



Permanent Rulemaking Overview

Overview is compiled from the requirements set forth in the Attorney General's Administrative Law Manual.

The Administrative Rules Unit of the Secretary of State Archives Division accepts and reviews administrative rule filings and publishes the administrative rules through the Oregon Administrative Rules Database (OARD).

The Attorney General's Office has the authority to interpret administrative rules and give legal advice concerning administrative rules.

The Department of Justice is part of the Attorney General's Office and has attorneys assigned to each agency to provide legal advice, make recommendations, and provide training regarding rulemaking.

Legislative Counsel reviews administrative rules with regard to constitutionality and scope and intent of enabling legislation.

Rulemaking Steps:

Appoint an advisory committee per ORS 183.335 and get public input on the content of the proposed rules or rule modifications. This may or may not be required.

Notify the public of proposed rulemaking actions in the following ways.

Publish a Notice of Proposed Rulemaking in the Oregon Bulletin. A notice of proposed rulemaking includes a statement of need and fiscal impact and must be published in the Oregon Bulletin *at least 14 days prior to the hearing date* (if scheduling a hearing) and *21 days prior to the effective date* of the rule. The Oregon Bulletin is published on the first business day of each month. ORS 183.335(1)

Housing Cost Impact Statement requires agencies

listed in ORS 183.530 to include a housing cost impact statement as described in ORS 183.534.

Notify individuals, organizations and agencies listed on the agency rulemaking mailing list. Notices must be mailed *at least 28 days before the effective date* of the rule. Also provide draft text or text access information. Notify the public in accordance with the agency notice rule. ORS 183.335(1)

Email a copy of the Notice to legislators as required by ORS 183.335(15). Notices must be mailed *at least 49 days before the effective date* of the rule.

Conduct a hearing, if scheduled or requested, complying with OAR 137-001-0030 and the "Attorney General's Public Records and Meetings Manual."

Complete and file a permanent administrative rule filing using OARD:

<https://sos.oregon.gov/archives/Pages/oard-filing-resources.aspx> The printable filing receipt, stamped with the date filed with the Secretary of State's Office, is in the filings final queue of the OARD Dashboard.

****Make sure to return to the OARD to see if your filing has been returned for corrections or accepted and "Published." Corrections not made before publishing day may result in voided filings.**

The filing deadline is the last calendar day of each month at 11:59 p.m.

Accepted filings will be populated to **Legislative Counsel's OARD dashboard** by the system per the fulfilling requirements of ORS 183.715(1).

Note: File through the online system available at: https://sos.oregon.gov/archives/Pages/oregon_administrative_rules.aspx

Go to the Administrative Rules Unit's website at: <https://sos.oregon.gov/archives/Pages/oard-filing-resources.aspx> for rulemaking worksheets, OARD and the Oregon Bulletin.

For further inquiries about rule filings or OAR publications, contact the Administrative Rules Unit, Secretary of State, Archives Division, 800 Summer Street NE, Salem, Oregon 97310, adminrules.archives@sos.oregon.gov, or (503) 373-0701 opt. 2.