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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED
10/24/2025 10:54 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Procedural Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/19/2025 12:00 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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

OAR 291-001-0020 through -0080 establish the department's policy on rulemaking procedure. These revisions:

- add Corrections Ombudsman and Nine Tribes to the required for notice list;
- add a new rule, OAR 291-001-0023, around requests from the public to receive rulemaking notices that align with new process (signup through website);
- provide correction (update old mailing address, fix rule reference), clarification and consistency within the rules, and remove unnecessary or redundant language; and
- update and reorganize OAR 291-001-0080 regarding requests for copies to align with current process and for clarity and to add a fee schedule for paper copies.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None.

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

The Department of Corrections anticipates that the proposed amendments to its Division 001 rules, OAR 291-001 Procedural Rules, will have a neutral impact on racial equity in this state.

The Department of Corrections' Division 001 rules adopt by reference the Attorney General's Model Rules for Rulemaking, OAR Chapter 137, Division 1, and establish the department's policy, procedures, and standards for rulemaking procedures; requests to receive rulemaking notices and for copies of the department's notices of proposed rulemaking, temporary rules, and permanent rules; and for confidentiality and inadmissibility of mediation communications, including those concerning workplace interpersonal disputes.

Among the proposed amendments to the rules are the addition of Corrections Ombudsman and the nine federally-recognized Tribes of Oregon to the department's notice list; the addition of a new rule (OAR 291-001-0023) around

requests to receive rulemaking notices that aligns with new process (signup through website) and further defines this process; an update to the mailing address and correction of a rule reference; and changes for overall clarification and consistency within the rules.
Another proposed change to these rules updates and reorganizes OAR 291-001-0080 regarding requests for copies of rulemaking notices to align with current process and for clarity, and to add a fee per page for printed notices of proposed rulemaking, temporary rules, or permanent rules rulemaking notices. The department sends notifications of rulemaking electronically to interested parties and the agency posts notices of intended action on the department's website. For persons requesting printed and mailed copies of the proposed rule and other required information, the agency provides a reference to the website where electronic copies of the proposed rule and other required information are posted.
These proposed changes are not anticipated to have an impact on racial equity in the state.

FISCAL AND ECONOMIC IMPACT:

Rule 291-001 is updated to clarify mailing options by distinguishing postal from electronic mail, align with ORS standards, and expand notifications to include specific stakeholders like the Corrections Ombudsman and tribes. They streamline the process for accessing and requesting rulemaking notices, introduce online access options, add fee structures for printed materials, and incorporate provisions for fee waivers or reductions.

The rule change would introduce a nominal fee for printed rulemaking notices, charging $0.12 per side for printed copies and including the cost of postage. Due to the varying number of notices sent each biennium and the uncertainty regarding how many individuals would transition from printed to electronic copies, it is difficult to determine the precise fiscal impact of this rule change. Consequently, the proposed changes are expected to have an indeterminate fiscal impact on the Department of Corrections (DOC), Adult in Custody (AIC) services, other state agencies, local governments, and the general 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).

None.

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

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has determined that use of an advisory committee would have not provided any substantive assistance in drafting these rule revisions because the changes are minor or of a technical nature.

RULES PROPOSED:
291-001-0020, 291-001-0023, 291-001-0080

AMEND: 291-001-0020

RULE SUMMARY: Amends rule to clearly distinguish postal mail from other options; add clarifying statutory reference; add Corrections Ombudsman and Nine Tribes to mailing list; and delete (2) as redundant and covered in (1).

CHANGES TO RULE:

291-001-0020
Notice of Proposed Rule ¶

~~(1)~~ Prior to the adoption, amendment, or repeal of any permanent rule, the Department of Corrections shall give notice of the proposed adoption, amendment, or repeal:¶
(~~a~~1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;¶
(~~b~~2) By electronic~~al~~ mail ~~(or~~, or postal mail when requested under ORS 183.335(15)~~)~~, to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule;¶
(~~c~~3) By electronic mail, or ~~mail~~postal mail when requested under ORS 183.335(8), to persons on the department's mailing list established under ORS 183.335 (8) at least 28 days before the effective date of the rule; and¶
(~~d~~4) By electronic mail or postal mail to the following at least 28 days before the effective date of the rule:¶
(~~A~~a) Capitol Press Room;¶
(~~B~~b) Associated Press (AP);¶
(~~C~~c) American Federation of State-County and Municipal Employees (AFSCME);¶
(~~D~~d) Oregon Public Employees Union (OPEU);¶
(~~E~~e) American Civil Liberties Union (ACLU);¶
(~~F~~f) Office of Public Defense Services;¶
(~~G~~g) Oregon State Bar Association;¶
(~~H~~h) Crime Victims United;¶
(~~I~~i) ~~Department of Corrections - Institution Functional Unit Managers or designee; and~~Corrections Ombudsman;¶
(j) Nine Federally Recognized Tribes of Oregon; ¶
(~~J~~k) Department of Corrections - Institution ~~Library Coordinators or designee.¶~~
~~(2) Notices pursuant to subsection (1) of this section shall be provided via electronic transmission, such as e-mail or other electronic technology. Notice via non-electronic means to persons or entities described in subsection (1)(c) or (1)(d) will be available upon request.¶~~
~~(3) Any individual, organization, or agency may request to be included in the department's mailing list by sending a written request to the Department of Corrections, Rules Coordinator, 3601 State Street, Salem, OR 97301~~Functional Unit Managers or designee; and¶
(l) Department of Corrections - Institution Library Coordinators or designee.
Statutory/Other Authority: ORS 183.335, ~~ORS~~ 183.341
Statutes/Other Implemented: ORS 183.335, 183.341

ADOPT: 291-001-0023

RULE SUMMARY: Adopts rule to establish new avenue for submitting requests to receive rulemaking notices through the website; update postal mailing address; and
add language on fees for copies of notices of proposed rulemaking, temporary rules, or permanent rules.

CHANGES TO RULE:

291-001-0023
Requests to Receive Rulemaking Notices
(1) Any person may request to be included in the department's electronic mailing list to receive notices of proposed rulemaking by sending a written request through the department's website at https://www.oregon.gov/doc/rules-and-policies/Pages/Sign-Up-for-Rulemaking-Updates.aspx. ¶
(2) Any person may request to be included in the department's postal mailing list to receive notices of proposed rulemaking by sending a written request to the Department of Corrections Rules Coordinator via postal mail at 3723 Fairview Industrial Drive SE, Suite 200, Salem, Oregon 97302 or by sending a written request through the department's website at https://www.oregon.gov/doc/rules-and-policies/Pages/Sign-Up-for-Rulemaking-Updates.aspx. Persons requesting paper copies of the department's notices of proposed rulemaking shall be required to pay fees before materials are mailed. The cost of duplication of rulemaking notices will be assessed as set forth in OAR 291-001-0080.
Statutory/Other Authority: ORS 183.335, 183.341
Statutes/Other Implemented: ORS 183.335, 183.341

AMEND: 291-001-0080

RULE SUMMARY: Amends rule to add notices of proposed rulemaking to this rule; reorganize and clarify these rules; add avenue for submitting requests for copies of rulemaking notices through the department's website; align with statutory language; change the postal mailing address; add the fee schedule for printing and mailing services; and update process for AICs to request printed copies to align with current process.

CHANGES TO RULE:

291-001-0080
~~Copies of Department Permanent and Temporary Rules, and Fees~~Requests for Copies and Fees for Copy Service ¶

(1) ~~Individuals or organizations~~A person may request~~ing paper~~ copies of the department's ~~permanent or temporary rules, shall be required to prepay fees in accordance~~notices of proposed rulemaking, temporary rules, or permanent rules by sending a written request to the Department of Corrections Rules Coordinator via postal mail at 3723 Fairview Industrial Drive SE, Suite 200, Salem, Oregon 97302 or by submitting a written request through the department's ~~rules on Release of Public Records, OAR 291-037. Requests for copies of the department's~~website at https://www.oregon.gov/doc/rules-and-policies/Pages/Request-Paper-Copies.aspx. Persons requesting paper copies of the department's notices of proposed rulemaking, temporary rules, or permanent~~ly adopted rules must be in writing and directed to the Rules Coordinator, Oregon Department of Corrections, 3723 Fairview Industrial Dr SE #200, Salem, Oregon 97302~~ rules shall be required to pay fees before materials are mailed. The cost of duplication will be assessed as follows:¶
(a) Each side $.12; and¶
(b) Postage at current postal rates.¶
(2) The department's notices of ~~intend~~proposed rulemaking~~ and permanent and temporary rules will be available for review by adults in custody in manuals located in facility law libraries.~~, temporary rules, and permanent rules are available for review on the department's website at https://www.oregon.gov/doc/rules-and-policies/Pages/rules.aspx.¶
(3) Adults in custody may ~~obtain~~request paper copies of the department's notices of ~~intend~~proposed rulemaking~~ and permanent or temporary~~, temporary rules, or permanent rules in facility law libraries. ~~Adults in custody will use their copy cards to obtain such copies.¶~~
~~(4) Adults in custody may obtain copies of the department's permanent or temporary rules by submitting a written request to the department's Rules Coordinator, together w~~To obtain paper copies of the department's notices of proposed rulemaking, temporary rules, or permanent rules, adults in custody must submit~~h~~ a completed ~~W~~withdrawal ~~R~~request form~~.~~ (CD 28). ¶
(4) Adults in custody ~~will be required to pay a fee, in accordance with the department's rules on Release of Public Records, OAR 291-037, and must have sufficient funds in their department trust account to cover the fee~~may request to review notices of proposed rulemaking, temporary rules, or permanent rules by submitting a law library request form.
Statutory/Other Authority: ORS 183.335, 183.341
Statutes/Other Implemented: ORS 183.335, 183.341