

Rulemaking Process

Rulemaking Steps:

Appoint an advisory committee 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.

Include a housing cost impact statement.

Notify individuals, organizations and agencies listed at least 28 days before the effective date of the rule. Also provide draft text or text access information.

Email a copy of the Notice to legislators at least 49 days before the effective date of the rule.

Conduct a hearing, if scheduled or requested.

Complete and file a permanent administrative rule by the last calendar day of each month at 11:59 p.m.

Accepted filings will be provided to Legislative Counsel.

Permanent Rule Adoption

Consider public input early in the process.

Advisory committees: An agency may choose to appoint an advisory committee that will represent the interest of persons likely to be affected by the rule.

If the agency appoints, or is required to appoint, an advisory committee, it must seek the committee's recommendations on the fiscal impact of the potential rule.

If the agency does not use an advisory committee, the agency must include in the Notice of Proposed Rulemaking an explanation of the reasons why it chose not to do so.

Rulemaking Notice

The notice of proposed rulemaking must include all of the following items:

The subject matter of the rulemaking, a statement of the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected.

Date, time and place of hearing if one is scheduled.

A copy of the proposed rule or explanation how a person may get a copy of the rule.

Statement of need for the rule and statement of how the rule is intended to meet the need

Fiscal impact statement for all agencies, including a housing cost impact statement for certain agencies, and any significant economic effect on business, especially small businesses.

At least 49 days before the effective date of the proposed rule, the agency must send the notice of proposed rulemaking to certain legislators.

At least 28 days before the effective date of the proposed rule, the agency must give notice of its intended rulemaking action to persons on its mailing list.

Public comment or hearing.

Hold a hearing for oral testimony on the agency's own initiative, or if 10 or more persons timely request one, or if a group representing 10 or more persons timely requests one.

Give 21 days notice of hearing

Publish notice of hearing in the Secretary of State's bulletin at least 14 days before the hearing.

If an "interested person" submits a timely request for additional time to submit written data, views or arguments on the proposed rule, postpone the date of intended rule adoption by at least 21 days, but no more than 90 days.

If a person does not file a timely request, the agency may extend the deadline for comments, but if it does so for one person it must extend the deadline for all. An agency cannot consider comments submitted by another agency after the deadline has passed.

Make a record of public comment and agency response.

Create and maintain a record of the public comments received, including all written materials submitted and a recording or summary of oral testimony presented at hearings. Agencies must "consider fully" all written or oral submissions in deciding on the final version of a rule. The agency must respond to comments submitted as to whether other options should be considered for achieving the rule's substantive policy goals while reducing the negative economic impact on business.

Adopt the rule.

The rule is effective upon filing with the Secretary of State unless a later effective date is required by statute or is specified in the rule.

Emergency Rulemaking(Temporary Rules)

An agency may adopt, amend or suspend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares a:

statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;

statement of the need for the rule and a statement of how the rule is intended to meet the need;

a housing cost impact statement ;

A rule adopted, amended or suspended is temporary and may be effective for a period of not longer than 180 days. A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed.

Oregon Register

Oregon Administrative Procedure Act