



5-year Rule Review Report Form

This guide is intended to be guidance only and not in any way legal advice or directive. The form on page two is only for use if an agency, board, commission, or council would like to use it. It is in no way a required form to use when conducting the rule review, only a tool for agencies that would like to use it. The form starting on page two may be utilized by agencies and then submitted to the Secretary of State Administrative Rules Unit.

The Administrative Rules Unit compiles the reports throughout the calendar year and then submits the compiled reports with an executive summary to the Legislative Assembly by February 1 of each calendar year. The **deadline** to submit rule review reports to the Administrative Rules Unit for inclusion in the annual report is December 31 of each calendar year. Reports are to be in PDF format and submitted to the Administrative Rules Unit by emailing: adminrules.archives@sos.oregon.gov. This report should also be sent upon completion to the rules advisory committee appointed pursuant to ORS 183.333 for consideration of the rule if an advisory committee was appointed.

A five-year review of administrative rules after adoption, is required by ORS [183.405](#). The 2024 edition of the Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure under the Administrative Procedures Act (AG's Law Manual) outlines the requirements for the required five-year rule review. During the review five factors are required to be considered: whether the rule has had its intended effect; whether the agency overestimated or underestimated the rule's fiscal impact; whether subsequent changes in the law require a change in the rule; whether the rule continues to be necessary; and what impact the rule has on small business. ORS 183.405(1).

Oregon Administrative Rule [137-001-0100 Review of New Rules](#) Model Rules for Rulemaking by the Department of Justice has additional guidance for the rule review requirements and process.

The AG's Law Manual further explains that the following are excluded from the requirement for review (ORS 183.405(5)&(6):

- (5) The provisions of this section do not apply to the amendment or repeal of a rule.
- (6) The provisions of this section do not apply to:
 - (a) Rules adopted to implement court orders or the settlement of civil proceedings;
 - (b) Rules that adopt federal laws or rules by reference;
 - (c) Rules adopted to implement legislatively approved fee changes; or
 - (d) Rules adopted to correct errors or omissions.

Directions for the form on the next page: Replace the underline with the responses for each of the questions. After review is completed, submit page 2 in PDF format to: adminrules.archives@sos.oregon.gov. More than one form may be submitted at a time in one compiled PDF. The form starting on page 2 is copied from the 2024 edition of the AG's Law Manual Section A (A-28).

AGENCY RULE REVIEW REPORT UNDER ORS 183.405

Agency, Board, Commission, or Council Name

Rule Number (OAR 123-123-1234)

Date Adopted

Date of Review

Advisory Committee Used? Yes No

If yes, identify members.

1. Did the rule achieve its intended effect? Yes No

a. What was the intended effect?

b. How did the rule succeed or fail in achieving this effect?

2. Was the fiscal impact statement: underestimated overestimated just about right unknown?

a. What was the estimated fiscal impact?

b. What was the actual fiscal impact?

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended? Yes No

a. If yes, explain.

4. Is the rule still needed? Yes No

a. Explain why or why not.

5. Does the rule have an impact on small business? Yes No

a. If yes, what are the impacts?