

D R A F T

SUMMARY

Requires agency to review effect of administrative rule every five years. Requires agency to determine, as part of review, whether rule is least restrictive alternative.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to review of administrative rules; amending ORS 183.405; and pre-
3 scribing an effective date.

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

5 **SECTION 1.** ORS 183.405, as amended by section 4, chapter 20, Oregon
6 Laws 2018, is amended to read:

7 183.405. (1) Not later than five years after adopting a rule, **and every five**
8 **years thereafter**, an agency shall review the rule for the purpose of deter-
9 mining:

10 (a) Whether the rule has had the intended effect;

11 (b) Whether the anticipated fiscal impact of the rule was underestimated
12 or overestimated;

13 (c) Whether subsequent changes in the law require that the rule be re-
14 pealed or amended;

15 (d) Whether there is continued need for the rule; *[and]*

16 (e) What impacts the rule has on small businesses[.]; **and**

17 **(f) Whether the rule is the least restrictive alternative.**

18 (2) Upon request of an agency, the Small Business Rules Advisory Com-
19 mittee established in section 2, chapter 20, Oregon Laws 2018, may agree to

1 complete the review and reporting required by this section for the agency.

2 (3) An agency or the Small Business Rules Advisory Committee shall
3 utilize available information in complying with the requirements of sub-
4 section (1) of this section.

5 (4) An agency or the Small Business Rules Advisory Committee shall
6 provide a report on each review of a rule conducted under this section:

7 (a) To the Secretary of State;

8 (b) To the Small Business Rules Advisory Committee, unless the commit-
9 tee completed the review under subsection (2) of this section; and

10 (c) If the agency appointed an advisory committee pursuant to ORS
11 183.333 for consideration of a rule subject to the requirements of this section,
12 to the advisory committee.

13 (5) The provisions of this section do not apply to the amendment or repeal
14 of a rule.

15 (6) The provisions of this section do not apply to:

16 (a) Rules adopted to implement court orders or the settlement of civil
17 proceedings;

18 (b) Rules that adopt federal laws or rules by reference;

19 (c) Rules adopted to implement legislatively approved fee changes; or

20 (d) Rules adopted to correct errors or omissions.

21 (7) The Secretary of State shall compile the reports submitted under this
22 section during each calendar year and submit an annual report to the Leg-
23 islative Assembly in the manner required by ORS 192.245 no later than Feb-
24 ruary 1 of the following year.

25 **SECTION 2. This 2019 Act takes effect on the 91st day after the date**
26 **on which the 2019 regular session of the Eightieth Legislative Assem-**
27 **bly adjourns sine die.**

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