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February 13, 2023

Senator Kate Lieber, Chair, and Members
Senate Committee on Rules
State Capitol
Salem, OR

Re: SB 42

Dear Chair Lieber and Committee Members:

1000 Friends of Oregon opposes SB 42. We are a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice.

Oregon law requires that to adopt administrative rules, state agencies must conduct a public process and hold public hearings, and often agencies appoint broad-based public advisory committees to assist in rulemaking.¹ This extensive public participation in agency rulemaking means that the rules reflect legislative intent and public policy. State agencies must also conduct fiscal analysis of any proposed rules, which must include, among other topics, the economic impact on small businesses, housing, state agencies, local government, and the public.²

SB 42, Section 1(E) would require additional considerations that are not balanced. It requires analysis of “resultant job loss and consumer cost impacts.” It does not balance this with employment gains and consumer benefits, and overlooks the broad interests that are already included in the process and analysis made in adopting rules, including public health and safety, environment protection, and other factors.

Section 1(H)(3)(e) would allow a small number of people outside of the legislative and rulemaking processes to effectively delay and possibly prevent the adoption of rules that have been directed by the legislature and have gone through this extensive public process. This

¹ **ORS 813.333 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 or use any other means of obtaining public views that will assist the agency in drafting the rule. The membership of an advisory committee appointed under this subsection must represent the interests of persons and communities likely to be affected by the rule.

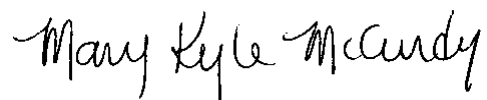
² For example, ORS 183.355, 183.336.

would allow – after the completion of this rulemaking process – for an outside, re-examination of the rule, with no public process. This seems a way for those who did not participate in the rulemaking or who are dissatisfied with its outcome to obstruct it going into effect. There already is a process for this – if anyone is dis-satisfied with adopted rules, they may challenge them in the Oregon courts.

We urge you to reject this bill, and instead provide agencies with the resources to continue and expand their public involvement processes.

Thank you for consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Mary Kyle McCurdy". The signature is written in a cursive, flowing style.

Mary Kyle McCurdy
Deputy Director