



Annual Agency Report on Rulemaking

This guide is intended to be guidance only and not in any way legal advice or directive. Only **Rules Coordinators** are allowed to pull reports from OARD. Questions regarding these reports should be directed to the agency's assigned DOJ Counsel.

The Attorney General's (AG) Administrative Law manual says, in 2016, the legislature passed House Bill (HB) 4106 (which created Oregon Revised Statute 183.403). HB 4106(2016) created a rulemaking reporting obligation that applies to all agencies subject to ORS 183.335. Under this requirement, agencies are required to submit a report to the Legislative Assembly and the Legislative Administration office by February 1 of each year. The report pertains to rulemaking activities during the previous 12-month period. Agencies must include in the report the number of permanent rules adopted, amended, or repealed under ORS 183.335(2) & (3). Agencies are not required to report on Statutory Minor Corrections that fall under ORS 183.335(7).

Temporary Rules Report

Reporting requirements for temporary rules are more extensive. An agency must include in the report:

- The number of temporary rules, ORS 183.403(2)(b)(A);
- A list of the rules, ORS 183.403(2)(b)(B);
- A statement of need for each rule and all of the agency's findings why failure to act promptly would result in serious prejudice to the public or concerned parties' interests, ORS 183.403(2)(b)(C); and
- For each rule, an explanation as to why the temporary rulemaking process was the most appropriate method for the rulemaking at issue and why the permanent rulemaking process was not appropriate for the rulemaking at issue, ORS 183.403(2)(b)(D). The reporting requirement applies to whether the temporary rule was newly adopted or is an amendment or suspension of existing rule. ORS 183.403(2)(b)

Oregon Revises Statute 183.403 says:

183.403 Agency report to Legislative Assembly regarding temporary rules.

(1) As used in this section:

- (a) "Agency" has the meaning given that term in ORS 183.310.
- (b) "Rule" has the meaning given that term in ORS 183.310.
- (c) "Statement of need" means the statement described in ORS 183.335 (5)(c).

(2) No later than February 1 of each year, an agency that is subject to ORS 183.335 shall provide a report to the Legislative Assembly, in the manner provided in ORS 192.245, regarding all rules that the agency adopted, amended, repealed or suspended during the preceding 12-month period. The report must include:

- (a) The number of rules adopted, amended or repealed in accordance with ORS 183.335 (2) and (3); and
- (b) With respect to rules adopted, amended or suspended using the procedure described in ORS 183.335 (5):
 - (A) The number of rules;
 - (B) A list of the rules;
 - (C) A statement of need for each rule and all of the agency's findings that a failure to act promptly would result in serious prejudice to the public interest or the interest of parties concerned; and
 - (D) For each rule, an explanation of why proceeding under ORS 183.335 (5) was the most appropriate method for adopting, amending or suspending the rule and why it was not appropriate to proceed in accordance with

ORS 183.335 (2) and (3). [2016 c.44 §1]

Note: 183.403 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 183 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Oregon Revised Statute 192.230 and 192.245 says:

192.230 Definitions for ORS 192.235 to 192.245. As used in ORS 192.235 to 192.245:

(1) "Report" means informational matter that is published as an individual document at state expense or as required by law. "Report" does not include documents prepared strictly for agency administrative or operational purposes.

(2) "State agency" has the meaning given that term in ORS 192.311. [1991 c.842 §1; 2001 c.153 §1]

Note: 192.230 to 192.250 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 192 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

192.245 Form of report to legislature says:

(1) Whenever a law of this state requires a written report be submitted to the Legislative Assembly, the requirement shall be met by distribution of an executive summary of no more than two pages sent to every member of the Legislative Assembly by electronic mail and one copy of the report to the Legislative Administrator. This requirement does not preclude providing a copy of any report to a specific legislative committee if required by law. The requirements of this subsection are not met if the executive summary is distributed to members of the Legislative Assembly in paper format.

(2) The executive summary described in subsection (1) of this section shall include an explanation of how a member of the Legislative Assembly may obtain a copy of the report. If the report is also available on the Internet, the executive summary shall include the online location of the report.

(3) Notwithstanding subsection (1) of this section, if a member of the Legislative Assembly requests a paper copy of a report or executive summary, the agency or other entity responsible for submitting the report or executive summary to the Legislative Assembly shall supply a paper copy of the report or executive summary to the member. [1991 c.842 §4; 2009 c.416 §1; 2011 c.380 §1]

Note: See note under 192.230.

Oregon Administrative Rules Database (OARD) Report

Pull the report from OARD to create the HB 4106 report, this report shows all the rulemaking activities for the previous year including a separate table for reporting on the temporary rules.

To create the report:

- On the right side of the Rules Coordinator Dashboard, click **Select an action**, then select **Run Reports**.
- In the next screen, using the drop-down menu **select the year** you would like the report to display.
- Click the **Run Report** button and OARD will generate a PDF for download.
- Below is an example of what the generated report looks like. At the top of the report is the agency name and report heading information. This information includes the calendar year that the report data shows.
- Watch the [YouTube](#) video on how to pull the report from OARD.

The first table at the top of the report shows the permanent rulemaking actions for the calendar year. The second table shows the temporary rules that adopted, amended or suspended a rule during the calendar year. Statutory Minor Corrections are not included in this report.

Below the two tables of the report will be information about temporary rule filings. There is no corresponding

information generated for the permanent filings. If an agency wishes to report on all rulemaking efforts, permanent rulemaking information will need to be created by the agency.

Note: If there are no temporary rules promulgated during the calendar year then the OARD report will show zeros in the second table. This is illustrated in the first screenshot on this page.

Table provided in OARD report.

Secretary of State, Archives Division	
Annual Report Regarding Temporary Rules	
(ORS 183.403)	
Report contains rules filed during calendar year January 01, 2023 through December 31, 2023	
Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]	
Adopted	0
Amended	0
Repealed	0
Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]	
Adopted	0
Amended	0
Suspended	0

Summary provided in OARD report for temporary rules promulgated during the calendar year.

ED 8-2023	Filed: 08/23/2023 3:33 PM
471-070-2030	Amend
Statement of Need	
The purpose of having self-employed individuals who chose Paid Leave Oregon coverage report and submit their taxable income from the prior year tax returns was to use that information to calculate both the amount of contributions and benefits. This temporary rule amendment is needed to clarify that the taxable income will also be used to prorate benefits.	
Justification	
Paid Leave Oregon continues to review and assess our administrative rules and statutes, particularly as we prepare to start issuing benefits in early September 2023. Part of that continued analysis includes soliciting feedback, as well as applying law and rule to the functions of the department's electronic operating system (Frances). In so doing, Paid Leave Oregon determined there is a need to amend the rule, to support systems processes.	
If the temporary rule amendment is not made effective before go-live, the benefits for self-employed individuals will not be calculated accurately, resulting in erroneous determinations and requiring unnecessary added work for staff who are standing up the program.	

After the report is pulled from OARD, many agencies may use this information to create a report that is then submitted to all legislative offices including the legislative administration. The most current contact information for the Oregon Legislators can be found at the links below:

CSV files:

- [Senate](#)
- [House](#)

Email: AdministrationLeg@oregonlegislature.gov

Agencies have different ways of creating this report each year. Some agencies have outside entities help with reports that are sent to the legislature. However, a lot of agencies create their own. This can be done in a memo format or report style format or whatever your agency's preference is. At the beginning of this guide, we have outlined the statutory requirements that have to be included in the report.

In ORS 183.403(2) the formatting requirements are listed for this legislative report and further reference ORS 192.245 standards for submittal to the Legislative Assembly. Statutory requirements include an executive summary that is no more than two pages.

No matter what the format used is, agencies need to create an executive summary at the beginning of the report that summarizes the information presented. The tables that are on the report pulled from OARD can be used to help create a summarized count of the rulemaking activities for the calendar year. Some agencies only report the details required regarding the temporary rules, and other agencies report information on all the rulemaking conducted. Make sure to check to see what your agency process is. An example of an executive summary is shown below.



Oregon
Kate Brown, Governor

DATE: January 3, 2023
TO: Oregon Legislative Assembly
FROM: [REDACTED]
RE: House Bill 4106 (2016) – Report on Rulemaking for 2022

[REDACTED]
Salem, Oregon 97311
503-947-1394
TTY-TDD 711
www.[REDACTED].Oregon.gov

House Bill (HB) 4106 requires state agencies to report annually on their rulemaking actions, both permanent and temporary. In 2022, the [REDACTED] (department) filed three temporary rulemaking actions, 107 permanent rulemaking actions, two statutory minor corrections, and zero rule suspensions within divisions of the department's Oregon Administrative Rules (OARs) chapter [REDACTED] with the Secretary of State's Office (SOS). Tables 1 and 2 below outline what was accomplished and the reason behind the rulemaking in both the permanent rulemaking process and the temporary rules that were put in place.

Table 1 identifies the three temporary rules that were filed at the end of November and beginning of December 2022 to amend two administrative rules and adopt another administrative rule for the [REDACTED] Division. Permanent rulemaking is being conducted while these temporary rules are in effect. These temporary rules are anticipated to be permanent by May 2023.

Table 2 captures the administrative rules promulgated for both the [REDACTED] and [REDACTED] divisions' permanent rulemaking efforts. There were five permanent administrative rules promulgated for the [REDACTED] Division during the 2022 calendar year. These five rules were needed after the 2021 Legislative Session. The [REDACTED] administrative rules were promulgated in five batches totaling 103 administrative rules.

Please note that the "Description," "Need Statement," and "Justification" language in Tables 1 and 2 are from the filing documents with the Secretary of State's Office at the time of filing.