

HB 2993-1  
(LC 1819)  
4/2/21 (MNJ/ps)

Requested by HOUSE COMMITTEE ON RULES (at the request of Representative Barbara Smith Warner)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2993**

1 On page 1 of the printed bill, line 2, after “183.333” insert a period and  
2 delete the rest of the line and delete line 3.

3 Delete lines 5 through 31 and delete pages 2 through 8 and insert:

4 **“SECTION 1.** ORS 183.333 is amended to read:

5 “183.333. (1) The Legislative Assembly finds and declares that it is the  
6 policy of this state that whenever possible the public be involved in the de-  
7 velopment of public policy by agencies and in the drafting of rules. The  
8 Legislative Assembly encourages agencies to seek public input to the maxi-  
9 mum extent possible before giving notice of intent to adopt a rule. The  
10 agency may appoint an advisory committee [*that will represent the interests*  
11 *of persons likely to be affected by the rule,*] or use any other means of ob-  
12 taining public views that will assist the agency in drafting the rule. **The**  
13 **membership of an advisory committee appointed under this subsection**  
14 **must represent the interests of persons and communities likely to be**  
15 **affected by the rule.**

16 “(2) Any agency in its discretion may develop a list of interested parties  
17 and inform those parties of any issue that may be the subject of rulemaking  
18 and invite the parties to make comments on the issue.

19 “(3) If an agency appoints an advisory committee for consideration of a  
20 rule under subsection (1) of this section, the agency shall seek the  
21 committee’s recommendations on whether the rule will have a fiscal impact,

1 what the extent of that impact will be and whether the rule will have a  
2 significant adverse impact on small businesses. If the committee indicates  
3 that the rule will have a significant adverse impact on small businesses, the  
4 agency shall seek the committee's recommendations on compliance with ORS  
5 183.540.

6 “(4) An agency shall consider an advisory committee's recommendations  
7 provided under subsection (3) of this section in preparing the statement of  
8 fiscal impact required by ORS 183.335 (2)(b)(E).

9 “(5) If an agency does not appoint an advisory committee for consider-  
10 ation of a permanent rule under subsection (1) of this section and 10 or more  
11 persons likely to be affected by the rule object to the agency's statement of  
12 fiscal impact as required by ORS 183.335 (2)(b)(E) or an association with at  
13 least 10 members likely to be affected by the rule objects to the statement,  
14 the agency shall appoint a fiscal impact advisory committee to provide rec-  
15 ommendations on whether the rule will have a fiscal impact and what the  
16 extent of that impact will be. **The membership of the fiscal impact ad-**  
17 **visory committee must represent the interests of persons and com-**  
18 **munities likely to be affected by the rule.** An objection under this  
19 subsection must be made not later than 14 days after the notice required by  
20 ORS 183.335 (1) is given. If the agency determines that the statement does  
21 not adequately reflect the rule's fiscal impact, the agency shall extend the  
22 period for submission of data or views under ORS 183.335 (3)(a) by at least  
23 20 days. The agency shall include any recommendations from the committee  
24 in the record maintained by the agency for the rule.

25 “(6) An agency may appoint the Small Business Rules Advisory Commit-  
26 tee established in ORS 183.407 as the advisory committee or fiscal impact  
27 advisory committee for purposes of this section.

28 “(7) Subsection (5) of this section does not apply to any rule adopted by  
29 an agency to comply with a judgment or a settlement of a judicial proceed-  
30 ing.

1       “(8) If an agency is required by law to appoint an advisory committee **or**  
2 **a fiscal impact advisory committee** under this section, the agency may  
3 not appoint an officer, employee or other agent of the agency to serve as a  
4 member of the advisory committee **or fiscal impact advisory committee**.

5       “SECTION 2. **The amendments to ORS 183.333 by section 1 of this**  
6 **2021 Act apply to notices of intent to adopt rules filed on or after the**  
7 **effective date of this 2021 Act.**”.

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