



Oregon

Kate Brown, Governor

Public Employees Retirement System

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January 29, 2016

TO: Members of the PERS Board
FROM: Stephanie Vaughn, Manager, Policy Analysis & Compliance Section
SUBJECT: Adoption of Oregon Administrative Rule (OAR) Public Notice Rule:
OAR 459-001-0000, *Notice of Proposed Rule*

OVERVIEW

- Action: Adopt modifications to the OAR Public Notice rule.
- Reason: Clarify rulemaking notice procedure.
- Policy Issue: No policy issues were identified.

BACKGROUND

OAR 459-001-0000 sets forth the procedure for noticing the adoption, amendment, and repeal of administrative rules. The current rule, however, stipulates that notices of rulemaking will be sent via postal mail and lists a limited group of interested parties and employers as recipients of the rulemaking notices. The proposed rule modifications update the mailing requirement to conform to agency practice of emailing notices unless the recipient requests a postal mailing. The incomplete list of employers and interested parties has been removed, and section (2) has been updated to indicate that notices of rulemaking will be provided to all persons and organizations who request to receive the notices.

SUMMARY OF MODIFICATIONS TO RULE SINCE NOTICE

No modifications have been made to the rule.

PUBLIC COMMENT AND HEARING TESTIMONY

A rulemaking hearing was held December 15, 2015, at 2:00 p.m. at PERS headquarters in Tigard. No members of the public provided comment on the rule. The public comment period ended December 29, 2015, at 5:00 p.m. No public comment was received.

LEGAL REVIEW

The attached rule was submitted to the Department of Justice for legal review and any comments or changes are incorporated in the rule as presented for adoption.

IMPACT

Mandatory: No.

Impact: Update agency rulemaking notice procedure and clarify that any person or organization may request to receive the rulemaking notices.

Cost: There are no discrete costs attributable to the rule changes.

RULEMAKING TIMELINE

November 13, 2015	Staff began the rulemaking process by filing Notice of Rulemaking with the Secretary of State.
November 20, 2015	PERS Board notified that staff began the rulemaking process.
December 1, 2015	<i>Oregon Bulletin</i> published the Notice. Notice was sent to employers, legislators, and interested parties. Public comment period began.
December 15, 2015	Rulemaking hearing held at 2:00 p.m. at PERS in Tigard.
December 29, 2015	Public comment period ended at 5:00 p.m.
January 29, 2016	Board may adopt the permanent rule modifications.

BOARD OPTIONS

The Board may:

1. Pass a motion to “adopt modifications to the OAR Public Notice rule, as presented.”
2. Direct staff to make other changes to the rule or explore other options.

STAFF RECOMMENDATION

Staff recommends the Board choose Option #1.

- Reason: Clarify rulemaking notice procedure.

If the Board does not adopt: Staff would return with rule modifications that more closely fit the Board’s policy direction if the Board determines that a change is warranted.

B.4. Attachment 1 – OAR 459-001-0000, *Notice of Proposed Rule*