

HB 2993 -1, -2 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Melissa Leoni, LPRO Analyst

Meeting Dates: 3/2, 4/6

WHAT THE MEASURE DOES:

Requires agencies to appoint rules advisory committee that will represent the interests of persons likely to be affected by the rule. Applies to notices of intent to adopt rules filed on or after January 1, 2022.

ISSUES DISCUSSED:

- Intent of requirement and applicability to state agencies
- Rules advisory committee process

EFFECT OF AMENDMENT:

-1 Replaces measure. Clarifies that membership of a rules advisory committee or fiscal impact advisory committee must represent the interests of persons and communities likely to be affected by the rule. Applies to notices of intent to adopt rules filed on or after January 1, 2022.

-2 Replaces measure. Clarifies that membership of a rules advisory committee or fiscal impact advisory committee must represent the interests of persons and communities likely to be affected by the rule. Requires agency to include in rulemaking notice a statement identifying how adoption of rule will affect racial equity in this state. Applies to notices of intent to adopt rules filed on or after January 1, 2022.

BACKGROUND:

Administrative Rules are agency directives, standards, regulations, or statements of general applicability that implement, interpret, or prescribe law or policy, or that describe the procedure or practice requirements of an agency. 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.

State law requires agencies to involve the public in the drafting of administrative rules (ORS 183.333). An agency may appoint an advisory committee to represent the interests of persons likely to be affected by a proposed rule, or use other means of obtaining public input in the rule development process. If an agency appoints an advisory committee, the agency must seek its recommendation as to whether the rule will have a fiscal impact, the extent of the fiscal impact, and whether the rule will have a significant adverse impact on small businesses. If an agency does not appoint an advisory committee and 10 or more persons object to the statement of fiscal impact, the agency must appoint a fiscal impact advisory committee to provide fiscal impact recommendations.

House Bill 2993 requires agencies to appoint a rules advisory committee that represent the interests of persons likely to be affected by the rule to assist the agency in developing the rule and determining the fiscal impact.