



Please oppose HB 4073

Chair Bowman, Vice-Chair Elmer, Vice-Chair Pham, Members of the House Committee on Rules:

The above groups, and the thousands upon thousands of Oregonians we represent, respectfully urge the Committee to reject HB 4073.

This bill creates an unbalanced, unfair and ineffective layer of interference by regulated entities in agency rulemakings. It also changes judicial review standards in a way that hamstring agencies and will result in years of litigation. Concerns include, but are not limited to:

HB 4073 stacks the deck for regulated entities in Rules Advisory Committees (RAC): For proposed rules that will result in new requirements, changes to compliance obligations or new or increased costs for persons regulated by an agency, HB 4073 mandates that at least ½ of a rules advisory committee (RAC) be comprised of regulated entities. This gives them an outsized voice in any RAC, putting other interests at a significant disadvantage.

HB 4073 allows regulated entities to force the exclusion of tribes, conservation groups, environmental justice groups, community members and federal, state and local governments from RACs: Because the bill mandates that the number of unregulated entities cannot exceed the number of regulated entities, if only one regulated entity member agrees to serve on the RAC, then only one non-regulated entity could serve, the result being that many important interests would be excluded.

HB 4073 imposes overly burdensome fiscal impact analysis to the benefit of business interests: The bill imposes new and onerous time-consuming fiscal evaluations that serve business interests over the public.

HB 4073 adds “arbitrary and capricious” as new standard of judicial review: This will import into Oregon law, a Federal APA standard that has never existed here. This will create an enormous amount of additional and time-consuming litigation. In addition to applying to Oregon state agency decisions, this applies to decisions of the Bi-State Columbia Gorge Commission.

We urge the Committee to oppose HB 4073