

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING FILING**  
**INCLUDING STATEMENT OF NEED & FISCAL IMPACT**

Oregon Employment Department, Paid Leave Oregon Division			471
Agency and Division Name		Administrative Rules Chapter Number	
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**RULE CAPTION**

Amend and adopt Paid Leave Oregon benefits, equivalent plans, contributions, and appeals administrative rules.

☐ Last Date and Time for Public Comment: December 5, 2025, at 11:59 PM

November 17 (1-2 PM), and November 19 (10-11 AM)	Virtual via Zoom	Jacob Parpart
<input type="checkbox"/> Hearing Date	Time	Hearings Officer

**RULEMAKING ACTION**

*List each rule number separately (000-000-0000) below. Attach proposed, tracked changed text for each rule at the end of the filing.*

☐ **In the matter of:**

Amending: OAR 471-070-0001, OAR 471-070-1000, 471-070-1010, 471-070-1110, 471-070-1120, 471-070-1130, 471-070-1250, 471-070-1300, 471-070-1310, 471-070-1450, 471-070-2210, 471-070-2230, 471-070-2330, 471-070-2460, 471-070-3010, 471-070-3100, 471-070-8000, 471-070-8025, and 471-070-8050

Adopting OAR 471-070-1260 and 471-070-1350

Repealing: OAR 471-070-1330

☐ **Statutory Authority:** ORS 125.025, 127.002 - 127.045, 183.630, ORS 293.490, 657B.023, 657B.040, 657B.090, ORS 657B.210, 657B.240, 657B.340, 657B.400, 657B.410 and 657B.440

☐ **Stats. Implemented:** ORS 98.336, 98.352, 293.490, 293.495, 657B.010, 657B.015, 657B.020, 657B.023, 657B.040, 657B.060, 657B.070, 657B.090, 657B.150, 657B.175, 657B.210, 657B.230, 657B.240, 657B.250, 657B.332, 657B.400, 657B.410, 657B.440, Chapter 20 Oregon Laws 2024, Chapter 73 Oregon Laws 2024, Chapter 85 Oregon Laws 2025 and Chapter 93 Oregon Laws 2025

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□ **RULE SUMMARY:** *Include a summary for **each** rule included in this filing.*

***Adopting:***

**OAR 471-070-1260 – Benefits: Authorized Agent of an Incapacitated or Deceased Claimant** – This permanent rule is being adopted to implement statutory changes made to ORS 657B.090 by Senate Bill (SB) 858 (2025) which authorize representatives of incapacitated and deceased claimants to act on their behalf.

**OAR 471-070-1350 – Benefits: Active Benefit Year and Benefit Draw Down** – This rule is being adopted to describe how Paid Leave Oregon acts on receiving information about a claimant’s equivalent leave usage, if an employee started a benefit year under an equivalent plan, prior to applying for Paid Leave benefits.

***Amending:***

**OAR 471-070-0001 – Purpose** –This rule is being amended to remove language stating that all Paid Leave Oregon rules are contained in chapter 471, division 70, following SB 69 (2025) which assigned rulemaking authority for oversight of job protections, retaliation and discrimination related to Paid Leave Oregon to the Bureau of Labor and Industries (BOLI).

**OAR 471-070-1000 – Benefits: Definitions** –This rule is being amended to add a definition for “in loco parentis” clarifying how the term is applied under ORS 657B.010, to update the definition for “average weekly wage” so the effective date aligns with the effective date used by Oregon’s Unemployment Insurance program, and to add a definition for “Electronic Signature”.

**OAR 471-070-1010 – Benefits: Eligibility and Qualifications for Benefits** –The rule is being amended to clarify that pre-placement leave is limited to 12 weeks per child and that additional pregnancy leave can only be taken once per pregnancy, regardless of the number of children carried.

**OAR 471-070-1110 – Benefits: Verification of Family Leave to Care for and Bond with a Child** –The purpose of this amendment is to ensure that the verification requirements for bonding leave reflect the full range of legally recognized documents used to establish paternity or guardianship in Oregon and to clarify how a claimant may show an in loco parentis relationship with a child. It also clarifies secondary documentation requirements regarding the name of the child.

**OAR 471-070-1120 – Benefits: Verification of a Serious Health Condition** –This rule amendment clarifies that verification documentation for serious health conditions must be signed by the patient’s health care provider when the claimant is requesting leave to care for a family member and updates the required information to include the patient’s date of birth, when different from the claimant.

**OAR 471-070-1130 – Benefits: Verification of Safe Leave** –This rule is being amended to clarify that verification documentation for individuals claiming safe leave must include the name of the survivor or of the child and that secondary documentation is required to establish a family relationship, when not shown by the primary documentation. The rule is further amended to clarify how a claimant may show an in loco parentis relationship with a child.

**OAR 471-070-1250 – Benefits: Claimant Designated Representative** –The rule is being amended to remove the provisions related to representation of incapacitated claimants. Those provisions will be moved to OAR

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471-070-1260 and combined with provisions related to representation of deceased claimants following the passing of SB 858 (2025).

**OAR 471-070-1300 – Benefits: Written Notice Poster to Employees of Rights and Duties** – The purpose of this amendment is to require that employers under the state plan update the model notice poster whenever a revised version is issued.

**OAR 471-070-1310 – Benefits: Communication to Employers and Employee Application for Benefits** – The rule is amended to remove language regarding the timing and frequency of the notice for consecutive and intermittent leave, as ORS 657B.040 does not provide specific authority to describe requirements for different leave schedules. It is further amended to clarify that the employer must provide policy and procedures regarding the notice to all employees, not only eligible employees.

**OAR 471-070-1450 – Benefits: Benefit Payment Methods** – This rule is being amended to remove the specific reference to “ReliaCard Visa”.

**OAR 471-070-1465 - Benefits: Payment Due to a Deceased Individual and Abandoned Payment** – This rule is being amended to remove an extra space in section (1).

**OAR 471-070-2210 – Equivalent Plans: Application Requirements and Effective Date** – This rule is being amended to fix an inaccuracy in the example regarding the due date of reapproval applications.

**OAR 471-070-2230 – Equivalent Plans: Reporting Requirements** – This rule is being amended to update the listed information that Equivalent Plan employers are required to provide on their aggregate benefit usage report.

**OAR 471-070-2330 – Equivalent Plans: Written Notice Poster to Employees of Rights and Duties** – The purpose of this amendment is to require that employers with approved equivalent plans update their notice poster if the department makes changes to requirements pertaining to the notice poster.

**OAR 471-070-2460 – Equivalent Plans: Employer Withdrawal** – This rule amendment is being made to clarify the timeline of when an equivalent plan withdrawal becomes effective.

**OAR 471-070-3010 – Contributions: Method for determining Contribution Rate and Maximum Wage Amount** - This rule is being amended to remove section (3), as ORS 657B.150 describes that the Social Security Index is used as the basis for adjusting the maximum wage amount.

**OAR 471-070-3100 –Contributions: Localization of Work** – The title and rule language are being amended to align with statutory changes made to ORS 657B.175 by SB 913 (2023) and to improve clarity.

**OAR 471-070-8000 – Appeals: Department Representation in Hearing** – This rule is being amended to comply with changes made by SB 913 (2023) and SB 858 (2025) to ORS 657B.410 regarding appealable items. Additionally, this rule makes permanent temporary rule changes to remove the requirement that the Attorney General provide approval for the agency to represent itself in Paid Leave contested cases.

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**OAR 471-070-8025 – Appeals: Late Request for Hearing** - This rule is being amended to clarify that all late hearing requests will be referred to the Office of Hearings and Appeals for determination.

**OAR 471-070-8050 – Appeals: The Hearing** – This rule is being amended to align with changes to ORS 657B.410 following the passing of SB 913 (2023) and SB 858 (2025), which authorize representatives of incapacitated and deceased claimants to represent them in proceedings, and direct the department to set a maximum amount the representative may charge and to describe rules or procedures the representative must follow. Additionally, this rule makes permanent temporary rule changes to remove the requirement that the Attorney General provide approval for the agency to represent itself in Paid Leave contested cases.

***Repealing:***

**OAR 471-070-1330 – Benefits: Job Protections** – This rule is being repealed due to statutory changes made by SB 69 (2025) which assigned rulemaking authority for oversight of job protections, retaliation and discrimination related to Paid Leave Oregon to the Bureau of Labor and Industries (BOLI).

☐ **Need for Rule(s):** Why do we need these rules?

To effectively administer Paid Leave Oregon benefits, equivalent plans, contributions and appeals the Oregon Employment Department is promulgating 23 permanent administrative rules in accordance with Oregon Revised Statute (ORS) chapter 657B. The rule adoption and amendments include statutory changes made by SB 913 during the 2023 legislative session and by SB 69 and SB 858 during the 2025 legislative sessions. OED is adopting two new rules that provide clarity regarding who may act on behalf of incapacitated or deceased claimants and describe the program’s actions if a claimant started a leave benefit year under an equivalent plan prior to applying for Paid Leave benefits. The rules being amended: add or amend definitions for “in loco parentis,” “average weekly wage,” and “electronic signature;” update the verification rules; move provisions for representatives of incapacitated claimants to a newly adopted rule; clarify the responsibility of employers regarding the workplace notice poster requirements; remove language regarding the timing and frequency of notices that employees must provide employers when taking leave; update the benefit payment methods; update equivalent plan employer reporting requirements and effective plan withdrawal dates; amend appeals and contributions rules based upon statutory changes and update various rules to fix minor inaccuracies. Finally, the department must repeal one rule due to statutory changes made by SB 69 (2025), which assigns rulemaking authority for oversight of job protections, retaliation and discrimination related to Paid Leave Oregon to the Bureau of Labor and Industries (BOLI).

☐ **Racial Equity Impact:**

Paid Leave Oregon provides individuals with the ability to take job protected and compensated time off work to bond with new children in their family, to care for themselves or their ailing family members, and to cope with the challenges of domestic violence or sexual assault. This program provides a much-needed benefit to historically underserved populations who may not otherwise have access to or are unable to afford time off work. Consequently, the program addresses some of the detrimental impact of historical and current injustices and inequities that families and individuals of color face when trying to access government programs. The department and the program’s commitment to equity acknowledges that not all people, or all communities, start from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual’s or group’s needs to achieve fairness in outcomes. Equity

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actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.

The division recognizes that racial disparities, discrimination, and inequities across society are evidence of institutional racism that is an often invisible and sometimes unintentional, but inherent element of policy development. We recognize the importance of acknowledging and understanding racial and ethnic disparities in access to and use of Paid Leave is vital in developing inclusive administrative rules and policies. In addition to the program's continuous effort to develop measurable data, we continue to gather relative data from other sources, including other states with Paid Leave programs and employer data from equivalent plans, with the goal of mitigating unintended and unforeseen consequences.

While conducting rulemaking, the program considered the racial equity impacts of newly adopted and amended rules and answered the below questions.

***What are the racial equity impacts of this particular rule, policy, or decision and who will benefit from or be burdened?***

Paid Leave Oregon's proposed batch 14 administrative rules regarding benefits, equivalent plans, contributions, and appeals are intended to provide clarity and guidance on different aspects of the Paid Leave Oregon program as transparency is vital to making the program more inclusive. The program also seeks to reduce bureaucratic burdens and barriers wherever possible. We have identified several racial equity impacts across the batch 14 rules and discuss several of them below. Some of the proposed amendments not discussed below are minimal and Paid Leave is not aware of specific equity impacts. However, it is important to note that the program was not able to consult with all potentially impacted communities during the rule drafting process. Moreover, several of the proposed amendments are the result of statutory changes outlined in SB 913, passed in the 2023 legislative session, and SB 69 and SB 858, passed in the 2025 legislative session, for which Paid Leave must amend administrative rules to maintain compliance.

Ensuring that employers must provide employees with the most recent information about Paid Leave Oregon may positively impact claimants who have less access to information about government programs outside of their workplace. Expanding who can represent an individual in an administrative hearing, outlining how much a representative may charge the individual they represent, and describing the code of conduct the representative must follow may benefit communities who historically have more distrust of government processes and less resources to hire a legal representative. Undocumented workers in particular are more likely to encounter challenges accessing legal representation. Moreover, those living at or below the minimum income standard are less likely to afford legal representation in the U.S. Household incomes of Black, Indigenous and Latin/o/a/x families are more likely than household incomes of white families to fall below the federal poverty level.

Adding a definition for *in loco parentis* and listing acceptable documents for showing an *in loco parentis* relationship may have a positive impact on individuals with non-traditional family structures because it provides clear guidance and increases equitable access to Paid Leave Oregon. Without clear guidance, non-traditional family structures could face inconsistent or inequitable treatment when applying for bonding or safe leave. Amongst others, this includes teen parents whose own parents act as caregivers for their child,<sup>1</sup> polyamorous families, kinship caregivers and LGBTQIA2S+ families. As shown by data, trans and non-binary individuals, in

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<sup>1</sup> [OHA Teen Pregnancies Report](#)

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particular, may feel an increased responsibility to care for loved ones such as a friend, or partner who may lack support because of family rejection related to their gender identities.<sup>2</sup>

Outlining the process for family members of incapacitated and deceased claimants to act on a claimant's behalf supports families in challenging moments. Furthermore, specifying that a claimant designated representative can represent a claimant in a contested case hearing, if the claimant desires this, provides clarity to an area of policy that has thus far been ambiguous. However, the drafted rule restricts authorized agents for deceased individuals to a small subset of blood relatives which can have a detrimental impact because it excludes affinity relationships. While Paid Leave Oregon is required by statute to limit the payment of benefits to certain blood relatives of deceased individuals, the program recognizes that this can disproportionately affect some populations who rely on caretakers not related to them by blood. For example, Black women, are more likely to age without living blood relatives than white women and men and may therefore rely more on chosen family or affinity relationships.<sup>3</sup>

Within Paid Leave Oregon, processing claims for individuals who are experiencing or have experienced a need to use safe leave requires additional sensitivity. Paid Leave is cognizant that requiring a parent to provide secondary documentation, showing the family relationship with their child when this isn't apparent on the primary documentation, can have a detrimental impact, when more pressing issues such as experiencing houselessness, safety issues at home, accessing necessary medical care, or even utilizing the internet are present for claimants and their children.

Removing requirements around frequency and timing of notices to employers for intermittent and consecutive leave may negatively impact employers and employees, because it creates ambiguity around employer notice requirements. While Paid Leave currently does not have the statutory authority to speak to requirements for different leave schedules, the program recognizes that such ambiguity may disproportionately impact historically underserved and under-resourced populations, such as undocumented workers, and those whose first language is not English, as they may not feel like they can take action against their employer if the employer penalizes them based on ambiguous notice requirements.

Verifying that claimants do not utilize more than the leave entitlement per benefit year granted by ORS 657B.020 ensures that individuals who have, or had in the past year, access to paid leave benefits under an Equivalent Plan, do not gain an unfair advantage compared to those who do not have access to leave under an Equivalent Plan. However, there is a possibility that the method described for the drawdown could negatively impact claimants with a variable work schedule as the benefit drawdown calculation is based on a claimant's average number of days worked per week. It is important to be mindful of the fact that employees with a variable schedule more often work in lower earning occupations,<sup>4</sup> with Black, Indigenous and Latin/o/a/x families more likely to work in lower earning occupations than white households.

While the rules aim to ensure equitable access to benefits for employees, an expanded and streamlined appeals process, and equitable requirements for employees covered under an equivalent plan, the requirements established in these rules could have an equity impact for employee access to the state Paid Leave Oregon plan; particularly impacting Black, Indigenous, Latin/o/a/x, Asian, Pacific Islander, women, people with disabilities,

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<sup>2</sup> [HRC-TransReport-Mar29-.pdf](#).

<sup>3</sup> [Paid family leave needs to expand definitions of "family" Spring 2023 - Harvard Public Health Magazine](#)

<sup>4</sup> <https://www.brookings.edu/articles/low-income-workers-experience-by-far-the-most-earnings-and-work-hours-instability/>.  
<https://nwlc.org/wp-content/uploads/2017/04/Collateral-Damage.pdf>

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LGBTQIA2S+ communities, undocumented workers, migrant communities, people working to meet the minimum income standard, individuals whose first language is not English, and individuals with limited or non-technical experience or resources to navigate these requirements due to systemic and institutional barriers.

*Are there strategies to mitigate the unintended consequences?*

It is important to recognize that complex bureaucratic processes often have built-in barriers, such as the appeals process, and the legal language used, that disproportionately impact those whose first language is not English and individuals who are experiencing economic hardship. Furthermore, due to historical exclusion and systemic racism, communities of color, in particular Black, Latino/a/x or Indigenous persons in the U.S may not fully trust the legal system and government processes.<sup>5</sup> As Paid Leave considers administrative rules, however, the program can help mitigate some of these concerns. Increased access to paid family, medical, and safe leave requires addressing disparities in access and enhancing racial equity by broadening worker coverage, expanding eligibility criteria, increasing wage replacement rates, and ensuring job and anti-retaliation protections.<sup>6</sup>

Paid Leave Oregon's goal is to ensure that there is equitable access to the program for businesses and eligible employees for Oregonians. The division places a high priority on developing and maintaining a diverse and inclusive culture and ensuring there is equitable access to understanding and using the program for businesses and employees paying Paid Leave Oregon contributions. Below are some strategies the Paid Leave Oregon Division has implemented or plans to implement within the draft administrative rules to mitigate unintended consequences:

- Adhering to Paid Leave Oregon's values by centering the most impacted, those who have been historically underserved and under resourced, by addressing practices, cultural norms and structural barriers that create inequities;
- Examining factors that produce or perpetuate racial inequities to better understand potentially negative impacts and gaps in the program and how to best address them when drafting policy papers that serve as the basis for rule language;
- Committing to open, ongoing and transparent dialogue with invested community members and policy makers;
- Providing supplemental materials to assist in understand how the program functions such as a "frequently asked questions" section on our website, instructional videos, and other tools in order to accommodate different learning styles, along with monitoring usage to inform gaps in initial and continued messaging;
- Using the established Equity framework to standardize review processes to ensure that all new and ongoing processes, procedures, administrative rules, and related communications are furthering program equity;
- Collaborating with the division's data team to gather and analyze information for any gaps or trends in benefits access;

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<sup>5</sup> <https://www.politico.com/news/magazine/2022/12/18/black-mistrust-healthcare-00060324>

<https://www.mprnews.org/story/2019/12/16/native-american-leaders-work-to-overcome-community-mistrust-of-census>

<sup>6</sup> [https://www.urban.org/sites/default/files/2022-](https://www.urban.org/sites/default/files/2022-07/Access%20to%20Paid%20Leave%20Is%20Lowest%20among%20Workers%20with%20the%20Greatest%20Needs.pdf)

[07/Access%20to%20Paid%20Leave%20Is%20Lowest%20among%20Workers%20with%20the%20Greatest%20Needs.pdf](https://www.urban.org/sites/default/files/2022-07/Access%20to%20Paid%20Leave%20Is%20Lowest%20among%20Workers%20with%20the%20Greatest%20Needs.pdf)

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- Continuing to improve the website, forms, guidebooks, and any other public facing documents in multiple languages;
- Monitoring several specific data elements related to benefits, appeals, assistance grants, and collections to determine if and what disparate outcomes historically underserved groups are facing in Paid Leave;
- Developing Key Performance Measures (KPMs) and reporting out regularly on equity disparate impacts in the Paid Leave Oregon program;
- Continuously exploring ways to make changes within the policy and technology solution when racial disparities begin to arise in the program;
- Providing instructions in plain language and easy to use tools that allow more individuals the ability to file for benefits, understand how application process works, and be better equipped to complete the process; and
- Committing to, and then providing, ongoing anti-racism and trauma-informed care training to assist staff in understanding, identifying, and eliminating racial inequities that the policy, procedures, and rules may otherwise have on already marginalized groups.

☐ **Fiscal and Economic Impact:**

Any fiscal or economic impact for Paid Leave Oregon benefits, equivalent plans, contributions, and appeals, is the result of the statute being implemented. There is no additional fiscal or economic impact associated with these new administrative rules.

☐ **Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

The administrative rules on Paid Leave Oregon benefits will likely have an impact on state agencies, local governments, and other public bodies because their employees (claimants) may be eligible for Paid Leave Oregon benefits or benefits under an equivalent plan. The state agencies, units of local government, and the public may need to provide additional information requested by the department to verify equivalent plan claim information and public bodies must ensure that they have an updated notice poster in place in their capacity as employers. Public bodies are also impacted by the ambiguity around frequency and timing of intermittent and consecutive leave notices.

Repealing OAR 471-070-1330 has an impact on the Bureau of Labor and Industries (BOLI), as the agency is now responsible for the administration and regulatory oversight regarding job protections, retaliation and discrimination. The cost associated with this is a result of a statutory change (SB 69 (2025)).

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number and type of small businesses subject to the rule:**

The batch 14 administrative rules apply to all small businesses. In the first quarter of 2025, Oregon had 109,182 small businesses with fewer than 50 employees that employed just under 34 percent of the state's workforce. Out of the 109,182 small employers, 104,116 had fewer than 25 employees that employed nearly 25 percent of the state's workforce. \*

\* Source: Oregon Employment Department, Quarterly Census of Employment and Wages



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**b. Projected reporting, recordkeeping, and other administrative activities required for compliance, including costs of professional services:**

There may be additional administrative activities required for small businesses as a result of the requirement for employers to ensure that they have an updated model notice poster in place.

Small employers with an equivalent plan will also need to report a greater amount of information relating to their equivalent plan than previously required. This may require additional services, especially for small employers who pay third parties to assist with their equivalent plans.

**c. Equipment, supplies, labor and increased administration required for compliance:**

There is potentially minimal equipment, supplies, labor, or increased administration required for compliance with the Paid Leave Oregon benefit administrative rules. As noted above, there are changes to the reporting that is required by small equivalent plan employers that may require additional services to ensure compliance with the amended rules. Additionally, small employers for either equivalent plan or state plan users will be required to update their workplace notice posters whenever the department revises the current version.

☐ **Describe how small businesses were involved in the development of these rule(s).**

The Paid Leave Oregon Advisory Committee, which serves as the Rulemaking Advisory Committee (RAC), is statutorily required to have four members representing employers, at least one of whom represents employers with fewer than 25 employees. A RAC meeting is scheduled for October 1, 2025 at 10:00am, and the members will be consulted on the development of these rules.

We are also preparing for two public hearings, for which there will be advanced warning and invitations for the public to attend. Attendees are invited to provide feedback on the proposed rules, either during a public hearing or afterward, during the public comments period.

☐ **Documents Relied Upon, and where they are available:**

- Paid Leave Oregon statute – ORS chapter 657B  
([https://www.oregonlegislature.gov/bills\\_laws/ors/ors657B.html](https://www.oregonlegislature.gov/bills_laws/ors/ors657B.html));
- Electronic Transactions – ORS chapter 84  
([https://www.oregonlegislature.gov/bills\\_laws/ors/ors084.html](https://www.oregonlegislature.gov/bills_laws/ors/ors084.html))
- Administration of Public Funds statute - ORS chapter 293  
([https://www.oregonlegislature.gov/bills\\_laws/ors/ors293.html](https://www.oregonlegislature.gov/bills_laws/ors/ors293.html))
- Senate Bill 913 (2023)  
<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB0913/Enrolled>
- Senate Bill 69 (2025)  
<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB69/Enrolled>
- Senate Bill 858 (2025)  
<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB858/Enrolled>

☐ **Was an Administrative Rule Advisory Committee consulted?: YES**

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**If no, why not? n/a**

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**PROPOSED RULE LANGUAGE**

- ☐ **Final Draft of Rule Language to be filed:** The rule language is on individual documents due to the length of the draft rules.