

## *Permanent Rulemaking Overview*

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

- **The Administrative Rules Unit** files and publishes the Administrative Rules.
- **The Attorney General's office** has the authority to interpret Administrative Rules and give legal advice concerning Administrative Rules.
- **Legislative Counsel** reviews Administrative Rules with regard to constitutionality and scope and intent of enabling legislation.

### **Rulemaking Steps:**

**Appoint an advisory committee** and obtain public input on the content of the proposed rules or rule modifications.

**Notify the public** of proposed rulemaking actions in the following ways:

- Publish a Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing in the *Oregon Bulletin*. A Notice of Proposed Rulemaking Hearing form is accompanied by a Statement of Need and Fiscal Impact form and must be published in the *Oregon Bulletin* at least 14 days prior to the hearing date and 21 days prior to the effective date of the rule. A Notice of Proposed Rulemaking form is also accompanied by a Statement of Need and Fiscal Impact form and must be published in the *Oregon Bulletin* at least 21 days prior to the effective date of the rule. The *Oregon Bulletin* is distributed on the 1st of each month. Notice forms must be submitted to the Administrative Rules Unit, Archives Division, Secretary of State by 5:00 p.m. on the 15th day of the preceding month. When this deadline falls on a Saturday, Sunday or legal holiday, Notice forms are accepted until 5:00 p.m. on the preceding workday. Agencies listed in ORS 183.530 must also 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 public in accordance with agency notice rule.

- Mail a copy of the Notice to legislators as provided 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, which complies with OAR 137-001-0030 and the "Attorney General's Public Records and Meetings Manual."

**Complete and file** a permanent administrative rule filing with the Administrative Rules Unit, Archives division, Secretary of State containing the following components:

- Two paper copies of the Certificate and Order for Filing Permanent Administrative Rules with the Secretary of State (one signed original and one photocopy of the signed original).

- A paper copy of the adopted or amended rule text including statutory authority and statutes implemented. Text should include only rules listed on the Permanent form. Rule text need not be submitted for repealed rules.

- A computer disk containing the rule text in both word processing and plain text formats. Text should include only rules listed on Permanent form. Rule text need not be submitted for repealed rules.

**File a paper copy** of the Certificate and Order for Filing Permanent Administrative Rules and the rule text with Legislative Counsel within 10 days of filing with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies must strike through deleted rule text and underline new text (or use any method clearly showing changes) on paper copies submitted to Legislative Counsel.

**Note:** Forms for filing Notice, Statement of Need, and Permanent rules are available on-line at <http://arcweb.sos.state.or.us> along with the "Oregon Administrative Rules Compilation" and the "Oregon Bulletin." Forms are also available in printed versions by contacting the Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. (503) 373-0701 ext. 2.

## *Temporary Rulemaking Overview*

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

- **The Administrative Rules Unit** files and publishes the Administrative Rules.

- **The Attorney General's office** has the authority to interpret Administrative Rules and give legal advice concerning Administrative Rules.

- **Legislative Counsel** reviews Administrative Rules with regard to constitutionality and scope and intent of enabling legislation.

### **Rulemaking Steps:**

**ORS 183.355(2)(b)** requires that an agency "take appropriate measures to make the temporary rules known to persons who may be affected by them." This includes interested parties, organizations and agencies on the agency's interested party mailing list, as well as and others who may be affected.

**Complete and file** a temporary administrative rule filing with the Administrative Rules Unit, Archives division, Secretary of State containing the following components:

- Two paper copies of the Certificate and Order for Filing Temporary Administrative Rules (one signed original and one photocopy of the signed original).

- Two paper copies of the Statement of Need and Justification (one signed original and one photocopy of the signed original). Agencies listed in ORS 183.530 must also include a housing cost impact statement as described in ORS 183.534.

- A paper copy of the adopted or amended rule text including statutory authority and statutes implemented. Text should include only rules listed on the Temporary form. Rule text need not be submitted for repealed rules.

- A computer disk containing the adopted or amended rule text in both word processing and plain text formats. Text should include only rules listed on Temporary form. Rule text need not be submitted for repealed rules.

**File a paper copy** of the Certificate and Order for Filing Administrative Rules and the rule text with Legislative Counsel within 10 days of filing with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies must strike through deleted rule text and underline new text (or use any method clearly showing changes) on paper copies submitted to Legislative Counsel.

**Note:** Forms for filing Temporary administrative rules and Statements of Need and Justification are available on-line at <http://arcweb.sos.state.or.us> along with the "Oregon Administrative Rules Compilation" and the "Oregon Bulletin." Forms are also available in printed versions by contacting the Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. (503) 373-0701 ext. 2.