



TINA KOTEK
GOVERNOR

February 19, 2025

Dear Agency Leaders,

Providing exceptional service to Oregonians has been a top priority since I took office. Improving how state agencies interact with and serve Oregonians increases transparency and accountability. One of the core processes that supports our work is rulemaking. I believe we need more consistency across the enterprise in all our rulemaking efforts. Therefore:

Effective May 1, 2025, I expect all Executive Branch agencies to update rulemaking protocols to reflect the following:

- **All proposed, temporary, and permanent rules must appear publicly on agency websites.**
 - Agencies that currently have multiple rulemaking webpages must consolidate those pages into one central location that is one click away from their homepage. All high-level, essential information is to be on this central page. Links to subpages with detailed rulemaking information are permissible.
 - All rulemaking documents must appear on that central page or subpage and must include rulemaking notices that contain:
 - A statement of potential fiscal impact of the proposed rule;
 - Summaries of the proposed rule;
 - Any agency FAQ documents pertaining to the rulemaking; and
 - Any minutes or recordings from rulemaking advisory committee meetings.
- **Each agency shall publish public comments on their website during the rulemaking process.**
 - Comments that are required to be posted include:
 - Comments made in writing during public comment periods;
 - Comments made in writing during rulemaking advisory committee meetings; and
 - Comments made in writing during community engagement activities.
 - After an agency adopts or amends a rule through a rulemaking process, it must post on the rulemaking website a description of changes made to the original rule as a result of public comment.

- **Agencies shall have a public rulemaking planning calendar** that is posted on their rulemaking webpage by January 31 of each year that details their annual rulemaking plan. The expectation is that this calendar will be updated as plans change during the year. This year's plan should be posted by May 1.
- **Agencies shall include the impact of rulemaking on the agency's workload** when asked about the impact of new legislation, beginning with the 2026 legislative session. Agencies can include that information anytime they are testifying or providing information about a bill.
- **Agency rulemaking webpages shall link to the Secretary of State Administrative Rules Database** (<https://secure.sos.state.or.us/oard/processLogin.action>) **and the Oregon Transparency administrative rules webpage** (<https://www.oregon.gov/transparency/Pages/administrative-rules.aspx>.) While this information may be redundant, this will create multiple paths to statewide information for customers searching for agency-specific or more general Oregon state government information.
- **All agencies shall continue current practices for posting to the transparency website and following the Secretary of State processes for rulemaking.** Requirements included in this letter are in addition to and not in lieu of any current practice or requirements. Failure to follow the process expectations detailed in this letter will not affect the validity of any agency rulemaking and will not provide an additional legal basis to challenge an agency rulemaking.

The Department of Administrative Services (DAS) will provide the following resources to your rulemaking coordinators:

1. A Q&A session in early March with enterprise rulemaking experts;
2. Examples of webpages and templates that comply with these expectations; and
3. A landing spot on the DAS homepage to provide a central place for links to all agency rulemaking pages.

Please send any questions and the name of the person from your agency that you would like to participate in the March FAQ session to Janet.Chambers@das.oregon.gov.

Thank you for your ongoing efforts to meet the needs of Oregonians through transparent customer service.

Sincerely,



Governor Kotek