



WaterWatch of Oregon Protecting Natural Flows In Oregon Rivers

HB 3569A Testimony of WaterWatch of Oregon by Kimberley Priestley Senate Committee on Rules May 28, 2025

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and Oregon's rivers and aquifers to sustain fish, wildlife, recreation and other public uses of Oregon's waters. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

WaterWatch urges opposition of HB 3569A: Over the past 40 years, WaterWatch has served on dozens and dozens of Rules Advisory Committees (RAC), some of which have had legislators serving as RAC members. With that as our history, we have a number of concerns related to HB 3569A, which would require state agencies to appoint the Chief Sponsor (or sponsor assignee) or Chair of Committee of a Committee bill (or assignee) to serve on the RAC. Concerns include but are not limited to:

A bill reflects the intent of the legislature as a whole, not only that of the Chief Sponsor: The Chief Sponsor of a bill has provided their expertise by introducing the bill. But the final bill is the collective work of 90 legislators. The original language, and also intent, may change significantly over the course of a session before a bill becomes law. In some cases, a wholly new bill emerges. To then require the Chief Sponsor to be appointed to the RAC, ostensibly to be the voice for the intent of the bill, does not ensure the legislative intent of the full legislative body will be adhered to, and in fact could result in exactly the opposite.

HB 3569 is unnecessary to ensure legislative intent is carried over into rules: Pursuant to ORS 183.710 to 183.730, the Office of the Legislative Counsel may review state agency rules for legal sufficiency, including whether the rule is within the intent and scope of the enabling legislation. This bill is unnecessary to address the stated intent as Oregon's laws already provide that.

HB 3569 could lead to the politicization of the regulatory process. RACs are charged with advising agencies in their implementation of the final legislation as passed by Oregon's 90 body legislature. Requiring a legislator to then serve on the RAC could politicized the process, compromising the objectivity in the development of rules to implement law.

HB 3569 creates a power imbalance: Because Legislators control budgets and other agency work via their role in the legislature, having a legislator on a RAC can result in an imbalance of power that gives that person outsized influence over the rules. It can also chill open and honest discussion amongst other RAC members.

HB 3569 is unnecessary to keep legislators informed and/or involved: Rules advisory meetings are open to the public. Legislators can attend, and meetings include public comment opportunities, meaning a legislator can make their voice heard even if they do not have an official seat at the table.

HB 3569A does not protect against appointing legislators to the RAC who have a direct financial interest in the outcome: There is nothing in this bill that would prohibit a legislator who has a direct or indirect financial interest in the outcome of the rules from serving on the RAC. This raises significant concerns about potential conflicts of interest.

HB 3569 raises Constitutional issues: Requiring an agency to invite a legislator to serve on a RAC raises questions related to Oregon Constitution's Separation of Powers, Article III, Section 1.

HB 3569's designation of the seat as non-voting does not cure its problems: That the seat is non-voting does not assuage concerns. Most RACs don't vote, so all members are non-voting. For the few that do vote, it still creates an imbalance of power and risks chilling open and honest communications.

We urge a NO VOTE on HB 3569. Existing law already includes means to ensure that rules comply with the scope and the intent of the legislation the rules are implementing. And the existing process already allows legislators to attend RAC meetings and provide verbal and written input. Requiring a legislator to be invited to serve on a RAC will politicize the process, grant undue influence, and stymie open and transparent discussion amongst RAC members. This bill is not only unnecessary, but potentially counter productive in achieving the stated goal behind it.

Thank you for your consideration of our testimony.