

HB 4021 -2 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/10

WHAT THE MEASURE DOES:

The measure requires the Department of Environmental Quality, Department of Transportation, Department of State Lands, and State Department of Geology and Mineral Industries to use an effective date of January 1, April 1, July 1, or October 1 for each rule adopted, amended, or repealed, and to provide their required rule notices a certain number of days prior to the date the rule is filed with the Secretary of State. It also requires these four agencies and the Department of Energy to provide contact information on their website for a person who is knowledgeable about each rule adopted, amended, or repealed. The measure takes effect on the 91st day following adjournment sine die and prescribes operative dates.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 The amendment changes the effective date requirement to no earlier than 28 days after the date the final rule is filed with the Secretary of State and makes that apply only for a permanent rule adopted, amended, or repealed by the agencies that creates or modifies compliance requirements for persons regulated by the agency. It also changes the requirement for contact information and adds "whereas" clauses.

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.

Agency rulemaking is governed by ORS 183.310 to 183.690, which is 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 will generally include six steps: (1) seek public input; (2) complete impact analyses; (3) publish the notice of agency rulemaking; (4) opportunity for public comment; (5) file with Secretary of State; and (6) five-year rule review.