

HB 3569 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 4/2

WHAT THE MEASURE DOES:

The measure requires an agency who appoints an advisory committee for rulemaking that implements enacted legislation to invite the first chief sponsor to participate as a nonvoting member. It also requires the Small Business Rules Advisory Committee to invite the first chief sponsor to participate as a nonvoting member when an agency uses the committee for rulemaking that implements enacted legislation. The invitation requirement applies to committees appointed, or rule review requests made, on or after January 1, 2026.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Administrative rules are agency directives, standards, regulations, or statements of general applicability that implement, interpret, or prescribe law or policy, or that describe the procedure or practice requirements of an agency. Rules are created by any state board, commission, department, or officer authorized to make rules or issue orders. Agencies may adopt, amend, repeal, or renumber rules, either permanently or temporarily.

Agency rulemaking is governed by ORS 183.310 to 183.690, which is the Administrative Procedures Act (APA). The APA establishes the procedures that each agency must follow when adopting, amending, or repealing a rule. The specific rulemaking process can vary by agency but will generally include six steps: (1) seek public input; (2) complete impact analyses; (3) publish the notice of agency rulemaking; (4) opportunity for public comment; (5) file with Secretary of State; and (6) five-year rule review.

In seeking public input, agencies are required to involve the public in the drafting of administrative rules. An agency may appoint an advisory committee to represent the interests of persons likely to be affected by a proposed rule or use other means of obtaining public input in the rule development process. If an agency does not appoint an advisory committee and 10 or more persons object to the statement of fiscal impact, the agency must appoint a fiscal impact advisory committee to provide fiscal impact recommendations.

In 2018, the Legislative Assembly established the Small Business Rules Advisory Committee, supported by the Secretary of State Archives Division, that may, if requested, assist agencies in adopting new administrative rules or completing the review required five years after rule adoption.