



**DEPARTMENT OF JUSTICE**  
ADMINISTRATIVE SERVICES DIVISION

January 28, 2020

**TO:** Legislative Assembly

**FROM:** Department of Justice

**RE:** HB 4106 – Report on Rulemaking (CY2019)

House Bill 4106 asks state agencies to report annually on their rulemaking actions, both permanent and temporary. For paper copies of this report, contact Marc Williams at [marc.d.williams@doj.state.or.us](mailto:marc.d.williams@doj.state.or.us).

In 2019, DOJ processed 56 permanent rulemaking actions that adopted, amended and repealed rules. Table 1 below gives additional detail on what was accomplished in those rulemaking efforts.

DOJ also processed three temporary rulemakings that amended six rules. Table 2 below gives the details on what was accomplished and the reasoning behind proceeding with the temporary rule process in those cases.

**Table 1: Permanent Rules Adopted, Amended or Repealed in 2019**

Description of Rulemaking	Action taken	Rule numbers
Amended rules to include legislative changes and statutory requirements.	Amended	137-007-0230, 137-047-0500, 137-048-0120, 137-048-0130, 137-048-0200, 137-048-0210, 137-048-0220, 137-048-0240, 137-048-0270, 137-049-0140, 137-049-0200, 137-049-0330, 137-049-0390, 137-049-0820, 137-050-0735, 137-050-0745, 137-050-0760, 137-055-1080, 137-055-1600, 137-055-2165, 137-055-3420, 137-055-3430, 137-055-6022, 137-055-6024, 137-055-6240, 137-060-0100, 137-060-0110, 137-060-0120, 137-060-0130, 137-060-0140, 137-060-0150, 137-060-0160, 137-060-0200, 137-060-0210, 137-060-0220, 137-060-0230, 137-060-0240, 137-060-0250, 137-060-0300, 137-060-0310, 137-060-0320, 137-060-0330, 137-060-0340, 137-060-0350, 137-060-0360, 137-060-0400, 137-060-0410, 137-060-0420, 137-060-0430, 137-060-0440, 137-060-0450, 137-084-0001, 137-084-0010, 137-084-0020, 137-084-0030

Description of Rulemaking	Action taken	Rule numbers
Child support rule clarifications and process updates.	Repealed	137-055-4360

**Table 2: Temporary Rule Amendments in 2019**

<b>Description</b>	DOJ 3-2019
Action taken	Amend EFFECTIVE DATE: 04/01/2019 THROUGH 09/27/2019
Rule number	137-055-3485
Need Statement	Amendments to this rule are needed to ensure that medical coverage can continue to be ordered for a child who qualifies for support as a child attending school.
Justification	Failure to immediately amend OAR 137-055-3485 could result in the loss of health care coverage for a child attending school. The amendments are needed immediately because the existing rule only allows medical support to be ordered from a parent who has been ordered to pay cash child support or cash medical support for the child. A parent who has previously provided health care coverage, but has never paid cash support, cannot be ordered to continue to provide health care coverage under the existing rule language. Failure to act may result in serious prejudice to the public interest or the interest of the parties. The added flexibility to the rule allows medical support to continue to be ordered, ensuring that there will be no break in coverage for the child.
<b>Description</b>	DOJ 8-2019 – Suspensions and modifications of support obligations
Action taken	Amend EFFECTIVE DATE: 08/01/2019 THROUGH 01/27/2020
Rule number	137-055-3300; 137-055-3410; 137-055-3460; 137-055-3480
Need Statement	Immediate amendment to OAR 137-055-3300 is necessary to ensure that an incarcerated obligor receives the full benefit ORS 25.247 regardless of when the Program initiates the suspension of support. Amendments to OAR 137-055-3410 and 137-055-3480 are needed to ensure that the Office of Administrative Hearings is able to take the most appropriate action for a case based on the circumstances presented at the time of the hearing. Amendment to OAR 137-055-3460 is needed to be able to address the accrual of current support to a person who no longer has physical custody of the child and cannot be located.
Justification	Failure to immediately amend these rules could result in delays in modifying orders appropriately, or a party receiving less credit than they are entitled to. The amendments are needed immediately to avoid any delay in processing the correct legal action, and to ensure the Program is able to suspend current support in a timely manner when appropriate. Failure to act may result in serious prejudice to the public interest or the interest of the parties. The amendments to the rules ensure that the Program is able to suspend accrual of current support in certain circumstances, ensuring that the parent who pays support receives all the credit they are entitled to. The amendments also provide authorization to the Office of Administrative Hearings to be able to issue the most appropriate action without delay.
<b>Description</b>	DOJ 17-2019 – Accounting and enforcement for multiple child support judgments
Action taken	Amend EFFECTIVE DATE: 12/27/2019 THROUGH 06/23/2020
Rule number	137-055-3660
Need Statement	Immediate amendment to OAR 137-055-3660 is necessary to ensure that arrears are being enforced appropriately by the child support automated system when there are multiple orders for the same parties. The new rule provision authorizes the Program to transfer the debt from the superseded order to the controlling judgment for accounting and administrative purposes.
Justification	Failure to immediately amend this rule could result in either under-collecting or over-collecting from the obligated parent. Failure to act may result in serious prejudice to the public interest or the interest of the parties. By consolidating the debt, the Program can issue a single income withholding for both judgments. The nature and extent of the superseded judgment is not affected or extended by this amendment.