

**PROPOSED AMENDMENTS TO
SENATE BILL 358**

1 In line 2 of the printed bill, after “ORS” insert “183.405 and”.

2 After line 23, insert:

3 **“SECTION 2.** ORS 183.405 is amended to read:

4 “183.405. (1) Not later than five years after adopting a rule, an agency
5 shall review the rule for the purpose of determining:

6 “(a) Whether the rule has had the intended effect;

7 “(b) Whether the anticipated fiscal impact of the rule was underestimated
8 or overestimated;

9 “(c) Whether subsequent changes in the law require that the rule be re-
10 pealed or amended; and

11 “(d) Whether there is continued need for the rule.

12 “(2) An agency shall utilize available information in complying with the
13 requirements of subsection (1) of this section.

14 **“(3)(a) An agency shall prepare a written report of its findings and
15 determinations as a result of the review conducted under subsection
16 (1) of this section and submit the report to the interim committee to
17 which the agency has been assigned under ORS 183.724 within six
18 months after the date that is five years after the date on which the
19 agency adopted the rule.**

20 **“(b) The agency shall report biennially to the interim committee to
21 which the agency has been assigned under ORS 183.724 regarding each
22 rule that is subject to the five-year review during that biennium. The**

1 **agency shall identify the chapter and section number of the rule and**
2 **the completion date of the review, and shall provide a summary of the**
3 **findings and determinations made under subsection (1) of this section.**

4 **“(c) An interim committee that receives reports under this sub-**
5 **section shall review the reports as soon as is practicable after receipt.**
6 **The committee may request that one or more representatives of the**
7 **agency appear at a meeting of the committee along with a represen-**
8 **tative of the Oregon Department of Administrative Services for the**
9 **purpose of explaining the contents of the reports.**

10 **“(d) If the interim committee finds that an agency failed to submit**
11 **a report in a timely manner or that the report does not meet the re-**
12 **quirements of this section, the committee may make the following**
13 **recommendations:**

14 **“(A) To the Emergency Board or the Joint Committee on Ways and**
15 **Means, that current allocations or future appropriations to the agency**
16 **be reduced by up to 10 percent. The amount by which the allocations**
17 **or future appropriations are reduced under this paragraph must be**
18 **paid to the agency upon submission and review of the report, subject**
19 **to the committee’s approval of the report.**

20 **(B) To the Governor, that up to 10 percent of the compensation paid**
21 **to the administrative head of the agency be withheld until submission**
22 **and review of the report, subject to the committee’s approval of the**
23 **report.**

24 **“[(3)] (4) If an agency appoints an advisory committee pursuant to ORS**
25 **183.333 for consideration of a rule subject to the requirements of this section,**
26 **the agency shall provide the advisory committee with a report on a review**
27 **of the rule conducted under **subsection (1) of this section.****

28 **“[(4)] (5) The provisions of this section do not apply to the amendment**
29 **or repeal of a rule.**

30 **“[(5)] (6) The provisions of this section do not apply to:**

1 “(a) Rules adopted to implement court orders or the settlement of civil
2 proceedings;

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

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

5 “(d) Rules adopted to correct errors or omissions.”.

6 In line 24, delete “2” and insert “3”.

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