



May 29, 2025

Senate Committee on Rules
State Capitol
Salem, OR 97301

Re: HB 3569 - rulemaking

Dear Chair Jama, Vice-Chair Bonham, and Committee members:

1000 Friends is a statewide nonprofit organization. We have worked with Oregonians for 50 years to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choices. In that time, we have been involved with many agency rulemakings.

1000 Friends of Oregon opposes HB 3569. The bill would require that when a state agency appoints an advisory committee as part of drafting rules to implement legislation, the agency must invite the chief sponsor of the bill, or the Committee chair if it is a Committee bill, or their designee, to be a member of the Rules Advisory Committee, or RAC.

While we can understand some of the reasons prompting this bill, we do not believe that HB 3569 is the way to address those concerns, for several reasons.

First, by the time a bill has gone through the full legislative process, it reflects the intent of the legislature as a whole, not of the chief sponsor. A bill is the collective work of 90 legislators, and might have been changed significantly since being introduced. RACs are charged with advising agencies in their implementation of that final legislation, not what was the intent behind the original introduced version of a bill.

Second, we believe HB 3569 raises Constitutional issues related to the Oregon Constitution's Separation of Powers, Article III.¹ Requiring a legislator to be a non-voting member does not cure this, because in our experience RACs do not take votes, so no one is a voting member.

Third, HB 3569 could create a power imbalance:

¹ Section 1. Separation of powers. The powers of the Government shall be divided into three separate branches, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these branches, shall exercise any of the functions of another, except as in this Constitution expressly provided. [Constitution of 1859; Amendment proposed by H.J.R. 44, 2011, and adopted by the people Nov. 6, 2012]

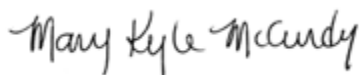
- Legislators control budgets and other aspects of agency work via their role at the legislature, which gives their say in a RAC possibly undue weight.
- And, it could chill open and honest discussion between RAC members and with agency staff, because of their role as legislators.

Fourth, it is unnecessary:

- State statute (ORS 183.710-.730) already provides that the Office of Legislative Counsel review state agency rules for legal sufficiency, including whether the rule is within the scope and intent of the legislature.
- Rules advisory meetings are open to the public. Legislators and/or their staff can attend, and meetings include public comment opportunities.
- Legislators and committees can request informational presentations on specific rulemaking undertakings, which often happens.
- Legislators can create a formal legislative work group if they would like to participate in depth in the exploration of a particular subject, which can lead to later rulemaking and/or legislation.
- Finally, legislators can change the law.

We urge a no vote on HB 3569. Thank you for considering our comments.

Sincerely,



Mary Kyle McCurdy
Associate Director