

**SB 448 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary and Ballot Measure 110  
Implementation**

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**Prepared By:** Amie Fender-Sosa, Counsel

**Meeting Dates:** 2/2

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**WHAT THE MEASURE DOES:**

Prohibits permanent agency rules from being in effect beyond six years. Allows adoption of identical rule if agency finds there is a continuing need for the rule and that the rule is the most efficient and least costly way to the achieve the purpose of the rule.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

ORS 183, also known as the Administrative Procedures Act (APA), governs the administrative operations of Oregon agencies in the executive branch. Valid administrative rules have the force of law. An agency may only issue rules within the scope of its statutorily granted authority. When an agency promulgates rule, it must adhere to specific notice and public involvement steps before permanently adopting and filing a rule with the Secretary of State. Presently, permanent rules (in contrast to temporary, or emergency rules, which last 180 days) remain in effect indefinitely. Five years after adopting a rule, an agency must review the rule to determine whether the rule has had the intended effect, whether the original fiscal impact statement was accurate, whether the rule is still needed or needs to be amended, and what impacts the rule has had on small businesses. This review is then submitted to the Secretary of State who then submits a compilation of all the five-year reviews from each calendar year in an annual report to the Legislative Assembly.

SB 448 prohibits permanent agency rules from being in effect beyond six years and allows the adoption of an identical rule if the agency finds there is a continuing need for the rule and that the rule is the most efficient and least costly way to the achieve the purpose of the rule.