

OFFICE OF THE SECRETARY OF STATE
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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 404

OREGON PUBLIC DEFENSE COMMISSION

FILED: 06/23/2026 11:04 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Agency adoption of model rules, notice of intended rulemaking actions, and delegation of authority.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/10/2026 5:00 PM

The Agency 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.

CONTACT:

Dacia Smith
971-718-2529
Admin.Rules@opdc.state.or.us
198 Commercial ST SE
Suite 205
Salem, OR 97301

Filed By:

Dacia Smith
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/29/2026

TIME: 2:00 PM - 3:00 PM

OFFICER: Dacia Smith

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 669-900-6833

CONFERENCE ID: 93368005556

SPECIAL INSTRUCTIONS:

This hearing is for all the agency's proposed rules.

This hearing is being held remotely via Zoom. To provide oral (spoken) testimony during this hearing, please complete the online form to register to speak no later than 5 p.m. PT on Monday, July 27, 2026, at:

<https://forms.office.com/g/Y6kVLC48rY>. Each participant will receive a unique link for the Zoom video conference via a calendar appointment. The online form for registering to testify will close no later than 5 p.m. PT on Monday, July 27,

2026.

To watch the hearing without providing oral (spoken) testimony, individuals may access the hearing using the meeting URL above. Alternatively, individuals may participate by phone by dialing either +1-669-900-6833, Conference ID 93368005556# or +1-719-359-4580, Conference ID 93368005556# for an "audio (listen)" only attendance option.

Attendees are asked to please join the hearing within the first 15 minutes. The hearing will close at 2:20 p.m. PT (after the first 20 minutes), if everyone who signs up to provide testimony has spoken. If nobody signs up to provide oral (spoken) testimony at the hearing, the hearing will close at 2:20 p.m. PT (after the first 20 minutes).

Testimony at the hearing is limited to 5 minutes or less for each individual. Individuals that wish to provide comments on all rules or multiple sections of a single rule are asked to limit comments for both proposed rules to 5 minutes maximum. This is to ensure that all individuals that wish to provide testimony have an equal opportunity to speak.

A rule hearing is a time for people to share comments about proposed rules. At the rule hearing, the hearing officer will listen to comments and record them for the hearing report. Questions about the rule content or other public defense services are not answered during a rule hearing.

This meeting is accessible to people with disabilities or with additional language service needs. The Zoom virtual meeting platform is equipped with Closed Captioning capabilities in various languages, which agency staff can assist you with setting up ahead of the hearing.

Requests for interpreters for the hearing impaired, for other accommodations for persons with disabilities, or for additional interpreter services should be made to info@opdc.state.or.us. Please make requests as far in advance as possible, and no later than 2 p.m. PT on Friday, July 24, 2026, at least 72 hours in advance of the meeting, to allow us to best meet each person's needs.

Individuals may submit written comments through the online form at: <https://forms.office.com/g/GmyaL9AwVQ> or by sending an electronic mail (email) to: Admin.Rules@opdc.state.or.us, no later than 5 p.m. PT on Monday, August 10, 2026.

Alternatively, comments are accepted by calling and leaving a voice message at: (971) 781-2529 no later than 5 p.m. PT on Monday, August 10, 2026, or by sending comments through the US Postal Service to: OPDC, Attn: Rules Coordinator, 198 Commercial St. SE, Suite 205, Salem, OR 97301. Individuals using the US Postal Service are encouraged to mail comments as soon as possible, and no later than Friday, July 31, 2026, to help ensure that the communication might arrive before the comment period deadline.

All comments must be delivered to the agency no later than 5 p.m. PT on Monday, August 10, 2026, to be considered by the agency.

If you need help or have questions, please call: (971) 718-2529 or send an email to: Admin.Rules@opdc.state.or.us.

NEED FOR THE RULE(S):

This notice corrects the incorrect mailing address that was published on prior notices and publishes the three proposed rules on a single notice. Senate Bill 337 was enacted into legislation in 2023 and transferred the Oregon Public Defense Commission (OPDC) into the executive branch of government on January 1, 2025. Adopting these rules increases the agency's transparency, accessibility, and accountability to rulemaking actions. ORS 183.341(2) requires state agencies to

adopt model rules for rulemaking. OAR 404-025-0000 adopts by reference the Attorney General's Model Rules for Rulemaking (OAR 137-001). ORS 183.335(1)(a) and 183.341(4) requires state agencies to adopt in rule the manner in which interested persons will be notified of the agency's proposed rulemaking actions. OAR 404-025-0100 adopts notice requirements that are consistent with statute. ORS 183.325 requires that state agencies provide the Secretary of State with the named members or employees with rulemaking authority to cause the timely occurrence of specific, required administrative and procedural steps and processes to occur that are necessary to enact the Commission's adopted rules. OAR 404-025-0200 delegates rulemaking authority to the Executive Director, Deputy Director or Chair of the Commission. This is to help ensure that the agency maintains rulemaking authority in cases of unexpected absences. Through the adoption of standardized processes that are consistent across government these rules help to provide transparent and accountable rulemaking processes to build the agency's foundation of public trust.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Senate Bill 337 (2023) is available online at:

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB337>.

Oregon Revised Statutes Chapter 183 - Administrative Procedures Act is available online at:

https://www.oregonlegislature.gov/bills_laws/ors/ors183.html.

These can also be obtained from the Oregon Public Defense Commission's (OPDC) Administrative Rules webpage at:

<https://www.oregon.gov/opdc/general/Pages/Administrative-Rules.aspx> or by calling the Rules Coordinator at: (971) 718-2529.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The State of Oregon requires that a rulemaking notice include a "statement identifying how adoption of the rule will affect racial equity in this state" (ORS 183.325(2)(b)(F)). Racial equity is a process of eliminating racial disparities and improving outcomes for Black, Indigenous, and other persons of color (BIPOC). It is the intentional and continual practice of changing policies, practices, systems and structures by prioritizing measurable improvements in the lives of members of BIPOC populations. The agency is required to attempt to determine the racial groups that will be affected by the rule and how the rule will increase or decrease disparities currently experienced by those groups. In this context, a disparate treatment of racial groups may be supportable if it addresses current disparities.

The proposed rule amendments are intended to increase the public's ability to access the Commission's rulemaking actions and apply to any interested person or organization. The agency does not anticipate any impact to racial equity in the state as this rule applies to OPDC. Adoption of this rule is expected to have a positive effect that benefits all racial and ethnic groups. By adopting uniform requirements these rules aim to reduce disparities in outcomes for individuals in these communities. The agency is particularly interested in receiving feedback about whether other options should be considered for achieving the rule's substantive goals while reducing any negative impact of the rule on people and communities in Oregon who identify in a racial or ethnic group.

FISCAL AND ECONOMIC IMPACT:

The proposed rule is required for agency rulemaking. These proposed rules are not expected to have fiscal or economic impact on the agency, other state agencies, units of local government, or members of the public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government and members of the public likely to be economically affected by the rule(s) (ORS 183.325(2)(b)(E):

There is little to no fiscal impact to comply with this rule to state agencies, units of local government and the public. The Oregon Public Defense Commission (OPDC) Administrative Rules Team is available to answer questions regarding this rule and will complete regular administrative work necessary for all rulemaking. A few other state agencies are required to either review proposed agency rules or assist with administrative work. These costs are required and included in each agency's annual operating budgets. Members of other units of local government include providers and partners that may be involved in the rulemaking process as either members of the agency's 13-member Commission or 9-member Rules Advisory Committee (RAC). Depending on their role, these individuals receive little to no compensation from the agency for their services, while providing the agency with robust and value-added discussions necessary for rulemaking. The rule(s) helps to ensure members of the public of the agency's transparent rulemaking process.

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

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

None. These rules do not apply to small businesses.

b. Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s):

None. These rules do not apply to small businesses.

c. Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None, these rules do not apply to small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Oregon Public Defense Commission (OPDC) has engaged key partners and representatives of affected communities through the agency's 9-member Rules Advisory Committee (RAC) and the 13-member Commission, which include business owners, defense providers, investigators, state agencies, individuals with lived experience, and community members from or who serve underrepresented populations.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

404-025-0000, 404-025-0100, 404-025-0200

ADOPT: 404-025-0000

RULE SUMMARY: OAR 404-025-0000 adopts by reference the Attorney General's Model Rules for Rulemaking (OAR 137-001).

CHANGES TO RULE:

404-025-0000

Model Rules for Rulemaking

Pursuant to ORS 183.341, the Oregon Public Defense Commission (OPDC) adopts by reference the Attorney General's Model Rules for Rulemaking (OAR 137-001) in effect January 1, 2024.

Statutory/Other Authority: ORS 151.216, ORS 183.341

Statutes/Other Implemented: ORS 151.216, ORS 183.341

ADOPT: 404-025-0100

RULE SUMMARY: OAR 404-025-0100 adopts notice requirements that are consistent with statute.

CHANGES TO RULE:

404-025-0100

Notice of Proposed Rulemaking and Adoption of Temporary Rules

(1) Prior to adoption, amendment, or repeal of any rule, the Oregon Public Defense Commission (OPDC) will 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 (SOS) 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 will 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 (email) address to which notices may be sent.¶

(3) Notices under this rule may be sent by 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:¶

(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 will 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 will 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 (SOS) 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 (email), or from a specified website.¶

(6) The Oregon Public Defense Commission (OPDC) 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 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 151.216, ORS 183.341

Statutes/Other Implemented: ORS 151.216, ORS 183.341

ADOPT: 404-025-0200

RULE SUMMARY: OAR 404-025-0200 delegates rulemaking authority to the Executive Director, Deputy Director or Chair of the Commission. This is to help ensure that the agency maintains rulemaking authority in cases of unexpected absences.

CHANGES TO RULE:

404-025-0200

Delegation of Rulemaking Authority

Any member or employee of the Commission who is identified on a completed Delegation of Authority form signed by the Executive Director, the Deputy Director, or Chair of the Commission and filed with the Secretary of State (SOS), Administrative Rules Unit, is vested with the authority to adopt, amend, repeal, or suspend administrative rules as provided on that form until such delegation is revoked by the Executive Director, the Deputy Director or Chair of the Commission, or the person leaves employment with the Commission.

Statutory/Other Authority: ORS 151.216, ORS 183.325

Statutes/Other Implemented: ORS 151.216, ORS 183.325