

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Secretary of State, Archives Division	166
Agency and Division	Administrative Rules Chapter Number
Julie Yamaka	503-378-5199
Rules Coordinator	Telephone
800 Summer Street NE., Salem, OR 97310	
Address	

**RULE CAPTION**

Clarifying for state agencies the manner and form for filing administrative rules

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date (m/d/yyyy)	Time	Location	Hearings Officer
1 7/26/2007	9:00a.m.	2nd floor conference room, 800 Summer St NE, Salem, OR 97310	Julie Yamaka
2			
3			
4			

Auxiliary aids for persons with disabilities are available upon advance request

**RULEMAKING ACTION**

**ADOPT:**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND:**

166-500-0000, 166-500-0010, 166-500-0015, 166-500-0020, 166-500-0025, 166-500-0030, 166-500-0040, 166-500-0050, 166-500-0055

**REPEAL:**

166-500-0045

**Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**Amend and Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority: ORS**

ORS 183.360

**Other Authority:**

**Statutes Implemented: ORS**

ORS 177.130, 183.370, 192 and 357.885

*Continued on next page*

**Continuation of ... NOTICE OF PROPOSED RULEMAKING HEARING\***

**RULE SUMMARY**

Amendments and one rule repeal to clarify the requirements for the manner and form for filing administrative rules; to eliminate outdated references; to eliminate redundancy; to clarify and update definition terms.

ORS 183.335(2)(b)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

7/26/2007	Close of Hearing	Julie Yamaka	julie.a.yamaka@state.or.us	06/06/2007
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2003

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Secretary of State, Archives Division

166

Agency and Division

Administrative Rules Chapter Number

In the Matter of:

The Amendment and Repeal of rules in OAR Chapter 166, Division 500

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.):

Clarifying for state agencies the manner and form for filing administrative rules

Statutory Authority: ORS

ORS 183.360

Other Authority:

Statutes Implemented: ORS

ORS 177.130, 183.370, 192 and 357.885

Need for the Rule(s):

To clarify the requirements for the manner and form for filing administrative rules; to eliminate outdated references; to eliminate redundancy; to clarify and update definition terms.

Documents Relied Upon, and where they are available:

Attorney General's Administrative Law Manual, January 1, 2006, available in hard copy from the Oregon Department of Justice, 1162 Court Street NE., Salem, OR 97310

*Continued on next page*

**Continuation of ... STATEMENT OF NEED AND FISCAL IMPACT**

Fiscal and Economic Impact, including Statement of Cost of Compliance:

Fiscal and Economic Impact, including Statement of Cost of Compliance: The proposed rule changes clarify but do not add to the administrative rule filing process so no fiscal impact on state agencies is anticipated.

Cost of Compliance:

- 1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Impact on state agencies: these rules specify the manner and form for filing administrative rules, but do not increase or decrease the filing requirements. Because no administrative rule filing requirements are being added, no increase in state agencies' cost of compliance is anticipated.
- 2. Cost of compliance effect on small business (ORS 183.336): These rules specify to state agencies the manner and form for filing Administrative Rules and do not pertain to the actions of small businesses.
  - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: None
  - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None
  - c. Equipment, supplies, labor and increased administration required for compliance: None

How were small businesses involved in the development of this rule?

These rules specify to state agencies the manner and form for filing Administrative Rules and do not pertain to the actions of small businesses. Small businesses were not involved in the development of these rules.

Administrative Rule Advisory Committee consulted?:  Yes  No

If not, why?:

[Empty text box for "If not, why?"]

7/26/2007	Close of Hearing	Julie Yamaka	julie.a.yamaka@state.or.us	06/06/2007
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

**DIVISION 500**  
**ADMINISTRATIVE RULES UNIT**  
Procedural Rules

**166-500-0000**

**Notice of Proposed Rulemaking**

Before adopting, amending, or repealing any permanent rules, the Administrative Rules Unit shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Oregon Bulletin, referred to in ORS 183.360, at least 21 days prior to the effective date.

(2) By mailing a copy of the Notice to persons on the Administrative Rules Unit's mailing list established pursuant to ORS 183.335(78) at least 28 days prior to the effective date.

(3) By mailing a copy of the Notice to the following persons and organizations:

(a) Associated Press;

(b) Capitol Press Room;

(c) Oregon Bar Association;

(d) Department of Justice.

(4) By mailing a copy of the Notice to legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.335 & 183.360

**166-500-0005**

**Model Rules of Procedure**

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, dated January 1, 2006, are adopted as the rules of procedure for the Administrative Rules Unit.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Archives Division.]

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.335

**166-500-0010**

**Definitions**

OAR 166-500-0020 through 166-500-0055 state the requirements for adopting, amending, repealing or renumbering Administrative Rules permanently or temporarily. The following definitions apply to OAR 166-500-0000 through 166-500-0055.

(1) An "Adopted Administrative Rule" is a completely new rule added to an agency's existing body of rules. New rule numbers must be approved by the Administrative Rules Unit prior to filing.

(2) An "Amended Administrative Rule" is an existing rule that is modified by additions or deletions to the ~~existing~~ rule text without a change in numbering under an existing rule number.

(3) The “Administrative Rules Unit” of the Archives Division of the Secretary of State’s Office is the unit responsible for filing and publishing the Oregon Administrative Rules and Rulemaking Notices.

~~(4) The “Certificate and Order” for filing Permanent or Temporary Rules is the form that an agency is required to file with the Secretary of State, Administrative Rules Unit, of an adopted, amended or repealed rule See ORS 183.355(1)(a). These forms are available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit Web Site at < <http://arcweb.sos.state.or.us/banners/rules.htm> >.~~

~~(45) “Computer Disk” means computer diskette, or data CD or DVD.~~

~~(46) The “Effective Date” for a Permanent or Temporary Administrative Rule must be its date of filing filed with the Administrative Rules Unit or a later date specified by the agency. is no less than Additionally, the effective date for a Permanent Administrative Rule must be at least 21 days or more following the publication of the Notice in the Oregon Bulletin. The “effective date” for a Temporary Rule is the date the rule is filed with the Administrative Rules Unit unless a later date is specified by the agency.~~

~~(7) The “Filing Date” for administrative rulemaking paperwork is the day it physically arrives at the Secretary of State, Administrative Rules Unit by delivery, mail, fax or on-line filing.~~

~~(58) The “Model Rules of Procedures,” for rulemaking (OAR 137-001-0005 through 137-001-0085) have been established by the Attorney General’s office to implement the statutory requirements (ORS 183.341(2)) of the Oregon Administrative Procedures Act (APA).~~

~~(69) The “Notice of Proposed Rulemaking” is a formal process for informing the public of intended rulemaking action that includes an agency mailing to specific individuals and organizations, and publication of a Notice in the Oregon Bulletin (form ARC 923-1997).~~

~~(710) The “Notice of Proposed Rulemaking Hearing” is a formal process for informing the public of a hearing related to intended rulemaking action, which includes an agency mailing to specific individuals and organizations, and publication of a Notice in the Oregon Bulletin (form ARC 920-1997).~~

~~(811) The “Oregon Administrative Rules Compilation” is a publication that contains the complete text of the Oregon Administrative Rules. The Oregon Administrative Rules Compilation is available in electronic and printed formats. Electronic versions are available through are accessible on the Oregon State Archives World Wide Web Site at <<http://arcweb.sos.state.or.us>> Administrative Rules Unit Web Site at <<http://arcweb.sos.state.or.us/banners/rules.htm> >. Printed copies are at the State Archives and in the collections of Oregon’s Public Documents Depository Libraries, listed in OAR 543-070-0000, and are available for purchase from the Administrative Rules Unit.~~

~~(912) The “Oregon Bulletin” is a monthly publication that documents all rulemaking actions promulgated between printings of the Oregon Administrative Rules Compilation. In addition to providing Notice of intended rulemaking action and adopted or amended rule text, it includes Executive Appointments, Executive Orders of the Governor, and Opinions of the Attorney General, and orders issued by the Director of the Department of Revenue. The Oregon Bulletin is available in electronic and printed formats. Electronic versions are available through are accessible on the Oregon State Archives World Wide Web Site at <<http://arcweb.sos.state.or.us>> Administrative Rules Unit Web Site at~~

<http://arcweb.sos.state.or.us/banners/rules.htm> >. Printed copies are at the State Archives and in the collections of Oregon's Public Documents Depository Libraries, listed in OAR 543-070-0000, and are available for purchase from the Administrative Rules Unit.

~~(1013)~~ A "Permanent Administrative Rule" is the adoption of new rules or the ~~modification~~ amendment of existing rules, and remains in effect until ~~another~~ rulemaking action is ~~initiated~~ made on the specific rule (~~form ARC 930 1997~~).

(14) A "Renumbered Administrative Rule" is an existing rule that is moved from an existing rule number to a new rule number.

(15) A "Repealed Administrative Rule" is an existing rule that is completely removed from the Oregon Administrative Rule Compilation.

(16) A "Rule Caption" is a statement of not more than 15 words identifying the subject matter of the rulemaking action. See ORS 183.335(2)(a)(A).

~~(1817)~~ A "Rule Summary" is ~~an objective brief description of the subject of the rulemaking~~ statement summarizing the subject matter and purpose of the intended action. See ORS 183.335(2)(a)(B).

~~(1118)~~ A "Rules Coordinator" is the person appointed by an agency to coordinate the writing and filing of Administrative Rules. ~~An a~~ Appointment of Agency Rules Coordinator form must be filed ~~in writing~~ with the Administrative Rules Unit. The Appointment of Agency Rules Coordinator form is available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit Web Site at <http://arcweb.sos.state.or.us/banners/rules.htm> >. ~~It is an agency's responsibility to monitor the appointment of a Rules Coordinator and to keep the appropriate forms updated (form ARC 910 1997).~~

~~(12) The "Rule Text" is the actual verbiage the agency uses in its rule to describe its implementation of pertinent statutes.~~

~~(1319)~~ A "Signature" is the original signature of the agency's authorized signer(s) who have legal authority to approve rulemaking filings, appoint agency rules coordinators or delegate rulemaking authority. ORS 183.325 requires delegations of rulemaking authority to be filed with the Administrative Rules Unit. (~~form ARC 915 1997~~) The form is available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit Web Site at <http://arcweb.sos.state.or.us/banners/rules.htm> >.

~~(1420)~~ A "Statement of Need and Fiscal Impact" form establishes the need for the proposed rulemaking action and its fiscal impact. This form accompanies the Notice of Proposed Rulemaking Hearing and the Notice of Proposed Rulemaking (~~form ARC 925-1997~~) The Statement of Need and Fiscal Impact form is available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit Web Site at <http://arcweb.sos.state.or.us/banners/rules.htm> >.

~~(1521)~~ A "Statement of Need and Justification" form establishes the need for ~~the proposed a temporary~~ rulemaking action and the justification for submitting the changes as a temporary rule rather than using the permanent rule process. This form accompanies the Certificate and Order for Filing Temporary Rules (~~form ARC 945 1997~~). The Statement of Need and Justification form is available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit Web Site at <http://arcweb.sos.state.or.us/banners/rules.htm> >.

~~(1622)~~ Statutory Authority (“Stat. Auth.”) is an agency’s ~~statutory~~ authority to make rules granted by Oregon Revised Statutes.

~~(1723)~~ Statutes (“Stats.”) Implemented is the statute(s), bill(s) or federal legislation that an agency implements through the rulemaking process.

(24) A “Suspended Administrative Rule” is an existing rule that is rendered ineffective for a specified time not to exceed 180 days. See ORS 183.335(6).

~~(1925)~~ A “Temporary Rule” is a new adopted, ~~or~~ amended or suspended rule that remains in effect for a specified period not to exceed maximum of 180 days ~~(form ARC 940-1997)~~.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

## **166-500-0015**

### **Fees**

Fees charged by the Administrative Rules Unit are based upon actual personnel, equipment usage and materials costs and will be as follows:

(1) Charges for services and products identified in this section, except services identified in subsections (a) through (i) of this section, may be billed upon request:

(a) Basic records request — \$5 in-state; \$10 out-of-state. This includes copying charges, postage and supplies. It applies to one-page documents. A Basic Records Request must provide an exact citation to a record (e.g., a citation of an Administrative Order number or a rule number) in the custody of the Archives Division;

(b) Basic Case File Request — \$10 in-state; \$15 out-of-state. This includes up to 10 photocopies, postage and supplies. Additional photocopy pages are charged at .75 cents per page. A Basic Case File Request must provide an exact citation to a record in the custody of the Archives Division;

(c) Other Requests — \$5 out-of-state. In addition, all other requests will include labor charges and copying, supply and postage charges when incurred;

(d) Labor charges — \$30 per hour charged in \$5 (10-minute) increments. There is a maximum of \$120 (four hours labor) for any request;

(e) Photocopies. Copies made by the customer — 25 cents per page. Copies made by Archives Division staff — 75 cents per page;

(f) Fax Charges — 75 cents per page;

(g) PDF Transfers — 75 cents per page;

(h) Certifying administrative rule records — \$5 per certification plus any copying, labor or research fees incurred in filling the request;

(i) CD Rom/~~Zip Disk, or FTP~~ or other media — \$15 per file copied. plus any associated costs;

(j) Oregon Administrative Rules Compilation bound set — \$500 per year;

(k) Oregon Administrative Rules Compilation bound set purchased with a one-year subscription to the Oregon Bulletin; — \$600 per year;

(l) Individual volumes of the OAR Compilation — \$40;

(m) Oregon Bulletin:

(A) One-year subscription — \$125;

(B) Per issue — \$11 each.

(2) Walk-in customers or customers with large requests will be assisted as workloads permit.

(3) The Secretary of State ~~shall~~ will not refund fees paid in excess of the amount legally due the Division if the amount is \$10 or less, unless a refund is requested in writing by the applicant or the applicant's legal representative. Such requests must be made within three years of the date payment is received by the Division.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 177.130, 183.370, 192 & 357.885

## **166-500-0020**

### **Administrative Rule Filing Requirements**

(1) The Administrative Rules Unit shall compile, index and publish all rules adopted by each agency.

(2) All rule filings ~~should be completed on the proper~~ shall use Administrative Rules Unit created or approved forms and be submitted in the ~~appropriate~~ as outlined in OAR 166-500-0030 through 166-500-0055. All rulemaking forms are available from the Administrative Rules Unit or downloadable from the Oregon State Archives Web Site at <<http://arcweb.sos.state.or.us>>. The Administrative Rules Unit may refuse to accept any filings that do not comply with these requirements.

(3)(a) Agencies ~~should~~ must submit ~~completed~~ Administrative Rule filings and Notices of Proposed Rulemaking to the Administrative Rules Unit of the State Archives, Oregon Secretary of State. For publication in the upcoming Oregon Bulletin, filings must be submitted to the Administrative Rules Unit by 5:00 p.m. on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Filings are accepted until 5:00 p.m. on the preceding workday.

(b) In lieu of mailing or delivering forms, a Notice of Proposed Rulemaking Hearing or Notice of Proposed Rulemaking filing may be faxed to the Administrative Rules Unit or filed using on-line forms available through the Oregon State Archives Web Site at <<http://arcweb.sos.state.or.us>>.

(4) Agencies desiring receipted copies of their rule filing ~~should~~ must submit an additional photocopy of the filing form with their rule filing, along with a pre-addressed envelope. Receipted copies will be mailed after the filing has been reviewed for completeness and computer disk readability has been verified. Administrative Rules Unit staff will contact an agency's Rules Coordinator within three working days to correct any errors or omissions.

(5) The Oregon Attorney General's Administrative Law Manual conforms to the procedures and requirements detailed in OAR 166-500-0030 through 166-500-0055.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.335 & 183.360

## **166-500-0025**

### **~~Administrative Rule Renumberings and~~ Lengthy Administrative Rule Filings**

The Administrative Rules Unit may at its discretion omit rule text from publication in the print version Oregon Bulletin when large rule ~~renumberings or particularly voluminous~~ rule filings are filed late in the publication cycle. ~~Renumberings or filings with more than~~

~~40 pages of text shall be filed by the fifth day of the month to allow time to format the text for publication.~~

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.335 & 183.360

### **166-500-0030**

#### **Components of a Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking Filing**

(1) A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking filing consists of two items. These are:

(a) One completed Notice of Proposed Rulemaking Hearing or Notice of Proposed Rulemaking form;

(b) One completed Statement of Need and Fiscal Impact form.

(2) ~~Forms are available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit Web Site at <<http://arcweb.sos.state.or.us/banners/rules.htm>>.~~

~~(a) For publication in the upcoming Oregon Bulletin, Notice filings must be received by the Administrative Rules Unit by 5:00 p.m. on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice filings are accepted until 5:00 p.m. on the preceding workday.~~

~~(b) A Notice of Proposed Rulemaking Hearing or Notice of Proposed Rulemaking filing may be faxed to the Administrative Rules Unit~~

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.335 & 183.360

### **166-500-0040**

#### **Components of a Permanent Administrative Rule Filing**

(1) Permanent Administrative Rule filings have three components. These are:

(a) Two Certificate and Order for Filing Permanent Administrative Rules forms, including:

(A) One original filing form bearing the original signature of the agency's authorized signer; and

(B) One photocopy of the original filing form.

(b) A computer diskette or CD which contains the text of the rule ~~in both plain text and the original text format~~ as described in 166-500-00455. Graphs, formulas, tables, appendices, etc. ~~will not be included in~~ may be omitted from the Oregon Administrative Rules Compilation per ORS 183.360(2)(a), but Agencies are still required to file a paper copy of all material, but do not have to file an electronic copy;

(c) One 8 1/2 by 11 inch paper copy of the complete and final rule text for each rule listed on the Certificate, printed from the computer disk included with the filing:

(A) Agencies shall must number paper copy pages consecutively and note any special formatting instructions where needed in the left margin where the formatting occurs.

(B) Agencies adopting or amending rules incorporating published works by reference may omit copies of the publications from their rule filings if:

(i) The publications are unusually voluminous, ~~and~~/or costly to reproduce;

(ii) The location of the publication and its availability to the public are stated in the rule.

(2) Each Certificate and Order for Filing Permanent Administrative Rules ~~shall~~ must be comprised only of administrative rules for which prior notice was published in the Oregon Bulletin.

(2) Forms are available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit Web Site at <<http://arcweb.sos.state.or.us/banners/rules.htm>>.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.325, 183.330, 183.335, 183.355 & 183.360

## **166-500-0045**

### **Computer Disk to Be Filed as Part of Permanent Administrative Rule Filing**

~~Computer Disk or CD: One 3.5 inch, double sided, high density computer disk (or more as needed) which contains two electronic copies of the text of each rule shall be filed. One electronic file shall be in plain text. The other electronic file shall be in the format of the original word processing program in which it was created. Computer disks which do not meet these requirements will not be accepted as filed and will be returned to the submitting agency. This disk shall meet the following requirements:~~

~~(1) Text layout in both files:~~

~~(a) Rule text shall contain only final wording;~~

~~(b) Formatting:~~

~~(A) Rules shall be typed in 10 or 12 point size;~~

~~(B) Typing shall be from margin to margin, not in column form;~~

~~(C) Single spaces shall be used between sentences, words or any place multiple spaces might be used;~~

~~(D) Division titles shall be centered, boldface and use all uppercase letters;~~

~~(E) Division subtitles shall be centered, boldface and use initial capitalization only;~~

~~(F) Rule numbers shall be flush left and boldface;~~

~~(G) Rule titles shall be flush left, boldface and use initial capitalization;~~

~~(H) Text has one level of indentation throughout. Hanging paragraphs should not be used;~~

~~(I) The text of each rule shall be followed by:~~

~~(i) The specific statutory authority for that rule; and~~

~~(ii) The specific statute(s) being implemented by that rule.~~

~~(J) One extra line space (hard return) shall be inserted only in the following locations in the text:~~

~~(i) Before and after centered titles;~~

~~(ii) After the text statutes implemented of each rule.~~

~~(c) Text shall appear in consecutive order by rule number;~~

~~(d) Acceptable special formatting:~~

~~(A) Special font usage (eg. bold, italics, underline etc.);~~

~~(B) Special characters (eg. degree symbol)~~

~~(C) Graphs, formulas, tables, appendices, etc. will not be included in the Oregon~~

~~Administrative Rules Compilation. Agencies are still required to file a paper copy but do not have to file an electronic copy;~~

~~(D) Quoted text;~~

~~(E) Centered text or titles; and~~

~~(F) Adoptions by reference.~~

~~(2) Files:~~

- (a) ~~The affected rules only in each OAR division shall be in two separate files on the computer disk;~~
- (b) ~~Filenames for each plain text file shall begin with OAR three digit chapter number, followed by a hyphen (-), followed by three digit division number, followed by a period (.); followed by the lower case letters "txt." A complete filename would be as follows: 166-010.txt. Filenames for each file saved in the original word processing format shall be the same as the plain text 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. A complete formatted filename would be as follows: 166-000.doc or 166-000.wp.~~
- (3) ~~Labeling: The outside of each disk shall be labeled with:~~
- (a) ~~Agency name;~~
- (b) ~~OAR chapter number;~~
- (c) ~~Division number(s);~~
- (d) ~~Whether formatted for IBM or Macintosh; and~~
- (e) ~~Name and version of word processing program used to create files.~~
- Stat. Auth.: ORS 183.360  
Stats. Implemented: ORS 183.355 & 183.360

## **166-500-0050**

### **Components of a Temporary Administrative Rule Filing**

- (1) Temporary Administrative Rule filings have four components These are:
- (a) Two copies of the Certificate and Order for Filing Temporary Administrative Rules, including:
- (A) One original filing form bearing the original signature of the agency's authorized signer; and
- (B) One photocopy of the original form.
- (b) A ~~computer diskette or CD~~ which contains the text of the rule ~~in both plain text and the original text format~~ as described in 166-500-0050. Graphs, formulas, tables, appendices, etc. ~~will not be included in~~ may be omitted from the Oregon Administrative Rules Compilation per ORS 183.360(2)(a), but Agencies are ~~still~~ required to file a ~~paper~~ copy of all material. but do not have to file an electronic copy;
- c) One 8 1/2 by 11 inch paper copy of the complete and final rule text for each rule listed on the Certificate. Graphs, formulas, tables, appendices, etc. may be omitted from the Oregon Administrative Rules Compilation per ORS 183.360(2)(a), but agencies are required to file a paper copy of all material:
- (A) Agencies ~~shall~~ must number paper copy pages consecutively and note any special formatting instructions where needed in the left margin where the formatting occurs.
- (B) Agencies adopting or amending rules incorporating published works by reference may omit copies of the publications from their rule filings if:
- (i) The publications are unusually voluminous, ~~and~~ or costly to reproduce;
- (ii) The location of the publication and its availability to the public are stated in the rule.
- (d) Two copies of the Statement of Need and Justification.
- (A) One original form bearing the original signature of the agency's authorized signer; and

(B) One photocopy of the original form.

(2) The Administrative Rules Unit will accept Temporary Rule filings by fax when:

(a) ~~Notification is received by the Administrative Rules Unit prior to the fax transmission if The agency needs the rule to be effective immediately;~~ and

(b) A complete Temporary Administrative Rule Filing, as described in sub-sections (1)(a) through (1)(d) of this rule, is ~~received by~~ delivered to the Administrative Rules Unit within three working days.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.325, 183.330, 183.335, 183.355 & 183.360

## 166-500-0055

### Computer Disk to Be Filed as Part of Administrative Rule Filing

~~A C~~computer ~~D~~diskette or CD: ~~One 3.5 inch, double sided, high density computer disk (or more as needed) which shall be filed~~ containing two electronic copies of the final rule text ~~of each rule shall be filed for each Permanent or Temporary Administrative Rule filing.~~ One electronic file document shall be in plain text; and ~~the other electronic file~~ shall be in the format of the original word processing program in which it was created. Computer disks which do not meet these requirements will not be accepted as filed and will be returned to the submitting agency. This disk shall meet the following requirements:

(1) Text layout in both files:

(a) Rule text ~~shall must~~ contain ~~only final wording~~ the complete and final rule text for each rule listed on the Certificate, clean and free from strike-throughs and underlines;

(b) Formatting:

(A) Rules ~~shall must~~ be typed in ~~10 or~~ 12 point, or similarly readable size;

(B) Typing ~~shall must~~ be from margin to margin, not in column form;

(C) Single spaces ~~shall must~~ be used between sentences, words or any place multiple spaces might be used;

(D) Division titles ~~shall must~~ be centered, boldface and use all uppercase letters;

(E) Division subtitles ~~shall must~~ be centered, boldface and use initial capitalization only;

(F) Rule numbers ~~shall must~~ be flush left and boldface;

(G) Rule titles ~~shall must~~ be flush left, boldface and use initial capitalization;

(H) ~~Text has one level of indentation throughout. Hanging paragraphs should not be used~~ Rule text must be flush left;

(I) Within rules the internal paragraph numbering shall be (1), (a), (A), (i), (I). There shall not be a (1) without a (2), (a) without a (b), etc.;

~~(J)~~ (I) The text of each rule shall be followed by:

(i) The specific statutory authority ("Stat. Auth.") for that rule; and

(ii) The specific statute(s) being implemented ("Stats. Implemented") by that rule.

~~(K)~~ (J) One extra line space (hard return) shall be inserted only in the following locations in the text:

(i) Before and after centered titles;

(ii) After the text "Stats. Implemented" of each rule.

(c) Text shall appear in consecutive order by rule number;

(d) Acceptable special formatting:

(A) Special font usage (eg. bold, italics, underline etc.);

(B) Special characters (eg. degree symbol)

~~(C) Graphs, formulas, tables, appendices, etc. will not be included in the Oregon Administrative Rules Compilation. Agencies are still required to file a paper copy but do not have to file an electronic copy;~~

~~(DC) Quoted text;~~

~~(ED) Centered text or titles; and~~

~~(FE) Adoptions by reference.~~

(2) Files:

(a) The affected rules only ~~in for~~ each ~~OADR division chapter~~ Administrative Rule filing shall be in the two separate files documents on the computer disk;

(b) ~~File names for each plain electronic text file document shall begin with OAR three digit chapter number, followed by a hyphen (-), followed by three digit division number, followed by a period (.); followed by the lower case letters "txt." A complete filename would be as follows: 166-010.txt. Filenames for each file saved in the original word processing format shall be the same as the plain text 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. A complete formatted filename would be as follows: 166-000.doc or 166-000.wp. clearly indicate the OAR chapter and division numbers for the text being filed.~~

(3) Labeling: The outside of each disk shall be labeled with:

(a) Agency name;

(b) OAR chapter number; and

(c) Division number(s); ;

~~(d) Whether formatted for IBM or Macintosh; and~~

~~(e) Name and version of word processing program used to create files.~~

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.355 & 183.360