**§ 183.333**

**Policy statement**

* **public involvement in development of policy and drafting of rules**
* **advisory committees**

(1) The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule.

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

(3) If an agency appoints an advisory committee for consideration of a rule under subsection (1) of this section, the agency shall seek the committees recommendations on whether the rule will have a fiscal impact, what the extent of that impact will be and whether the rule will have a significant adverse impact on small businesses. If the committee indicates that the rule will have a significant adverse impact on small businesses, the agency shall seek the committees recommendations on compliance with ORS [183.540 (Reduction of economic impact on small business)](http://www.oregonlaws.org/ors/183.540).

(4) An agency shall consider an advisory committees recommendations provided under subsection (3) of this section in preparing the statement of fiscal impact required by ORS [183.335 (Notice)](http://www.oregonlaws.org/ors/183.335) (2)(b)(E).

(5) If an agency does not appoint an advisory committee for consideration of a permanent rule under subsection (1) of this section and 10 or more persons likely to be affected by the rule object to the agencys statement of fiscal impact as required by ORS [183.335 (Notice)](http://www.oregonlaws.org/ors/183.335) (2)(b)(E) or an association with at least 10 members likely to be affected by the rule objects to the statement, the agency shall appoint a fiscal impact advisory committee to provide recommendations on whether the rule will have a fiscal impact and what the extent of that impact will be. An objection under this subsection must be made not later than 14 days after the notice required by ORS [183.335 (Notice)](http://www.oregonlaws.org/ors/183.335) (1) is given. If the agency determines that the statement does not adequately reflect the rules fiscal impact, the agency shall extend the period for submission of data or views under ORS [183.335 (Notice)](http://www.oregonlaws.org/ors/183.335) (3)(a) by at least 20 days. The agency shall include any recommendations from the committee in the record maintained by the agency for the rule.

(6) Subsection (5) of this section does not apply to any rule adopted by an agency to comply with a judgment or a settlement of a judicial proceeding. [2003 c.749 §4; 2005 c.807 §4]

**§ 183.540**

**Reduction of economic impact on small business**

If the statement of cost of compliance effect on small businesses required by ORS [183.335 (Notice)](http://www.oregonlaws.org/ors/183.335) (2)(b)(E) shows that a rule has a significant adverse effect upon small business, to the extent consistent with the public health and safety purpose of the rule, the agency shall reduce the economic impact of the rule on small business by:

* 1. Establishing differing compliance or reporting requirements or time tables for small business;
  2. Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
  3. Utilizing objective criteria for standards;
  4. Exempting small businesses from any or all requirements of the rule; or
  5. Otherwise establishing less intrusive or less costly alternatives applicable to small business. [1981 c.755 §4; 2003 c.749 §7; 2005 c.807 §6]