



2024 Five Year Rule Review

*Compiled by
Oregon's Secretary of State's Publication Unit
January 5, 2024*

Five-Year Rule Review

ORS 183.405

Rule Name: Public Records Fees

Rule Number(s): OAR 847-005-0008

Adoption Date:

July 24, 2019

Review Due Date:

July 23, 2024

Review Date:

November 13, 2023

Sent to SOS Date:

January 5, 2024

☒ **Advisory Committee Used:** Administrative Affairs Committee

☐ **Advisory Committee Not Used**

What was the intended effect of this rule adoption?

The rule was intended to increase readability by separating licensing and records request fees into different rules. The rule aligned the Board's request fees with the Oregon Department of Administrative Services fees and charges policy, 107-001-030.

☒ Yes
☐ No

Has this rule adoption had its intended effect?

The rule has been used to determine fees for staff time required to fulfill a public records request.

☒ Yes
☐ No

Was the anticipated fiscal impact of this rule correct?

The Oregon Medical Board anticipated a minor fiscal impact by the rule. The rule only updated a few of the charges to align with the statewide policy. All state agencies charge the same hourly rate for a public records request.

☐ Yes
☒ No

Have subsequent changes in the law required this rule to be/can be amended or repealed?

The law has not changed requiring the rule to be amended. However, on April 11, 2023, the Board adopted an amendment to add a fee for the Board Attorney's time utilized during a public records request.

☒ Yes
☐ No

Is there a continued need for this rule?

Yes.

☐ Yes
☒ No

What impact has the rule had on small businesses?

Unknown, small businesses may request public records and would be charged these fees. All state agencies charge similar fees for a public records request.

Additional Comments: None

Report provided by: Rules Coordinator

847-005-0008
Public Record Fees

Many public records are available on the Oregon Medical Board's website without charge; convenience copies of these records are available upon request for a set charge. Pursuant to ORS 192.324, public records fees reflect no more than the actual cost of producing and processing the public records request.

(1) Licensee Information Request Charges:

(a) Verification of Licensure — Individual Requests (1-4 licenses) — \$10 per license.

(b) Verification of Licensure — Multiple (5 or more licenses) — \$7.50 per license.

(c) Malpractice Report — Individual Requests — \$10 per license.

(d) Malpractice Report — Multiple (monthly report) — \$15 per report.

(e) Disciplinary — Individual Requests — \$10 per license.

(2) Record Search Charges: If a request for records can be fulfilled using less than 30 minutes of staff time, there will be no charge for the service.

(a) Clerical Staff — \$25 per hour.

(b) Administrative and Managerial Staff — \$40 per hour.

(c) Professional Staff and Medical Director — \$75 per hour.

(d) The actual cost to the Board of time spent by the Board's attorney in reviewing the public records, redacting material from the public records, and segregating the public records into exempt and nonexempt records.

(3) Data Order Charges:

(a) Standard Licensee Data Order — \$75 each.

(b) Custom Licensee Data Order — \$75 + \$40.00 per hour Administrative time.

(c) Address Label Data — \$50 each.

(d) Malpractice Information Data — \$75 each.

(4) All Board fees are non-refundable and non-transferable.

(5) The Board may waive or reduce fees for public records upon written request if the Board determines that making the record available primarily benefits the general public.

Statutory/Other Authority: ORS 677.265

Statutes/Other Implemented: ORS 677.265 & 192.324

History:

OMB 6-2023, amend filed 04/11/2023, effective 04/11/2023

OMB 2-2019, adopt filed 07/24/2019, effective 07/24/2019



Oregon

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Oregon Department of Land Conservation and Development

5-year Rule Review

Adopted Rules of Chapter 660



Division 25 (Periodic Review)

Rules adopted: 660-025-0185

Date Adopted (Filing No.): January 24, 2019 (LCDD 2-2019)

Date Reviewed: January 16, 2024

Rulemaking Advisory Committee used: No. The amendments were directed by legislation and were technical in nature.

660-025-0185: Review of Urban Growth Boundary Amendment Components	
Did the rule have its intended effect?	Yes, in 2023 the department approved two work programs as authorized under this rule, 1) the City of Molalla; and 2) the City of Canby. The department is currently reviewing two additional requests for work programs authorized by this rule; 1) the City of McMinnville; and 2) the City of Newberg.
What was the intended effect?	The intended effect of the rule was to give cities that need to expand their urban growth boundaries more flexibility to complete and have acknowledged by the state individual components of an overall program, such as an analysis of housing need and supply, or an analysis of land needs for commercial and industrial development vs. supply.
Was the fiscal impact underestimated or overestimated? What was the estimated fiscal impact?	The analysis of the rules found no significant fiscal impact, and to date this analysis is correct.
Have any changes in law required that the rule be repealed or amended?	No
Is the rule still necessary?	Yes
What impacts does the rule have on small business?	None

Landscape Contractors Board Five-year Administrative Rule Review

Rule division name and rule number:

808-003-0500 – Creates Modified Phase of License

Date adopted: February 1, 2019

Date Reviewed: January 19, 2024

Advisory Committee Used: Yes, the Board acts as its own Advisory Committee

1. **Did the rule achieve the intended effect?** Yes
2. **Was the fiscal impact statement:**
 - ☐ Underestimated
 - ☐ Overestimated
 - ☒ Just about right
 - ☐ Unknown
3. **Have the rules been repealed or amended?** Yes
4. **Are the rules still needed?** Yes
This rule created a new phase of licensure with reduced eligibility requirements. The rule reduced barriers to entry for licensing for people who want to perform landscape contracting work and own their own business. It has further improved the diversity, equity and inclusion of licensees, especially those in the Spanish community.

The agency must review each adopted administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- 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;
- d. Whether there is a continued need for the rule.

The agency must report its findings to the Secretary of State and any Advisory Committee appointed under ORS 183.333. This agency has a Board that acts as the Advisory Committee.

The review requirement does not apply to rules adopted to:

- implement court orders or settle civil proceedings;
- adopt federal laws or rules by reference;
- implement legislatively-approved fee changes; or
- correct errors or omissions.

Landscape Contractors Board Five-year Administrative Rule Review

Rule division name and rule number:

808-003-0501 – Scope of work for Modified License

Date adopted: February 1, 2019

Date Reviewed: January 19, 2024

Advisory Committee Used: Yes, the Board acts as its own Advisory Committee

1. **Did the rule achieve the intended effect?** Yes
2. **Was the fiscal impact statement:**
 - ☐ Underestimated
 - ☐ Overestimated
 - ☒ Just about right
 - ☐ Unknown
3. **Have the rules been repealed or amended?** Yes
4. **Are the rules still needed?** Yes
This rule defines the scope of work allowed under the new license phase and is still needed for clarity and consistency.

The agency must review each adopted administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- e. Whether the rule has had the intended effect;
- f. Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- g. Whether subsequent changes in the law require that the rule be repealed or amended;
- h. Whether there is a continued need for the rule.

The agency must report its findings to the Secretary of State and any Advisory Committee appointed under ORS 183.333. This agency has a Board that acts as the Advisory Committee.

The review requirement does not apply to rules adopted to:

- implement court orders or settle civil proceedings;
- adopt federal laws or rules by reference;
- implement legislatively-approved fee changes; or
- correct errors or omissions.

Landscape Contractors Board
Five-year Administrative Rule Review

Rule division name and rule number:

808-003-0502 Modified License Requirements

Date adopted: February 1, 2019

Date Reviewed: January 19, 2024

Advisory Committee Used: Yes, the Board acts as its own Advisory Committee

1. Did the rule achieve the intended effect? Yes

2. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown

3. Have the rules been repealed or amended? No

4. Are the rules still needed? Yes

This rule defines eligibility requirements used to qualify applicants for this phase of licensure. The requirements reduced barriers to entry for licensing for people who want to perform landscape contracting work and has further improved the diversity, equity and inclusion of licensees, especially those in the Spanish community. The rule is still needed for clarity and consistency.

The agency must review each adopted administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- i. Whether the rule has had the intended effect;
- j. Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- k. Whether subsequent changes in the law require that the rule be repealed or amended;
- l. Whether there is a continued need for the rule.

The agency must report its findings to the Secretary of State and any Advisory Committee appointed under ORS 183.333. This agency has a Board that acts as the Advisory Committee.

The review requirement does not apply to rules adopted to:

- implement court orders or settle civil proceedings;
- adopt federal laws or rules by reference;
- implement legislatively-approved fee changes; or
- correct errors or omissions.

Landscape Contractors Board
Five-year Administrative Rule Review

Rule division name and rule number:

808-003-0503 Change of License Category for Modified License

Date adopted: February 1, 2019

Date Reviewed: January 19, 2024

Advisory Committee Used: Yes, the Board acts as its own Advisory Committee

1. **Did the rule achieve the intended effect?** Yes

2. **Was the fiscal impact statement:**

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown

4. **Have the rules been repealed or amended?** Yes

4. **Are the rules still needed?** Yes

This Modified phase of licensure has reduced eligibility requirements. This rule denotes requirements for ensuring the applicable higher standards are met to change license categories. The rule is still needed for clarity and consistency.

The agency must review each adopted administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- m. Whether the rule has had the intended effect;
- n. Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- o. Whether subsequent changes in the law require that the rule be repealed or amended;
- p. Whether there is a continued need for the rule.

The agency must report its findings to the Secretary of State and any Advisory Committee appointed under ORS 183.333. This agency has a Board that acts as the Advisory Committee.

The review requirement does not apply to rules adopted to:

- implement court orders or settle civil proceedings;
- adopt federal laws or rules by reference;
- implement legislatively-approved fee changes; or
- correct errors or omissions.



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**Report to the Secretary of State: 5-Year Rule Review
(January 2019–December 2019)**

Compiled for submission by Feb. 1, 2024

ORS 183.405 requires all state agencies to make a reporting of all rulemakings that adopted rules in the fifth calendar year prior to date. The purpose of the review is to determine the rules' alignment with original intent, applicability, and anticipated fiscal impact. OHCS strives to make necessary rule amendments as the need arises.

The following records account for all of OHCS' adopted rules for the 2019 calendar year. A copy of this report shall be made available by Leann Knapp (Leann.Knapp@hcs.oregon.gov).

During the period of January 1, 2019, through December 31, 2019, OHCS adopted a total of six (6) rules. These rulemakings impacted four (4) divisions and programs:

- Home Ownership Assistance Program of the Oregon Housing Fund (Division 44)
- Low-Income Weatherization Assistance Program (Division 205)
- Housing Choice Landlord Guarantee Program (Division 360)
- Rent Guarantee Program (Division 365)

The appendices of this report detail the status of those filings.

Appendix

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Appendix A
5-Year Rule Review
Adopted Rules of Chapter 813

Division No. 44 (Home Ownership Assistance Program of the Oregon Housing Fund):

Rules Adopted: 813-044-0005

Date Adopted (Filing No.): 12-30-2019 (OHCS 41-2019)

Rule Advisory Committee Used: No

If not, please explain: We needed to make these changes based on feedback from partners and to promote more transparent and equitable service to Oregonians. These changes were vetted internally through a policy advisory group, our Executive Team members and the Housing Stability Council.

OAR 813-044-0005: Definitions	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing definitions for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has amended this rule once since adoption due to legislative activities.
<i>Is the rule still necessary?</i>	Yes

Appendix B
5-Year Rule Review
Adopted Rules of Chapter 813

Division No. 205 (Low-Income Weatherization Assistance Program):

Rules Adopted: 813-205-0011

Date Adopted (Filing No.): 12-18-2019 (OHCS 38-2019)

Rule Advisory Committee Used: No

If not, please explain: These changes only adopted language consistent with other divisions and programs implemented by the same community action agencies.

OAR 813-205-0011: Administration	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect by establishing the administration of the program and maintaining consistency among similar programs' rules.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has been no internal need to amend this rule or any legislative activity that changed it.
<i>Is the rule still necessary?</i>	Yes

Appendix C
5-Year Rule Review
Adopted Rules of Chapter 813

Division No. 360 (Housing Choice Landlord Guarantee Program):

Rules Adopted: 813-360-0045; 813-360-0055

Date Adopted (Filing No.): 12-31-2019 (OHCS 44-2019)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-360-0045: Reporting and Recordkeeping	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule met the intended effect by establishing requirements for reporting and recordkeeping and maintaining consistency among similar programs' rules.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has been no internal need to amend this rule or any legislative activity that changed it.
<i>Is the rule still necessary?</i>	Yes

OAR 813-360-0055: Administrative Review	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule met the intended effect by establishing requirements for administrative review and maintaining consistency among similar programs' rules.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.

2024 5-Year Rule Review

<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has been no internal need to amend this rule or any legislative activity that changed it.
<i>Is the rule still necessary?</i>	Yes

Appendix D
5-Year Rule Review
Adopted Rules of Chapter 813

Division No. 365 (Rent Guarantee Program):

Rules Adopted: 813-365-0030; 813-365-0070

Date Adopted (Filing No.): 12-31-2019 (OHCS 45-2019)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-365-0030: Eligibility	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule met the intended effect by establishing eligibility criteria for participants.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has amended this rule once since adoption due to legislative activities.
<i>Is the rule still necessary?</i>	No

OAR 813-365-0070: Administrative Review	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule met the intended effect by establishing requirements for administrative review and maintaining consistency among similar programs' rules.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.

2024 5-Year Rule Review

<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has been no internal need to amend this rule or any legislative activity that changed it.
<i>Is the rule still necessary?</i>	No

Retail Sales Agent Eligibility

OAR 845-015-0115

Date Adopted: 1/17/2019

Date Review Due: 2/1/2024

Date Review Completed: 1/31/2024

Advisory Committee (AC) used? Yes

AC members:

1) Did the rule achieve its intended effect?

a) What was the intended effect?

Prior to the implementation of this rule, ORS 471.710 explicitly prevented a Retail Sales Agent from obtaining or being associated with a Full-On Premises or a Distillery license. The statute was previously silent regarding a Retail Sales Agent obtaining another license. Many Retail Sales Agents already had an Off-Premises license which allowed them to sell cider, malt beverages and wine for consumption off the licensed premises. In the spring of 2018, our Commission was petitioned to amend the rules. The petitioner requested that the Commission remove the prohibition on Retail Sales Agents from obtaining a Limited License for a separate location.

b) How did the rule succeed or fail in achieving this effect? The rule succeeded in that they can now obtain a limited license.

2) Was the fiscal impact underestimated, overestimated, just about right, or unknown? As expected.

a) What was the estimated fiscal impact?

This statement takes into account the fiscal impact on: (a) Licensees; (b) Retail Sales Agents (c) Local Government; (d) State Agencies; and (e) the Public:

(a) **Licensees**: The Commission forecasts that the amendments would have both a possible positive and negative fiscal impact on Limited Licensees, as they could see increased market competition from Retail Sales Agents entering the market. Conversely, a Limited Licensee, per the proposed amendments, would be eligible to apply for an opportunity to become a Retail Sales Agent of the Commission.

(b) **Retail Sales Agents**: The Commission forecasts that the amendments would have a possible positive fiscal impact on Retail Sales Agents. The amendments would enable a Retail Sales Agent to obtain a Limited License. This would allow a Retail Sales Agent to open a separate location to sell whom sell malt beverages,

cider or wine by the glass and factory sealed containers of malt beverages and kegs, if they chose to enter that business environment.

(c) **Local Government**: The Commission expects the proposed amendments to have no impact upon local governments, as the rules does not apply to them.

(d) **State Agencies**: The Commission expects the proposed rule to have a neutral effect. Oregon Health Authority has concerns that more outlets of alcohol will merely lead to more negative alcohol related impacts upon the populace.

(e) **The Public**: The Commission expects the proposed rule to have both a possible positive and negative fiscal impact on the public. Consumers of alcoholic beverages may find more retail options available to them. However, the Oregon Health Authority has concerns that more outlets of alcohol will merely lead to more negative alcohol related impacts upon the populace.

COST OF COMPLIANCE: *(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

1. **Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E))**: The Commission anticipates no new costs to comply with the proposed amendments for most state agencies and local government. The Oregon Health Authority has concerns that more outlets of alcohol will merely lead to more negative alcohol related impacts upon the populace.

2. **Cost of compliance effect on small business (ORS 183.336)**:

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Currently, the Commission has 2,778 limited licensee and approximately 250 Retail Sales Agents.

b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services: A Retail Sales Agent would need to apply in a form and manner proscribed by the Commission in order to obtain a Limited License, and complete all subsequent licensing requirements. This is a basic expectation of all licensees.

c. Equipment, supplies, labor and increased administration required for compliance: A Retail Sales Agent would need to apply in a form and manner prescribed by the Commission in order to obtain a Limited License, and complete all subsequent licensing requirements.

b) **What was the actual fiscal impact?**

I don't believe there was a fiscal impact other than potential negative health impacts and positive impacts for the agents who have these licenses.

c) **If the answer to question 2 is unknown, briefly explain why:**

3) **Have subsequent changes in the law required the rule to be repealed or amended?**

If yes, explain: No

4) **Is the rule still needed?** Yes **Explain:** The rule has provided agents the ability to have an additional license to potentially generate more income.

5) **What, if any, is the impact on small businesses?** Likely only a positive impact in that agents can take part in additional business activities.

Review Completed By:

Nicole M. Blossé	<i>Nicole M. Blossé</i>	Rules Coordinator	2/2/2024
Name	Signature	Title	Date

Executive Review:

Bryant Haley	<i>Bryant Haley</i>	Public Records Manager	2/5/2024
Name	Signature	Title	Date



State of Oregon Department of Environmental Quality

Five Year Rule Review ([ORS 183.405](#))

2024 review of rules adopted in 2019

Contact: [Emil Hnidey](#), Agency Rules Coordinator

The purpose of the review

ORS 183.405 of the Administrative Procedures Act requires agencies to review all newly adopted rules within five years after adopting them. This document meets DEQ's responsibilities under that law.

Legal requirements

The statute requires agencies to review new rules to determine whether:

- The rule had the intended effect
- The agency over- or underestimated the rule's anticipated fiscal impact
- Subsequent changes in the law required the agency to amend or repeal the rule
- There is a continued need for the rule

Agencies are only required to use available information to conduct this review.

If the agency appointed an advisory committee in developing the rule, the agency must provide the committee members a copy of the review.

Exemptions

Rules are exempt from this review if they:

- Consist only of the repeal of or an amendment to an existing rule
- Are adopted to implement court orders or to settle civil proceedings
- Only adopt federal laws or rules by reference
- Implement legislatively approved fee changes
- Only correct omissions or errors

Distribution of the review

DEQ's Agency Rules Coordinator:

- Provides a copy of this review to DEQ's Leadership Team
- Provides a copy of this review to any advisory committee members
- Posts a copy of the review on DEQ's rulemaking website

- Preserves a copy of the review in DEQ’s electronic rulemaking archives
- Sends a copy to the Oregon Secretary of State

EQC meetings in 2018

On May 16, 2019, the EQC adopted rules subject to review.

Rules subject to this review

Title – DEQ Rules Tables Attachments 2019

Adopted date: May 16, 2019

Rule numbers: 340-230-8010, 340-232-8010

Reviewer: Emil Hnidey

Summary

This rulemaking corrected references in Department of Environmental Quality administrative rules to external documents and published external documents that the rules referred to but that were not published with the rules. This rulemaking also corrected existing typographical or grammatical errors in several rules without making any substantive changes.

The purpose of this rulemaking is to make DEQ rules easier for readers to use. This rulemaking also helped ensure that readers and users of the rules are always relying on the current, correct version of external reference documents.

Many of DEQ’s rules refer to or incorporate external reference documents such as tables, graphs, maps or manuals. Many of these documents were not published with the official, online version of the rules that the Oregon Secretary of State publishes. This was an artifact of when rules were originally published in paper and there was not a practical way to attach or include large external documents with the rules.

The Secretary of State, whose office publishes the official Oregon Administrative Rules, is now able to attach most types of documents to the online published rules. It is much easier for people using the rules to find and access reference documents if they are located directly with the published rules and available electronically. DEQ conducted this rulemaking to correct errors in published rule attachments, to standardize formatting of rule attachments and to include reference documents that were not published with the rules.

The only change this rulemaking made to any rule text is to ensure that references to external documents were accurate. DEQ did not make changes to the meaning or effect of any of the rules included in this rulemaking.

This rulemaking had no fiscal impact on any party. This rulemaking did not require any new actions by, or impose any new requirements on, any party.

Did the rule have the intended effect?

Yes. These rules had the intended effect of creating a central place for tables to reside that all other rules in the Division can reference.

Did the agency over- or underestimate the rule's fiscal impact?

DEQ accurately anticipated the fiscal impact of the rules and has not had to make any adjustment.

Do subsequent changes in the law require the agency to amend or repeal the rule?

No.

Is there a continued need for the rule?

Yes. These rules continue to serve as the place where all tables for Division 230 and 232 are housed.

Translation or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

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Oregon Administrative Rules 5-YEAR RULE REVIEW WORKSHEET

1. All categories on this form are required by the Secretary of State and the Attorney General's Administrative Law Manual per ORS 183.405. The grey notes are advice to assist filling out this form.

2. Fill out and return this completed form to the Rules Coordinator.

TIP: Have the original Notice Filing, Permanent Filing that adopted the rules, and the list of RAC Members on hand when completing the 5-Year Rule Review.

This 5-year Rule Review Report was Reviewed by:

Name: Jenifer McIntosh

Original Adopt Effective Date: 01/01/2019

5-Year Rule Review Due Date: 01/01/2024

5-Year Rule Review Completed Date: 03/01/2024

Rule Numbers Adopted: 413-215-0079

What was the intended effect of this rule?

To require child-caring agencies to have and adhere to written policies and procedures regarding safety and environmental health. Specifically, the new required policies are on vehicle and transportation safety (only for agencies that transport children in care), searches (only for agencies that conduct searches on children in care or visitors), water safety (only for agencies that have a swimming pool on the premises or that take children in care swimming), and a general policy on hazards.

Has the rule had the intended effect? Yes or No? Explain.

Yes. It is not required that all child-caring agencies have and follow written policies related to safety.

Was the anticipated Fiscal Impact of the underestimated?

No. There was no expected impact regarding these changes and no fiscal impact was reported after the change was implemented.

Was the anticipated Fiscal Impact of the overestimated?

No. There was no expected impact regarding these changes and no fiscal impact was reported after the change was implemented.

Have subsequent changes in the law required the rule to be repealed or amended?

No

Is there a continued need for this rule? Yes

What impact has the rule had on small businesses?

The Rule Advisory Committee (RAC) for these rules determined there was no impact to small business. Child-caring agencies, some of who qualify as a small business under ORS 183.310, participated in the RAC and were also invited to comment during the public comment period.

Was an Administrative Rule Advisory Committee (RAC) consulted? Yes

Date sent to RAC Members and SOS: 3/14/2024

2019 OLCC Industrial Hemp Rules Package
Amend Division 25

Date Adopted: 3/1/2019 (OLCC 3-2019, OLCC 4-2019), 3/11/2019 (OLCC 5-2019) & 3/13/2019 (OLCC 6-2019)

Date Review Due: 3/1/2024

Date Review Completed: 2/27/2024

Advisory Committee (AC) used? Yes. A Rules Advisory Committee was held on 9/27/2018.

AC members: Steve Livingston, Courtney Moran, Trista Okel, Daniel Williams, Erin Williams

1) **Did the rule achieve its intended effect?**

a) **What was the intended effect?**

Division 25 of Chapter 845 of the Oregon Administrative Rules sets forth the privileges and prohibitions for licensees and permittees of the Commission regarding the recreational cannabis market. The revisions within this package were made to implement the changes made by the 2018 Oregon legislature (HB 4089) relating to industrial hemp.

As a result:

The Oregon Liquor & Cannabis Commission amended the following rules:

- **845-025-1015** - Definitions
- **845-025-1060** - Fees
- **845-025-1335** - Marijuana Promotional Events
- **845-025-2700** - Industrial Hemp Grower Certificate Application; Denial; Revocation
- **845-025-2750** - Industrial Hemp Grower Certificate Privileges; Prohibitions
- **845-025-2800** - Retailer Privileges; Prohibitions
- **845-025-3210** - Marijuana Processors - Endorsements
- **845-025-3215** - Processor Privileges; Prohibitions
- **845-025-3500** - Wholesale License Privileges; Prohibitions
- **845-025-8520** - Prohibited Conduct
- **845-025-8590** - Suspension, Cancellation, Civil Penalties, Sanction Schedule

The Oregon Liquor & Cannabis Commission adopted the following rules:

- **845-025-2705** - Industrial Hemp Handler Certificate Application; Denial; Revocation
- **845-025-2755** - Industrial Hemp Handler Certificate Privileges; Prohibitions

- **845-025-2760** - THC Concentration Limits for Industrial Hemp and Hemp Items
- **845-025-2775** - CTS Requirements for Industrial Hemp and Hemp Items
- **845-025-2785** - Licensee Industrial Hemp Privileges; Requirements

The Oregon Liquor & Cannabis Commission repealed the following rule:

- **845-025-3285** – Industrial Hemp Processor Requirements

b) **How did the rule succeed or fail in achieving this effect?** The rule succeeded in implementing 2018 HB 4089 by creating a framework for issuing hemp certificates to hemp growers and hemp handlers to transfer hemp and hemp items to OLCC licensees in accordance with the provisions of 2018 HB 4089. OLCC began receiving applications the day after the rule was filed and issued the first hemp certificates under these rules on the date the rules became effective. Within the first year, OLCC issued 99 hemp certificates under these rules. The rules also successfully anticipated future trends in intoxicating hemp products; these rules were the first in the nation to limit the milligrams of THC in hemp items, not only the concentration of THC (mg/g or percent by weight) to avoid situations where a hemp item would be permitted to exceed the THC per serving and THC per container limits that apply to marijuana items.

2) **Was the fiscal impact underestimated, overestimated, just about right, or unknown?**
Just about right.

a) **What was the estimated fiscal impact?**

This statement takes into account the fiscal impact on: (a) Marijuana Licensees; (b) Local Government; (c) State Agencies; and (d) the Public.

(a) Marijuana Licensees: The rules will implement the provisions of 2018 HB 4089 which allows for hemp growers and handlers licensed by the ODA to transfer industrial hemp and industrial hemp products into the OLCC marijuana market. The Commission forecasts that this package will have the following effects upon different layers of licensees:

Marijuana Producers will see an infusion of usable hemp and hemp-derived consumables into the regulated market. The Commission forecasts that this could affect the price of usable marijuana. Specifically, industrial hemp has much lower fees, oversight and security requirements. Hemp growers and handlers may be able to price their products at a lower price point due the lower costs of regulation. Further, marijuana producers will compete for “shelf space” with industrial hemp products.

Marijuana Processors with an industrial hemp endorsement will be able to accept and blend industrial hemp products. The Commission forecasts that this will have a positive impact upon marijuana processors, as they will be able to purchase industrial hemp flower, concentrates or extracts at a lower price point than marijuana items.

Marijuana Wholesalers will be able to purchase and resell industrial hemp flower and industrial hemp items. This provides wholesalers with an additional pool of potential clients by serving as the distribution channel for makers of consumer-ready hemp items to access marijuana retailers.

Marijuana Retailers: Will see an infusion of industrial hemp items into the market. This will give retailers the ability to sell more cannabidiol (CBD) products to consumers and compete with non-licensed entities that are already selling these products.

(b) Local Government:

The Commission forecasts that these rules will have a neutral impact, as the rules do not apply to them.

(c) State Agencies:

These rules will incur costs to state agencies. The Oregon Liquor & Cannabis Commission (OLCC) will need to certify hemp handlers and growers who wish to transfer products into the recreational system. This will also require the Commission to issue industrial hemp endorsements to processor licensees that wish to accept, process and sell hemp items. Further, the Commission will subsequently be required to monitor and track this new input into the market.

The Oregon Department of Agriculture (ODA) will need to ensure that all of their rules and regulations are being followed. Further, the ODA will need to coordinate with the Commission over policy and compliance issues surrounding industrial hemp. Additional businesses may register with ODA in order to access sales through marijuana retailers.

(d) The Public:

The Commission expects the proposed rules package may have a positive impact upon consumers of industrial hemp, as all OLCC retail shops will be able to sell industrial hemp products.

b) What was the actual fiscal impact?

Largely as projected above. Wholesale and retail prices for usable marijuana did not appear to be significantly impacted by these rules; prices in March 2019 were reaching the bottom of a downward trend. They subsequently recovered over the following two years, before declining again beginning around winter of 2020/2021. These trends appear to have been driven primarily by trends in marijuana harvests and consumer demand, not by competition with usable hemp. Usable hemp remains a niche segment of the market.

Many processors appear to have diversified their offerings, especially taking advantage of relatively inexpensive hemp-derived cannabinoids such as CBD, CBG, and CBN as ingredients in hemp items and in marijuana items. This has also created an additional client pool for wholesalers, as anticipated. In 2023, 41% of hemp handler certificate holders distributed some amount of hemp items through a

wholesaler license, with the remaining 59% distributing exclusively through direct transfers to processors or retailers. Retailer licenses have access to a greater variety of products including having the ability to receive finished hemp items directly from an OLCC-certified hemp handler.

Consumers now have greater access to hemp items in more retail outlets than before, including in OLCC-licensed marijuana retailers where consumers can have greater certainty that products have complied with Oregon's cannabis testing requirements. In general, prices of hemp items have decreased since these rules were adopted, but it is not possible to clearly attribute any price decrease to the increased market competition that these rules fostered. The adoption of these rules coincided with a national trend in the wholesale price of CBD dramatically decreasing.

- c) **If the answer to question 2 is unknown, briefly explain why.**
N/A

3) **Have subsequent changes in the law required the rule to be repealed or amended? If yes, explain.** Yes. In 2021, ORS 571.336 and 571.337 were amended by HB 3000. Changes were minor: hemp grower and handler "registrations" were changed to "licenses."


4) **Is the rule still needed? Yes. Explain:** The rule is still required in order to implement the provisions of ORS 571.336 and 571.337. Additionally, the rule is needed to protect public health and safety and prevent the diversion of marijuana. Both marijuana and hemp are cannabis. Marijuana items and hemp items are indistinguishable by visual inspection, and often indistinguishable by laboratory testing. These rules function to prevent the diversion or inversion of marijuana in the OLCC-licensed and regulated adult use market. Requiring hemp items to comply with labeling requirements and testing requirements within the cannabis tracking system described in ORS 475C.117 provides greater certainty to consumers that products have been testing in compliance with Oregon law, and ensures that consumers have access to clear consistent information about the potency and composition of hemp items purchased at a licensed marijuana retailer.

5) **What, if any, is the impact on small businesses?** These rules provide businesses, including small business, access to distribution of hemp items to additional retail outlets.

Review Completed By:

Nicole Blossé	Nicole Blossé	Rules Coordinator	2/27/2024
Name	Signature	Title	Date

Executive Review:

Bryant Haley		Public Records Manager	Feb 28, 2024
Name	Signature	Title	Date



Oregon

Tina Kotek, Governor

Oregon State Police
Oregon State Athletic Commission
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Oregon State Athletic Commission (OSAC)

Five Year Review of 2019 OSAC Rulemaking

Rule Number(s)	Filing Number	Adopted Date	Review Date
230-080-0440	SAC 1-2019	08/2019	04/22/2024
230-070-0000	SAC 2-2019	08/2019	04/22/2024
230-140-0400	SAC 3-2019	08/2019	04/22/2024
230-140-0680	SAC 4-2019	08/2019	04/22/2024
230-070-0025	SAC 5-2019	08/2019	04/22/2024



Oregon

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Five Year Review of New Rules Checklist

Date: April 22, 2024

OAR's Adopted: OAR 230-080-0440

Adoption Date: 08/2019

Advisory Committee List Attached: ☐ Y ☒ N

Does Section Apply To:

Y

N

☐☒

Implementation of court order or civil proceedings

☐☒

Adoption of federal laws or rules by reference

☐☒

Implementation of legislatively approved fee changes

☐☒

Adoption to correct errors or omissions.

☐☒

Did Rule:

Have intended effect	YES
a. What was intended effect?	To clarify equipment requirements for Boxing competitors
b. How did rule succeed or fail in achieving this effect?	It brought OSAC into line with currently recognized national standards.
Was fiscal impact underestimated, overestimated, just about right, or unknown?	Fiscal impact was appropriately estimated
a. What was the estimated fiscal impact?	No fiscal impact estimated
b. What was the actual fiscal impact	NONE
c. If the answer to "b" is unknown, briefly explain why?	

Have Continued Need? **YES**

Impact on Small Businesses: **NONE**



Oregon

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Five Year Review of New Rules Checklist

Date: April 22, 2024

OAR's Adopted: OAR 230-070-0000; OAR 230-070-0025; OAR 230-140-0400

Adoption Date: 08/2019

Advisory Committee List Attached: ☐ Y ☒ N

Does Section Apply To:

Y

N

☐☒

Implementation of court order or civil proceedings

☐☒

Adoption of federal laws or rules by reference

☐☒

Implementation of legislatively approved fee changes

☐☒

Adoption to correct errors or omissions.

☐☒

Did Rule:

Have intended effect	YES
c. What was intended effect?	To expand the allowable use of ring in unarmed combat sports
d. How did rule succeed or fail in achieving this effect?	These rules has been used by promoters to hold hybrid events. Previously, to hold multi-sports events promoter had to provide a ring and a cage. This allowance removed financial and space barriers to holding such events.
Was fiscal impact underestimated, overestimated, just about right, or unknown?	Fiscal impact appropriately measured
d. What was the estimated fiscal impact?	No fiscal impact
e. What was the actual fiscal impact	None
f. If the answer to "b" is unknown, briefly explain why?	

Have Continued Need? **YES**

Impact on Small Businesses: **NONE**



Oregon

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Five Year Review of New Rules Checklist

Date: April 22, 2024

OAR's Adopted: OAR 230-140-0680

Adoption Date: 08/2019

Advisory Committee List Attached: ☐ Y ☒ N

Does Section Apply To:

Y

N

☐☒

Implementation of court order or civil proceedings

☐☒

Adoption of federal laws or rules by reference

☐☒

Implementation of legislatively approved fee changes

☐☒

Adoption to correct errors or omissions.

☐☒

Did Rule:

Have intended effect	YES
e. What was intended effect?	To add Association of Boxing Commissions Unified MMA weight classes to Oregon OAR's to better standardize unarmed combat sports rules in Oregon and better enable out of state competitors to compete with the State.
f. How did rule succeed or fail in achieving this effect?	The rule brought OSAC rules and procedure in line with national standards.
Was fiscal impact underestimated, overestimated, just about right, or unknown?	Fiscal impact was appropriately estimated
g. What was the estimated fiscal impact?	No Fiscal Impact Estimated
h. What was the actual fiscal impact	NONE
i. If the answer to "b" is unknown, briefly explain why?	

Have Continued Need? **YES**

Impact on Small Businesses: **NONE**

Rule number(s): [OAR 416-180-0005](#)

Date adopted: 03/29/2019

Date reviewed: 04/02/2024

Advisory committee used? No

1. Did the rule achieve its intended effect? Yes

a. What was the intended effect?

The rule was added to provide clarity through definitions of terms used within the rule division.

b. How did the rule succeed or fail in achieving this effect?

The rule did provide clear definitions for terms used within the rule division.

2. Was the fiscal impact statement (check one): ☐ Underestimated or ☐ Overestimated or
☐ Just about right or ☒ Unknown

a. What was the estimated fiscal impact?

b. What was the actual fiscal impact?

c. If the answer to question 2 is unknown, briefly explain why.

Providing definitions did not have a known fiscal impact.

3. Have subsequent changes in the law required the rule be repealed or amended?

No, but amendments have occurred since the rule's initial adoption.

4. Is the rule still needed?

Yes. The rule is still needed to provide clarity.

5. What impacts does the rule have on small businesses?

There does not appear to be an impact on small businesses as the rule only establishes definitions.

5-Year Rule Review Report

Rule number: OAR 438-007-0045 (Translation of Documents)

Date adopted: April 1, 2019

Advisory committee used? X Yes No

If yes, identify members. After completing its review, the agency must provide advisory committee members a copy of its report. ORS 183.405(3).

Advisory committee members: Jennifer Flood (Ombuds Office for Oregon Workers), Krishna Balasubramani, Bin Chen, Katherine Krametbauer (SAIF), Ana Maria Meneses-Henry, and Matthew U'Ren. Administrative Law Judge Bruce Smith served as facilitator.

1. Did the rule achieve its intended effect? X Yes No

a. What was the intended effect?

OAR 438-007-0045 was adopted to comply with the court's decision in *Camacho v. SAIF*, 263 Or App 647 (2014), and to provide a procedure for the translation of non-English language documents admitted into evidence at hearings before the Workers' Compensation Board's Hearings Division.

b. How did the rule succeed or fail in achieving this effect?

The rule requires documents admitted as evidence at a hearing to be written in English or translated into English. The parties may stipulate in writing or orally to the English translation of the document, or the party offering the document for admission may include an English translation. The Administrative Law Judge resolves disputes regarding the accuracy of the English translation. The costs incurred in reaching a stipulated translation shall be borne in a manner agreed on by the parties. The costs incurred in obtaining a party-offered translation shall be borne by the offering party. The costs incurred by the claimant for translation of documents are subject to reimbursement pursuant to ORS 656.386(2). Finally, the costs incurred in assisting the Administrative Law Judge to reach resolution of a dispute shall be borne by the Board.

2. Was the fiscal impact statement underestimated or overestimated or X just about right or unknown? (Check one).

a. What was the estimated fiscal impact?

The Board Members noted that the rule would create costs for parties in

translating non-English documents. However, the Board explained that because most non-English documents were already being translated, most of those costs were presumably already incurred by the parties. The Board also projected minimal costs to the Board's Hearings Division in resolving disputes regarding the English translation of documents.

b. What was the actual fiscal impact?

The Board did not receive any comments regarding the fiscal impact of translating non-English documents on parties. Accordingly, it does not appear that the rule has had a noteworthy fiscal impact. Additionally, because there have been very few disputes regarding the English translation of documents that have required resolution by an Administrative Law Judge, the costs to the Board have been minimal.

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?
_____ Yes X No If yes, explain.

4. Is the rule still needed? X Yes _____ No Explain.

OAR 438-007-0045 provides parties with a process for admitting non-English documents into evidence at hearing. The rule also creates a process to resolve disputes regarding the accuracy of the translation.

Dated this 8 day of May , 2024.

Workers' Compensation Board

by: 
Joy Dougherty, Board Chair


Sally Anne Curey, Board Member


Moisés Ceja, Board Member


Roger Ousey, Board Member


Jenny Ogawa, Board Member

Agency Rule Review Report

Under ORS 183.405

Rule Number: 150-305-0018

Rule Title: Acceptance of Cash Payments

Date adopted: July 1, 2016

Date of review: April 8, 2024

This report was prepared and approved by: Joil Southwell, BUS Division

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

The rule established that cash payments of tax would no longer be accepted at any DOR regional office after December 31, 2016. The rule also provides that cash payments will only be accepted at the DOR main office in Salem, Oregon on or after January 1, 2017. Once the Marijuana Retail Sales Tax went into effect in 2016, DOR field offices saw marijuana businesses bring a lot of cash for payment of taxes due to a lack of banking services. These smaller field offices couldn't securely store these large amounts of cash. To safely secure these cash payments, DOR needed to invest in additional security measures (e.g. larger cash vaults, secure partitions to separate DOR staff from the public, and on-site security) for all field offices. A more cost-effective option established cash handling at one centralized location (DOR HQ) where the appropriate security measures could be implemented to handle large amounts of cash for tax payments. Additionally, the rule provides requirements for taxpayers to follow for DOR to accept cash payments (e.g. no mutilated or contaminated currency, DOR will not accept any more than one

dollar in US coins per transaction, no more than five (5) cash transactions will be accepted by DOR per month per taxpayer, etc.).

b. How did the rule succeed or fail in achieving this effect?

The rule provided guidance for marijuana retail taxpayers as most of their transactions are made in cash. For these taxpayers who could not acquire banking services because marijuana is still an outlawed federal Schedule 1 drug, tax payments for the marijuana retail sales tax are made using large amounts of cash and currency. For marijuana retailers (and any other taxpayers making large cash payments of tax), this rule provides guidelines to ensure that tax payments can be accepted when presented to DOR.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There is no impact to state agencies and a de minimis effect on the counties. The public may experience an impact as cash payments will be restricted in DOR field offices until December 31, 2016 and completely eliminated in DOR field offices after December 31, 2016; cash payments will only be accepted at the Salem Main building after this date. This action may create a financial and/or compliance hardship for customers who don't have access to banking services to make payments with a financial instrument (i.e. personal check). Customers will be required to either bring their cash payments to the Salem Main building or secure a cashier's check or money order to pay at a DOR field office. Total cash payments received in all DOR field offices (excluding satellite offices) averaged approximately \$144,000 per month for calendar years 2010 to 2015.¹ Additionally, taxpayers subject to any other tax programs administered by DOR who want to make tax payments via cash may also have a hardship if they are required to remit cash payments only at the Salem HQ building.

b. What was the actual fiscal impact?

As expected, taxpayers who primarily pay tax in cash have to drive to DOR's Salem Main building to pay taxes at the dedicated Cash Payment center. This requirement mostly impacts marijuana retailers who primarily transact retail sales in cash due to constraints in the banking industry resulting from the federal Schedule 1 designation for marijuana and marijuana-related products. The actual costs of marijuana retailers traveling to Salem to make these payments is largely dependent on how far away the marijuana retailer is from the Salem Main building.

¹ Report on Cash Payments Taken in Field Offices – March 4, 2016

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain:

5. What impacts does the rule have on small businesses?

This rule may result in additional costs to comply (e.g. cost of fuel to drive to Salem, time spent away from business, etc.) for those people or businesses who don't have access to banking services and aren't located in the Salem area. The typical drive from Portland to Salem and back may total \$10-\$15 in fuel costs in addition to the added security risk of transporting cash to Salem to make payments. People or businesses who reside farther away from Salem may incur additional costs.

Agency Rule Review Report

Under ORS 183.405

Rule Number: 150-305-0092

Rule Title: Suspended Collection Status

Date adopted: 09/01/2016

Date of review: 04/04/2023

This report was prepared and approved by: Mathew Oldfield, Collection Division

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No, rule did have a Rule Work Group

If yes, identify members. Cindy Test, Jean Jitan, Bobbi Yambasu, Susan Madu, Joann Herrigel, Angela Martin, Eric Olsen, Steven Ito

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

The rule was intended to interpret HB 2089 (2015) which amended OR 305.155 which required the department to offer suspended collection actions if certain criteria were met. The rule itself was intended to outline what is not considered “assets” for purposes of determining eligibility for suspended collection status. The rule also indicates that debtors must submit a financial statement to be considered for suspended collection status.

b. How did the rule succeed or fail in achieving this effect?

The rule achieved its intended effects.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There was an estimated fiscal impact of zero as the rule only interpreted statutes implemented by HB 2089 (2015).

b. What was the actual fiscal impact?

Minimal fiscal impact. The agency implemented the legislation with existing agency resources.

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain: N/A

4. Is the rule still needed?

☒ Yes

☐ No

Explain: The rule continues to provide clarification on statutes implement by HB 2089 (2015).

5. What impacts does the rule have on small businesses?

It estimated the rule has zero impact on small businesses. The rule impacts individuals who may be experiencing financial hardship.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-320-0060

Rule Title: Lodging Tax Information Sharing with Local Governments

Date adopted: 12/28/2018.

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

Provides security requirements for local governments while participating in the information exchange program.

b. How did the rule succeed or fail in achieving this effect?

Local governments are provided with statutory citations which describe the requirements for their security and computer breach responsibilities under the information sharing agreement.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain:

5. What impacts does the rule have on small businesses?

There is no impact to small business as this rule determines the security responsibilities of local governments and not small business.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-320-0430

Rule Title: Vehicle Use Tax Alternative Filing Format

Date adopted: 12/28/2018.

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

Provides guidance for filing the vehicle use tax on a quarterly basis and how that filing will avoid penalty.

b. How did the rule succeed or fail in achieving this effect?

Sellers of vehicles are given direction on the process to file the use tax return which avoids penalty.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain:

5. What impacts does the rule have on small businesses?

There is no impact to small business as this rule provides an alternative for filing the use tax.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-418-0010

Rule Title: Tax Compliance Certificates (Child-Caring Agencies)

Date adopted: January 1, 2017

Date of review: April 8, 2024

This report was prepared and approved by: Joil Southwell, BUS Division

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

This rule establishes criteria for individuals applying to become a child-caring agency with the Department of Human Services (DHS) to be tax compliant as required under ORS 418.255. The rule further defines the term “tax compliance” for PIT, withholding, transit, corporation excise, and corporation income tax programs administered by DOR. The criteria includes the following:

- All required returns or reports have been filed, whether timely or not, or, in the absence of a return or report, final assessments of tax have been issued by the department for the preceding three tax years and any tax period subsequent to the application date;
- Tax is paid in full for PIT, withholding, transit, corporation excise, and corporation income tax programs; or
- The child caring agency is in compliance with a department-approved payment plan for PIT, withholding, transit, corporation excise, and corporation income tax programs.

- b. How did the rule succeed or fail in achieving this effect?

The original rule provided the necessary criteria for DHS applicants to determine what DOR considers “tax compliance” with subject tax programs.

- 2. Use the fiscal impact statement information shown in the original adoption of the rule.

- a. What was the estimated fiscal impact?

There was no fiscal impact estimated for this rule. The rule codified the department’s current policy and procedure for processing tax compliance certificate requests.

- b. What was the actual fiscal impact?

There was no fiscal impact resulting from this rule. DOR added an online tax compliance request form to its GenTax system during DOR’s season-up process for ease of administration and processing for both DOR and the DHS applicants.

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☒ Yes

☐ No

If 'yes' please explain: This rule was later amended to conform with DOR's overall tax compliance certification process by referencing its general tax compliance rule under OAR 150-305-0304.

4. Is the rule still needed?

☒ Yes

☐ No

Explain: ORS 418.255(2)(e) provides that DOR shall adopt rules to implement the requirement of tax compliance verification under this law.

5. What impacts does the rule have on small businesses?

There is a de minimus effect on those subject to this rule as the policy is clarifying or interpretive in nature and does not affect projected reporting, recordkeeping or other administrative activities or costs.



Office of Child Welfare Programs
Five Year Rule Review - OAR Chapter 413
ORS 183.405

Rule Under Review:

- 413-017-0095 "CIRT Discretionary Review" (Adopted 06/19/18)

-
- ☒ **Advisory Committee Used Prior to Initial Adoption of Permanent Rule**
☐ **It does not appear that a Rule Advisory Committee was Used Prior to Initial Adoption of Permanent Rule**
-

What was the intended effect of this rule adoption?

When a CIRT is not required under OAR 413-017-0060 and ORS 419B.024, and the Department has received a report of abuse that has resulted in a child fatality or serious physical injury of a child, the Department Director or designee has the discretion to order an internal review of the incident.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No | Have these rule adoptions had the intended effect?
413-017-0095 is currently still effective. No amendments have been made since the adoption of this rule. |
|--|---|

- | | |
|--|--|
| <input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No | Was the anticipated fiscal impact of this rule underestimated?
The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business. |
|--|--|

- | | |
|--|--|
| <input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No | Was the anticipated fiscal impact of this rule overestimated?
The Department estimated adopting these rules would have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business. |
|--|--|

- | | |
|--|--|
| <input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No | Have there been any subsequent changes in the law that require this rule to be amended or repealed?
There have been no subsequent changes in the law that have required this rule to be amended. |
|--|--|

- | | |
|--|---|
| <input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No | Is there a continued need for this rule?
Adopted administrative rule is currently still effective and practiced by Child Welfare. |
|--|---|

<input type="checkbox"/> Yes	Has this rule had an impact on small businesses?
<input checked="" type="checkbox"/> No	The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

Report Prepared On: 05/21/2024

Report Approved By: Child Welfare Policy Unit



Office of Child Welfare Programs
Five Year Rule Review - OAR Chapter 413
ORS 183.405

Rule Under Review:

- 413-120-0735 – Current Caretaker or Relative Caregiver Request for an Adoption Home Study (Adopted 06/29/18)

- ☒ **Advisory Committee Used Prior to Initial Adoption of Permanent Rule**
☐ **It does not appear that a Rule Advisory Committee was Used Prior to Initial Adoption of Permanent Rule**

What was the intended effect of this rule adoption?

- The Oregon Department of Human Services, Child Welfare adopted rule 413-120-0735 to describe the responsibilities of the Department when a current caretaker or relative caregiver requests an adoption home study, specifically around convening a staffing.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No | Have these rule adoptions had the intended effect?
413-120-0735 is currently still effective. Amendments to the rule occurred on 9/1/2020 to remove the requirement the assigned ODHS certification supervisor be present at a staffing prior to the completion of the adoption home study. |
|--|---|

- | | |
|--|--|
| <input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No | Was the anticipated fiscal impact of this rule underestimated?
The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business. |
|--|--|

- | | |
|--|--|
| <input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No | Was the anticipated fiscal impact of this rule overestimated?
The Department estimated adopting these rules would have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business. |
|--|--|

- | | |
|--|---|
| <input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No | Have there been any subsequent changes in the law that require this rule to be amended or repealed?
There have been no subsequent changes in the law that have required this rule to be amended. Program amended rule on 9/1/2020 to remove the requirement the assigned ODHS certification supervisor be present at a staffing prior to the completion of the adoption home study. |
|--|---|

<input checked="" type="checkbox"/> Yes	Is there a continued need for this rule?
<input type="checkbox"/> No	Adopted administrative rule is currently still effective and practice by Child Welfare.

<input type="checkbox"/> Yes	Has this rule had an impact on small businesses?
<input checked="" type="checkbox"/> No	The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

Report Prepared On: 05/21/2024

Report Approved By: Child Welfare Policy Unit

**Oregon Department of Human Services (ODHS)
Five Year Rule Review
ORS 183.405**

Rule Name: Child in Care Abuse Rules: Lay Representation in Contested Case Hearings (CCH)

Rule Number(s): OAR Chapter 407, Division 45, Rule 0913

*Renumbered 7-1-2021 to OAR 407-046-0220 and then repealed 8-1-2022 with adoption of OAR chapter 407, division 44 rules for all OTIS child abuse rules.

Program Area: Office of Training, Investigations and Safety (OTIS)

Adoption Date: August 1, 2019

Review Due Date:

July 31, 2024

Review Date:

June 10, 2024

Reviewer's Name:

T. Strahan

X*Advisory Committee Used

Strikethrough means email address no longer valid as of 6-10-2024.

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Jeanne Bristol, CBC Survey APD	(declined)

What was the intended effect of this rule adoption?

To state that an OTIS employee is authorized to appear on behalf of ODHS in a CCH conducted by the Office of Administrative Hearing for appeals of founded child abuses; and lists requirements these lay representatives must follow.

X Yes	<p>Has the rule had the intended effect?</p> <p>OTIS needed to adopt OAR 407-045-0913 to their child-in-care abuse investigations rules (OAR 407-045-0800 to 407-045-0955) that were amended to add a new appeal process, offering a contested case hearing for all abuses substantiated, founded following investigation.</p>
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X Yes	<p>Was the anticipated fiscal impact of the rule underestimated?</p> <p>OTIS was unable to predict the costs associated with the number of accused who would request a contested case hearing related to an investigation with a substantiated child abuse finding. OTIS expected new costs for OTIS positions to be created and funded; and as determined by the workload for the lay representatives, additional positions hired.</p> <p>Also, costs for agency legal counsel to provide training, advising and conducting some requests for hearings.</p>
X No	<p>Was the anticipated fiscal impact of the rule overestimated?</p>
X No	<p>Have subsequent changes in the law required the rule to be repealed or amended?</p> <p>The Department made the following policy decisions:</p> <ul style="list-style-type: none"> • DHS 9-2021, renumbered OAR 407-045-0913 to 407-046-0220, within a new division 46 for OTIS child-in care rules, effective 7-1-2021; to make it easier to navigate the multiple OTIS rules in OAR chapter 407, division 45 for adult or child abuse investigations. • DHS 29-2022, adopt filed 7-20-2022, effective 8-1-2022 repealed OAR 407-046-0220 with creation of new division 44 in OAR chapter 407, “umbrella” procedures for use of lay representative for all CCH involving founded child abuse.
X No	<p>Is there a continued need for the rule?</p> <p>Repealed 8-1-2022 (The use of lay representatives in CCH for founded child abuses adopted in OAR 407-044-0330, as of 8-1-2022.)</p>
	<p>What impact has the rule had on small businesses?</p> <p>This rule applied to ODHS OTIS operations only. They did not place additional requirements on respondents, paid caregivers, service providers or residential facilities for a child in care who may be a small business as defined in ORS 183.310.</p>

Report approved by: Dave Manley

6-10-2024

Date report sent to advisory committee members:

6-10-2024

**Oregon Department of Human Services (ODHS)
Five Year Rule Review ORS 183.405**

Rule Name: Adult Abuse Investigations

Rule Number(s): OAR Chapter 407, Division 45, Rules 0605 & 0615*

0605: Requesting a Contested Case Hearing of Substantiated Abuse
Determination

0615: Lay Representation in Contested Case Hearings

*RENUMBERED to OAR chapter 419, division 50 as of December 1, 2023

Program Area: Office of Training, Investigations & Safety (OTIS)

Adoption Date: 8-1-2019

Review Due Date:

7-31-2024

Review Date:

June 10, 2024

Reviewer's Name:

T .Strahan

X*Advisory Committee Used

Strikethrough means email address no longer valid as of 6-10-2024.

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What was the intended effect of this rule adoption?

To implement a Contested Case Hearing (CCH) process with Lay Representation used for appeals of all substantiated allegations of adult abuse defined in ORS 430.735, following investigation by OTIS or their designee investigators in community mental health or developmental disabilities programs (CMHP or CDDP).

X Yes	<p>Has the rule had the intended effect?</p> <p>OAR 407-045-0605 describes the CCH hearing process offered to all accused persons or service providers to challenge an adult abuse finding, and the issuing of final orders.</p> <p>OAR 407-045-0615 describes OTIS use of their staff as lay representatives in CCH conducted under OAR 407-045-0605.</p>
X Yes	<p>Was the anticipated fiscal impact of the rule underestimated?</p> <p>OTIS was unable to predict the costs associated with the number of accused who would request a contested case hearing related to an investigation with a substantiated adult abuse finding. OTIS expected new, additional costs for use of the agency's legal counsel in setting up this process with the Office of Administrative Hearings (OAH); and legal counsel providing training, advising and conducting some requests for contested case hearings.</p> <p>Also new costs for OTIS positions to be created and funded; and as determined by the workload for the lay representatives, additional positions hired.</p>

X No	Was the anticipated fiscal impact of the rule overestimated?
X No	Have subsequent changes in the law required the rule to be repealed or amended? OTIS renumbered these rules as of December 1, 2023 [DHS 7-2023].
X Yes	Is there a continued need for the rule? OTIS leadership finds the contested case hearing process through the OAH provides an impartial due process to an accused with adult abuse substantiated, following an investigation and prior to issuing a final order.
	What impact has the rule had on small businesses? It is unknown the number of small businesses who are MH or DD service providers for adults providing support, care or treatment; a regulated residential facility (including adult foster homes); or under contract with the Oregon State Hospital. These providers may have been economically affected due to additional time needed for the CCH processes before a final order was issued, in comparison to the former abuse review process these rules replaced. OTIS minimized impact by allowing witnesses to provide info by telephone (and later web-based applications) rather than in-person and OTIS monitored for efficiencies to expedite the process of records and info sharing. The use of OTIS staff as lay representation did not place additional requirements on accused persons or providers who may be a small business as defined in ORS 183.310.

Report approved by: Dave Manley

6-10-2024

Date report sent to advisory committee members:

6-10-2024

Department of Consumer and Business Services
Oregon Occupational Safety and Health Division (Oregon OSHA)

Administrative Rule Review per ORS 183.405

AO 5-2016 and AO 4-2018

Rule division name and rule numbers:

- OSHA 5-2016 - Adopted changes to occupational exposure to respirable silica in the General Industry, Construction, and Maritime rules
 - Adopted the following Oregon Administrative Rules in Division 2: 437-002-1053, 437-002-1054, 437-002-1055, 437-002-1056, 437-002-1057, 1058, 437-002-1059, 437-002-1060, 437-002-1061, 437-002-1062, 437-002-1063, 437-002-1064, 437-002-1065
- OSHA 4-2018 - Silica Medical Evaluation Clarification and Timeline Clarification
 - Amended Oregon Administrative Rule: 437-002-1062

Date adopted:

AO 5-2016 on September 26, 2016 and AO 4-2018 on July 5, 2018

Date reviewed: May 17, 2024

Advisory Committee Used: YES

Oregon OSHA convened a stakeholder group of interested parties as part of this rule adoption process.

1. Did the rule achieve its intended effect? Yes.

a. What was the intended effect?

As a State Plan, Oregon OSHA is required to adopt requirements that are at least as effective as federal OSHA requirements.

b. How did the rule succeed or fail in achieving this effect?

While federal OSHA adopted industry-specific rules, Oregon OSHA combined those requirements into a suite of rules in Division 2 that apply to the same industries as federal OSHA. Oregon OSHA believes this format that is easier to understand and navigate. The requirements of this rulemaking mirror the requirements of the federal OSHA rules.

2. Was the fiscal impact statement:

- ☐ Underestimated
☐ Overestimated
☐ Just about right
☒ Unknown

a. What was the estimated fiscal impact?

Construction Industry

Federal OSHA identified 10 construction industries that may have been impacted by this rule. The following table lists the industries, number of employers in Oregon within that industry at the time of the rule proposal, and the expected average annual costs per small employer. While the number of Oregon employers does not specifically indicate the number of small businesses, approximately 90% of all Oregon employers are small businesses. The costs reflect the most probable impact, based on the federal OSHA data.

NAICS Code	Industry	Average Annual Oregon Compliance	
		Employers	Costs
236100	Residential Building Construction	3,717	\$333
236200	Nonresidential Building Construction	673	\$879
237100	Utility System Construction	350	\$1,806
237200	Land Subdivision	125	\$459
237300	Highway, Street. and Bridge Construction	240	\$2,449
237900	Other Heavy and Civil Engineering Construction	121	\$1,368
238100	Foundation, Structure, and Building Exterior Contractors	1374	\$1,306
238200	Building Equipment Contractors	2,919	\$295
238300	Building Finishing Contractors	2,081	\$581
238900	Other Specialty Trade Contractors	1,184	\$1,241

The annual average compliance costs were estimated to range from \$295 to \$2,449 for the construction industry. These costs include equipment for engineering and work practice controls, respiratory protection, initial and

recurring airborne exposure assessments, medical surveillance, establishing and maintaining a written exposure control plan, and employee training.

General Industry

Federal OSHA identified approximately 100 other industries that may have been impacted by this rule. The following table lists the industries, number of employers in Oregon within that industry at the time of the rule proposal, and the expected average annual costs per small employer. While the number of Oregon employers does not specifically indicate the number of small businesses, approximately 90% of all Oregon employers are small businesses. The costs reflect the most probable impact, based on the federal OSHA data.

NAICS Code	Industry	Oregon Employers	Average Annual Compliance Costs
34121	Asphalt Paving Mixture and Block Manufacturing	16	\$610
342122	Asphalt Shingle and Coating Materials Manufacturing	2	\$10,782
325510	Paint and Coating Manufacturing	14	\$887
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing	9	\$8,161
327120	Clay Building Material and Refractories Manufacturing	11	\$34,727
327211	Flat Glass Manufacturing	3	\$3,282
327212	Other Pressed and Blown Glass and Glassware Manufacturing	36	\$6,171
237213	Glass Container Manufacturing	3	\$81,273
237230	Ready-Mix Concrete Manufacturing	65	\$9,821
327331	Concrete Block and Brick Manufacturing	20	\$9,363
327332	Concrete Pipe Manufacturing	20	\$12,926
327390	Other Concrete Product Manufacturing	25	\$9,139
327991	Cut Stone and Stone Product Manufacturing	21	\$7,343
327992	Ground or Treated Mineral and Earth Manufacturing	6	\$16,878
327993	Mineral Wool Manufacturing	15	\$8,768
327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	1	\$21,200
331110	Iron and Steel Mills and Ferroalloy Manufacturing	5	\$1,194
331210	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel	3	\$1,262
331221	Rolled Steel Shape Manufacturing	ND	\$1,210
331222	Steel Wire Drawing	5	\$1,254
331314	Secondary Smelting and Alloying of Aluminum	ND	\$1,249
331420	Copper Rolling, Drawing, Extruding, and Alloying	ND	\$1,280

331492	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)	1	\$1,218
331511	Iron Foundries	12	\$38,050
331512	Steel Investment Foundries	2	\$26,727
331513	Steel Foundries (except Investment)	22	\$31,446
331524	Aluminum Foundries (except Die-Casting)	ND	\$8,437
331529	Other Nonferrous Metal Foundries (except Die-Casting)	6	\$6,092
332111	Iron and Steel Forging	9	\$1,199
332112	Nonferrous Forging	ND	\$1,186
332117	Powder Metallurgy Part Manufacturing	ND	\$1,174
332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive)	24	\$1,179
332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing	1	\$1,181
332216	Saw Blade and Handtool Manufacturing	25	\$1,203
332323	Ornamental and Architectural Metal Work Manufacturing	69	\$1,081
332439	Other Metal Container Manufacturing	12	\$1,221
332510	Hardware Manufacturing	15	\$1,178
332613	Spring Manufacturing	6	\$1,245
332618	Other Fabricated Wire Product Manufacturing	22	\$1,213
332710	Machine Shops	399	\$1,147
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	106	\$1,851
332911	Industrial Valve Manufacturing	1	\$1,213
332912	Fluid Power Valve and Hose Fitting Manufacturing	ND	\$1,211
332913	Plumbing Fixture Fitting and Trim Manufacturing	4	\$1,198
332919	Other Metal Valve and Pipe Fitting Manufacturing	10	\$1,193
332991	Ball and Roller Bearing Manufacturing	2	\$1,237
332996	Fabricated Pipe and Pipe Fitting Manufacturing	13	\$1,172
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	75	\$1,153
333318	Other Commercial and Service Industry Machinery Manufacturing	60	\$1,162
333413	Industrial and Commercial Fan and Blower and Air Purification	7	\$1,202
333414	Heating Equipment (except Warm Air Furnaces) Manufacturing	11	\$1,166
333511	Industrial Mold Manufacturing	ND	\$1,161
333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing	26	\$1,150
333515	Cutting Tool and Machine Tool Accessory Manufacturing	8	\$1,166
333517	Machine Tool Manufacturing	11	\$1,169

333519	Rolling Mill and Other Metalworking Machinery Manufacturing	5	\$1,171
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing	6	\$1,235
333613	Mechanical Power Transmission Equipment Manufacturing	ND	\$1,196
333911	Pump and Pumping Equipment Manufacturing	28	\$1,195
333912	Air and Gas Compressor Manufacturing	1	\$1,201
333991	Power-Driven Handtool Manufacturing	2	\$1,160
333992	Welding and Soldering Equipment Manufacturing	5	\$1,159
333993	Packaging Machinery Manufacturing	4	\$1,170
333994	Industrial Process Furnace and Oven Manufacturing	7	\$1,188
333995	Fluid Power Cylinder and Actuator Manufacturing	1	\$1,210
333996	Fluid Power Pump and Motor Manufacturing	2	\$1,158
333997	Scale and Balance Manufacturing	1	\$1,184
333999	All Other Miscellaneous General Purpose Machinery Manufacturing	82	\$1,156
334519	Other Measuring and Controlling Device Manufacturing	19	\$1,163
335210	Small Electrical Appliance Manufacturing	8	\$1,077
335221	Household Cooking Appliance Manufacturing	2	\$968
335222	Household Refrigerator and Home Freezer Manufacturing	ND	\$1,005
335224	Household Laundry Equipment Manufacturing	ND	\$958
335228	Other Major Household Appliance Manufacturing	1	\$986
336111	Automobile Manufacturing	6	\$1,031
336112	Light Truck and Utility Vehicle Manufacturing	8	\$1,017
336120	Heavy Duty Truck Manufacturing	2	\$1,164
336211	Motor Vehicle Body Manufacturing	7	\$1,207
336212	Truck Trailer Manufacturing	8	\$1,220
336213	Motor Home Manufacturing	ND	\$1,139
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing	ND	\$1,144
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing	7	\$1,179
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing	ND	\$1,151
336340	Motor Vehicle Brake System Manufacturing	2	\$1,241
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing	1	\$1,178
336370	Motor Vehicle Metal Stamping	ND	\$1,254
336390	Other Motor Vehicle Parts Manufacturing	48	\$1,199
336611	Ship Building and Repairing	21	\$7,778

336612	Boat Building	24	\$6,551
336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing	3	\$1,186
337110	Wood Kitchen Cabinet and Countertop Manufacturing	484	\$900
337215	Showcase, Partition, Shelving, and Locker Manufacturing	12	\$1,177
339114	Dental Equipment and Supplies Manufacturing	15	\$6,215
339116	Dental Laboratories	197	\$878
339910	Jewelry and Silverware Manufacturing	41	\$988
339950	Sign Manufacturing	332	\$1,088
423840	Industrial Supplies Merchant Wholesalers	108	\$1,469
444110	Home Centers	217	\$1,219
561730	Landscaping Services	1829	\$716
621210	Offices of Dentists	3624	\$312

ND=No data available

b. What was the actual fiscal impact?

Unknown. Oregon OSHA reached out to the original Advisory Committee members asking for their feedback on the fiscal impact of the rule in Oregon for this 5-Year Review and did not receive feedback.

c. If the answer to question 2 is unknown, briefly explain why.

These new Oregon rules were based on rules adopted by federal OSHA. While Oregon OSHA chose a different format than federal OSHA, these rules have the same requirements of the federally mandated rules, and Oregon OSHA relied on the economic impact information generated by federal OSHA.

3. Have subsequent changes in the law required the rule be repealed or amended?

In 2018, Oregon OSHA identified a possible issue regarding medical evaluations for construction workers. In response, Oregon OSHA initiated rulemaking to clarify this requirement, and adopted rule changes in AO 4-2018 on July 5, 2018.

4. Is the rule still needed? Yes.

The federal OSHA rules are still in effect, and to meet its obligation to be as effective as federal OSHA, Oregon OSHA must retain them as well.

5. What impacts has the rule had on small businesses?

Unknown. Oregon OSHA reached out to the original Advisory Committee members asking for their feedback on the fiscal impact of the rule in Oregon for this 5-Year Review and did not receive feedback.

Oregon Revised Statutes (ORS) 183 – Administrative Procedures Act

ORS 183.405 Agency review of rules; report by Secretary of State.

(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;**
- (d) Whether there is continued need for the rule; and**
- (e) What impacts the rule has on small businesses.**

The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.

Department of Consumer and Business Services
Oregon Occupational Safety and Health Division (Oregon OSHA)

Five-year Administrative Rule Review

Rule division name and rule numbers:

Division 4, Agriculture

- OAR 437-004-6405 Restrictions Associated With Outdoor Production Pesticide Applications
- OAR 437-004-6406 Pesticide Spray Drift and Innovative Methods

Date adopted: Adopted 6/29/2018, Effective 1/1/2019

Date reviewed: 6/21/2024

Advisory Committee Used: Yes

1. **Did the rule achieve its intended effect?** Yes

a. **What was the intended effect?**

Oregon OSHA generally adopted US Environmental Protection Agency's (EPA) rules to protect individuals from pesticide exposure during pesticide applications in outdoor agricultural production areas.

b. **How did the rule succeed or fail in achieving this effect?**

The rules established the Application Exclusion Zone (AEZ), which is an area that moves with pesticide application equipment. The rules also established various distances (25-, 100-, and 150-feet) where people must not be in the AEZ, based on the type of application equipment and the requirements of the pesticide label. Since the adoption of these rules, the enforcement has been more limited than originally intended due to the COVID-19 pandemic that impacted Oregon starting in early 2020. Oregon OSHA remains committed to using its resources, including enforcement activity, consultation services, technical support, and public education materials to reduce the risk of pesticide exposure to workers and occupants of labor housing.

2. **Was the fiscal impact statement:**

- ☐ Underestimated
- ☐ Overestimated
- ☒ Just about right
- ☐ Unknown

a. What was the estimated fiscal impact?

The EPA's economic analysis predicted no significant impact on most "small business entities" and a negligible effect on jobs and employment.

Oregon OSHA's analysis of cost for notification before each application to close doors, windows and air intakes, start and stop times, and whether or not occupants can stay within agricultural structures or evacuate is anticipated to be done within the same visit. Therefore, the following costs would be incurred one time per application.

- For compliance cost of a 100-foot AEZ airblast and aerial applications when the label requirements does not require a respirator: the notification method would be verbal, the time involved include driving to the housing location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 15 minutes on site from March to August would be a conservative estimate every ten days or 4 times a month (\$96.28) to approximately 1 time a month (\$24.07) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage. Oregon OSHA estimates that there is no fiscal impact if the occupants remain in the structure or if they were to evacuate.
- Compliance cost of 150-foot AEZ when label requires applicator to wear a respirator: the notification method would be verbal, the time involved include driving to the housing location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 15 minutes on site from March to August would be a conservative estimate every ten days or 4 times a month (\$96.28) to approximately 1 time a month (\$24.07) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage. Oregon OSHA estimates that there is no fiscal impact for the occupants to be evacuated from the structure.
- Compliance cost of a 25-foot AEZ when not applied either aurally or through an airblast sprayer greater than 12 inches from the planting medium: the notification method would be verbal, the time involved include driving to the housing location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 15 minutes on site from March to August would be a conservative estimate every ten days or 4 times a month (\$96.28) to approximately 1 time a month (\$24.07) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage. Oregon OSHA estimates that there is no fiscal impact if the occupants remain in the structure or if they were to evacuate.

- Compliance cost to notify occupants to close windows, doors, air intakes prior to spraying: the notification method would be verbal, the time involved include driving to the housing location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 15 minutes on site from March to August would be a conservative estimate every ten days or 4 times a month (\$96.28) to approximately 1 time a month (\$24.07) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage. Oregon OSHA estimates that there is no fiscal impact if the occupants remain in the structure or if they were to evacuate.
- Compliance cost to conduct initial training includes: the time involved to drive to the training location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 30 minutes onsite (\$28.08 per session) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage.

b. What was the actual fiscal impact?

Unknown

c. If the answer to question 2 is unknown, briefly explain why.

These new Oregon rules were based on rules adopted by the US EPA. While Oregon OSHA chose to be stricter than the EPA, these rules have similar requirements to the federally-mandated rules. To the best of our knowledge, the EPA has not revised its economic impact analysis nor has Oregon OSHA received any indication that the original fiscal impact was not accurate.

3. Have subsequent changes in the law required the rule be repealed or amended?

No

4. Is the rule still needed? Yes

The EPA's AEZ rules are still in effect.

5. What impacts has the rule had on small businesses?

This is unknown. However, the rule specifically has a provision to encourage innovation with pesticide application that allows employers to request a variance from the AEZ requirement. It is likely that small businesses would find this concept attractive which

could reduce the impact the rule had on the business. At this time, no variance requests have been submitted to Oregon OSHA.

The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- (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;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-308-0245

Rule Title: Partial Exemptions and Special Assessments of Land

Date adopted: July 1, 2018

Date of review: June 21, 2023

This report was prepared and approved by: Arlen Stewart, PTD

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

To clarify how to handle exemption of land when a property is eligible for a partial exemption or a partial special assessment. This rule was separated out from OAR 150-308-0240 to make it easier for assessors, county personnel and taxpayers to locate.

b. How did the rule succeed or fail in achieving this effect?

The rule succeeds in that it continues to provide guidance on how to handle the exemption/special assessment of land when the property is eligible for a partial exemption or partial special assessment.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

No fiscal impact was anticipated due to this rule.

b. What was the actual fiscal impact?

No fiscal impact information has been reported or noted by county personnel or taxpayers and the rule has not created any fiscal impact upon the department.

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain: There are still partial exemptions and special assessments that affect both land and improvements. This rule continues to provide guidance to county assessors, other county personnel and taxpayers on how to handle the partial exemption/special assessment of land on a property that qualifies for a partial exemption or partial special assessment.

5. What impacts does the rule have on small businesses?

The rule has no known impact on small businesses as it provides guidance to county personnel and clarifies for taxpayers how the exemption of land will be handled when a property is eligible for a partial exemption.

Agency Rule Review Report Under ORS 183.405

Rule Number: OAR 150-308-0355

Rule Title: Filing Requirements for Boundary Changes

Date adopted: 12/31/2018

Date of review: 3/11/2024

This report was prepared and approved by: Suzanne Irwin, PTD

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☒ Yes

☐ No

If yes, identify members.

Josh Gattis – Lane County

Deena Mehdikhan – Clackamas County

Joy Gardner – Lane County

Hall Guttormsen – Washington County

Fred Ramstad – Washington County

Hasina Wittenberg – SDAO

Ted Foster – Washington County

Rebecca Hall – DOR

Zac Christensen – Metro

Dave Waffle – City of Beaverton

Jeff Salvon – City of Beaverton

Erin Doyle – LOC

Elise Bruch – DOR

Robert Ayers – DOR

Vance Swenson – Clatsop County & OASES

Eileen Ystad – Clatsop County

Adam Niles – Clatsop County

Tim Mercer – Multnomah County

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

- To define a final approval form and specification for Boundary change maps and legal descriptions.

- To define Map requirements that DOR will use to approve maps.

b. How did the rule succeed or fail in achieving this effect?

Succeeded in streamlining the boundary change approval process and improved turnaround time for approvals.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

No impact

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

4. Is the rule still needed?

☒ Yes

☐ No

Explain: This is still needed to continue to provide uniform approval for future boundary change approvals from DOR.

5. What impacts does the rule have on small businesses?

The impact on small businesses is minimal but could affect their property taxes when their taxing districts boundaries are changed to include their property.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-307-0800

Rule Title: Vertical Housing Development Zone Program

Date adopted: 12/31/2018

Date of review: 6/26/2023

This report was prepared and approved by: Jean Jitan, PTD

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members.

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

The rule is to assist county assessors and municipalities in administering the vertical housing exemption. The rule clarifies what is residential and non-residential use for the purpose of the exemption. It clarifies what is needed to opt-out of participating in the program. It clarifies that the exemption cannot apply to a partial tax lot and that vertical housing zones cannot overlap.

b. How did the rule succeed or fail in achieving this effect?

The county assessors are responsible for applying the correct amounts in the property tax roll. The county assessors rely on the rule to help determine the partial exemption amount for Vertical Housing Development Zones (VHDZ). This helps with the accuracy of the tax roll.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

\$0

b. What was the actual fiscal impact?

\$0

c. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☒ Yes

☐ No

If 'yes', please explain:

In 2021, SB 141 adjusted vertical housing statutes (ORS 307.841, 307.844, 307.857 307.858, 307.861, 307.864, 307.866, and 307.867) for partial property tax exemption to disallow rounding in the calculation of the percentage to be exempted for vertical housing developments and removed the language "equalized floor" in the calculation basis. To be consistent with statute language, section (5) of OAR 150-307-0800 was removed as it instructs rounding on equalized floors.

4. Is the rule still needed?

☒ Yes

☐ No

Explain: To assist county assessors with the partial exemption process.

5. What impacts does the rule have on small businesses?

n/a



Agency Rule Review Report

Under ORS 183.405

Rule Number: OAR 150-316-0006

Rule Title: Application of Capital Losses and Capital Loss Carryforwards

Date adopted: Jan 1, 2018

Date of review: May 29, 2024

This report was prepared and approved by: Robert Oakes, PTAC Rules Coordinator

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members. N/A

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

The rule clarified that Capital Losses and Capital Loss Carryforwards fall under authority of ORS 316.007, which makes Oregon personal income tax law identical in effect to the provisions of the Internal Revenue Code relating to the measurement of taxable income of individuals, estates and trusts.

The rule provided examples of the amount of capital loss or capital loss carryforward that is not attributable to Oregon sources and may not be included as Oregon taxable income on the Oregon tax return.

b. How did the rule succeed or fail in achieving this effect?

The rule provided guidance and examples to resident, part-year resident and nonresident taxpayers who might claim Capital Losses and Capital Loss Carryforwards, and to tax preparers who file their returns.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

The estimated fiscal impact was none.

What was the actual fiscal impact?

There was no fiscal impact. Taxpayers who file these returns, and tax preparers who prepare their returns, incorporated this into existing filing practices and procedures.

b. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☐ Yes

☒ No

If 'yes' please explain:

Is the rule still needed?

☒ Yes

☐ No

4. What impacts does the rule have on small businesses?

None. Tax professionals who file these returns incorporate claims about Capital Losses and Capital Los Carryforwards into their existing work.



Agency Rule Review Report

Under ORS 183.405

Rule Number: OAR 150-316-0607

Rule Title: First-time Home Buyer Savings Account

Date adopted: Jan. 1, 2019

Date of review: May 29, 2024

This report was prepared and approved by: Robert Oakes, PTAC Rules Coordinator

Was an Administrative Rule Advisory Committee used for prior rulemaking?

☐ Yes

☒ No

If yes, identify members. N/A

1. Has the rule achieved its intended effect?

☒ Yes

☐ No

a. What was the intended effect?

ORS 316.796 through 316.803 allow a subtraction for deposits made by a taxpayer to a "first-time home buyer savings account" (FTHBSA). Earnings on such deposits are exempt from Oregon tax and are included in the annual subtraction amount. The maximum dollar limits for the subtraction (and exemption) are \$10,000 for taxpayers filing a joint return and \$5,000 for all others.

b. How did the rule succeed or fail in achieving this effect?

The rule succeeded. The FTHBSA subtraction is taken by between 1,000 and 1,500 taxpayers per year, with the number expected to increase in the 2025 tax year due to legislative changes.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

The estimated fiscal impact was none.

What was the actual fiscal impact?

There was no fiscal impact. Taxpayers who file for the subtraction, and tax preparers who file their returns, incorporated this into existing filing practices and procedures.

b. Was the fiscal impact statement:

☐ Underestimated

☐ Overestimated

☒ Just about right

☐ Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

☒ Yes

☐ No

If 'yes' please explain:

The department is currently reviewing this rule for possible amendments due to recent legislation and attention.

SB 1527 (2024 Regular Session) modified provisions governing first-time home buyer savings accounts. The focus of SB 1527 was to remove barriers for taxpayers without access to the limited number of financial institutions that voluntarily offered these accounts. Burdens on these financial institutions were also repealed. The bill requires no changes to the rule, however, the original statute said DOR "may" adjust the maximum dollar limits for inflation. To date, DOR has not made this adjustment but could do so in the future if the department determines this is necessary and decides to amend the rule.

Is the rule still needed?

☒ Yes

☐ No

Explain: As state above, the FTHBSA subtraction is taken by between 1,000 and 1,500 taxpayers per year. The rule provides clarity and guidance for taxpayers who claim the subtraction and tax preparers who file their returns.

4. What impacts does the rule have on small businesses?

Tax preparers who file these returns need the clarity and guidance provided in the rule.

**True Name on Application; Interest in Business
OAR 845-005-0311**

Date Adopted: 7/1/2019

Date Review Due: 6/30/2024

Date Review Completed: June 25, 2024

Advisory Committee (AC) used? Yes. The Commission held an advisory committee for this rule on March 6, 2019.

1) Did the rule achieve its intended effect?

- a) **What was the intended effect?** The rule clarifies the three categories of ownership interest by specifically naming them. These were already categories that the OLCC considered to have an ownership interest. However, because they were not specifically listed; and thus, not readily apparent, they could be difficult to comprehend and navigate. The rule also adds three categories where the OLCC could automatically waive an ownership interest. The rule further expands on circumstances when intervening circumstances may overcome a license denial by removing the term “good cause” and detailing these actual circumstances in rule. This rule was the Commission’s attempt to provide needed clarity for liquor licensees and the general public.
- b) **How did the rule succeed or fail in achieving this effect?** The rule succeeded in providing clarity to licensees and the public. By listing the specific categories of ownership interest in rule, applicants, licensees and the public were afforded a clearer understanding of which individuals and entities are required to be identified and disclosed on license applications and better equipped to provide accurate business structure documentation and are more likely to have their applications for licensure reviewed more efficiently and approved at a higher rate. By removing the vague “good cause” language and replacing it with specific examples of when the Commission may waive ownership interest requirements, the amendments provided consistency and clarity when determining whether a waiver applies. The rule continues to help prevent tied-house entanglements among licensees which are disfavored under federal law as they often result in anti-competitive practices

2) Was the fiscal impact underestimated, overestimated, just about right, or unknown?
The fiscal impact assessment was just about right.

a) **What was the estimated fiscal impact?**

This statement takes into account the fiscal impact on: (a) Licensees; (b) Local Government; (c) State Agencies; and (d) the Public.

(a) **Liquor Licensees:** The Commission expected the proposed amendments to have a positive fiscal impact on licensees, as the amendments clarify ownership

interests and add categories in which the OLCC could automatically waive ownership interests.

(b) **Local Government:** The Commission expected the proposed amendments to have no impact upon local governments, as the rules do not apply to them.

(c) **State Agencies:** The Commission expected the proposed rules to have no fiscal impact on outside state agencies because these rules do not apply to outside state agencies.

(d) **The Public:** The Commission expected the proposed rules to have a neutral fiscal impact on the public since the amendments simply clarify when a business may or may not have ownership interest in a liquor license issued by the Commission.

COST OF COMPLIANCE: *(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The Commission anticipates no new costs to comply with the proposed amendments for most state agencies and local government.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

Currently, the Commission has 18,426 licensees that sell alcohol.

b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services:

The Commission anticipates no increased costs of compliance for small business, as the amendments simply clarify when an ownership interest may apply.

c. Equipment, supplies, labor and increased administration required for compliance:

An applicant for a liquor license would need to apply in a form and manner prescribed by the Commission and complete all subsequent licensing requirements.

- b) **What was the actual fiscal impact?** For the reasons stated above the actual fiscal impact was nominal.

c) If the answer to question 2 is unknown, briefly explain why. N/A

3) **Have subsequent changes in the law required the rule to be repealed or amended? If yes, explain.** House Bill 2013 (2023) included amendments to ORS 471.313, which included inter alia, the renumbering of the statute's subsections. As a result, the rule was subsequently amended to correct the statutory citation referenced in the rule. Apart from changes in the law requiring rule amendment, the rule was amended to remove subsection 7, reference to the Commission's ability to waive the requirement to submit certain application material identified in OAR 845-005-0312 when the applicant provided written documentation that control of the day-to-day operation had been relinquished through a management agreement, or similar written agreement, to one or more parties who apply for the same license at the same premises.

4) **Is the rule still needed? Yes. Explain:** The rule implements the Commission's statutory authority to refuse an application if the applicant is not the legitimate owner of the business proposed to be licensed or other individuals have ownership interests which have not been disclosed; and to require a licensee to disclose financial interests in the business. The rule is necessary to address both ownership interest and financial interest in the Commission's authority to issue liquor licenses. The rule continues to help prevent tied-house entanglements between licensees that often result in anti-competitive practices.

5) **What, if any, is the impact on small businesses?** Small businesses applying for a liquor license will need to apply in a form and manner prescribed by the Commission and complete all subsequent licensing requirements.

Review Completed By:

Nicole Blossé	<i>Nicole M. Blossé</i>	Rules Coordinator	6/25/2024
Name	Signature	Title	Date

Executive Review:

Bryant Haley	<i>Bryant Haley</i>	Public Records Manager	Jun 25, 2024
Name	Signature	Title	Date

Department of Consumer and Business Services
Oregon Occupational Safety and Health Division (Oregon OSHA)

Five-year Administrative Rule Review

Rule division name and rule numbers:

Division 2, General Occupational Safety and Health Rules

Oregon Administrative Rules adopted:

- 437-002-2024, Scope and Application
- 437-002-2025, Definitions
- 437-002-2026, Permissible Exposure Limit (PEL)
- 437-002-2028, Regulated and Restricted Access Areas
- 437-002-2029, Methods of Compliance
- 437-002-2030, Respiratory Protection
- 437-002-2032, Hygiene Areas and Practices
- 437-002-2033, Housekeeping
- 437-002-2034, Medical Surveillance
- 437-002-2035, Medical Removal
- 437-002-2036, Communication of Beryllium Hazards to Employees
- 437-002-2037, Recordkeeping
- 437-002-2038, Dates
- 437-002-2040, Exposure Assessment
- 437-002-2045, Personal Protective Clothing and Equipment

Date adopted: OSHA 3-2017, adopted July 7, 2017, effective March 12, 2018
OSHA 4-2017, adopted July 31, 2017, effective March 12, 2018

Date reviewed: June 28, 2024

Advisory Committee Used: Yes

Oregon OSHA convened a stakeholder group of interested parties as part of this rule adoption process.

1. **Did the rule achieve its intended effect?** Yes

a. **What was the intended effect?**

Oregon OSHA is required to adopt requirements at least as effective as federal OSHA requirements.

b. **How did the rule succeed or fail in achieving this effect?**

While federal OSHA adopted rules specific to each industry covered, Oregon OSHA combined those requirements into a suite of rules that apply to those same industries in a format that is easier to understand and navigate. The requirements of this rulemaking mirror the requirements of the federal OSHA rules.

2. Was the fiscal impact statement:

- ☐ Underestimated
☐ Overestimated
☐ Just about right
☒ Unknown

a. What was the estimated fiscal impact?

Federal OSHA identified 83 industries with entities within those industries that may be impacted by this rule. However, many of those industries do not have any affected entities within Oregon. For example, federal OSHA identified six foundry and smelting industries that have entities that may be affected, but to the best of our knowledge, none of the affected entities are within Oregon. Federal OSHA also identified sixteen industries that may be affected by these rules because some entities within those industries use coal-fired utilities. The only entity we are aware of that has a coal-fired utility is the Portland General Electric Boardman facility, which is also scheduled to be decommissioned by 2020.

The following table lists the industries in Oregon where ten percent or more of the entities that are the most likely to be affected by these rules, number of employers in Oregon within that industry, and the expected average annual costs per small employer. While the number of Oregon employers does not specifically indicate the number of small businesses, approximately 90% of all Oregon employers are small businesses. The costs reflect the most probable impact, based on the federal OSHA data.

NAICS Code	Industry	Oregon Employers	Average Annualized Compliance Costs
332613	Spring Manufacturing	6	\$11,590
332721	Precision turned product manufacturing	10	\$22,015-\$33,512
334417	Electronic Connector Manufacturing	1	\$11,591
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing	13	\$11,596
339116	Dental Laboratories	177	\$981-\$5,087

These costs include equipment for engineering and work practice controls, respiratory protection, initial and recurring airborne exposure assessments, medical surveillance, establishing and maintaining a written exposure control plan, establishing and maintaining a regulated area, establishing and maintaining a beryllium work area, establishing and maintaining hygiene facilities, housekeeping, and employee training.

b. What was the actual fiscal impact?

Unknown.

c. If the answer to question 2 is unknown, briefly explain why.

To the best of our knowledge, there are no industries within Oregon that were affected by this rulemaking, as Oregon OSHA could not identify any businesses that had the potential for exposures to beryllium.

3. Have subsequent changes in the law required the rule be repealed or amended?

No. There have been no changes in the law, the federal OSHA rules are still in effect. However, OSHA 4-2017 did amend OAR 437-002-2025 to correct a filing error in the definition of the Permissible Exposure Limit.

4. Is the rule still needed? YES

The federal OSHA rules are still in effect, and in order to meet its obligation to be as effective as federal OSHA, Oregon OSHA must retain them as well.

5. What impacts has the rule had on small businesses?

As we have not identified any businesses in Oregon whose employees use or otherwise are potentially exposed to beryllium, there were no identifiable impacts on small businesses.

The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- (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;
- (d) Whether there is continued need for the rule; and

(e) What impacts the rule has on small businesses.

The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.

Department of Consumer and Business Services
Oregon Occupational Safety and Health Division (Oregon OSHA)

Five-year Administrative Rule Review

Rule division name and rule numbers:

Division 2, General Occupational Safety and Health Rules

Oregon Administrative Rules adopted:

- 437-002-2024, Scope and Application
- 437-002-2025, Definitions
- 437-002-2026, Permissible Exposure Limit (PEL)
- 437-002-2028, Regulated and Restricted Access Areas
- 437-002-2029, Methods of Compliance
- 437-002-2030, Respiratory Protection
- 437-002-2032, Hygiene Areas and Practices
- 437-002-2033, Housekeeping
- 437-002-2034, Medical Surveillance
- 437-002-2035, Medical Removal
- 437-002-2036, Communication of Beryllium Hazards to Employees
- 437-002-2037, Recordkeeping
- 437-002-2038, Dates
- 437-002-2040, Exposure Assessment
- 437-002-2045, Personal Protective Clothing and Equipment

Date adopted: OSHA 3-2017, adopted July 7, 2017, effective March 12, 2018
OSHA 4-2017, adopted July 31, 2017, effective March 12, 2018

Date reviewed: June 28, 2024

Advisory Committee Used: Yes

Oregon OSHA convened a stakeholder group of interested parties as part of this rule adoption process.

1. **Did the rule achieve its intended effect?** Yes

a. **What was the intended effect?**

Oregon OSHA is required to adopt requirements at least as effective as federal OSHA requirements.

b. **How did the rule succeed or fail in achieving this effect?**

While federal OSHA adopted rules specific to each industry covered, Oregon OSHA combined those requirements into a suite of rules that apply to those same industries in a format that is easier to understand and navigate. The requirements of this rulemaking mirror the requirements of the federal OSHA rules.

2. Was the fiscal impact statement:

- ☐ Underestimated
☐ Overestimated
☐ Just about right
☒ Unknown

a. What was the estimated fiscal impact?

Federal OSHA identified 83 industries with entities within those industries that may be impacted by this rule. However, many of those industries do not have any affected entities within Oregon. For example, federal OSHA identified six foundry and smelting industries that have entities that may be affected, but to the best of our knowledge, none of the affected entities are within Oregon. Federal OSHA also identified sixteen industries that may be affected by these rules because some entities within those industries use coal-fired utilities. The only entity we are aware of that has a coal-fired utility is the Portland General Electric Boardman facility, which is also scheduled to be decommissioned by 2020.

The following table lists the industries in Oregon where ten percent or more of the entities that are the most likely to be affected by these rules, number of employers in Oregon within that industry, and the expected average annual costs per small employer. While the number of Oregon employers does not specifically indicate the number of small businesses, approximately 90% of all Oregon employers are small businesses. The costs reflect the most probable impact, based on the federal OSHA data.

NAICS Code	Industry	Oregon Employers	Average Annualized Compliance Costs
332613	Spring Manufacturing	6	\$11,590
332721	Precision turned product manufacturing	10	\$22,015-\$33,512
334417	Electronic Connector Manufacturing	1	\$11,591
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing	13	\$11,596
339116	Dental Laboratories	177	\$981-\$5,087

These costs include equipment for engineering and work practice controls, respiratory protection, initial and recurring airborne exposure assessments, medical surveillance, establishing and maintaining a written exposure control plan, establishing and maintaining a regulated area, establishing and maintaining a beryllium work area, establishing and maintaining hygiene facilities, housekeeping, and employee training.

b. What was the actual fiscal impact?

Unknown.

c. If the answer to question 2 is unknown, briefly explain why.

To the best of our knowledge, there are no industries within Oregon that were affected by this rulemaking, as Oregon OSHA could not identify any businesses that had the potential for exposures to beryllium.

3. Have subsequent changes in the law required the rule be repealed or amended?

No. There have been no changes in the law, the federal OSHA rules are still in effect. However, OSHA 4-2017 did amend OAR 437-002-2025 to correct a filing error in the definition of the Permissible Exposure Limit.

4. Is the rule still needed? YES

The federal OSHA rules are still in effect, and in order to meet its obligation to be as effective as federal OSHA, Oregon OSHA must retain them as well.

5. What impacts has the rule had on small businesses?

As we have not identified any businesses in Oregon whose employees use or otherwise are potentially exposed to beryllium, there were no identifiable impacts on small businesses.

The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- (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;
- (d) Whether there is continued need for the rule; and

(e) What impacts the rule has on small businesses.

The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.

**OREGON ADMINISTRATIVE RULES
5-YEAR RULE REVIEW
ORS 183.405**

Filing Caption:

24-Hour Residential Programs and Settings for Individuals with Intellectual or Developmental Disabilities

Adopted Rule:

411-325-0490 about Provider Eligibility for Medicaid Service Payment

Adoption Date:

02/15/2019

Review Date:

06/18/2024

Reviewer's Name:

Christina Hartman, Rules and Policy Analyst

What was the intended effect?

OAR 411-325-0490 about "Provider Eligibility for Medicaid Service Payment" was adopted to clarify expectations for service payment claims according to current practice as directed by legislative mandate, policies, and current contract standards and procedures.

Has each rule had the intended effect? Yes

Was the anticipated fiscal impact underestimated? No

Was the anticipated fiscal impact of overestimated? No

Have subsequent changes in the law required the rule to be amended or repealed? Amended 03/01/2021

Is there a continued need for the rule? Yes

What impact has the rule had on small businesses as defined in ORS 183.310?

The rule applies to 24-hour residential programs and settings, some of which may meet the definition for a small business in ORS 183.310. Using available data, ODDS has determined the rule had a neutral impact on 24-hour residential programs and settings.

Was an Administrative Rule Advisory Committee (RAC) consulted? Yes

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Report approved by: Rose Herrera
Date: 06/24/2024

**OREGON ADMINISTRATIVE RULES
5-YEAR RULE REVIEW
ORS 183.405**

Filing Caption:

Functional Needs Assessments for Individuals with Intellectual or Developmental Disabilities

Adopted Rules:

411-425-0005 Statement of Purpose
411-425-0015 Definitions and Acronyms
411-425-0025 Policies and Procedures
411-425-0035 Qualifications and Training
411-425-0045 Quality Assurance
411-425-0055 Oregon Needs Assessment (ONA)

Adoption Date: 05/01/2019

Review Date: 06/21/2024

Reviewer's Name: Christina Hartman, Rules and Policy Analyst

What was the intended effect?

The rules in OAR chapter 411, division 425 about Functional Needs Assessments were adopted to prescribe standards, responsibilities, and procedures for conducting an Oregon Needs Assessment (ONA).

Has each rule had the intended effect? Yes

Was the anticipated fiscal impact underestimated? No

Was the anticipated fiscal impact of overestimated? No

Have subsequent changes in the law required the rules to be amended or repealed?

411-425-0005 Statement of Purpose No

411-425-0015 Definitions and Acronyms No

411-425-0025 Policies and Procedures	No
411-425-0035 Qualifications and Training	No
411-425-0045 Quality Assurance	No
411-425-0055 Oregon Needs Assessment (ONA)	Amended 12/15/2022

Is there a continued need for the rules? Yes

What impact have the rules had on small businesses as defined in ORS 183.310?

The rules do not have a direct impact on small businesses as defined in ORS 183.310.

Was an Administrative Rule Advisory Committee (RAC) consulted? Yes

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Report approved by: Mike Parr

Date: 06/24/2024

**OREGON ADMINISTRATIVE RULES
5-YEAR RULE REVIEW
ORS 183.405**

Filing Caption:

State Plan Personal Care Services for Individuals with Intellectual or Developmental Disabilities

Adopted Rules:

411-455-0000 Statement of Purpose

411-455-0010 Definitions and Acronyms

411-455-0020 Eligibility

411-455-0030 Needs Assessment, Service Authorization, and Monitoring

411-455-0040 Exceptions

411-455-0050 Services

411-455-0060 Standards for Providers

Adoption Date: 07/01/2019

Review Date: 06/17/2024

Reviewer's Name: Christina Hartman, Rules and Policy Analyst

What was the intended effect?

The rules in OAR chapter 411, division 455 about State Plan personal care services were adopted to prescribe standards, responsibilities, and procedures for the delivery of State Plan personal care services to individuals who are eligible for services through Community Developmental Disabilities Programs, Brokerages, or Children's Intensive In-Home Services.

Has each rule had the intended effect? Yes

Was the anticipated fiscal impact underestimated? No

Was the anticipated fiscal impact of overestimated? No

Have subsequent changes in the law required the rules to be amended or repealed?

411-455-0000 Statement of Purpose	No
411-455-0010 Definitions and Acronyms	No
411-455-0020 Eligibility	Amended 12/15/2022
411-455-0030 Needs Assessment, Service Authorization, and Monitoring	Amended 01/01/2021
411-455-0040 Exceptions	No
411-455-0050 Services	No
411-455-0060 Standards for Providers	No

Is there a continued need for the rule? Yes

What impact has the rule had on small businesses as defined in ORS 183.310?

The rules apply to personal support workers and in-home care agencies. Personal support workers are not considered a small business.

Some in-home care agencies may meet the definition for a small business in ORS 183.310. Using available data, ODDS has determined the rules had a neutral impact on in-home care agencies.

Was an Administrative Rule Advisory Committee (RAC) consulted? Yes

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Report approved by: Carrie Salehiamin

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