

House Joint Resolution 28

Sponsored by Representatives ESQUIVEL, BUCKLEY, HOYLE, WITT, Senators WHITSETT, RILEY, THATCHER; Representatives BARRETO, BENTZ, BOONE, DAVIS, DOHERTY, GILLIAM, GOMBERG, HACK, HEARD, HOLVEY, HUFFMAN, JOHNSON, KENNEMER, KRIEGER, MCKEOWN, NEARMAN, OLSON, POST, SMITH, STARK, WEIDNER, WHISNANT, WHITSETT, WILLIAMSON, WILSON, Senators BAERTSCHIGER JR, BOQUIST, GIROD, KNOPP, OLSEN

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**.

Proposes amendment to Oregon Constitution relating to legislative review of state agency administrative rules.

Provides that Legislative Assembly may require legislative committees to review and approve administrative rules before rules or amendments become effective.

Provides that administrative rules adopted or amended by state agencies after effective date of constitutional amendment have no force and effect unless specified legislative committees approve rule or amendment, if approval is required by law.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 5 to be added to and made a part of Article III, such section to read:

SECTION 5. (1) The Legislative Assembly may by law require legislative committees described in subsection (3) of this section to review and approve a newly adopted or amended state agency administrative rule before the rule or amendment becomes effective.

(2) If legislative approval is required by law, an administrative rule described in subsection (1) of this section that is adopted or amended by a state agency after the effective date of this section has no force and effect unless at least one legislative committee described in subsection (3) of this section approves the rule or amendment.

(3) If legislative review of an administrative rule described in subsection (1) of this section is required by law, the review shall be undertaken by:

(a) At least one legislative committee that conducted a public hearing on the legislation that the rule or amendment purports to implement;

(b) A successor legislative committee that has been so designated by the President of the Senate, the Speaker of the House of Representatives or, in the case of a joint committee, by both the President and the Speaker; or

(c) A legislative committee designated by law to undertake the review.

(4) As used in this section:

(a) "Administrative rule" means any state agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy or describes the procedures or practice requirements of a state agency. "Administrative rule" does not include executive orders, state agency internal management directives or regulations or statements that do not substantially affect the interests of the public.

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 **(b) “State agency” means any elected or appointed state officer or any board, commis-**
2 **sion, department, institution or other agency of state government, except those in the leg-**
3 **islative or judicial branch, that is authorized by law to adopt administrative rules.**

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5 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
6 **people for their approval or rejection at the next regular general election held throughout**
7 **this state.**

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