HB 3569 -1, -2   STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates:	4/2, 5/5

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:
- Who should be invited if there is more than one chief sponsor, when a committee is the sponsor, or someone other than a legislator is the sponsor.
- Sponsor being able to bring the legislative intent into the rulemaking process
- Sponsor as a nonvoting member because they bring their knowledge and the legislative intent to the process
- Amendments to address different sponsorship situations

EFFECT OF AMENDMENT:

-1 The amendment allows the first chief sponsor to designate another sponsor of the legislation to participate in the rulemaking process for legislation sponsored by a member of the Legislative Assembly. It also provides that for legislation sponsored by a legislative committee, the chair of the committee at the time the legislation was introduced, or another committee member designated by the chair, must be invited.

Fiscal impact: May have fiscal impact, but no statement yet issued
Revenue impact: No revenue impact

-2 The amendment changes "shall invite" to "shall make a good faith effort to invite" for inviting the first chief sponsor to participate in any rules advisory committee and it allows the first chief sponsor to designate another sponsor of the legislation to participate instead. The amendment also provides that for legislation sponsored by a legislative committee, the agency shall make a good faith effort to invite the chair of the committee at the time the legislation was introduced, or another committee member designated by the chair, to participate in any rules advisory committee.

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.