

Guide to Administrative Rule Terminology



Oregon Secretary of State
Archives Division

The terms and definitions used in this reference document have been created based off the official definitions for easier understanding. This is not an official legal guide, only a tool for understanding the language used during rulemaking work. Please note the use of the word “agency” is meant to cover agencies, boards, and commissions. Official definitions should be discussed with an agency’s assigned DOJ contact.

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Laws/Rules links

OAR Chapter 166 Division 500 OAR Filing Requirements

ORS chapter 183 Administrative Procedures Act; Review of Rules; Civil Penalties

OAR 166-300-0015 Administrative Records

ORS chapter 192 Records; Public Reports and Meetings

OAR 166-500 Definitions

- **Attachments**

- Documents that accompany a rule, such as maps, seals, drawings, forms, graphs, tables, and charts. These **must be in PDF** format. The naming convention for all attachments is the number of the OAR. These can also be attached to filings when appropriate. (OAR 166-500-0060)

- **Adopt:**

- To create a newly established administrative rule and rule language that has not previously been adopted. (OAR 166-500-0010(10))

- **Agency Approved Date for a Permanent or Temporary Filing:**

- The date an agency has approved, or a commission or board has adopted a rule version. This date must be the day of or before the filing date. This is also considered the date the rules coordinator is authorized by the agency or board or commission to file the rules in OARD. This date is separate from the effective date defined below. (OAR 166-500-0010(3))

- **Amend:**

- To make changes to an existing rule and/or attachments either temporarily or permanently. (OAR 166-500-0010(10))

- **Deadline Day**

- The last day to submit to OARD rules filings or to email other notices (Executive Orders, public notices, extensions of public comment periods, notice of petition received for rulemaking, etc.) to be published in the Oregon Bulletin. The deadline is 11:59 p.m. pacific time on the last calendar day of the month. (OAR 166-500-0010(3))

- **Rules Coordinator and Delegation of Rulemaking Authority Form (Delegation Form)**

- The [form](#) agencies use to authorize and identify their agency rules coordinators and all persons to whom the agency has delegated rulemaking authority. This form is titled the “*Rules Coordinator and Delegation of Rulemaking Authority Form*”. agencies that adopt administrative rules must complete this form identifying and delegating their rules coordinators. This combined form must be filed with the Administrative Rules Unit before a person named on the form may obtain filing access or submit filings to the Administrative Rules Unit. Only one form will be in

effect at a time. Each subsequent submission replaces the previous filed form. The appointing authority is the one who approves rulemaking actions and can designate other people to also approve rulemaking actions, this is called delegated authority. The rules coordinator and the delegated authority can be the same person. (OAR 166-500-0010(2))

- **Effective Date**

- The date a rule becomes legally effective and enforceable. That date is either the date the rule is filed with the Administrative Rules Unit or a later date that the agency specifies. (OAR 166-500-0010(3))

- **Filing Authorization**

- The agency's approval for a person to submit filings on the agency's behalf to the Administrative Rules Unit. The agency rules coordinator must indicate that a person who is listed on the Rules Coordinator and Delegation of Rulemaking Authority Form on file with the Administrative Rules Unit has approved the filing. The communication used to approve rule filings should be archived accordingly within the organization's rulemaking record. (OAR 166-500-0010(4))

- **Filing Caption**

- A statement, of not more than 15 words, that applies to the entire filing and all included rule changes while identifying the rulemaking action's subject matter. See ORS 183.335(2)(a)(A). (OAR 166-500-0010(5))
 - *Example:* Amending and repealing benefit rules to comply with legislative changes during the 2022 Legislative Session.

- **Filing Date**

- The day a filing is submitted to the Administrative Rules Unit via the OARD. This date is also used when filing permanent administrative rules. (OAR 166-500-0010(3))

- **Last Date for Public Comment**

- This is the last date an agency will accept public comments on a proposed rule into the rulemaking record. (OAR 166-500-0010(3))

- **Notice of Proposed Rulemaking Filing or Notice Filing,**

- The process an agency uses to inform the public of intended rulemaking action, with or without public rulemaking hearings, that includes publication in the Oregon Bulletin. The type of filing agencies file in OARD to start the "official" rulemaking process to create a permanent administrative order (perm rule). (OAR 166-500-0010(6))

- **Oregon Administrative Rules Database (OARD)**

- The online filing system that agencies use to submit administrative rule filings to the Administrative Rules Unit. OARD contains each agency's rules, current draft text, filing drafts, reports, and search features. The delegation form allows people to file rules in this application. (OAR 166-500-0010(7))

- **Oregon Bulletin**
 - A monthly publication which contains all rulemaking actions filed each month. The Administrative Rules Unit is responsible for this publication. The bulletin includes Notice of Proposed Rulemaking filings; permanent filings; temporary filings; statutory minor correction filings; and certain other notices such as executive orders and public notices. This is a monthly SoS publication that kicks off the public review process for permanent rulemaking for most agencies. (OAR 166-500-0010(8))
- **Permanent Filing**
 - The agency process to permanently adopt new rules, amend or repeal existing rules, or renumber an existing rule to a new number. Permanent filings have no automatic expiration. (OAR 166-500-0010(6))
- **Administrative Rules Unit**
 - A work unit of the Archives Division under the Oregon Secretary of State. The unit is responsible for receiving all agency filings, including Notice of Proposed Rulemaking filings, permanent filings, temporary filings, and statutory minor correction filings; compiling the OAR annual compilations; and reviewing and publishing the Oregon Bulletin. Alternatively known as the “Administrative Rules Section,” “Publications Unit,” or “Rules Helpdesk.” (OAR 166-500-0010(9))
- **Renumber**
 - A permanent action that deletes an existing rule number and moves that rule’s text and statutory citations to a new rule number. No changes are permitted to the rule text. Once a rule is renumbered, the old number cannot be re-used. (OAR 166-500-0010(10))
- **Repeal**
 - A permanent action that removes an existing rule from an agency’s body of rules and rescinds any requirements previously listed within it. A repealed rule number cannot be re-used. (OAR 166-500-0010(10))
- **Rule Summary**
 - A statement for each rule summarizing the subject matter and purpose of the intended action. See ORS 183.335(2)(a)(B). (OAR 166-500-0010(12))
- **Rules Coordinators (RC)**
 - The person(s) an agency appoints to coordinate the writing and filing of administrative rules. The Rules Coordinator and Delegation of Rulemaking Authority Form must be filed with the Administrative Rules Unit before access is granted to OARD to file rules. Agencies may designate up to 5 individuals as rules coordinators for each chapter. (OAR 166-500-0010(11))
- **Rules Writer**
 - A person an agency authorizes to draft and edit rules within the OARD. (OAR 166-500-0010(13))

- **Statement of Need and Fiscal Impact**
 - A written statement accompanying Notice of Proposed Rulemaking filings expressing the need for a rulemaking action and its fiscal impact. This is one of the requirements for the Notice of Proposed Rulemaking filing. The statement of need explains why rulemaking is conducted and the fiscal impact statement explains if there is a financial impact created because of the rules. On the form, these fields are labeled as “Need for Rules” and “Fiscal and Economic Impact”. (OAR 166-500-0010(14))
- **Statement of Need and Justification**
 - A written statement accompanying a temporary filing expressing the need for the rulemaking action and the justification for submitting the changes as a temporary rule rather than using the permanent rulemaking process. These are a requirement for filing a temporary rule. The need explains why a rule is being filed “now” instead of going through the permanent rulemaking process. On the form, these fields are labeled as “Need for Rules” and “Justification for Temporary Rules”. (OAR 166-500-0010(15))
- **Statutes and Other Implemented**
 - The statute(s), bill(s), or federal legislation that an agency’s rule explains, expands on, or puts into effect through the rulemaking process. This could also be Oregon Chapter Law that has not been codified into the statutes yet or the Oregon Constitution. (OAR 166-500-0010(17))
- **Statutory and Other Authority**
 - The statute(s), legislative bill(s), chapter law, constitution, or federal legislation that grant an agency the authority to adopt rules. (OAR 166-500-0010(16))
- **Statutory Minor Correction Filing (SMC)**
 - The processes an agency uses to amend an existing rule applying only corrections that fall under ORS 183.335(7). See OAR 166-500-0047 for the filing requirements of a SMC. A filing that does not make substantive changes to a rule but simply fixes minor errors or inaccuracies.
 - The approved list for SMCs per ORS 183.335(7):
 - Changing the name of an agency by reason of a name change prescribed by law
 - Changing the name of a program, office, or division within an agency if the change in name does not have a substantive effect on the functions of the program, office, or division
 - Correcting spelling
 - Correcting grammatical mistakes in a manner that does not alter the scope, application, or meaning of the rule
 - Correcting statutory or rule references
 - Correcting addresses or telephone numbers referred to in the rules
 - Changing a term or phrase to conform with a change prescribed by law

- Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)
- **Suspend:**
 - A temporary action that renders an existing rule ineffective for no more than 180 days. A permanent rulemaking process must be conducted for permanent repeal. See ORS 183.335(6). (OAR 166-500-0010(6))
- **Temporary Filing**
 - The agency process to temporarily adopt new rules or amend or suspend existing rules. A temporary filing can remain in effect for no longer than 180 days (6 months). See OAR 166-500-0050. At the end of 180 days the rule reverts to the latest permanent rule language. (OAR 166-500-0010(6))
- **Through Date**
 - The last day a temporary rule is in effect; the maximum number of days a temporary rule can be effective without specific authority is 180 days. (OAR 166-500-0010(3))

ORS 183 Terms Defined in Statute that Pertain to Administrative Rulemaking

- **Agency**
 - Any state board, commission, department, or division thereof, or officer authorized by law to make rules or to issue orders, except those in the legislative and judicial branches. This is also used as an all-encompassing term for the entity conducting rulemaking.
- **Economic Effect**
 - The economic impact on affected businesses by and the costs of compliance, if any, with a rule for businesses, including but not limited to the costs of equipment, supplies, labor and administration.
- **Hearing Officer**
 - The employee of the rulemaking entity that facilitates rulemaking public hearings. This can be the rules coordinator, an administrative law judge, or other appointed agency, board, or commission person.
- **Rule**
 - Any agency directive, standard, regulation, or statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but **does not include**:
 - Internal management directives, regulations or statements which do not substantially affect the interests of the public, unless a hearing is required by statute:
 - Between agencies or their officers or their employees; or
 - Within an agency, between its officers or between employees.

- Action by agencies directed to other agencies or other units of government which do not substantially affect the interests of the public.
- Declaratory rulings issued pursuant to ORS 183.410 or 305.105.
- Intra-agency memoranda.
- Executive orders of the governor.
- Rules of conduct for persons committed to the physical and legal custody of the Department of Corrections, the violation of which will not result in:
 - Placement in segregation or isolation status more than seven days.
 - Institutional transfer or other transfer to secure confinement status for disciplinary reasons.
 - Disciplinary procedures adopted pursuant to ORS 421.180.
- **Small Business**
 - A corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses, and which has 50 or fewer employees.
 - Small business does not include a coordinated care organization as defined in ORS 414.025

Other Terms Used for Administrative Rules Not Captured Elsewhere

- **Authorized Signer**
 - The person (usually the head of the agency, board, or commission) who is authorized to approve rulemaking for the entity. The rule approving authority is found within an organization's revised statutes.
- **Delegated Approver**
 - The person(s) designated by the appointing authority to approve rulemaking actions, authorizing the assigned rule coordinators to file rule changes within OARD. These are the people listed on the second page of the Rules Coordinator and Delegation of Rulemaking Authority Form.
 - For example, the director of an agency can delegate signing authority to the deputy director or division directors, etc., to approve the filing of OARs.
- **ORMS/Content Manager**
 - The database which holds filings which have been submitted via OARD. Filing documents are then made available online via a "web drawer."
- **Web Drawer** <https://records.sos.state.or.us/ORSOSWebDrawer/Search>
 - The public facing portal which makes published OAR filings available online.

Terms Defined in the Oregon Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure Under the Administrative Procedures Act that pertain to Administrative Rulemaking

- **Advisory Board**
 - In rulemaking this is generally referred to as a Rulemaking Advisory Committee or RAC. The RAC is held to get feedback from stakeholders on their opinions for the proposed rule language changes.
- **Fiscal**
 - A statement outlining what the impacts are to an entity or person because of the changes or adoptions of rules. This is generally tied to a fiscal impact statement when conducting rulemaking.
- **Statute**
 - A law written and enacted by the legislature that declares, commands, or prohibits something. These are called the Oregon Revised Statutes (ORS) and are amended, created, or repealed when the legislature passes bills (legislation).

OARD Terms

- **Administrative Order Number (AON)**
 - The administrative order number that is assigned to each filing for permanent, temporary and statutory minor corrections. It starts with the agency initials, then the number of the order for that calendar year for that agency, and then the year.
 - **Example:** OSA 4-2024: OSA is Oregon State Archives, 4 means this is the fourth AON that has been filed for OSA in the calendar year, and 2024 is the calendar year in which the AON was filed.
- **OIM**
 - The username for using OARD (Oregon Identity Management)
 - Submitted in OARD by rules coordinators and rule writers for access to work within the administrative rules.
- **Rules Work Queue**
 - The working space in OARD in which rules coordinators save draft rules before creating a filing.
- **Filings Final Queue**
 - The working space within OARD where rules coordinators will find the filings the SoS Administrative Rules Unit has accepted and published.

- **Filing Work Queue**
 - The working space within OARD where rules coordinators will see any filings that are pending review by the SoS Administrative Rules Unit. This is also the working space that will have any filings that are returned to rules coordinators for corrections needed.
- **Current Chapter Rules**
 - The space within OARD that lists all the active rules for a given chapter. The divisions for the rulemaking entity are listed here, and this is where revisions for a rule begin, including adding a new rule (adopting) by clicking on the “new rule” button.

OARD Menu Options for Rules Coordinators (RCs)

- **Select New Chapter**
 - Switch between chapters of a rule being worked on (if the RC is assigned to multiple chapters).
- **Maintain Rules Writers**
 - Add or remove rules writers to divisions within the chapter of rules.
- **Maintain Divisions**
 - Add or remove divisions for the chapter of rules. If removing divisions, an expiration date must be entered. If adding a new division, a division number and title must be entered. Rules writers can also be assigned through the link in this screen: it will switch over to the “Maintain Rule Writers” menu for that chapter.
- **Search Rules**
 - Search currently published rules via the public website. Rules can be searched by chapter, rule number, or by entering specific words that are in rule.
- **Search Filings**
 - Search for filings either by all chapters or by selecting a specific chapter, what type of filings, and the date range the filings took place. Sometimes the search parameters are too broad and OARD will require the search to be narrowed to return results.
- **Access the Oregon Bulletin**
 - Access Oregon Bulletin publications from 2017 to current.
- **Access the Annual Compilation**
 - Access the compilations of each agency’s administrative rules for the years the compilations were created.
- **Run Reports**
 - Create the required annual legislative report per ORS 183.403.
- **FAQ**
 - Access the OARD Frequently Asked Questions website.