

Legislative Fiscal Office

Oregon State Capitol
900 Court Street NE, H-178
Salem, OR 97301
503-986-1828



Joint Committee on Ways and Means

Sen. Betsy Johnson, Senate Co-Chair
Sen. Elizabeth Steiner Hayward, Senate Co-Chair
Rep. Dan Rayfield, House Co-Chair

Sen. Fred Girod, Senate Co-Vice Chair
Rep. David Gomberg, House Co-Vice Chair
Rep. Greg Smith, House Co-Vice Chair

Laurie Byerly, Interim Legislative Fiscal Officer
Amanda Beitel, Deputy Legislative Fiscal Officer (Budget)
Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

To: General Government Subcommittee

From: Kim To, Legislative Fiscal Office

Date: June 7, 2021

Subject: HB 2993 – Relating to administrative rules.
Work Session Recommendations

HB 2993 A-Engrossed adds a statement identifying how adoption of the rule will affect racial equity in Oregon to list of materials that must be included in a notice prior to adoption, amendment or repeal of any administrative rule. Note that the measure does not define “racial equity.” Therefore, the term would need to be defined in rulemaking.

In addition, the measure requires that if an agency convenes rulemaking or fiscal impact advisory committee, the membership of the committee must represent the interests of person and communities affected by the rule. The measure specifies that an agency may not appoint an officer, employee, or other agent of the agency to serve as a member of the rulemaking or fiscal impact advisory committee. These requirements apply to notices of intent to adopt rules filed on or after January 1, 2022.

For the majority of state agencies, the fiscal impact of this measure is anticipated to be minimal. Each agency will use existing staff and resources to handle the increase in rulemaking workload as well as potential costs related to Department of Justice rule writing assistance that would likely increase due to advisory committee members having a stake in the wording of the rule changes. A small number of agencies may need additional resources in order to comply with the provisions of this measure. The Legislative Fiscal Office assumes that if these agencies can demonstrate an increase in workload as a result of this measure, they will appear before an interim committee or Emergency Board with request for funding.

The measure previously had a hearing in the House Committee on Rules on 3/2/2021, 4/6/2021, and 4/8/2021, and was reported out with a do pass recommendation.

Final Subcommittee Action

LFO recommends that HB 2993 be moved to the Ways and Means Full Committee.

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____