

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form.

Department of Justice	OAR chapter 137	
Agency and Division	Administrative Rules Chapter Number	
Carol Riches	1162 Court St NE Salem, OR 97301	(503) 947-4700
Rules Coordinator	Address	Telephone

**RULE CAPTION**  
**Amends Attorney General's Model Rules on Rulemaking, Including Changes Needed to Implement 2007 Legislation**  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

September 25, 2007	1:00 p.m.	158 12 <sup>th</sup> Street NE, Salem, OR 97301	Kyle Martin
Hearing Date	Time	Location	Hearings Officer

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<i>Auxiliary aids for persons with disabilities are available upon advance request.</i>			

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:** 137-001-0011; 137-001-0018; 137-001-0030; 137-001-0080; 137-001-0100

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth. : ORS 183.341

Other Auth.:


Stats. Implemented: ORS 183.333; ORS 183.335; ORS 183.341; ORS 183.355; ORS 183.540; HB 2121 (2007)

**RULE SUMMARY**

The proposed rule changes relate to OAR chapter 137, division 001, which contains the Attorney General's Model Rules that relate to rulemaking. Agencies may adopt these Model Rules without formal rulemaking, but are not required to do so. The changes update the rules to respond to changes in the notice provisions in ORS 183.335(8) made by the 2007 Legislative Assembly. The changes specify how an agency can provide notice to persons who have asked to be kept apprised of the agency's rulemaking activities. In addition, the changes eliminate the requirement to summarize the notice at the start of a rulemaking hearing unless a participant asks for a summary; replace the requirement to send copies of temporary rules less than ten pages long with a requirement to summarize temporary rules and explain where to obtain a copy; and make edits in wording.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator): September 25, 2007

	Philip Schradle, Special Counsel to the Attorney General	8/15/07
Signature	Printed name	Date

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Justice  
Agency and Division

OAR chapter 137  
Administrative Rules Chapter Number

In the Matter of: Amendments to division 001 of the Attorney General's Model Rules

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

**Amends Attorney General's Model Rules on Rulemaking, Including Changes Needed to Implement 2007 Legislation**

Statutory Authority: ORS 183.341

Other Authority:

Stats. Implemented: ORS 183.333; 183.335; ORS 183.341; ORS 183.355; ORS 183.540; HB 2121 (2007)

Need for the Rule(s): The proposed rule changes relate to OAR chapter 137, division 001, which contains the Attorney General's Model Rules that relate to rulemaking. Agencies may adopt these Model Rules without formal rulemaking, but are not required to do so. The changes update the rules to respond to changes in the notice provisions in ORS 183.335(8) made by the 2007 Legislative Assembly. The changes specify how an agency can provide notice to persons who have asked to be kept apprised of the agency's rulemaking activities. In addition, the changes eliminate the requirement to summarize the notice at the start of the rulemaking hearing unless a participant asks for a summary; replace the requirement to send copies of temporary rules less than ten pages long with a requirement to summarize temporary rules and explain where to obtain a copy; and makes edits in wording.

Documents Relied Upon, and where they are available: Minutes of Advisory Committee meeting of August 13, 2007, available from the Department's Rules Coordinator, Carol Riches, at 1162 Court Street NE, Salem, Oregon 97301.


Fiscal and Economic Impact, including Statement of Cost of Compliance:

The Department is unable to ascertain whether these rule changes will have a fiscal impact or not. Agencies are not required to adopt the rules and the rules will have no effect upon agencies that do not adopt them. It seems likely that some agencies will adopt the rules. For those that do, the fiscal impact is associated primarily with the passage of HB 2121 (2007), rather than the rule changes. Units of local government and members of the public will not be affected by the rule changes, unless agencies adopt these rules. Even if agencies do adopt the rules, the changes are minor and any fiscal impact associated with the rules is expected to be minimal.

How were small businesses involved in the development of this rule? Small businesses were not involved.

Administrative Rule Advisory Committee consulted?: Yes.

If not, why?:



Philip Schradle, Special Counsel to the Attorney General  
Printed name

8/15/07  
Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2005