

Oregon Public Defense Commission

Chapter 404
Division 001
Procedural Rules

404-001-0100

Notice of Proposed Rulemaking and Adoption of Temporary Rules

(1) Prior to adoption, amendment, or repeal of any rule, the Oregon Public Defense Commission shall give notice of the intended action:

(a) To certain legislators specified in ORS 183.355(15) at least 49 days before the effective date of the rule;

(b) To persons or organizations on the agency's interested parties mailing list described in section (2) of this rule at least 28 days prior to the effective date of the intended action;

(c) To the Associated Press and the Capital Press Room at least 28 days before the effective date of the rule; and

(d) In the Secretary of State's Bulletin, referred to in ORS 183.360, at least 21 days prior to the intended action.

(2) Pursuant to ORS 183.335(8) the agency shall maintain an interested parties list for the OAR chapter for which it has administrative responsibility. A person, group, or entity that desires to be placed on such a list to receive notices regarding proposed permanent adoption, amendment, or repeal of a rule must make such a request in writing either on the agency's website or to the agency's rules coordinator. The request must include either a mailing address or an electronic mail address to which notices may be sent.

(3) Notices under this rule may be sent by use of postal mail or electronic mail (email). The agency recognizes state shuttle as mail and may use this method to notify other state agencies.

(a) An email notification under section (1) of this rule may consist of the following:

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(A) An email that attaches the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(B) An email that includes a link within the body of the email, allowing direct access online to the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(C) An email with specific instructions within the body of the email, usually including an electronic Universal Resource Locator (URL) address, to find the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(b) The agency shall honor all written requests that notification be sent by postal mail instead of electronically if a mailing address is provided.

(4) If the agency adopts or suspends a temporary rule, the agency shall give notice of the intended action:

(a) To certain legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule;

(b) To persons or organizations on the agency's interested parties mailing list described in section (2) of this rule at least 28 days prior to the effective date of the intended action;

(c) To the Associated Press and the Capital Press Room at least 28 days before the effective date of the rule; and

(d) In the Secretary of State's Bulletin, referred to in ORS 183.360, at least 21 days prior to the intended action.

(5) In lieu of providing a copy of the rule as proposed with the notice of intended action or notice concerning the adoption of a temporary rule, the agency may state how and where a copy may be obtained on paper, by electronic mail, or from a specified website.

(6) The Oregon Public Defense Commission may update the mailing list described in section (2) of this rule annually by requesting persons to confirm that they wish to remain on the mailing list. If a person does not respond to a request for confirmation within 28 days of the date the agency sends the

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request, the agency will remove the person from the mailing list. Any person removed from the mailing list will be immediately returned to the mailing list if the agency receives such a request in writing.

Statutory/Other Authority: ORS 183.341 & 151.216

Statutes/Other Implemented: ORS 183.341

History:

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