

# House Bill 2560

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

## 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**.

Prohibits agency from appointing person to serve on rulemaking advisory committee if person is also serving on public board, public commission, public committee or work group of public body, and rule would affect activities of board, commission, committee or work group.

## A BILL FOR AN ACT

1  
2 Relating to rulemaking advisory committees; creating new provisions; and amending ORS 183.333.

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

4 **SECTION 1.** ORS 183.333 is amended to read:

5 183.333. (1) The Legislative Assembly finds and declares that it is the policy of this state that  
6 whenever possible the public be involved in the development of public policy by agencies and in the  
7 drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maxi-  
8 mum extent possible before giving notice of intent to adopt a rule. The agency may appoint an ad-  
9 visory committee that will represent the interests of persons likely to be affected by the rule, or use  
10 any other means of obtaining public views that will assist the agency in drafting the rule. **An**  
11 **agency may not appoint a person to serve on an advisory committee if the person is also**  
12 **servicing on any other public board, public commission, public committee or work group of a**  
13 **public body, as defined in ORS 174.109, and the rule would affect the activities of the board,**  
14 **commission, committee or work group.**

15 (2) Any agency in its discretion may develop a list of interested parties and inform those parties  
16 of any issue that may be the subject of rulemaking and invite the parties to make comments on the  
17 issue.

18 (3) If an agency appoints an advisory committee for consideration of a rule under subsection (1)  
19 of this section, the agency shall seek the committee's recommendations on whether the rule will  
20 have a fiscal impact, what the extent of that impact will be and whether the rule will have a sig-  
21 nificant adverse impact on small businesses. If the committee indicates that the rule will have a  
22 significant adverse impact on small businesses, the agency shall seek the committee's recommen-  
23 dations on compliance with ORS 183.540.

24 (4) An agency shall consider an advisory committee's recommendations provided under sub-  
25 section (3) of this section in preparing the statement of fiscal impact required by ORS 183.335  
26 (2)(b)(E).

27 (5) If an agency does not appoint an advisory committee for consideration of a permanent rule  
28 under subsection (1) of this section and 10 or more persons likely to be affected by the rule object  
29 to the agency's statement of fiscal impact as required by ORS 183.335 (2)(b)(E) or an association with  
30 at least 10 members likely to be affected by the rule objects to the statement, the agency shall ap-

**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 point a fiscal impact advisory committee to provide recommendations on whether the rule will have  
2 a fiscal impact and what the extent of that impact will be. An objection under this subsection must  
3 be made not later than 14 days after the notice required by ORS 183.335 (1) is given. If the agency  
4 determines that the statement does not adequately reflect the rule's fiscal impact, the agency shall  
5 extend the period for submission of data or views under ORS 183.335 (3)(a) by at least 20 days. The  
6 agency shall include any recommendations from the committee in the record maintained by the  
7 agency for the rule.

8 (6) Subsection (5) of this section does not apply to any rule adopted by an agency to comply with  
9 a judgment or a settlement of a judicial proceeding.

10 **SECTION 2. The amendments to ORS 183.333 by section 1 of this 2013 Act apply to advi-**  
11 **sory committees appointed for proposed rules for which notice is given under ORS 183.335**  
12 **(1) on or after the effective date of this 2013 Act.**