**DOJ has recommended that this DEQ rule be repealed since the statute authorizing this review has been repealed. Now ORS 183.405 requires agencies a different review process.**

**340-011-0053**

**Periodic Rule Review**

Periodic review of agency rules shall be accomplished once every three years in accordance with ORS 183.545 and the Attorney General's Model Rule OAR 137-001-0085.

Stat. Auth.: ORS 183.335 & ORS 468.020
Stats. Implemented: ORS 183.540 & ORS 545 &ORS 550
Hist.: DEQ 7-1988, f. & cert. ef. 5-6-88

**[DIVISION 1](http://arcweb.sos.state.or.us/rules/OARS_100/OAR_137/137_001.html)**

[**MODEL RULES FOR RULEMAKING**](http://arcweb.sos.state.or.us/rules/OARS_100/OAR_137/137_001.html)

**Definitions**

**137-001-0005** Definitions

**Rulemaking**

**137-001-0007** Public Input Prior to Rulemaking

**137-001-0008** Assessment for Use of Collaborative Process in Rulemaking

**137-001-0009** Use of Collaborative Dispute Resolution in Rulemaking

**137-001-0011** Permanent Rulemaking Notice

**137-001-0018** Limitation of Economic Effect on Small Businesses

**137-001-0030** Conduct of Rulemaking Hearings

**137-001-0040** Rulemaking Record

**137-001-0050** Agency Rulemaking Action

**137-001-0060** Secretary of State Rule Filing

**137-001-0070** Petition to Promulgate, Amend, or Repeal Rule

**137-001-0080** Temporary Rulemaking Requirements

137-001-0085 Repealed 3-5 years ago

**137-001-0087** Objections to Statements of Fiscal Impact

**137-001-0095** Statement of the Objective of Proposed Rules

**137-001-0100** Review of New Rules

Chapter 183 — Administrative Procedures Act; Legislative

Review of Rules; Civil Penalties

2007 EDITION

ADMINISTRATIVE PROCEDURES ACT

EXECUTIVE BRANCH; ORGANIZATION

ADMINISTRATIVE PROCEDURES ACT

(General Provisions)

183.310 Definitions for chapter

(Adoption of Rules)

183.335 Notice; content; public comment; temporary rule adoption, amendment or suspension; substantial compliance required

**183.405 Agency review of rules**

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

 (a) Whether the rule has had the intended effect;

 (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;

 (c) Whether subsequent changes in the law require that the rule be repealed or amended; and

 (d) Whether there is continued need for the rule.

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

 (3) If an agency appoints an advisory committee pursuant to ORS 183.333 for consideration of a rule subject to the requirements of this section, the agency shall provide the advisory committee with a report on a review of the rule conducted under this section.

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

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

 (a) Rules adopted to implement court orders or the settlement of civil proceedings;

 (b) Rules that adopt federal laws or rules by reference;

 (c) Rules adopted to implement legislatively approved fee changes; or

 (d) Rules adopted to correct errors or omissions. [2005 c.807 §3]

 (Effects of Rules on Small Business)

183.540 Reduction of economic impact on small business

183.545 Repealed in 2003