

**DIVISION 1**

**RULEMAKING PROCEDURE  
ORS 144.050, 144.140, 183.325-355**

**Notice of Rulemaking: Time and Manner**  
**255-001-0005**

- (1) Prior to the permanent adoption, amendment, or repeal of any rule, the chairperson of the Board shall give notice of the proposed action at least twenty-one (21) days prior to the effective date:
- (a) in the Secretary of State's Bulletin referred to in ORS 183.360;
  - (b) By mailing a copy of the notice to the legislators specified in ORS 183.335(14) at least 49 days before the effective date of the rule; and
  - [(b)](c) by mailing a copy of the notice at least 28 days prior to the effective date to persons on the Board mailing list established pursuant to ORS 183.335(7); and
  - [(c)](d) by mailing or furnishing a copy of the notice to:
    - (A) Oregon State Bar Bulletin;
    - (B) Associated Press;
    - (C) Release Services, [Field Services, and Regional Offices] County Community Corrections Offices, State of Oregon Department of Corrections;
    - (D) Oregon District Attorneys Association;
    - (E) Oregon Criminal Defense Attorneys Association;
    - (F) All County Public Defender Offices;
    - (G) All County Law Libraries;
    - (H) Attorney General's Office;
    - (I) State Public Defender;
    - (J) Oregon Supreme Court Law Library;
    - (K) University of Oregon Law Library;
    - (L) Northwestern School of Law, Lewis and Clark College;
    - (M) College of Law, Willamette University;
    - (N) American Civil Liberties Union;
    - (O) The Oregonian, Portland, Oregon;
    - (P) Pendleton Eastern Oregonian, Pendleton, Oregon;
    - (Q) The Statesman Journal, Salem, Oregon;
    - (R) Medford Mail Tribune;
    - (S) The Register Guard, Eugene, Oregon; and
    - (T) Others upon formal written request of the Board.
- (2) When the Board has filed a temporary rule with the Secretary of State's Office, the Board shall mail a copy of the certificate and order and a copy of the temporary rule to the persons on the Board's mailing list, and to those listed in subsection (1)(c) of this section.
- (3) Notwithstanding subsection (2) of this section, when the Board has filed a temporary rule with the Secretary of State's Office, newspapers and media service shall only receive a copy of the certificate and order.

Statutory Authority: 183.335, 183.360  
History: (2/1/79; 5/31/85; 5/19/88; 10/9/92; 4/4/94; 8/15/94, 01-04-00)

01-04-00

Rulemaking Procedure

Permanent effective 01/04/2000

DIVISION 1

**RULEMAKING PROCEDURE**  
ORS 144.050, 144.140, 183.325-355

**Notice of Rulemaking: Time and Manner**  
**255-01-005**

- (1) Prior to the permanent adoption, amendment, or repeal of any rule, the chairperson of the Board shall give notice of the proposed action at least twenty-one (21) days prior to the effective date:
- (a) in the Secretary of State's Bulletin referred to in ORS 183.360;
  - (b) by mailing a copy of the notice at least 28 days prior to the effective date to persons on the Board mailing list established pursuant to ORS 183.335(7); and
  - (c) by mailing or furnishing a copy of the notice to:
    - (A) Oregon State Bar Bulletin;
    - (B) Associated Press;
    - (C) Release Services, Field Services, and Regional Offices, State of Oregon Department of Corrections;
    - (D) Oregon District Attorneys Association;
    - (E) Oregon Criminal Defense Attorneys Association;
    - (F) All County Public Defender Offices;
    - (G) All County Law Libraries;
    - (H) Attorney General's Office;
    - (I) State Public Defender;
    - (J) Oregon Supreme Court Law Library;
    - (K) University of Oregon Law Library;
    - (L) Northwestern [College] School of Law, Lewis and Clark College;
    - (M) College of Law, Willamette University;
    - (N) American Civil Liberties Union;
    - (O) The Oregonian, Portland, Oregon;
    - (P) Pendleton Eastern Oregonian, Pendleton, Oregon;
    - (Q) The Statesman Journal, Salem, Oregon;
    - (R) Medford Mail Tribune;
    - (S) The Register Guard, Eugene, Oregon; and
    - (T) Others upon formal written request of the Board.
- (2) When the Board has filed a temporary rule with the Secretary of State's Office, the Board shall mail a copy of the certificate and order and a copy of the temporary rule to the persons on the Board's mailing list, and to those listed in subsection (1)(c) of this section.
- (3) Notwithstanding subsection (2) of this section, when the Board has filed a temporary rule with the Secretary of State's Office, newspapers and media service shall only receive a copy of the certificate and order.

History: (2/1/79; 5/31/85; 5/19/88; 10/9/92; 4/4/94; 8/15/94)

8/15/94

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Rulemaking Procedure

Permanent effective 8/15/94

DIVISION 1

RULEMAKING PROCEDURE  
ORS 144.050, 144.140, 183.325-355

Notice of Rulemaking: Time and Manner  
255-01-005

- (1) Prior to the permanent adoption, amendment, or repeal of any rule, the chairperson of the Board shall give notice of the proposed action at least [fifteen (15)] twenty-one (21) days prior to the effective date:
- (a) in the Secretary of State's Bulletin referred to in ORS 183.360;
  - (b) by mailing a copy of the notice to persons on the Board mailing list established pursuant to ORS 183.335(7); and
  - (c) by mailing or furnishing a copy of the notice to:
    - (A) Oregon State Bar Bulletin;
    - (B) Associated Press;
    - (C) Release Services, Field Services, and Regional Offices, State of Oregon Department of Corrections;
    - (D) Oregon District Attorneys Association;
    - (E) Oregon Criminal Defense Attorneys Association;
    - (F) All County Public Defender Offices;
    - (G) All County Law Libraries;
    - (H) Attorney General's Office;
    - (I) State Public Defender;
    - (J) Oregon Supreme Court Law Library;
    - (K) University of Oregon Law Library;
    - (L) Northwestern College of Law, Lewis and Clark College;
    - (M) College of Law, Willamette University;
    - (N) American Civil Liberties Union;
    - (O) The Oregonian, Portland, Oregon;
    - (P) Pendleton Eastern Oregonian, Pendleton, Oregon;
    - (Q) The Statesman Journal, Salem, Oregon;
    - (R) Medford Mail Tribune;
    - (S) The Register Guard, Eugene, Oregon; and
    - (T) Others upon formal written request of the Board.
- (2) When the Board has filed a temporary rule with the Secretary of State's Office, the Board shall mail a copy of the certificate and order and a copy of the temporary rule to the persons on the Board's mailing list, and to those listed in subsection (1)(c) of this section.
- (3) Notwithstanding subsection (2) of this section, when the Board has filed a temporary rule with the Secretary of State's Office, newspapers and media service shall only receive a copy of the certificate and order.

History: (2/1/79; 5/31/85; 5/19/88; 10/9/92; 4/4/94)

4/4/94

1 Rulemaking Procedure

Permanent effective 4/4/94

DIVISION 1

RULEMAKING PROCEDURE  
ORS 144.050, 144.140, 183.325-355

Notice of Rulemaking: Time and Manner  
255-01-005

- (1) Prior to the permanent adoption, amendment, or repeal of any rule, the chairperson of the Board shall give notice of the proposed action at least fifteen (15) days prior to the effective date:
- (a) in the Secretary of State's Bulletin referred to in ORS 183.360;
  - (b) by mailing a copy of the notice to persons on the Board mailing list established pursuant to ORS 183.335(7); and
  - (c) by mailing or furnishing a copy of the notice to:
    - (A) Oregon State Bar Bulletin;
    - (B) [United Press International and] Associated Press;
    - (C) Release Services, Field Services, and Regional Offices, State of Oregon Department of Corrections;
    - (D) Oregon District Attorneys Association;
    - (E) Oregon Criminal Defense Attorneys Association;
    - (F) All County Public Defender Offices;
    - (G) All County Law Libraries;
    - (H) Attorney General's Office;
    - (I) State Public Defender;
    - (J) Oregon Supreme Court Law Library;
    - (K) University of Oregon Law School;
    - (L) Northwestern College of Law, Lewis and Clark College;
    - (M) College of Law, Willamette University;
    - (N) American Civil Liberties Union;
    - (O) The Oregonian, Portland, Oregon;
    - (P) Pendleton Eastern Oregonian, Pendleton, Oregon;
    - (Q) The [Oregon] Statesman Journal, Salem, Oregon;
    - (R) Medford Mail Tribune;
    - (S) The Register Guard, Eugene, Oregon; and
    - (T) Others upon formal written request of the Board.
- (2) When the Board has filed a temporary rule with the Secretary of State's Office, the Board shall mail a copy of the certificate and order and a copy of the temporary rule to the persons on the Board's mailing list, and to those listed in subsection (1)(c) of this section.
- (3) Notwithstanding subsection (2) of this section, when the Board has filed a temporary rule with the Secretary of State's Office, newspapers and media services shall only receive a copy of the certificate and order.

History: (2/1/79; 5/31/85; 5/19/88; 10/9/92)

Permanent effective 10/9/92

## DIVISION 1

### RULEMAKING PROCEDURE

#### Notice of Rulemaking: Time and Manner 255-01-005

- (1) Prior to the permanent adoption, amendment, or repeal of any rule, the chairperson of the Board shall give notice of the proposed action at least fifteen (15) days prior to the effective date:
- (a) [(1)] <sup>i</sup> In the Secretary of State's Bulletin referred to in ORS 183.360[.];
- (b) [(2)] <sup>b</sup> ~~By~~ mailing a copy of the notice to persons on the Board mailing list established pursuant to ORS 183.335(7)[.]; and
- (c) [(3)] ~~B~~ by mailing or furnishing a copy of the notice to:
- (A) [(a)] Oregon State Bar Bulletin;
- (B) [(b)] United Press International and Associated Press;
- (C) [(c)] Release Services, Field Services, and Regional Offices, State of Oregon Department of Corrections [Division];
- (D) [(d)] Oregon District Attorneys Association;
- (E) [(e)] Oregon Criminal Defense Attorneys Association;
- (F) [(f)] All County Public Defender Offices [Multnomah County Public Defender];
- (G) [(g)] All County Law Libraries [Washington County Public Defender];
- (H) [(h)] Attorney General's Office [Lane County Public Defender];
- (I) [(i)] State Public Defender [Douglas County Public Defender];
- (J) [(j)] Supreme Court Law Library [Coos County Public Defender];
- (K) [(k)] University of Oregon Law School [State Public Defender];
- (L) [(l)] Northwestern College of Law, Lewis and Clark College [Oregon Prisoners Legal Services];
- (M) [(m)] College of Law, Willamette University [University of Oregon Law School];
- (N) [(n)] American Civil Liberties Union [Northwestern College of Law, Lewis and Clark College];

- (D) [(o)] The Oregonian, Portland, Oregon  
[College of Law, Willamette University];
- (P) [(p)] Pendleton Eastern Oregonian,  
Pendleton, Oregon [American Civil Liberties  
Union];
- (Q) [(q)] The Oregon Statesman Journal, Salem,  
Oregon [The Oregonian, Portland, Oregon];
- (R) [(r)] Medford Mail Tribune [Pendleton  
Eastern Oregonian, Pendleton, Oregon];
- (S) [(s)] The Register Guard, Eugene, Oregon;  
and [The Oregon Statesman Journal, Salem,  
Oregon;]
- (T) [(t)] Others upon formal written request of  
the Board. [Medford Mail Tribune, Medford,  
Oregon;]
- [(u)] The Register Guard, Eugene, Oregon;]
- [(v)] Superintendents of State Correctional  
Institutions;]
- [(w)] Administrator, Corrections Division;]
- [(x)] Others upon formal written request of the  
Board.]

[(4) By posting on bulletin boards, placing in the general reading section of the libraries of the institutions of the Corrections Division, and publishing in bulletins of the Corrections Division.]

(2) When the Board has filed a temporary rule with the Secretary of State's Office, the Board shall mail a copy of the certificate and order and a copy of the temporary rule to the persons on the Board's mailing list, and to those listed in subsection (1)(c) of this section.

(3) Notwithstanding subsection (2) of this section, when the Board has filed a temporary rule with the Secretary of State's Office, newspapers and media services shall only receive a copy of the certificate and order.

DIVISION 1  
RULEMAKING PROCEDURE

255-01-005 Notice of Rulemaking: Time and Manner

Prior to the [proposed action (i.e.,] adoption, amendment, or repeal of any rule[]], the chairperson of the Board shall give notice of the proposed action at least fifteen 15 days prior to the effective date:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360.
- (2) By mailing a copy of the notice to persons on the Board mailing list established pursuant to ORS/183.335 7 [6].
- (3) By mailing or furnishing a copy of the notice to [the following persons, organizations, or publications]:
  - a. Oregon State Bar Bulletin;
  - b. United Press International, an Associated Press;
  - c. Release Services, Field Services, and Regional officers, State of Oregon Corrections Division;
  - d. Oregon District Attorneys Association;
  - e. Oregon Criminal Defense Attorneys Association;
  - f. Multnomah County Public Defender;
  - g. Washington County Public Defender;
  - h. Lane County Public Defender;
  - i. Douglas County Public Defender;
  - j. Coos County Public Defender;
  - k. State Public Defender;
  - l. Oregon Prisoners Legal Services;
  - m. University of Oregon Law School;
  - n. Northwestern College of Law, Lewis and Clark College;
  - o. College of Law, Willamette University;
  - p. American Civil Liberties Union;
  - q. The Oregonian, Portland, Oregon;
  - r. Pendleton, Eastern, Oregon;
  - s. The Oregon Statesman Journal, Salem, Oregon;
  - t. Medford Mail Tribune;
  - u. The Register Guard, Eugene, Oregon;
  - v. Superintendents of state correctional institutions;
  - w. Administrator, Corrections Division;
  - [x. Oregon Public Defenders Association;]
  - x.[y] Others upon formal written request of the Board;
- (4) By posting on bulletin boards, placing in the general reading section of the libraries of the institutions of the Corrections Division and publishing in bulletins of the Corrections Division.

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

**Notice of Rulemaking: Time and Manner**

255-01-005 Prior to the proposed action (i.e., adoption, amendment, or repeal of any rule), the chairperson of the Board shall give notice of the proposed action at least 15 days prior to the effective date:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360.

(2) By mailing a copy of the notice to persons on the Board mailing list established pursuant to ORS 183.335(6).

(3) By mailing a copy of the notice to the following persons, organizations, or publications:

- (a) Oregon State Bar Bulletin;
- (b) United Press International and Associated Press;
- (c) Release Services, Field Services, and Regional Offices, State of Oregon Corrections Division;
- (d) Oregon District Attorneys Association;
- (e) Oregon Criminal Defense Attorneys Association;
- (f) Multnomah County Public Defender;
- (g) Washington County Public Defender;
- (h) Lane County Public Defender;
- (i) Douglas County Public Defender;
- (j) Coos County Public Defender;
- (k) State Public Defender;
- (l) Oregon Prisoners Legal Services;
- (m) University of Oregon Law School;
- (n) Northwestern College of Law, Lewis and Clark

College:

- (o) College of Law, Willamette University;
- (p) American Civil Liberties Union;
- (q) The Oregonian, Portland, Oregon;
- (r) The Oregon Journal, Portland, Oregon;
- (s) The Oregon Statesman, Salem, Oregon;
- (t) The Capitol Journal, Salem, Oregon;
- (u) The Register Guard, Eugene, Oregon;
- (v) Superintendents of state correctional institutions;
- (w) Administrator, Corrections Division;
- (x) Oregon Public Defenders Association;
- (y) Others upon formal written request of the Board.

(4) By posting on bulletin boards, placing in the general reading section of the libraries of the institutions of the Corrections Division, and publishing in bulletins of the Corrections Division.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & cf. 2-1-79

**Rulemaking Procedure**

**255-001-0010**

- (1) The Board shall adopt all new and revised rules in accordance with the provisions of ORS Chapter 183, the Oregon Attorney General's Model Rules of Procedure and ORS 192.610 to 192.690. The Board will use only those sections of the Model Rules which relate to rulemaking.
- (2) The Board shall hold a business meeting, pursuant to Division 20, to consider a change in the rules after the Board has filed a notice of intent.
- (3) The Board, in its discretion, may limit participation by inmates in the proposed adoption, amendment or repeal of any rule to written submissions. The Board shall make reasonable accommodations for inmates for who the Board finds cannot submit written submissions.

Statutory Authority: ORS 183.335(3)(b)

History: (2/1/79; 5/31/85; 5/19/88; 10/9/92; 4/4/94, **11-15-99**)

Rulemaking Procedure  
255-01-010

- (1) The Board shall adopt all new and revised rules in accordance with the provisions of ORS [183.310 and 183.550] Chapter 183, the Oregon Attorney General's Model Rules of Procedure and ORS 192.610 to 192.690. The Board will use only those sections of the Model Rules which relate to rulemaking.
- (2) The Board shall hold a business meeting, pursuant to Division 20, to consider a change in the rules after the Board has filed a notice of intent.

History: (2/1/79; 5/31/85; 5/19/88; 10/9/92; 4/4/94)

4/4/94

Rulemaking Procedure

Permanent effective 4/4/94

Rulemaking Procedure  
255-01-010

- (1) The Board shall adopt [A]all new and revised rules [will shall be adopted] in accordance with the provisions of ORS 183.310 to 183.550, the Oregon Attorney General's Model Rules of Procedure [adopted by the Oregon Attorney General] and ORS 192.610 to 192.690. The Board will use [0]only those sections of the Model Rules which relate to rulemaking [will be utilized by the Board].
- (2) The Board shall hold a business meeting, pursuant to Division 20, [when] to consider a change in the rules [is being considered and a notice of intent has been filed] after the Board has filed a notice of intent.

History: (2/1/79; 5/31/85; 5/19/88; 10/9/92)

10/9/92

Rulemaking Procedure

Permanent effective 10/9/92

Rulemaking Procedure  
255-01-010

- (1) All new and revised rules will be adopted in accordance with the provisions of ORS 183.310 to 183.550, [and] the Model Rules of Procedures adopted by the Oregon Attorney General and ORS 192.610 to 192.690. Only those sections of the Model Rules which relate to rulemaking will be utilized by the Board.
- (2) The Board shall hold a business meeting, pursuant to Division 20, when a change in the rules is being considered and a notice of intent has been filed.

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

**Contents of Notice of Rulemaking When Public Hearings are Held**

255-01-010 (1) Notice of a public hearing on proposed action shall include the following:

(a) A description of the Board's proposed action and, where practicable and appropriate, the verbatim rule proposed to be adopted, amended, or repealed. Lengthy rules may be summarized and not set out verbatim.

(b) The subject matter and purpose of the proposed action in sufficient detail to inform a person that his/her interest may be affected.

(c) The time and place of the public hearing and the manner in which interested persons may present their views.

(d) The address of the office of the Board of Parole where inspection during regular business hours may be made of the written statement required by ORS 183.335(7).

(e) A designation of the officer or governing body of the Board or other person who will preside at and conduct the hearing.

(2) If the proposed rule is not set forth verbatim, the notice shall state the time, place, and manner in which a copy of the proposed rule may be obtained. - Div. 1

Stat. Auth.: ORS Ch. 144  
Hist: 2PB 1-1979, f. & ef. 2-1-79

Permanent effective 2/1/79

PAROLE BOARD RULES

DIVISION 1

RULEMAKING PROCEDURE

[255-01-015 Contents of Notice of Rulemaking When Public Hearing Will be Held Only if Requested

- (1) Notice that the Board of Parole plans to hold a public hearing on proposed rulemaking only if sufficient request are received shall include the following:
  - (a) A description of the Board's proposed action and where practicable and appropriate, the verbatim rule proposed to be adopted, amended, or repealed. Lengthy rules may be summarized and not set out verbatim. If the proposed rule, amendment, or repeal thereof is not set forth verbatim, the notice shall state the time, place, and manner in which the rule or amendment may be obtained.
  - (b) The subject matter and purpose of the proposed action in sufficient detail to inform a person that higher interest may be obtained.
  - (c) The time and place at which data or views may be submitted in writing to the Board.
  - (d) The address of the office where public inspection during regular business hours may be made of the written statement required by ORS 183.335(7).
  - (e) A statement that any interested person desiring to express or submit his/her data or views at a public hearing must request the opportunity to do so.
  - (f) A designation and address of the person to whom a request for public hearing must be submitted to be considered.
  - (g) A statement that a public hearing within 15 days after agency notice from 10 or more persons or an association having not less than 10 members.
- (2) If 10 persons or an association having more than 10 members request a public hearing, the Board shall provide such hearing after giving notice pursuant to Rule 255-01-010.]

Repealed  
Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

**Contents of Notice of Rulemaking When Public Hearing Will be Held Only if Requested**

255-01-015 (1) Notice that the Board of Parole plans to hold a public hearing on proposed rulemaking only if sufficient requests are received shall include the following:

(a) A description of the Board's proposed action and, where practicable and appropriate, the verbatim rule proposed to be adopted, amended, or repealed. Lengthy rules may be summarized and not set out verbatim. If the proposed rule, amendment, or repeal thereof is not set forth verbatim, the notice shall state the time, place, and manner in which the rule or amendment may be obtained.

(b) The subject matter and purpose of the proposed action in sufficient detail to inform a person that his/her interest may be affected.

(c) The time and place at which data or views may be submitted in writing to the Board.

(d) The address of the office of the Board where public inspection during regular business hours may be made of the written statement required by ORS 183.335(7).

(e) A statement that any interested person desiring to express or submit his/her data or views at a public hearing must request the opportunity to do so.

(f) A designation and address of the person to whom a request for public hearing must be submitted and time by which the request must be submitted to be considered.

(g) A statement that a public hearing will be held if the agency receives a request for public hearing within 15 days after agency notice from 10 or more persons or an association having not less than 10 members.

(2) If 10 persons or an association having more than 10 members request a public hearing, the Board shall provide such hearing after giving notice pursuant to rule 255-01-010.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

Div. 1

Permanent effective 2/1/79

Obtaining Copies of Board Rules  
255-01-016

- (1) The Board shall provide a free [A] copy of [the Board's] its rules [shall be provided free of charge] to [the inmate libraries at each of the] all Oregon Department of Corrections [institutions] inmate libraries and to any state agency or legislative entity that requests a copy.
- (2) Others who desire copies of Board's rules shall make their requests in writing. The Board will charge [T]ten (.10) cents per page [will be levied] to cover the costs for individual rules. The Board must receive [P]payment [must be received] in advance. Prisoners who request copies of rules shall send authorization to withdraw funds from their inmate trust account and the Board shall verify that the account contains sufficient funds to cover the cost.

10/9/92

Rulemaking Procedure

Permanent effective 10/9/92

Obtaining Copies of Board Rules  
255-01-016

- (1) A copy of the Board's rules shall be provided free of charge to the inmate libraries at each of the Department of Corrections [Division] institutions and to any state agency or legislative entity that [who] requests a copy.
- (2) Others who desire copies of Board's rules shall make their requests in writing. [A charge of t] ten (.10) cents per page will be levied to cover the costs for individual rules. [associated with printing and distribution.] Payment must be received in advance [by money order made payable to the Oregon State Parole Board].

PAROLE BOARD RULES  
DIVISION 1  
RULEMAKING PROCEDURE

255-01-016      Obtaining Copies of Board Rules

- (1) A copy of the Board rules shall be provided free of charge to the inmate libraries at each of the Correction Division institutions and to any state agency or legislative entity who request a copy.
- (2) Others who desire copies of Board rules shall make their request in writing. A charge of ten (.10) cents per page will be levied to cover the costs associated with printing and distribution. Payment must be received in advance by money order made payable to the Oregon State Parole Board.

Permanent effective 5/31/85

Submitting Draft of Rule to Legislative Counsel  
255-01-020

Prior to a proposed change in the rules, including temporary rules, the Board may [shall] submit a draft of the proposed action to Legislative Counsel.

12/06/88

2 Permanent effective 12/6/88

Submitting Draft of Rule to Legislative Counsel  
255-01-020

Prior to a [the] proposed change in the rules [action], including temporary rules, the Board shall submit a draft of the proposed action to Legislative Counsel.

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

**Submitting Draft of Rule to Legislative Counsel**  
255-01-020 Prior to the proposed action, including temporary rules, the Board shall submit a draft of the proposed action to Legislative Counsel.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

Permanent effective 2/1/79

[255-01-025 Postponing Intended Action

- (1) The Board shall postpone its intended action upon request of an interested person received within fifteen (15) days after Board notice to allow the requesting person an opportunity to submit data, views, or arguments concerning the proposed action.
- (2) Postponement of the date of intended action shall be no less than ten (10) nor more than ninety (90) days. In determining the length of postponement, the Board shall consider the time necessary to give reasonable notice of the postponement and the complexity of the subject and issues of intended action.
- (3) The Board shall give notice of the postponement pursuant to Rule 255-01-005, except that publication in the Secretary of State's Bulletin is only required when the publication date of the Bulletin precedes the postponement date of the intended action.
- (4) The rule does not apply to the Board adopting a temporary rule pursuant to Rule 255-01-055.]

Repealed

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

DIVISION 1

RULEMAKING PROCEDURE

**Postponing Intended Action**

255-01-025 (1) The Board shall postpone its intended action upon request of an interested person received within 15 days after Board notice to allow the requesting person an opportunity to submit data, views, or arguments concerning the proposed action.

(2) Postponement of the date of intended action shall be no less than 10 nor more than 90 days. In determining the length of postponement, the Board shall consider the time necessary to give reasonable notice of the postponement and the complexity of the subject and issues of intended action.

(3) The Board shall give notice of the postponement pursuant to rule 255-01-005, except that publication in the Secretary of State's Bulletin is only required when the publication date of the Bulletin precedes the postponement date of the intended action.

(4) The rule does not apply to the Board adopting a temporary rule pursuant to rule 255-01-055.

(4-1-79)

Div. 1

Permanent effective 2/1/79

- (1) The hearing shall be conducted by and shall be under the control of the presiding officer. The presiding officer may be the chairperson, Board member, or staff person designated by the Board.
- (2) At the commencement of the hearing, any person wishing to be heard shall advise the presiding officer of his/her name, address, and affiliation. Additional persons may be heard at the discretion of the presiding officer. The presiding officer shall provide an appropriate form for listing witnesses which shall indicate the name of the witness, whether the witness favors or opposes the proposed action, and such other information as the presiding officer may deem appropriate.
- (3) At the opening of the hearing the presiding officer shall read the content of the notice provided in Rule 255-01-010 or 255-01-015, as the case may be.
- (4) Subject to the discretion of the presiding officer, the order of the presentation shall be:
  - (a) Statement of proponents.
  - (b) Statement of opponents.
  - (c) Statements of any other witnesses present and wishing to be heard.
- (5) The presiding officer or any member of the Board shall have the right to question or examine any witness making a statement at the hearing. The presiding officer may, in his/her discretion, permit other persons to examine witnesses.
- (6) There shall be no rebuttals or additional statements given by any witness unless requested by the presiding officer. However, when such additional statement is given, the presiding officer shall allow an equal opportunity for reply.
- (7) The hearing may be continued with recesses as designated by the presiding officer until all listed witnesses present and desiring to make a statement have had an opportunity to do so.
- (8) The presiding officer shall, where practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering the exhibit. The exhibits shall be preserved by the Board for one year or, in the discretion of the Board, returned to the witness offering the exhibit.
- (9) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.
- (10) A verbatim oral, written, or mechanical record may be made of all the proceedings or, in the alternative, a record in the form of minutes.]

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

**Conduct of Hearing**

255-01-030 (1) The hearing shall be conducted by and shall be under the control of the presiding officer. The presiding officer may be the chairperson, Board member, or staff person designated by the Board.

(2) At the commencement of the hearing, any person wishing to be heard shall advise the presiding officer of his/her name, address, and affiliation. Additional persons may be heard at the discretion of the presiding officer. The presiding officer shall provide an appropriate form for listing witnesses which shall indicate the name of the witness, whether the witness favors or opposes the proposed action, and such other information as the presiding officer may deem appropriate.

(3) At the opening of the hearing the presiding officer shall read the content of the notice provided in rule 255-01-010 or 255-01-015, as the case may be.

(4) Subject to the discretion of the presiding officer, the order of the presentation shall be:

- (a) Statement of proponents.
- (b) Statement of opponents.
- (c) Statements of any other witnesses present and wishing to be heard.

(5) The presiding officer or any member of the Board shall have the right to question or examine any witness making a statement at the hearing. The presiding officer may, in his/her discretion, permit other persons to examine witnesses.

(6) There shall be no rebuttals or additional statements given by any witness unless requested by the presiding officer. However, when such additional statement is given, the presiding officer shall allow an equal opportunity for reply.

(7) The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses present and desiring to make a statement have had an opportunity to do so.

(8) The presiding officer shall, where practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering the exhibit. The exhibits shall be preserved by the Board for one year or, in the discretion of the Board, returned to the witness offering the exhibit.

(9) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.

(10) A verbatim oral, written, or mechanical record may be made of all the proceedings or, in the alternative, a record in the form of minutes.

Stat. Auth.: ORS Ch. 144  
Hist: 2PB 1-1979, f. & cf. 2-1-79

Div. 1

Permanent effective 2/1/79

PAROLE BOARD RULES  
DIVISION 1  
RULEMAKING PROCEDURE

[225-01-035 Presiding Officer's Report

Upon request by the Board, the presiding officer shall, within a reasonable time after the hearing, provide the Board with a written summary of statements given and exhibits received and a report of his/her observations of physical experiments, demonstrations, or exhibits. The presiding officer may make recommendations, but such recommendations are not binding upon the Board.]

Repealed  
Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

**Presiding Officer's Report**

255-01-035 Upon request by the Board, the presiding officer shall, within a reasonable time after the hearing, provide the Board with a written summary of statements given and exhibits received and a report of his/her observations of physical experiments, demonstrations, or exhibits. The presiding officer may make recommendations, but such recommendations are not binding upon the Board.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

Div. 1

Permanent effective 2/1/79

PAROLE BOARD RULES  
DIVISION 1  
RULEMAKING PROCEDURE

[255-01-040 Action of the Board

At the conclusion of the hearing or after receipt of the presiding officer's requested report and recommendation, if any, the Board may adopt, amend, or repeal rules by the statement of intended action.]

Repealed

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

Action of the Board

255-01-040 At the conclusion of the hearing or after receipt of the presiding officer's requested report and recommendation, if any, the Board may adopt, amend, or repeal rules covered by the statement of intended action.

Stat. Auth.: ORS Ch. 144  
Hist: 2PB 1-1979, f. & cf. 2-1-79

Div. 1

Permanent effective 2/1/79

PAROLE BOARD RULES  
DIVISION 1  
RULEMAKING PROCEDURE

[255-01-045 Notice of Board Action: Certification to Secretary of State: Submitting Copy to Legislative Counsel]

- (1) The Board shall file in the office of the Secretary of State a certified copy of each rule adopted or amended, or notice of repeal of any rule together with the written statement required by ORS 183.335(7).
- (2) The Board shall submit a copy of the rule adopted or amended to Legislative Counsel.
- (3) The rule shall be effective upon filing with the Secretary of State unless a later date is required by statute or is specified in the rule.]

Repealed  
Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

Notice of Board Action: Certification to Secretary of State;  
Submitting Copy to Legislative Counsel

255-01-045 (1) The Board shall file in the office of the Secretary of State a certified copy of each rule adopted or amended, or notice of repeal of any rule together with the written statement required by ORS 183.335(7).

(2) The Board shall submit a copy of the rule adopted or amended to Legislative Counsel.

(3) The rule shall be effective upon filing with the Secretary of State unless a later date is required by statute or is specified in the rule.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

Div. 1

Permanent effective 2/1/79

## RULEMAKING PROCEDURE

[255-01-050 Petition to Adopt, Amend, or Repeal Rule: Contents of Petition; Filing of Petition

- (1) An interested person may petition the Board requesting the adoption, amendment, or repeal of a rule. The petition shall be in writing, signed by or on behalf of the petitioner, and shall contain a detailed statement of:
  - (a) The rule petitioner requests the agency to adopt, amend, or repeal. Where amendment of an existing rule is sought, the rule shall be set forth in the petition in full with matter proposed to be deleted therefrom enclosed in brackets and proposed additions thereto shown by underlining or boldface.
  - (b) Reasons for adoption, amendment, or repeal of the rule.
  - (c) Legal arguments asserted by petitioner.
  - (d) Facts to show how petitioner will be affected by adoption, amendment, or repeal of the rule.
  - (e) The name and address of petitioner and of any other person known by petitioner to be interested in the rule sought to be adopted, amended, or repealed.
- (2) The petition, either in typerwritten or printed form, shall be deemed filed when received by the Board.
- (3) Upon receipt of the petition, the Board:
  - (a) Shall mail a true copy of the petition together with a copy of the applicable rules of practice to all parties named in the petition. Such petition shall be deemed served on the date of mailing to the last-known address of the person being served.
  - (b) Shall advise petitioner that he/she has 15 days in which he/she must submit additional written views.
  - (c) May schedule a hearing for oral presentation of petitioner's views if petitioner makes a request therefore and the Board desires to hear petitioner orally.
  - (d) Shall within 30 days after date of submission of the petition, either deny the petition or initiate rulemaking proceedings.
- (4) In the case of a denial of a petition to adopt, amend, or repeal a rule, the Board shall issue an order setting forth its reasons in detail for denying the petition. The order shall be mailed to the petitioner and all other persons upon whom a copy of the petition was served.]

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 — BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

**Petition to Adopt, Amend, or Repeal Rule: Contents of Petition;  
Filing of Petition**

255-01-050 (1) An interested person may petition the Board requesting the adoption, amendment, or repeal of a rule. The petition shall be in writing, signed by or on behalf of the petitioner, and shall contain a detailed statement of:

(a) The rule petitioner requests the agency to adopt, amend, or repeal. Where amendment of an existing rule is sought, the rule shall be set forth in the petition in full with matter proposed to be deleted therefrom enclosed in brackets and proposed additions thereto shown by underlining or boldface.

(b) Reasons for adoption, amendment, or repeal of the rule.

(c) Legal arguments asserted by petitioner.

(d) Facts to show how petitioner will be affected by adoption, amendment, or repeal of the rule.

(e) The name and address of petitioner and of any other person known by petitioner to be interested in the rule sought to be adopted, amended, or repealed.

(2) The petition, either in typewritten or printed form, shall be deemed filed when received by the Board.

(3) Upon receipt of the petition, the Board:

(a) Shall mail a true copy of the petition together with a copy of the applicable rules of practice to all parties named in the petition. Such petition shall be deemed served on the date of mailing to the last-known address of the person being served.

(b) Shall advise petitioner that he/she has 15 days in which he/she must submit additional written views.

(c) May schedule a hearing for oral presentation of petitioner's views if petitioner makes a request therefor and the Board desires to hear petitioner orally.

(d) Shall, within 30 days after date of submission of the petition, either deny the petition or initiate rulemaking proceedings.

(4) In the case of a denial of a petition to adopt, amend, or repeal a rule, the Board shall issue an order setting forth its reasons in detail for denying the petition. The order shall be mailed to the petitioner and all other persons upon whom a copy of the petition was served.

Stat. Auth.: ORS Ch. 144  
Hist: 2PB 1-1979, f. & ef. 2-1-79

Div. 1

Permanent effective 2/1/79

PAROLE BOARD RULES  
DIVISION 1  
RULEMAKING PROCEDURE

[255-01-055 Temporary Rules

- (1) The Board may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that is practicable, to adopt a rule without the notice otherwise required by Rules 255-01-010 and 255-01-015. In such case, the Board shall:
  - (a) Submit a draft of the rule to Legislative Counsel.]

Repealed  
Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES  
CHAPTER 255, DIVISION 1 -- BOARD OF PAROLE

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DIVISION 1

RULEMAKING PROCEDURE

Temporary Rules

255-01-055 (1) The Board may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that is practicable, to adopt a rule without the notice otherwise required by rules 255-01-010 and 255-01-015. In such case, the Board shall:

(a) Submit a draft of the rule to Legislative Counsel.

(b) Prepare a statement that the rule is necessary for the public interest or the interest of the parties concerned and the reasons therefor.

(c) Take appropriate measures to make the temporary rule known to the persons who may be affected.

(2) A temporary rule adopted in compliance with this rule becomes effective immediately upon filing the rule with the Secretary of State with a designated later date. The statement required in subsection (1)(b) of this rule must be filed with the rule.

(3) Within 30 days following the adoption of a temporary rule, the Board shall prepare the statement required by ORS 183.335(7), and file the statement with the Secretary of State.

(4) The statement required by ORS 183.335(7), including the full text of any material cited in the statement, shall be

available for public inspection during regular business hours at the office of the Board of Parole.

(5) A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed prior to the expiration of the temporary period.

(6) A temporary rule may be effective for no longer than 120 days. No temporary rule may be renewed after it has been in effect 120 days. The Board may, however, adopt an identical rule on notice in accordance with this division.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

Div. I

Permanent effective 2/1/79

The Adoption, Designation and Changes of Rules With Other  
Agencies  
255-01-060

- (1) The Board shall adopt rules jointly with other administrative agencies as required by statute.
- (2) The Board may adopt rules jointly with another administrative agency when necessary to implement its own rules.
- (3) Jointly adopted rules shall be specifically designated as joint rules, and the appropriate agency shall be identified in the rules