recovered under this section shall be paid into the General Fund.

(6) The director or the council shall adopt by rule a schedule of the amount of civil penalty that may be imposed for a particular violation.

(7) In imposing a penalty under ORS 469.992, the director or the council shall consider:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct or prevent any violation;

(b) Any prior violations of ORS chapter 469 or rules, orders or permits relating to the alleged violation;

(c) The impact of the violation on public health and safety or public interests in fishery, navigation and recreation;

(d) Any other factors determined by the director or the council to be relevant; and

(e) The alleged violator's cooperativeness and effort to correct the violation.

(8) The penalty imposed under ORS 469.992 may be remitted or mitigated upon such terms and conditions as the director or council determines to be proper. Upon the request of the person incurring the penalty, the director or council shall consider evidence of the economic and financial condition of the person in determining whether a penalty shall be remitted or mitigated.

**SECTION 9.** ORS 757.991 is amended to read:

1       757.991. (1)(a) Any person or municipality, or any agent, lessee, trustee  
2 or receiver of the person or municipality, engaged in the management, oper-  
3 ation, ownership or control of facilities for the transmission or distribution  
4 of gas by pipeline, or of facilities for the storage or treatment of gas to be  
5 transmitted or distributed by pipeline, that fails to comply with ORS 757.039,  
6 or fails to comply with any order, rule or regulation of the Public Utility  
7 Commission made pursuant to ORS 757.039, is subject to a civil penalty es-  
8 tablished by rule by the commission.

9       (b) The civil penalty amount for a violation or series of violations de-  
10 scribed in this section may not exceed the administrative civil penalty  
11 amount set forth in 49 C.F.R. 190.223 for a violation or series of violations  
12 of the applicable federal law described therein.

13       (2) Notwithstanding ORS 183.315 (6), 183.745 [(7)(d)] **(8)(d)** and 756.500 to  
14 756.610, civil penalties under this section must be imposed by the commission  
15 as provided in ORS 183.745.

16       (3) Civil penalties collected under this section must be paid into the  
17 General Fund and credited to the Public Utility Commission Account as de-  
18 scribed in ORS 756.990 (7).

19       **SECTION 10.** ORS 757.994 is amended to read:

20       757.994. (1) In addition to all other penalties provided by law, a person  
21 who violates any statute, rule or order of the Public Utility Commission re-  
22 lated to water utilities is subject to a civil penalty of not more than \$500 for  
23 each violation. The commission may require that penalties imposed under  
24 this section be used for the benefit of the customers of water utilities af-  
25 fected by the violation.

26       (2) Notwithstanding ORS 183.745 [(7)(d)] **(8)(d)**, 183.315 (6) and 756.500 to  
27 756.610, civil penalties under this section must be imposed by the commission  
28 as provided in ORS 183.745.

29       **SECTION 11.** ORS 757.995 is amended to read:

30       757.995. (1) In addition to all other penalties provided by law, violation  
31 of ORS 757.963 or a rule adopted pursuant to ORS 757.963 is subject to a civil



penalty not to exceed \$10,000.

(2) Notwithstanding ORS 183.315 (6), 183.745 [(7)(d)] **(8)(d)** and 756.500 to 756.610, civil penalties under this section must be imposed by the Public Utility Commission as provided in ORS 183.745.

(3) Civil penalties collected under this section must be paid into the General Fund and credited to the Public Utility Commission Account as described in ORS 756.990 (7).

**SECTION 12. (1) Sections 2 and 3 of this 2023 Act and the amendments to ORS 183.330 and 183.335 by sections 5 and 6 of this 2023 Act apply to rules for which notice of intended action is given on or after the effective date of this 2023 Act.**

**(2) The amendments to ORS 183.745 by section 7 of this 2023 Act apply to civil penalties imposed on or after the effective date of this 2023 Act.**

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