

HB 4021 A -A3 STAFF MEASURE SUMMARY

Senate Committee On Rules

Prepared By: Leslie Porter, LPRO Analyst

Meeting Dates: 2/25, 2/26

WHAT THE MEASURE DOES:

The measure requires the Oregon Department of Environmental Quality, Department of Transportation, Department of State Lands, and Department of Geology and Mineral Industries to use an effective date of at least 28 days after a final rule is filed with the Secretary of State (SOS) for permanent rules adopted, amended, or repealed that create or modify compliance requirements for individuals regulated by the agency. It requires the agencies to provide their required rule notices a certain number of days before the rule is filed with the SOS and, for the agencies and the Oregon Department of Energy, to provide contact information on their websites for questions about the rule. The measure takes effect on the 91st day following adjournment sine die and prescribes operative dates.

Fiscal Impact: Minimal impact

Revenue Impact: No impact

HOUSE VOTE: Ayes, 42; Nays, 0

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A3 The amendment replaces the list of departments required to use an effective date of at least 28 days after certain final rules are filed with the Secretary of State, with the Environmental Quality Commission, the Oregon Transportation Commission, the State Land Board, the Department of State Lands, and the governing board of the State Department of Geology and Mineral Industries.

BACKGROUND:

Administrative rules are agency directives, standards, regulations, or statements of general applicability that implement, interpret, or prescribe law or policy, or that describe an agency's procedure or practice requirements. Rules are created by any state board, commission, department, or officer authorized to make rules or issue orders. Agencies may adopt, amend, repeal, or renumber rules, either permanently or temporarily.

Agency rulemaking is governed by Oregon Revised Statutes 183.310 to 183.690, known as the Administrative Procedures Act (APA). The APA establishes the procedures that each agency must follow when adopting, amending, or repealing a rule. The specific rulemaking process can vary by agency, but generally includes six steps: seek public input, complete impact analyses, publish the notice of agency rulemaking, provide an opportunity for public comment, file with the SOS, and conduct a five-year rule review.