

# House Bill 2303

Sponsored by Representatives MANNIX, DIEHL (Pre-session filed.)

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells courts to say that a rule is invalid if the rule makes a public body break federal laws or regulations. (Flesch Readability Score: 66.1).

Directs the courts to declare a rule invalid if the rule requires a public body to fail to comply with federal laws or regulations.

## A BILL FOR AN ACT

1  
2 Relating to judicial review of administrative rules; creating new provisions; and amending ORS  
3 137.673 and 183.400.

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

5 **SECTION 1.** ORS 183.400 is amended to read:

6 183.400. (1) The validity of any rule may be determined upon a petition by any person to the  
7 Court of Appeals in the manner provided for review of orders in contested cases. The court shall  
8 have jurisdiction to review the validity of the rule whether or not the petitioner has first requested  
9 the agency to pass upon the validity of the rule in question, but not when the petitioner is a party  
10 to an order or a contested case in which the validity of the rule may be determined by a court.

11 (2) The validity of any applicable rule may also be determined by a court, upon review of an  
12 order in any manner provided by law or pursuant to ORS 183.480 or upon enforcement of such rule  
13 or order in the manner provided by law.

14 (3) Judicial review of a rule shall be limited to an examination of:

15 (a) The rule under review;

16 (b) The statutory provisions authorizing the rule; *[and]*

17 **(c) Relevant federal laws and regulations; and**

18 *[(c)]* **(d) Copies of all documents necessary to demonstrate compliance with applicable**  
19 **rulemaking procedures.**

20 (4) The court shall declare the rule invalid only if it finds that the rule:

21 (a) Violates constitutional provisions;

22 **(b) Requires a public body, as defined in ORS 174.109, to fail to comply with federal laws**  
23 **or regulations;**

24 *[(b)]* **(c) Exceeds the statutory authority of the agency; or**

25 *[(c)]* **(d) Was adopted without compliance with applicable rulemaking procedures.**

26 (5) In the case of disputed allegations of irregularities in procedure which, if proved, would  
27 warrant reversal or remand, the Court of Appeals may refer the allegations to a master appointed  
28 by the court to take evidence and make findings of fact. The court's review of the master's findings  
29 of fact shall be de novo on the evidence.

30 (6) The court shall not declare a rule invalid solely because it was adopted without compliance

**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 with applicable rulemaking procedures after a period of two years after the date the rule was filed  
2 in the office of the Secretary of State, if the agency attempted to comply with those procedures and  
3 its failure to do so did not substantially prejudice the interests of the parties.

4 **SECTION 2.** ORS 137.673 is amended to read:

5 137.673. Rules adopted by the Oregon Criminal Justice Commission shall not be declared invalid  
6 solely because of irregularities in procedural rulemaking, including but not limited to the provisions  
7 of ORS 183.335 or 183.400 [(4)(c)] (4)(d).

8 **SECTION 3.** The amendments to ORS 183.400 by section 1 of this 2025 Act apply to pe-  
9 titions for judicial review filed on and after the effective date of this 2025 Act.

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