

House Bill 2280

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Secretary of State Dennis Richardson)

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**.

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 prescribing an effective date.

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

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

6 183.405. (1) Not later than five years after adopting a rule, **and every five years thereafter**,
7 an agency shall review the rule for the purpose of determining:

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

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

10 (c) Whether subsequent changes in the law require that the rule be repealed or amended;

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

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

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

14 (2) Upon request of an agency, the Small Business Rules Advisory Committee established in
15 section 2, chapter 20, Oregon Laws 2018, may agree to complete the review and reporting required
16 by this section for the agency.

17 (3) An agency or the Small Business Rules Advisory Committee shall utilize available informa-
18 tion in complying with the requirements of subsection (1) of this section.

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

21 (a) To the Secretary of State;

22 (b) To the Small Business Rules Advisory Committee, unless the committee completed the review
23 under subsection (2) of this section; and

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

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

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

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

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

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

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 (d) Rules adopted to correct errors or omissions.

2 (7) The Secretary of State shall compile the reports submitted under this section during each
3 calendar year and submit an annual report to the Legislative Assembly in the manner required by
4 ORS 192.245 no later than February 1 of the following year.

5 **SECTION 2. This 2019 Act takes effect on the 91st day after the date on which the 2019**
6 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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