

# A-Engrossed House Bill 3569

Ordered by the House May 12  
Including House Amendments dated May 12

Sponsored by Representatives GAMBIA, 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. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act says that some legislators have to be asked to be on the RAC for rules implementing the law. (Flesch Readability Score: 76.5).**

*[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]* **certain legislators** to participate on the committee as *[a nonvoting member]* **nonvoting members**.

Requires the Small Business Rules Advisory Committee to invite *[the first chief sponsor]* **certain legislators** to participate on the committee as *[a nonvoting member]* **nonvoting members** 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 **to participate as a nonvoting member of the committee:**

17 (A) **For legislation sponsored by a member of the Legislative Assembly, the first chief**  
18 **sponsor of the legislation, or another sponsor of the legislation as designated by the first**  
19 **chief sponsor.**

20 (B) **For legislation sponsored by a committee of the Legislative Assembly, the chair of**  
21 **the committee that sponsored the legislation at the time the legislation was introduced, or**  
22 **another member of the committee as designated by the chair.**

23 (2) Any agency in its discretion may develop a list of interested parties and inform those parties

**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 of any issue that may be the subject of rulemaking and invite the parties to make comments on the  
2 issue.

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

9 (4) An agency shall consider an advisory committee's recommendations provided under sub-  
10 section (3) of this section in preparing the statement of fiscal impact required by ORS 183.335  
11 (2)(b)(E).

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

24 (6) An agency may appoint the Small Business Rules Advisory Committee established in ORS  
25 183.407 as the advisory committee or fiscal impact advisory committee for purposes of this section.

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

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

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

32 183.407. (1) The Small Business Rules Advisory Committee is established to serve as an advisory  
33 committee for agencies adopting new administrative rules and to review the effectiveness of existing  
34 administrative rules.

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

36 (a) Two representatives of small businesses appointed by the Governor;

37 (b) Two representatives of small businesses appointed by the President of the Senate;

38 (c) Two representatives of small businesses appointed by the Speaker of the House;

39 (d) A representative of small businesses appointed by the Office of Small Business Assistance  
40 established in ORS 56.203;

41 (e) A representative of state agencies appointed by the Director of the Oregon Department of  
42 Administrative Services; and

43 (f) A member who is an expert in the rulemaking process appointed by the State Archivist.

44 (3)(a) Upon request of an agency, the committee shall serve as the advisory committee or fiscal  
45 impact advisory committee for reviewing an agency's proposed administrative rules under ORS

1 183.333.

2 **(b) When an agency uses the committee as the advisory committee under this subsection**  
3 **with regard to adoption of rules implementing legislation enacted by the Legislative Assem-**  
4 **bly, the committee shall invite to participate as a nonvoting member of the committee:**

5 **(A) For legislation sponsored by a member of the Legislative Assembly, the first chief**  
6 **sponsor of the legislation, or another sponsor of the legislation as designated by the first**  
7 **chief sponsor.**

8 **(B) For legislation sponsored by a committee of the Legislative Assembly, the chair of**  
9 **the committee that sponsored the legislation at the time the legislation was introduced, or**  
10 **another member of the committee as designated by the chair.**

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

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

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

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

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

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

26 (10) Members of the committee are not entitled to compensation, but may be reimbursed from  
27 funds available to the State Archives for actual and necessary travel and other expenses incurred  
28 by them in the performance of their official duties in the manner and amounts provided for in ORS  
29 292.495.

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

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

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