

House Bill 3569

Sponsored by Representatives GAMBA, BOICE; Representatives MANNIX, NELSON, OWENS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that the first chief sponsor of a law has to be invited to be on the rules advisory committee for rules implementing the law. (Flesch Readability Score: 60.3).

Requires an agency that appoints a rules advisory committee with regard to rules implementing legislation to invite the first chief sponsor to participate on the committee as a nonvoting member.

Requires the Small Business Rules Advisory Committee to invite the first chief sponsor to participate on the committee as a nonvoting member when the committee is used as a rules advisory committee with regard to rules implementing legislation.

A BILL FOR AN ACT

1
2 Relating to rules advisory committees; creating new provisions; and amending ORS 183.333 and
3 183.407.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 183.333 is amended to read:

6 183.333. (1)(a) The Legislative Assembly finds and declares that it is the policy of this state that
7 whenever possible the public be involved in the development of public policy by agencies and in the
8 drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maxi-
9 mum extent possible before giving notice of intent to adopt a rule. The agency may appoint an ad-
10 visory committee or use any other means of obtaining public views that will assist the agency in
11 drafting the rule.

12 (b) The membership of an advisory committee appointed under this subsection must represent
13 the interests of persons and communities likely to be affected by the rule.

14 (c) **An agency that appoints an advisory committee under this subsection with regard to**
15 **adoption of rules implementing legislation enacted by the Legislative Assembly shall invite**
16 **the first chief sponsor of the legislation to participate as a nonvoting member of the com-**
17 **mittee.**

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

21 (3) If an agency appoints an advisory committee for consideration of a rule under subsection (1)
22 of this section, the agency shall seek the committee's recommendations on whether the rule will
23 have a fiscal impact, what the extent of that impact will be and whether the rule will have a sig-
24 nificant adverse impact on small businesses. If the committee indicates that the rule will have a
25 significant adverse impact on small businesses, the agency shall seek the committee's recommen-
26 dations on compliance with ORS 183.540.

27 (4) An agency shall consider an advisory committee's recommendations provided under sub-
28 section (3) of this section in preparing the statement of fiscal impact required by ORS 183.335

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (2)(b)(E).

2 (5) If an agency does not appoint an advisory committee for consideration of a permanent rule
 3 under subsection (1) of this section and 10 or more persons likely to be affected by the rule object
 4 to the agency’s statement of fiscal impact as required by ORS 183.335 (2)(b)(E) or an association with
 5 at least 10 members likely to be affected by the rule objects to the statement, the agency shall ap-
 6 point a fiscal impact advisory committee to provide recommendations on whether the rule will have
 7 a fiscal impact and what the extent of that impact will be. The membership of the fiscal impact ad-
 8 visory committee must represent the interests of persons and communities likely to be affected by
 9 the rule. An objection under this subsection must be made not later than 14 days after the notice
 10 required by ORS 183.335 (1) is given. If the agency determines that the statement does not ade-
 11 quately reflect the rule’s fiscal impact, the agency shall extend the period for submission of data or
 12 views under ORS 183.335 (3)(a) by at least 20 days. The agency shall include any recommendations
 13 from the committee in the record maintained by the agency for the rule.

14 (6) An agency may appoint the Small Business Rules Advisory Committee established in ORS
 15 183.407 as the advisory committee or fiscal impact advisory committee for purposes of this section.

16 (7) Subsection (5) of this section does not apply to any rule adopted by an agency to comply with
 17 a judgment or a settlement of a judicial proceeding.

18 (8) If an agency is required by law to appoint an advisory committee or a fiscal impact advisory
 19 committee under this section, the agency may not appoint an officer, employee or other agent of the
 20 agency to serve as a member of the advisory committee or fiscal impact advisory committee.

21 **SECTION 2.** ORS 183.407 is amended to read:

22 183.407. (1) The Small Business Rules Advisory Committee is established to serve as an advisory
 23 committee for agencies adopting new administrative rules and to review the effectiveness of existing
 24 administrative rules.

25 (2) The committee consists of nine members as follows:

- 26 (a) Two representatives of small businesses appointed by the Governor;
- 27 (b) Two representatives of small businesses appointed by the President of the Senate;
- 28 (c) Two representatives of small businesses appointed by the Speaker of the House;
- 29 (d) A representative of small businesses appointed by the Office of Small Business Assistance
 30 established in ORS 56.203;
- 31 (e) A representative of state agencies appointed by the Director of the Oregon Department of
 32 Administrative Services; and
- 33 (f) A member who is an expert in the rulemaking process appointed by the State Archivist.

34 (3)(a) Upon request of an agency, the committee shall serve as the advisory committee or fiscal
 35 impact advisory committee for reviewing an agency’s proposed administrative rules under ORS
 36 183.333.

37 **(b) When an agency uses the committee as the advisory committee under this subsection**
 38 **with regard to adoption of rules implementing legislation enacted by the Legislative Assem-**
 39 **bly, the committee shall invite the first chief sponsor of the legislation to participate as a**
 40 **nonvoting member of the committee.**

41 (4) Upon request of an agency, the committee may agree to complete the rules review and re-
 42 porting required by ORS 183.405 in place of the agency.

43 (5) Members of the committee shall be appointed to serve for terms of two years, but a member
 44 serves at the pleasure of the appointing authority. The appointing authority shall appoint a person
 45 to fill any vacancy on the committee for the expired term. A member may be reappointed to the

1 committee.

2 (6) The members of the committee shall elect a chairperson from among the members of the
3 committee. In the absence of a chairperson, the member appointed by the State Archivist shall serve
4 as acting chairperson.

5 (7) A majority of the members of the committee constitutes a quorum for the transaction of
6 business.

7 (8) The committee shall meet upon the call of the chairperson or upon a request of a majority
8 of the members of the committee. The committee may meet by phone or video conference with at
9 least 24 hours' public notice.

10 (9) The State Archives shall provide administrative support to the committee.

11 (10) Members of the committee are not entitled to compensation, but may be reimbursed from
12 funds available to the State Archives for actual and necessary travel and other expenses incurred
13 by them in the performance of their official duties in the manner and amounts provided for in ORS
14 292.495.

15 **SECTION 3. (1) The amendments to ORS 183.333 by section 1 of this 2025 Act apply to**
16 **advisory committees appointed on or after the effective date of this 2025 Act.**

17 **(2) The amendments to ORS 183.407 by section 2 of this 2025 Act apply to requests to use**
18 **the Small Business Rules Advisory Committee as the advisory committee for reviewing an**
19 **agency's proposed administrative rules made on or after the effective date of this 2025 Act.**

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