

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

---

|                |   |
|----------------|---|
| Action:        | Do Pass   |
| Vote:          | 7 - 1 - 0   |
| Yeas:          | Berger, Edwards C., Gelser, Jenson, Nolan, Read, Roblan |
| Nays:          | Garrard   |
| Exc.:          | 0   |
| Prepared By:   | Jerry Watson, Administrator                             |
| Meeting Dates: | 2/9, 3/2  |

---

**WHAT THE MEASURE DOES:** Requires Secretary of State to establish and collect fees from agencies filing administrative rules. Provides fees to generate adequate revenue to pay costs of electronic and print publication not paid for by subscriber fees or other fees prescribed by laws.

**ISSUES DISCUSSED:**

- Decreased revenue and alternatives for cost recovery
- Authority to charge for production and publication of Administrative Rules
- Fee structure formula (not part of HB 2093)
- Elimination of print publication of Administrative Rules
- Charges to third-parties for participating in rule-making process.

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** The monthly Oregon Bulletin and annual Oregon Administrative Rules Compilation are published by the Archives Division as called for by ORS 183.360. Fees charged for subscriptions to the Bulletin and the Compilation pay for the production and publication of these publications. In 1995, however, the Legislature enacted ORS 183.365. ORS 183.365 added a requirement to publish administrative rules in electronic format free of charge to the consumer. Proponents of HB 2093 assert that the demand for hard copy publications has subsequently fallen, as has the revenue generated by those publications, creating a situation where costs are not covered by revenue. Proponents further assert that either unrecovered costs must be obtained from agencies, boards, and commissions using the rules process or must be treated as a General Fund expense. HB 2093 amends ORS 183.355 by requiring the Archives Division to charge for processing and publication of administrative rules and the Bulletin. Proponents assert that Idaho uses the same agency fee-based funding model for its administrative rules program. Testimony was introduced at the public hearing expressing concern that requesting agencies may seek to recover costs from third-party participants in the rule-making process.