



Checklist for Permanent Rulemaking

This information comes from the DOJ AG's Administrative Law Manual and Uniform and Model Rules of Procedure under the Administrative Procedures Act book. The Administrative Procedures Act can be found in Oregon Revised Statute chapter [183](#).

- Draft proposed new or amended rules or identify rules for repeal.
- Appoint rulemaking advisory committee, Small Business Rules Advisory Committee (for new rules), or use other means to obtain public input, as appropriate.
- Prepare Notice of Proposed Rulemaking Including Statement of Need and Fiscal Impact, using Oregon Administrative Rules Database (OARD).
- Monitor OARD dashboard and make any necessary corrections on returned filings.
- Give notice:
 - To specified legislators at least 49 days before the rule is effective;
 - To the agency mailing list at least 28 days before rule is effective;
 - In Secretary of State's Bulletin at least 21 days before rule is effective; and
 - In accordance with the agency's notice rule.
- Hold rulemaking public hearing, if scheduled or requested.
- Maintain the rulemaking record, including agency response to any comments on achieving rule's substantive goals while reducing the negative economic impact on small business, and agency response to any request for statement of objective.
- Fully consider all written and oral comments, revising as needed including reducing significant adverse economic impact on small businesses, consistent with public health and safety.
- Finalize rule language and submit permanent rule filing to the Archives Division using OARD.
- Monitor OARD dashboard and make any corrections needed on returned filings.
- Provide a Rule Report to Legislature no later than February 1 each year including number of rules adopted, amended, or repealed through the permanent rulemaking process and any temporary rules filed and effective during previous 12-month period.
- Review newly adopted rules no later than five years after adoption to determine whether (1) rule should be repealed or amended; (2) fiscal impact statement was accurate; (3) rule had intended effect; and (4) rule impacted small business. Submit report to advisory committee (if any), Secretary of State, and Small Business Rules Advisory Committee (if Committee did not complete the review). See report guide on the SOS Archives [resource page](#).