



Checklist for Temporary 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. ORS [183.335](#)(5).

- ☐ Draft the temporary rule.
- ☐ Consider whether it is appropriate to appoint a rulemaking advisory committee or use other means to get public input.
- ☐ Prepare the Statement of Need and Justification, including:
 - a. Statement of findings that prompt action needed to avoid serious prejudice with specific reasons (justification);
 - b. Citation to statutory authority and statute(s) implemented;
 - c. Statement of need and how rule is intended to meet need;
 - d. Documents relied upon and their locations;
 - e. Housing cost impact statement (certain agencies only).
- ☐ Consider whether it is practicable to provide abbreviated notice and to hold hearing.
- ☐ Adopt, amend, or suspend rule, after considering fully all written or oral submissions, if any.
- ☐ Submit temporary rule filing to Archives Division using Oregon Administrative Rules Database (OARD).
- ☐ Monitor OARD dashboard and make any necessary corrections on returned filings.
- ☐ Notify affected persons.
- ☐ Review rule and determine whether permanent adoption, amendment, or repeal is necessary before temporary rule expires (at most, 180 days from effective date).
- ☐ Provide Rule Report to Legislature no later than February 1 each year regarding all rules adopted, amended, or suspended during previous 12-month period including: number of rules, list of rules, statement of need for each rule and agency's findings that failure to act promptly would result in serious prejudice to interest of public or parties concerned, and explanation why temporary rulemaking process appropriate and permanent rulemaking process not appropriate for each rule. Please see our guide on reports for more details.