

SB 1560 A -A3 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Melissa Leoni, LPRO Analyst

Meeting Dates: 2/22, 3/2

WHAT THE MEASURE DOES:

Directs state agencies to use the term "noncitizen" instead of the term "alien" in rules and regulations. Directs state agencies to update language in rules and regulations within six months of measure being enacted. Changes the term "alien" to "noncitizen" in state statute. Defines "noncitizen" as an individual who is not a citizen or national of the United States. Allows executive branch agency to amend a rule without prior notice or hearing if the amendment is solely for the purpose of changing a term or phrase in order to conform with a change prescribed by law.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

ISSUES DISCUSSED:

- Language not affecting or causing issues with federal immigration process
- Measure language crafted to not cause issues with federal law
- Other states making similar changes include California and Ohio

EFFECT OF AMENDMENT:

-A3 Resolves conflicts with House Bill 4086 Enrolled by removing Section 14 and amending Section 15 to include changes to ORS 656.232 from both measures.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

BACKGROUND:

Various entities at both the federal and state levels have moved away from the term "alien" in recent years in an effort to modernize their laws. The Administrative Procedures Act (APA) in ORS 183, which governs the executive branch rulemaking process, has several exceptions to the prior notice and hearing requirement, including changing the name of an agency by reason of a name change prescribed by law; 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; and correcting addresses or telephone numbers referred to in the rules.

Senate Bill 1560 A changes the term "alien" to "noncitizen" in Oregon rules, regulations, and statutes; directs executive branch agencies to replace "alien" with "noncitizen" in their rules and regulations within six months of enactment; and allows agencies to make this change without the prior notice or hearing requirement under the APA.