

**Internal Operations Manual**

**SUBJECT:** Permanent Administrative Rules **NUMBER:** 107-01-105

**DIVISION:** Office of Business Administration **EFFECTIVE DATE:** 12-01-03

**APPROVED:** Signature on file with the Office of Business Administration

**POLICY/PURPOSE:** This policy is to establish the process to be used by all divisions within the Department of Administrative Services (DAS) for filing Permanent Administrative Rules.

**AUTHORITY:**

- ORS 183.325 – 183-355
- OAR 137-001-0070, 137-002-0010 – 137-002-0060
- OAR 166-500-000 through 166-500-0055

**APPLICABILITY:** All Department of Administrative Services employees.

**ATTACHMENTS:**

- Exhibit 1 – Rulemaking Timeline -- Flow Chart
- Exhibit 2 – Official OAR Filing Forms
- Exhibit 3 – Administrative Rule Review Summary Form
- Exhibit 4 – Checklist for Permanent Rulemaking
- Exhibit 5 – Formatting Guidelines for Secretary of State
- Exhibit 6 – Formatting Guidelines for Legislative Counsel
- Exhibit 7 – Digital Print Order Form

**DEFINITIONS:** **Administrative Rule**

**A.** Rulemaking is “the issuance of regulations or the making of determinations which are addressed to indicated but unnamed or unspecified persons or situations.” Fuchs, *Procedure in Administrative Rulemaking*, 52 Harv. L. Rev. 259, 265 (1938).

**B.** Under Oregon law ORS 183.310(8) the term “rule” includes several concepts:

- Any agency directive, standard, regulation, or statement
- That is of general applicability
- Implements, interprets, or prescribes law or policy, or
- Describes the procedure or practice requirements of any agency

The term includes the amendment or repeal of a prior rule.

**Rulemaking Timeline** – Minimum number of calendar days required by the Secretary of State for notice, hearing and effective date of rule. The rulemaking process for permanent rules requires a minimum of 60 days.

**DEFINITIONS – (Continued)**

**Agency Rules Coordinator** – Appointed by the Director or Assistant Director. Appointment of Agency Rules Coordinators must be filed in writing with the Secretary of State Administrative Rules Unit. It is the Operation Division's responsibility to notify the Secretary of State of the appointment of new Agency Rules Coordinator(s) and to keep the appropriate forms updated. ORS 183.330(2). (*Form ARC 910-1977*).

The Agency Rules Coordinator assists the Division Coordinator with the rulemaking process, provides information to the general public and agency staff about the Department's rulemaking proceedings and the status of its rules. Is responsible for the filing of rules with the Secretary of State and Legislative Council and maintaining the permanent file of the agency's rules and the mailing list required by ORS 183.335(7).

**Division Rules Coordinator** – Appointed by the Division Administrator. Maintains copies of all rules adopted by the Division, provides information to the public about the status of the rules and on all rulemaking actions of the Division, works with the Agency Rules Coordinator to coordinate rulemaking proceedings and file accurate and timely rules for their division. Maintains a division name and address list of interested parties and of Legislators as specified in ORS 183.335(14) for mailing the division's Notice of Rulemaking.

**Notice of Proposed Rulemaking** – The formal process for informing the public of intended rulemaking action. Notice is to be sent to:

- The name and addresses on the agency mailing list of interested individuals and organizations in accordance with ORS 183.335
- Legislators specified in ORS 183.335(15). (Permanent rule notices must be postmarked and mailed to legislators at **least** 49 days before effective date of the rule.)
- The Associated Press
- By publishing in the Oregon Bulletin
- The Capitol Building Press Room

**Interested Parties Mailing List** – A list of names and addresses of persons who have requested copies of the agency's notices of proposed rulemaking. ORS 183.335(7). **This list is to be maintained in an Excel database and updated before each mailing.**

**Definitions – (Continued)**

**Oregon Bulletin** – Monthly publication of all rulemaking actions that have taken place between printings of the annual edition of the Oregon Administrative Rules Compilation. Provides notice of intended rulemaking action and adopted or amended rule text. A copy of each Oregon Bulletin published is on file at the Office of Business Administration.

**Oregon Administrative Rules Compilation** – Annual publication that contains the complete text of the Oregon Administrative Rules.

**Oregon Attorney General’s Administrative Law Manual and Uniform and Model Rules of Procedure under the Administrative Procedures Act** – Reference book for Administrative Rule procedures. Written by Hardy Myers, Attorney General. Last revised on October 3, 2001. May be purchased from the Department of Justice. The manual is revised after each legislative session to update existing model and uniform rules for consistency with legislative changes.

**GUIDELINES:**

- I. The Director, Deputy Director, and Assistant Director will have delegated rulemaking authority for the Agency. This authority is to be filed with the Secretary of State. (*Form ARC 915-1997*).
- II. The Director or Assistant Director will appoint an Agency Rules Coordinator for the Agency. The appointment of an Agency Rules Coordinator must be filed in writing with the Secretary of State Administrative rules Unit. (*Form ARC 910-1997*).
- III. Each Division Administrator will appoint a Division Rules Coordinator to work with the Agency Coordinator in filing the division’s rules.
- IV. The Division Administrator will review all proposed rulemaking actions for their division and sign the *Administrative Rule Summary Form* (Exhibit 3) indicating that the Division approves the rule.
- V. Division Rule Coordinators will maintain a “Notice of Rulemaking” mailing list specific for their division. This list, with the names and addresses of the legislators as required by ORS 183.335(14), will be given to the Agency Rules Coordinator at the time the division rule is submitted for the filing process. **This list is to be formatted in an Excel database and updated for use before each rule filing.** The list should be specific to those interested in the current rule being filed.

**GUIDELINES – (continued)**

- VI. OAR Filing Forms are available in various formats from the following sources:
- a. Word and Adobe Acrobat .pdf file format from the following web site: [http://arcweb.sos.state.or.us/rules/coordinator\\_resources.html](http://arcweb.sos.state.or.us/rules/coordinator_resources.html)
  - b. Electronic format (MS Word) from the Agency Rules Coordinator
  - c. By replication of samples shown in the “Oregon Attorney General’s Administrative Law Manual and Uniform and Model Rules of Procedure Under the Administrative Procedures Act” Appendix C
- VII. Administrative rules posted on a division’s web site will be directly linked to the “Official Copy” of an OAR, which is maintained on the Secretary of State, Archives Division web site and **not** duplicated elsewhere. The address for that link is <<http://arcweb.sos.state.or.us>>.
- VIII. Agency rules are to use language that is clear and simple. ORS 183.025. Use terms carefully and consistently. Strive for clarity, readability, and brevity. Avoid ambiguities and legal or technical wording. Use definitions and develop consistent modes of expression. Eliminate all unnecessary words. Keep sentences short. (See Appendix B, AG Law Manual, Tips on Rule Writing).
- IX. When the agency proposes to amend an existing rule, the agency shall set forth the rule in full with matter proposed to be deleted enclosed in brackets and proposed additions shown by bold face. ORS 183.341, ORS 183.335(2). Legislative Council requests that rules are submitted with the deletions shown in [*italic type within brackets*] and additions **boldfaced and underlined**, (pg. 41, Attorney General’s Law Manual.) ***It is the preference of DAS that the italic deletions are also in bold and that the additions be underlined as shown above. This is to emphasize changes and further eliminate possible error in the deletion and addition of indicated changes.***
- A. **PERMANENT RULES**
1. **Permanent Rule:** A permanent rule is in effect until it is repealed or amended. A permanent rule **must** replace a temporary rule before the temporary rule expires or the last permanent rule in effect will again become effective.
  2. **Public Input:** Agencies are encouraged to seek public input to the maximum extent possible before giving notice of intent to adopt, amend or repeal a rule. ORS 183.025(2). The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means to obtain public views that will assist the agency in drafting the rule. The advisory committee meetings shall be open to the public. Model Rule 137-001-0007(2).

**PERMANENT RULES (Continued)**

**If the agency does not appoint an advisory committee, its notice of rulemaking must include an explanation of why such a committee was not used to assist the agency in drafting the rule. ORS 183.335(2)(b)(F).**

In addition to the Advisory Committee, agencies may seek public input in a variety of ways:

- a. Consult with knowledgeable individuals
  - b. Meet separately with different interest groups
  - c. Use a facilitator to conduct public meetings
3. **Notice:** Permanent rules must have prior notice and an opportunity for a public hearing when an agency adopts, amends or repeals a rule. ORS 183.341(4). Notice must be:
- a. Published in the Oregon Bulletin **at least 21 days** before the “effective date” of the proposed rule. ORS 183.335(1)(b)
  - b. Sent to certain legislators and **postmarked at least 49 days** before the effective date of the proposed rule. ORS 183.335(1)(c), 183.335(14), Or Laws 1999, ch 334 (HB 3035)
  - c. Mailed and **postmarked at least 28 days** before the effective date of the proposed rule, to those on list maintained by agency, of persons who request in writing that they receive notice of the agency intent to adopt, repeal or amend a rule. ORS 183.335(12)(c)
4. **Hearing or Public Comment:** A hearing is to be held if:
- a. The division decides that a hearing would be in the best interests of the public
  - b. The rulemaking division receives 10 or more requests for a public hearing. ORS 183.335(3)(a)

**NOTE:** *If there is any possibility that a hearing will be held, it is most efficient to schedule a hearing and provide the date and location information in the notice of rulemaking. This avoids having to set a later hearing date and do a separate mailing.*

5. **Hearings Officer:** The presiding Hearings Officer may be the chief administrative officer of the agency, a member of its governing body, or any other person designated by the agency. OAR 137-001-0030(1). Any agency employee knowledgeable about the rule meaning and who can answer questions and appropriately conduct the hearing may act as the presiding officer.

**PERMANENT RULES (Continued)**

6. The presiding officer is responsible for providing a record of the hearing by audio or video tape recording, stenographic reporting or minutes. ORS 183.341.

**Hearing Record:** The agency will create and maintain a record of the public comments received, including all written materials submitted and a recording or summary of oral testimony presented at hearings. Agencies must “consider fully” all public comments in deciding on the final version of a rule. ORS 183.335(3)(b).

- a. The Division Rules Coordinator will be responsible for obtaining the Hearings Record from the presiding officer and sending all documents and tapes to the Agency Rules Coordinator within 30 days of the hearing.
  - b. The Agency Rules Coordinator shall maintain the rulemaking record. The agency shall make the rulemaking record available to members of the public upon request. ORS 183-341, 183.330(2), 183.335(3), 183.341(1).
7. **Amending a Rule:** Effective January 1, 2002, an agency may amend a rule without prior notice or hearing if the amendment is solely:
- a. To change the name of an agency when prescribed by law
  - b. To correct spelling
  - c. To correct grammar mistakes as long as the scope, application or meaning of the rule is not altered, or
  - d. To correct statutory references ORS 183.335(7)

**B. PROCEDURES FOR FILING PERMANENT RULES**

<b><u>Step</u></b>	<b><u>Responsible Party</u></b>	<b><u>Action</u></b>
1.	Division	Drafts or revises rules using an advisory committee or soliciting public input. Advises the DAS Assistant Director of any new rules, or discusses any substantial, controversial, or issue sensitive proposed rulemaking actions.
2.	Division Coordinator	Notifies Agency Coordinator that the division is planning to file Permanent Administrative Rules on an estimated date. <b><i>(Contact is usually made three to four months in advance of date rule will be filed and in effect, or as soon as the division makes the decision to file rules.)</i></b>

**PROCEDURES FOR FILING PERMANENT RULES (*Continued*)**

<b><u>Step</u></b>	<b><u>Responsible Party</u></b>	<b><u>Action</u></b>
	Division Rules Coordinator (Continued)	<p>Sends an electronic copy of the Rulemaking Timeline (<i>Exhibit 1</i>) to the Agency Coordinator for review.</p> <p>Consults with Agency Rules Coordinator regarding hearing date if hearing is to be held.</p> <p>All requests for information received by the division will be forwarded to the Agency Rules Coordinator for distribution.</p>
3.	Agency Rules Coordinator	Checks dates and timelines for validity of notice, hearing, and other effective date requirements. Notifies Division Coordinator of any change that is needed.
4.	Division Rules Coordinator	<p>At least SEVEN (7) working days prior to the 15<sup>th</sup> day of the month, or seven (7) working days <u>before</u> the Public Notice is to be postmarked (<i>if the postmark date is before the 15<sup>th</sup> day of the month</i>), electronically submits the following documents to the Agency Rules Coordinator:</p> <p>One completed Notice of Proposed Rule Making (<i>Form ARC 923-1977</i>) or</p> <p>One completed Notice of Proposed Rule Making Hearing, if a hearing is to be scheduled (<i>Form Arc 920-1977</i>)</p> <p>One completed Statement of Need and Fiscal Impact (<i>Form ARC 925-1977</i>)</p> <p>One complete copy of the proposed rule text <u>showing additions in boldface and underscored</u>, and deletions [bold italics and typed within square brackets</p> <ul style="list-style-type: none"> <li>• One electronic copy of their division-specific <i>Notice of Rule Making Mailing List</i> (<i>in accordance with agency notice rule</i>) <b>formatted in an Excel data base and updated before each rule filing</b></li> <li>• One electronic copy of specific legislators requiring notice of this particular rule ORS 183.335(14) <b>formatted in an Excel data base and updated before each rule filing</b></li> </ul>

**PROCEDURES FOR FILING PERMANENT RULES (Continued)**

<b><u>Step</u></b>	<b><u>Responsible Party</u></b>	<b><u>Action</u></b>
	Division Coordinator (Continued)	<ul style="list-style-type: none"> <li>One completed Review Summary Form (Exhibit 3)</li> </ul> <p><b><u>NOTE:</u></b> <i>The Review Summary Form must be an original with Administrator's signature and cannot be electronically submitted.</i></p>
5.	Agency Rules Coordinator	<p>Verifies that all documents are complete and accurate, and formatted as requested by the Secretary of State (Exhibit 6).</p> <p>Confirms that the submitted rule text is consistent with the Secretary of State's "Official Compilation" which <i>can be found on the Administrative Rule web site at <a href="http://arcweb.sos.state.or.us/rules/coordinator_resources.html">http://arcweb.sos.state.or.us/rules/coordinator_resources.html</a></i></p> <p>When appropriate, will suggest to the division that the Division's Attorney General, Department of Justice, review all rules that have an affect on the public.</p> <p>Prepares tracking sheet and routes copy of rules, notice, impact statement and Summary Review Form for Operations Administrator to review before the rule is presented to the Assistant Director for final review and signature</p>
6.	Administrator, Operations	Reviews Rule and approves rulemaking documents for presentation to the Assistant Director <b>at least five (5) working days before date the rule is to be postmarked for public notice.</b>
7.	Assistant Director	Reviews and signs proposed rulemaking documents authorizing that the rules are ready to file. Returns documents to Agency Rules Coordinator.
8.	Agency Rules Coordinator	<p>Collects all documents for filing and ensures they are complete and have been signed.</p> <p>FAX the following documents to the Secretary of State for publication in the Oregon Bulletin:</p> <ul style="list-style-type: none"> <li>One <i>Notice of Proposed Rulemaking</i></li> <li><b><u>Or</u></b> One <i>Notice of Proposed Rulemaking Hearing</i></li> <li>One signed copy of the <i>Statement of Need and Fiscal Impact</i></li> </ul>



**PROCEDURES FOR FILING PERMANENT RULES (Continued)****Step   Responsible Party   Action**

NOTE: *The Secretary of State will publish the notice in the Oregon Bulletin if it is received by 4:30 on the 15 of the month. If the 15<sup>th</sup> is on a weekend or holiday, then the notice would be due by 4:30 p.m. on the last working day before the weekend or holiday. **If rule is not received by the deadline, the notice will appear in the next month's issue of the Oregon Bulletin.** Notices may be faxed to the Administrative Rules Unit at (503) 378-4118 after telephoning (503) 373-0701 to notify them that the documents are being faxed.*

**9.**     Agency Rules  
Coordinator

Prepares notice for distribution to all interested parties insuring that the appropriate legislator(s) are notified per ORS 183.335 (14) and that all interested parties, per the division's notice rule are also included in distribution.

Saves to a 3.5 inch computer disk the electronic copies of the name and address lists of legislators, DAS interested parties and list that the division submitted. Verifies that the division address list is formatted in an Excel database.

Assembles packet for delivery to the Copy Center for printing, duplicating and distribution services. **The Copy Center requires at least two (2) days for printing and distribution.** Copy Center packet will include:

One copy of signed Notice of Proposed Rulemaking  
Or  
Notice of Proposed Rulemaking Hearing.

One copy of signed Statement of Need and Fiscal Impact.

One copy of signed Administrative rule Review Summary Form

One copy of rule text (showing additions and deletions)

One Digital Print Order Form (Exhibit 8)

- One 3.5 computer disk containing the *Interested Parties Mailing List*, *Notice of Rule Making Mailing List*, and list of legislators to be notified. **These address lists must be formatted in an Excel database**

**PROCEDURES FOR FILING PERMANENT RULES (Continued)**

<b><u>Step</u></b>	<b><u>Responsible Party</u></b>	<b><u>Action</u></b>
	Agency Rules Coordinator (Continued)	<p><b>Note:</b> <i>When completing the Digital Print Order form, charge to the PCA and Object Code given by the division on the Administrative Rule Review summary Form. Each division pays for the printing and distribution of any OAR for their division.</i></p> <p>Copy all documents in packet. Attach to the copies:</p> <ul style="list-style-type: none"> <li>• The green copy of the <i>Digital Print Order Form</i></li> <li>• A paper copy of all names on the mailing list disk</li> </ul> <p>The copies are placed in the rule file as documentation of what was sent out for print and distribution.</p>
10.	Division	Conducts Rulemaking Public Hearing.
11.	Division Rules Coordinator	<p>Obtains all records of Hearing from Hearings Officer, including any data or views that the division receives concerning the proposed rule. Forwards all collected information to the Agency Rules Coordinator for insertion into the official file.</p> <p>Makes any final edits to rule text resulting from public hearing and/or comments. Forwards the following electronic copies to the Agency Rules Coordinator:</p> <ul style="list-style-type: none"> <li>• One copy of <i>Certificate and Order for Filing Permanent Rules</i></li> </ul> <p><b>One copy of the finalized rule text as it will be adopted or amended</b></p> <ul style="list-style-type: none"> <li>• One copy of the final rule text showing additions (<b><u>boldface and underscore</u></b>) and deletions (<b><u>[bold italics and typed within brackets]</u></b>)</li> </ul>
12.	Agency Rules Coordinator	<p>Compares finalized rule text with the copy of rule showing additions and deletions. Reviews <i>Certificate and Order for Filing</i> for accuracy and completeness.</p> <p>Submits documents for review to the Operations Division Administrator to review and approve to present to the Assistant Director for final review and signature.</p>

**PROCEDURES FOR FILING PERMANENT RULES (*Continued*)**

<b><u>Step</u></b>	<b><u>Responsible Party</u></b>	<b><u>Action</u></b>
13.	Administrator, Operations Division	Reviews and approves documents to present to the Assistant Director for final review and signature.
14.	DAS Assistant Director	Reviews and signs documents indicating the rule is approved for filing.
15.	Agency Rules Coordinator	<p>Saves the final rule text that is to be adopted or amended to a 3.5 computer disk in both ASCII format and the original word processing format. Label disk as described in Formatting Guidelines for Secretary of State Filing, Computer Disk, (<i>Exhibit 6</i>).</p> <p>Prepares packet of documents for filing with the Secretary of State that will contain:</p> <ul style="list-style-type: none"> <li>• One original <i>Certificate and Order for Filing Permanent Rules</i></li> <li>• One copy of signed <i>Certificate and Order for Filing Permanent Rules</i></li> <li>• One copy of signed <i>Statement of Need and Fiscal Impact</i></li> <li>• One paper copy of the final OAR text printed from disk</li> <li>• One 3.5 computer disk containing the adopted or amended final rule text in both ASCII format and the original word processing format.</li> <li>• One copy of certificate, rule text and the Statement of Need and Fiscal Impact form, attached to a self-addressed envelope. <i>The Secretary of State will stamp these documents verifying the time and date the rule was filed, and return them to the Agency Rules Coordinator for filing in the permanent rule file.</i></li> </ul>
16.	Agency Rules Coordinator	<p>Files the Administrative Rules with the Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street.</p> <p>Signs ledger stating department name, rule coordinator's name, rule number, rule status and the time of day.</p>

**PROCEDURES FOR FILING PERMANENT RULES (*Continued*)****Step   Responsible Party   Action**

- |     |                             |  |
|-----|-----------------------------|--|
| 17. | Agency Rules<br>Coordinator | <p>Files copy of rule with Legislative Counsel, S-101 State Capitol, within ten (10) days of filing with the Secretary of State. A disk is not needed for Legislative Council. Include:</p> <ul style="list-style-type: none"><li>• One copy of the final rule text showing additions and deletions</li><li>• One copy of the Certificate and Order for Filing Permanent Administrative Rules</li><li>• One copy of the Statement of Need and Fiscal Impact</li><li>• One copy of certificate, rule text and the Statement of Need and Fiscal Impact attached to a self-addressed envelope. <i>Legislative Council will stamp these documents verifying the time and date the rule was filed, and return them to the Agency Rules Coordinator for filing in the permanent rule file.</i></li></ul> |
| 18. | Division                    | <p>Reviews rules every three years. Verifies that changes are not necessary or instigates rule amendments.</p>   |

## RULEMAKING TIMELINE FOR PERMANENT RULES

**NOTE: ALL DOCUMENTS MUST BE RECEIVED BY THE AGENCY RULES COORDINATOR AT LEAST 7 DAYS BEFORE THE EARLIEST DATE GIVEN BELOW:**

**DIVISION:** \_\_\_\_\_ **RULE #** \_\_\_\_\_

**Notify Interested Parties by:** \_\_\_\_\_

(Must be **postmarked** 49 days from the effective date of the rule for legislators)

(Must be **postmarked** 28 days from the effective date of the rule for Interested Parties)

*Must be delivered to the Copy Center 2 to 3 days prior to postmark date to allow time for Print and Distribution to copy and address for mailing* \_\_\_\_\_

**Submit for Oregon Bulletin by:** \_\_\_\_\_

(Must be received by the Secretary of State by the 15<sup>th</sup> of the month or the preceding workday, if the 15<sup>th</sup> is on a weekend or holiday,)

**Date Published in Oregon Bulletin** \_\_\_\_\_

(Usually the 1<sup>st</sup> of the month. 14 days prior to Hearing date, 21 days prior to the effective date of the rule)

**Date of Hearing (If applicable):** \_\_\_\_\_

(Must be at least 14 days after published in the Oregon Bulletin)

(28 day notice to requestors and Interested Parties)

**Last Day for Public Comment:** \_\_\_\_\_

Must be after hearing is held. If no hearing is held, must be 21 days or more after the Public Notice.

**File Permanent Rules with Secretary of State:** \_\_\_\_\_

**File Permanent Rules, Legislative Counsel:** \_\_\_\_\_

(Within 10 days of SOS Filing)

**Effective Date of Rule:** \_\_\_\_\_

(Must be at least 21 days from date published in Oregon Bulletin and 49 days from notification to legislators and 28 days from notification to Interested Parties)

## Official OAR Filing Forms

ARC 910-1997	Appointment of Agency Rules Coordinator ( <i>appoint.doc</i> )
ARC 915-1997	Delegation of Rulemaking Authority ( <i>Delegatn.doc</i> )
ARC 920-1997	Notice of Proposed Rulemaking Hearing ( <i>Hrngnotc.doc</i> )
ARC 923-1997	Notice of Proposed Rulemaking ( <i>Permcert.doc</i> )
ARC 925-1997	Statement of Need and Fiscal Impact ( <i>Permneed.doc</i> )
ARC 930-1997	Certificate and Order for Filing Permanent Administrative Rules ( <i>Permnotc.doc</i> )
ARC 940-1997	Certificate and Order for Filing Temporary Administrative Rules ( <i>Tempcert.doc</i> )
ARC 945-1997	Statement of Need and Justification ( <i>Tempneed.doc</i> )
ARC 950-1997	Notice of Periodic Review of Rules ( <i>Periodrv.doc</i> )

## Administrative Rule Review Summary

**TO:** Division Rules Coordinator **Date**

**FROM:** Agency Rules Coordinator  
Operations Division, Office of Business Administration

**SUBJECT:** Proposed Administrative Rule(s) -- Division Administrator's Review

The DAS process for filing administrative rules requires review and sign-off by the Division Administrator. This form must be initialed and dated by your Administrator and returned to the Agency Rules Coordinator prior to review by the Director's Office for official signature and filing. This form must also accompany notice filings. If your administrator feels these rules are controversial and require discussion with the Director's office prior to filing, please contact the DAS Assistant Director, (503) 378-2627.

Please provide the information requested below and return this form within four working days prior to the filing deadline to the DAS Agency Rules Coordinator, 155 Cottage Street NE U90, Salem, OR 97301-3972. Please accompany this form with a copy of the proposed rule text (showing additions and deletions), and the required filing forms. If you have any questions, please do not hesitate to call me at (503) 378-2349x325.

Division Rules Coordinator (Name and telephone number)	Name: Phone:
Agency Number (107 + three digits identifying division/program) PCA (for printing and distribution of notice)	Agency Number: <u>107</u> ___ PCA: _____
Subject Matter Expert (person able to answer high-level questions regarding rule specifics (name and telephone number)	Name: Phone:
Rule Summary:	
Proposed Effective Date:	
Rulemaking Action: List all rule numbers affected	OAR: ___ - ___ - ___
<b>Administrator Review and Approval:</b> <input type="checkbox"/> Notice <input type="checkbox"/> Adopt, Amend, Repeal	
_____ Signature	_____ Date
<b>Final Approval by Director of Operations:</b>	
_____ Signature	_____ Date

## Checklist for Permanent Rulemaking

- Appoint advisory committee or use other means to obtain public input, as appropriate.
- When appropriate, ask Department of Justice to review the Rule.
- Prepare notice, including
  - a. Date, time and place of hearing if one is scheduled;
  - b. Rule or summary of rule;
  - c. Statutory authority;
  - d. Statute or law the rule intended to implement;
  - e. Statement of need;
  - f. Documents relied upon;
  - g. Fiscal impact statement (including housing cost impact statement for certain agencies)
  - h. Explanation if advisory body not appointed.
- Give notice: *(may be faxed to the Administrative Rules Unit at 378-4118)*
  - a. Agency mailing list; (**postmarked** 28 days before effective date of rule)
  - b. Specified legislators; (**postmarked** 49 days before effective date of rule)
  - c. Oregon Bulletin; (21 days before effective date of rule)
  - d. In accordance with agency notice rule.
- Hold hearing, if scheduled or requested, at accessible site and in compliance with Americans with Disabilities Act.
- Respond to public comment when appropriate.
- Maintain record of data and views submitted in writing or presented at hearing, including comments submitted by legislative committees.
- Revise proposed rule to reduce significant adverse economic impact on small businesses, if consistent with public health and safety.
- Adopt, amend, or repeal rule after considering fully all written and oral submissions.
- File copy of adopted or amended rule with Administrative Rules Unit, Archives Division, Secretary of State, along with original and copy of Certificate and Order for Filing Permanent Administrative Rules, and computer disk with rule in ASCII and original format.
- File copy of adopted or amended rule with Legislative Counsel within 10 days of filing with Secretary of State.
- Periodic rule review every three years.
- Report to Legislature on rules with economic impact on business.



## Formatting Guidelines for Secretary of State Filing

Pages shall be numbered consecutively.

Rule text shall contain only final wording.

Rules shall be typed in 10 or 12 point size.

Typing shall be from margin to margin, not in column form.

Single spaces shall be used between sentences, words, or any place multiple spaces might be used.

Division titles shall be centered, boldface and use all uppercase letters.

Division subtitles shall be centered, boldface and use initial capitalization only.

Rule numbers and titles shall be flush left and boldface.

Text has one level of indentation throughout. Hanging paragraphs should not be used.

The text of each rule shall be followed by: the specific statutory authority for that rule and the specific statute(s) being implemented by that rule.

One extra line space (hard return) shall be inserted only in the following locations in the text: before and after centered titles after the text of each rule.

Text shall appear in consecutive order by rule number.

### **Computer Disk**

One 3.5 inch, double-sided, high-density computer disk which contains two electronic copies of the text of each rule.

The affected rules only in each OAR division shall be in two separate files on the computer disk.

The text of each rule shall be saved in both ASCII and the original text format.

Filenames for each ASCII formatted file shall begin with the OAR three digit chapter number, followed by a hyphen (-), followed by the three digit division number, followed by a period (.); followed by the lower case letters "txt." Example: 125-010.txt. Filenames for each file saved in the original word processing format shall be the same as the ASCII formatted files, except contain a different file name suffix. The file name suffix shall be the suffix customarily used by the original word processing program or designated by the agency. Example: 125-010.doc or 125-010-wp.

The outside of each disk shall be labeled with: Agency name; OAR Chapter number; Division number(s); whether formatted for IBM or Macintosh; and the name and version or word processing program used to create files.

- Example of Disk Label:  
Department of Administrative Services  
OAR Chapter 125  
Division number 030  
IBM Formatted, Microsoft Word

# Formatting Guidelines for Legislative Counsel Filing

Rule shall contain text showing additions (**boldface and underscored**) and deletions (***boldfaced italics*** typed within square [ ] brackets).

Rules shall be typed in 10 or 12-point size.

Typing shall be from margin to margin, not in column form.

Single spaces shall be used between sentences, words, or any place multiple spaces might be used.

Division titles shall be centered, boldface and use all uppercase letter.

Division subtitles shall be centered, boldface and use initial capitalization only.

Rule numbers and titles shall be flush left and boldface.

Text has one level of indentation throughout. Hanging paragraphs should not be used.

The text of each rule shall be followed by the specific statutory authority for that rule and the specific statute(s) being implemented by that rule.

One extra line space (hard return) shall be inserted only in the following locations in the text: before and after centered titles after the text of each rule.

Text shall appear in consecutive order by rule number.

Legislative Counsel does not require electronic versions.

## DIGITAL PRINT ORDER FORM

**Hard copies of this policy will have a paper copy of the Digital Print Order Form, Exhibit 7. However,**

The Digital Print Order Form is not an electronic form and cannot be included in the web site policy.

The form may be obtained from:

Publishing and Distribution Services, Telephone 503-378-3397x301

Or

From your Division Administrative Assistant

 **DAS** *Department of Administrative Services*