

February 23, 2018



411 S.W. 2nd Avenue
Suite 200
Portland, OR 97204
503-548-2797
info@progpatty.org

Oregon Progressive Party

Position on Bill at 2018

Session of Oregon Legislature:

HB 4052A: Strongly Oppose

Dear Senator:

HB 4052A would allow every state agency and officer to outsource the currently required 5-year review of every adopted rule to a 9-person Committee consisting of a minimum of 7 representatives of private business who are not required to make any financial disclosures and are not subject to conflict of interest regulation. The Committee is apparently also not subject to the public records or open meetings laws.

There is no reason to expect that the 7 small business representatives on the 9-person the "Small Business Rules Advisory Committee" (SBRAC) will reflect the interests of the public and not the interests of small business or even their own personal financial interests. So, instead of state agencies and officers reviewing the rule for all of its intended or unintended effects (on the environment, consumers, economic justice, civil rights, and other concerns), HB 4052A allows the review to be done by a Committee consisting of nearly all small business representatives only.

Under current law (ORS 183.405*), every agency or officer must review each rule, within 5 years of its adoption, to evaluate its effects, its costs, and whether it should be repealed or amended. HB 4052A allows the agency or officer to outsource that entire review to the SBRAC. HB 4052A, Section 2(4) states:

(4) Upon request of an agency, the committee may agree to complete the rules review and reporting required by ORS 183.405 in place of the agency.

This is outrageous. Outsourcing this important government function to representatives of private business is bad enough, but the members of the SBRAC are not required to make any financial disclosures and are not subject to conflict of interest regulation. Nor is there any indication that the SBRAC is subject to the public records or open meetings laws.

Further, HB 4052A creates only one SBRAC. It boggles the mind to think that a single group of 9 persons would have the knowledge or expertise necessary to review all of the rules adopted by all state agencies and officers.

Please reject this bill.

Oregon Progressive Party

Daniel Meek

authorized legal representative

dan@meek.net

503-293-9021



*** 183.405 Agency review of rules.**

(1) Not later than five years after adopting a rule, an agency shall review the rule for the purpose of determining:

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended; and
- (d) Whether there is continued need for the rule.

(2) An agency shall utilize available information in complying with the requirements of subsection (1) of this section.

(3) An agency shall provide a report on each review of a rule conducted under this section:

- (a) To the Secretary of State; and
- (b) If the agency appoints an advisory committee pursuant to ORS 183.333 for consideration of a rule subject to the requirements of this section, to the advisory committee.

(4) The provisions of this section do not apply to the amendment or repeal of a rule.

(5) The provisions of this section do not apply to:

- (a) Rules adopted to implement court orders or the settlement of civil proceedings;
- (b) Rules that adopt federal laws or rules by reference;
- (c) Rules adopted to implement legislatively approved fee changes; or
- (d) Rules adopted to correct errors or omissions. [2005 c.807 §3; 2017 c.518 §6]