

# OREGON BULLETIN

Supplements the 2009 *Oregon Administrative Rules Compilation*

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**KATE BROWN**  
Secretary of State  
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# INFORMATION AND PUBLICATION SCHEDULE

## General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the *Oregon Administrative Rules Compilation* and the *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual publication containing the complete text of the Oregon Administrative Rules at the time of publication. The *Oregon Bulletin* is a monthly publication which updates rule text found in the annual compilation and provides notice of intended rule action, Executive Orders of the Governor, Opinions of the Attorney General, and orders issued by the Director of the Department of Revenue.

## Background on Oregon Administrative Rules

ORS 183.310(9) defines “rule” as “any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency.” Agencies may adopt, amend, repeal or renumber rules, permanently or temporarily (up to 180 days), using the procedures outlined in the *Oregon Attorney General’s Administrative Law Manual*. The Administrative Rules Unit assists agencies with the notification, filing and publication requirements of the administrative rulemaking process. Every administrative rule uses the same numbering sequence of a 3 digit agency chapter number followed by a 3 digit division number and ending with a 4 digit rule number. (000-000-0000)

## How to Cite

Citation of the Oregon Administrative Rules is made by chapter and rule number. Example: Oregon Administrative Rules, chapter 164, rule 164-001-0005 (short form: OAR 164-001-0005).

## Understanding an Administrative Rule’s “History”

State agencies operate in a dynamic environment of ever-changing laws, public concerns and legislative mandates which necessitate ongoing rulemaking. To track changes to individual rules and organize the rule filing forms for permanent retention, the Administrative Rules Unit has developed for each rule a “history” which is located at the end of the rule text. An administrative rule “history” outlines the statutory authority, statutes implemented and dates of each authorized modification to the rule text. Changes are listed in chronological order and identify in abbreviated form the agency, filing number, year, filing date and effective date. For example: “OSA 4-1993, f. & cert. ef. 11-10-93” documents a rule change made by the Oregon State Archives (OSA). The history notes this was the 4th filing from the Archives in 1993, it was filed on November 10, 1993 and the rule changes became effective on the same date. The most recent change to each rule is listed at the end of the “history.”

## Locating the Most Recent Version of an Administrative Rule

The online OAR Compilation is updated on the first of each month to include all rule actions filed with the Secretary of State’s office by the 15th of the previous month, or by the previous workday if the 15th is on a weekend or holiday. The annual printed *Oregon Administrative Rules Compilation* contains the full text of all permanent rules filed through November 15 of the previous year. Subsequent changes to individual rules are listed in the OAR Revision Cumulative Index which is published monthly in the *Oregon Bulletin*. Changes to individual administrative rules are listed in the OAR Revision Cumulative Index by OAR number and include the effective date, the specific rulemaking action and the issue of the *Oregon Bulletin* which contains the full text of the amended rule. The *Oregon Bulletin* publishes the full text of permanent and temporary administrative rules submitted for publication.

## Locating Administrative Rules Unit Publications

The *Oregon Administrative Rules Compilation* and the *Oregon Bulletin* are available in electronic and printed formats. Electronic versions are available through the Oregon State Archives Web site at <http://arcweb.sos.state.or.us>. Printed copies of these publications are deposited in Oregon’s Public Documents Depository Libraries listed in OAR 543-070-0000 and may be ordered by contacting: Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, OR 97310, (503) 373-0701, [Julie.A.Yamaka@state.or.us](mailto:Julie.A.Yamaka@state.or.us)

## 2008–2009 Oregon Bulletin Publication Schedule

The Administrative Rules Unit accepts rulemaking notices and filings Monday through Friday 8:00 a.m. to 5:00 p.m. at the Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310. To expedite the rulemaking process agencies are encouraged file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and submit their filings early in the submission period to meet the following publication deadlines.

## Submission Deadline — Publishing Date

December 15, 2008	January 1, 2009
January 15, 2009	February 1, 2009
February 13, 2009	March 1, 2009
March 13, 2009	April 1, 2009
April 15, 2009	May 1, 2009
May 15, 2009	June 1, 2009
June 15, 2009	July 1, 2009
July 15, 2009	August 1, 2009
August 14, 2009	September 1, 2009
September 15, 2009	October 1, 2009
October 15, 2009	November 1, 2009
November 13, 2009	December 1, 2009

## Reminder for Agency Rules Coordinators

Each agency that engages in rulemaking must appoint a rules coordinator and file an “Appointment of Agency Rules Coordinator” form, ARC 910-2003, with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies which delegate rulemaking authority to an officer or employee within the agency must also file a “Delegation of Rulemaking Authority” form, ARC 915-2005. It is the agency’s responsibility to monitor the rulemaking authority of selected employees and to keep the appropriate forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process. Forms are available from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701, or are downloadable at <http://arcweb.sos.state.or.us/banners/rules.htm>

## Publication Authority

The *Oregon Bulletin* is published pursuant to ORS 183.360(3). Copies of the original Administrative Orders may be obtained from the Archives Division, 800 Summer Street, Salem, Oregon, 97310; (503) 373-0701. The Archives Division charges for such copies.

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# EXECUTIVE ORDERS

## EXECUTIVE ORDER NO. 09-12

### INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE MICROWAVE FIRE IN HOOD RIVER AND WASCO COUNTIES

Pursuant to my authority as Governor of the State of Oregon, I find that:

A fire known as the “Microwave” fire is burning in Hood River and Wasco Counties.

The resources necessary for protecting life and property from the Microwave Fire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the Wasco County Fire Defense Chief. The State Fire Marshal concurs with that request.

In accordance with ORS 476.510-476-610, I have determined that a threat to life, safety, and property exists due to fire known as the Microwave Fire in Hood River and Wasco Counties and the threat exceeds the firefighting capabilities of local firefighting personnel and equipment. Accordingly, I have invoked the Emergency Conflagration Act.

These findings were made at 1:10 p.m. on August 28, 2009 and I now confirm them with this Executive Order.

### NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire.
2. This emergency is declared only for the Microwave Fire in Hood River and Wasco Counties.
3. This order was made by verbal proclamation at 1:10 p.m. the 28th day of August, 2009.

Done at Salem, Oregon this 28th day of August, 2009.

/s/ Theodore R. Kulongoski  
Theodore R. Kulongoski  
GOVERNOR

ATTEST

/s/ Kate Brown  
Kate Brown  
SECRETARY OF STATE

## EXECUTIVE ORDER NO. 09-13

### GOVERNOR’S RESET CABINET

The current economic crisis has exposed vulnerabilities in the State’s ability to provide the services that Oregonians rely upon every day, from education to human services and public safety. These services are essential to building a strong economy, sustaining healthy communities, and providing safe cities and neighborhoods. Now, faced with an uncertain economic future, our ability to preserve and improve these core functions of government has been severely constrained by decades-old policies and declining resources at the state and federal level.

Under the current structure of state government, in large part because of laws and constitutional amendments approved by the voters in a stronger economy, Oregon cannot sustain the level of services nec-

essary to ensure the education, health, and safety of our citizens. Limitations on collecting local revenues, the escalating burden of federally-mandated responsibilities for human services, and rigid State mandates affecting the sentencing and incarceration of prisoners allow little flexibility to the Governor and the Legislature when developing the State’s budget. Furthermore, State and local governments face declining resources from the federal government as one-time stimulus funds are exhausted and financial support for timber-dependent counties declines. The effects of these policies will continue to hamper the State’s ability to support K–12 education, community colleges, and universities and to protect our most vulnerable citizens.

Over the last six years, we have taken important steps such as reforming the Public Employees Retirement System and establishing a Rainy Day Fund, to establish greater stability for the State and local governments. However, it is time to review Oregon’s delivery of education, human services, and public safety and to restructure State government so that we can provide quality services in a sustainable way. We must reverse the practice of making deep cuts to vital services in each recession, which will hinder our ability to accelerate economic recovery and secure the benefits of economic growth.

In light of the current recession and the prospects of a slow-growth recovery, now is an optimal time to undertake a comprehensive review of State government functions, how we deliver those functions and whether we can make policy changes that create greater stability for, and improve the results we achieve from, our investments in education, human services, and public safety.

To that end, I am creating a cabinet to advise me on options for restructuring State government in order to preserve and improve critical services for Oregonians in the context of limited State revenues, restrictive State mandates and both increasing responsibilities and diminishing resources from the federal government. These options shall address:

- The prioritization of core functions, including the consolidation and elimination of boards and commissions; and
- Improving outcomes, controlling costs, and maximizing efficiencies by consolidating service delivery and providing greater flexibility, where needed.

### NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Governor’s Reset Cabinet (Cabinet) is hereby established to reexamine and prioritize the core functions of State government in Oregon, to advise the Governor on opportunities to create efficiencies, improve outcomes and stabilize existing revenue streams and to provide the basis for a report from the Governor to the citizens of Oregon on options for resetting the priorities and functions of government to better serve the interests and needs of Oregonians.
2. The Cabinet shall consist of seven members, selected by the Governor. The Cabinet will include representatives from the public and private sectors who can provide expertise and innovation in the areas of education, human services, public safety and revenue restructuring. The members shall serve at the pleasure of the Governor.
3. The Cabinet shall oversee and coordinate the work of subcommittees, also selected by the Governor, focused on the policy areas of education, human services and public safety. Each subcommittee will be chaired by a member of the Cabinet.
4. Under the direction of the Cabinet, the subcommittees shall:

## EXECUTIVE ORDERS

- a. Identify and prioritize the core functions of State government in each of the areas of education, health care, and public safety;
  - b. Review and recommend the consolidation and elimination of boards and commissions;
  - c. Analyze our existing structure for providing services, revenue streams and investments in education, human services, and public safety;
  - d. Study, assess, and analyze strategies to increase efficiency, improve outcomes, and stabilize revenue streams for education, human services and public safety;
  - e. Identify opportunities to consolidate service delivery and provide greater flexibility, where needed; and
  - f. Develop a plan containing specific recommendations to the Governor to reset State government's core functions and stabilize its revenue structure.
5. The Cabinet shall provide to the Governor preliminary findings and recommendations relevant to the special session of the 2010 Legislature by February 1, 2010.
6. The Cabinet shall submit to the Governor a final written report of findings and recommendations by June 30, 2010, as the basis for a report from the Governor to the citizens of Oregon and to inform the Governor's Recommended Budget for the 2011-2013 biennium.
7. If the Cabinet requires the assistance of any other executive branch agency of the State not named in this order, then such agency shall provide that assistance to the Cabinet upon request.
8. The members of the Cabinet shall not be entitled to the reimbursement of expenses or to the per diem provided in ORS 292.495(2).
9. This Order will expire on December 31, 2010.

Done at Salem, Oregon, this 3rd day of September, 2009.

/s/ Theodore R. Kulongoski  
Theodore R. Kulongoski  
GOVERNOR

ATTEST

/s/ Kate Brown  
Kate Brown  
SECRETARY OF STATE

### EXECUTIVE ORDER NO. 09-14

#### INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE SISKIYOU FIRE IN JACKSON COUNTY

Pursuant to my authority as Governor of the State of Oregon, I find that:

A fire known as the "Siskiyou Fire" is burning in Jackson County.

The resources necessary for protecting life and property from the Siskiyou Fire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the Jackson County Fire Defense Chief. The State Fire Marshal concurs with that request.

In accordance with ORS 476.510-476-610, I have determined that a threat to life, safety, and property exists due to fire known as the Siskiyou Fire in Jackson County and the threat exceeds the fire-fighting capabilities of local firefighting personnel and equipment. Accordingly, I have invoked the Emergency Conflagration Act.

These findings were made at 12:45 p.m. on September 21, 2009 and I now confirm them with this Executive Order.

#### NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire.
2. This emergency is declared only for the Siskiyou Fire in Jackson County.
3. This order was made by verbal proclamation at 12:45 p.m. the 21st day of September, 2009.

Done at Salem, Oregon this 21st day of September, 2009.

/s/ Theodore R. Kulongoski  
Theodore R. Kulongoski  
GOVERNOR

ATTEST

/s/ Kate Brown  
Kate Brown  
SECRETARY OF STATE

## OTHER NOTICES

### NOTICE OF PROPOSED CONDITIONAL NO FURTHER ACTION AMERICAN PINE PRODUCTS PRINEVILLE, OREGON

**COMMENT DUE:** November 2, 2009

**PROJECT LOCATION:** 1948 North Main St., Prineville

**PROPOSAL:** The Oregon Department of Environmental Quality (DEQ) is proposing to issue a Conditional No Further Action determination for the American Pine Products site located at 1948 North Main Street in Prineville, based on the remedial actions performed to date. The site has been in nearly continuous use as a wood-products manufacturing facility since at least 1938.

Remedial actions performed to date to address the presence of pentachlorophenol contaminants and underlying constituents in contaminated soil and groundwater at and near the site include the recordation of institutional controls on the site and two off-site properties. In addition, long term removal of non aqueous phase liquid and groundwater monitoring will continue to be performed under an Order on Consent to ensure the contamination plume remains stable. The site will remain listed on the DEQ's Confirmed Release List and Inventory of Hazardous Substances.

Site specific information is also available by contacting Katie Robertson, DEQ's project manager for this site. The Administrative File for this facility is located at DEQ's Pendleton office, and can be reviewed in person by contacting project manager at the number below to arrange for an appointment. Several of the site documents and reports are available on the web through DEQ's Environmental Cleanup Site Information (ECSI) database located at <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 4212.

**HOW TO COMMENT:** The public comment period will extend from October 1 to 31, 2009. Please address all comments and/or inquiries to project manager at the following address:

Katie Robertson  
Department of Environmental Quality  
700 SE Emigrant, Suite 330  
Pendleton, OR 97801  
(541) 278-4620  
[robertson.katie@deq.state.or.us](mailto:robertson.katie@deq.state.or.us)

Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

**THE NEXT STEP:** DEQ will consider all public comments received before making a final decision on the proposed Conditional No Further Action determination. DEQ will provide written responses to all received public comments.

### REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DETERMINATION, UNIVERSITY OF OREGON RIVERFRONT RESEARCH PARK, EUGENE, OREGON

**COMMENTS DUE:** 5 pm, November 2nd, 2009

**PROJECT LOCATION:** 700 block of E 8th Avenue, Eugene, Oregon

**PROPOSAL:** The Oregon Department of Environmental Quality (DEQ) requests public comment on its recommendation that no further action is required for investigation and cleanup of contaminated soil and groundwater at the former manufactured gas plant (MGP) located at near the western end of the University of Oregon Riverfront Research Park.

**HIGHLIGHTS:** The site occupies the eastern edge of a former manufactured gas plant. The site is empty, vacant, and mostly gravel paved. Operation of the gas plant from 1908-1950 resulted in soil and groundwater contamination. Most of the contamination is on the property to the west of the site, which is now owned by Eugene Water and Electric Board.

Soil and groundwater at the site are contaminated with heavy-oil type contamination. In 2006, University of Oregon dug up about 30 tons of contaminated soil and disposed of it at a municipal landfill.

Levels of remaining contaminants are safe for future site workers or site visitors.

Conditions along the Willamette River, to the north of the site, are still being evaluated. It is likely that river sediments and groundwater discharging from the site to the river are safe for site visitors, fish, or other animals. However, the proposed no further action determination applies only to the upland portion of the site. The part of the site along the river will be evaluated at a future date.

**HOW TO COMMENT:** A DEQ Staff Report presenting details about the site and cleanup activities supports the decision to approve the No-Further-Action determination. The document supporting this proposal can be viewed in DEQ's Environmental Site. The staff report is available for review, electronically (<http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=1018>), by contacting the DEQ project coordinator, Geoff Brown at 541-686-7819 or at [brown.geoff@deq.state.or.us](mailto:brown.geoff@deq.state.or.us). Or the report can be viewed in person at the DEQ Eugene office by appointment at the Western Region Cleanup Division, 165 E. 7th Ave, Suite 100, Eugene, OR 97401. Comments on the proposed determination need to be received by the Eugene Office, attn: Geoff Brown, by 5 pm on November 1st, 2009. Fax or email comments are acceptable. The Fax number is 541-686-7551.

**THE NEXT STEP:** Upon completion of the comment period, the comments will be addressed. Once the comments have been adequately addressed, the DEQ may approve, modify, or deny the no-further-action determination for assessment and/or cleanup of the site.

**ACCESSIBILITY INFORMATION:** DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

People with hearing impairments may call DEQ's TTY number, 541-687-5603.

### REQUEST FOR COMMENT PROPOSED APPROVAL OF CLEANUP AT BLOCK U, PORTLAND, OREGON

**COMMENTS DUE:** October 30, 2009

**PROJECT LOCATION:** NW 6th Avenue & NW Hoyt Street, Portland, Oregon

**PROPOSAL:** The Department of Environmental Quality is proposing to issue a "Conditional No Further Action" (NFA) determination for the property known as the River District Block U located at NW 6th Avenue & NW Hoyt Street in Portland, Oregon. The DEQ has reviewed site assessment and remedial activities performed at the site by the Portland Development Commission (PDC), and has determined that no further cleanup actions will be required beyond engineering and institutional controls. The site will remain on the Confirmed Release List and the Inventory of Hazardous Substance Sites.

**HIGHLIGHTS:** The site consists of a city block located northwest of the intersection of NW 6th Avenue & NW Hoyt Street in Portland, Oregon. The site has been home to multiple structures that served various purposes including several hotels, an automotive service station, a taxi-cab garage and a coal storage building. Multiple stages of site assessment have been performed since initial investigative activities in March of 2000. Investigative findings indicated soil and groundwater were impacted by petroleum products, and that soil was further impacted with polynuclear aromatic hydrocarbons, lead and arsenic. In January and February of 2009 remedial activities were performed to reduce and control contamination at the site.

A risk based evaluation was completed following the remedial actions consistent with DEQ guidance. Arsenic and polynuclear aromatic hydrocarbons most likely associated with historic backfill materials remain in soil exceeding DEQ residential risk-based concentrations. The elevated arsenic concentrations are found at depths exceeding 5 feet from ground surface and the hydrocarbons

## OTHER NOTICES

contamination underlies the sidewalk in the northwest corner of the site. Based on the evaluation, the site is proposed for a risk-based closure and issuance of a Conditional NFA determination following the recordation of an easement and equitable servitude requiring maintenance of a cap over the site. The cap would be comprised of buildings, paved parking or 2 feet of clean soil in landscaped areas. The proposed Conditional NFA is documented in the "File Memorandum" for the site dated September 30, 2009. DEQ will consider all public comments received by the close of the comment period before issuing the NFA determination.

**HOW TO COMMENT:** The project file may be reviewed by appointment at DEQ's Northwest Regional Office at 2020 SW 4th Avenue, # 400, Portland, OR 97201-4987. To schedule an appointment to review the file or to ask questions, please contact Dawn Weinberger at (503) 229-6729. Summary information and a copy of "Proposed Remedial Action" memo are available in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 3102 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 3102 in the Site ID/Info column. To be considered, written comments must be received by 4:30 PM on September 30, 2009 and sent to Michael Greenburg, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

**THE NEXT STEP:** DEQ will consider all public comments received by the date and time stated above, before making a final decision regarding the "Conditional No Further Action" determination. A public notice of the final decision will be published in this publication.

### **A CHANCE TO COMMENT ON A PROPOSED CONDITIONAL NO FURTHER ACTION FOR THE FORMER SKYLINE PRODUCTS PROPERTY (NOW ISOVOLTA, INC.), LOCATED AT 495 TERRITORIAL ROAD, HARRISBURG, OREGON**

Oregon Department of Environmental Quality (DEQ) invites public comment on a proposed conditional no further action (CNFA) for a cleanup of soil and groundwater contamination at the former Skyline Products (now Isovolt, Inc.) property, located at 480 Territorial Road, Harrisburg, Oregon.

DEQ has completed a review of remedial action alternatives at the former Skyline site (Site). The Site is located in a mixed commercial/industrial/residential area. When Skyline operated from this location, it was used as a warehouse and as office space. Active production has been moved across Territorial Street to the north.

Contamination in soil and groundwater at the site appear to result from two primary sources: 1) gasoline and related compounds result-

ing from a past gasoline tank release, and 2) solvents and related compounds resulting from past waste management practices. It is likely that much of the contamination at the site resulted from past practices before Skyline occupied the facility.

Isovolt has completed interim remedial action measures at the Site involving removal of impacted soil, as well as in-situ chemical oxidation, followed by four quarters of groundwater quality monitoring.

Five applicable technologies were considered as remedial actions. The alternatives were: 1) no action, 2) a combination of engineering and institutional controls to prevent exposure to contamination, 3) combined soil vapor extraction and air sparging, 4) dual phase extraction of groundwater and soil vapor, and 5) in-situ chemical oxidation. These alternatives were evaluated with regard to the applicability of the technology to the subsurface conditions, the contaminant's characteristics, and the demonstrated effectiveness at other similar sites.

DEQ is recommending remedial alternative 2), which is a combination of engineering and institutional controls that will prevent exposure to contamination. The institutional controls would consist of a DEQ-approved Easement and Equitable Servitude (EES) recorded on the property deed. The EES would require the following:

1. Preparation of a site management plan for testing for groundwater quality prior to construction or excavation activities that would result in worker exposure to groundwater,
2. Preparation of a Health and Safety Plan for worker protection, and
3. Preparation of a Contaminated Media Management Plan for proper management of any impacted media generated during construction activities.
4. Periodic surveys to determine if a water well has been installed on a neighboring property affected by the contamination. If a well is installed, periodic monitoring shall be done to determine if any contaminants from the site exceed safe levels. If they do exceed safe levels, then city water will be provided or a well treatment system will be installed and maintained by the owner of the site.

5. The EES would run with the land to ensure that future owners or lessees of the property have knowledge of site conditions and the requirements of the EES. With DEQ concurrence, the EES could be removed from the property deed if additional site investigation or testing were performed that demonstrated additional controls were no longer needed.

Project documents for this site are available for public review at DEQ's Eugene office, 165 E. 7th Avenue, Suite 100, Eugene 97401. Contact the file specialist at (541) 686-7838 or 1-800-844-8467 (toll-free in Oregon) for an appointment. Please send written comments to Norman Read at the listed above address or via email at [read.norm@deq.state.or.us](mailto:read.norm@deq.state.or.us). DEQ must receive written comments by 5 p.m., October 31, 2009.

# NOTICES OF PROPOSED RULEMAKING

## Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

The following agencies provide Notice of Proposed Rulemaking to offer interested parties reasonable opportunity to submit data or views on proposed rulemaking activity. To expedite the rulemaking process, many agencies have set the time and place for a hearing in the notice. Copies of rulemaking materials may be obtained from the Rules Coordinator at the address and telephone number indicated.

Public comment may be submitted in writing directly to an agency or presented orally or in writing at the rulemaking hearing. Written comment must be submitted to an agency by 5:00 p.m. on the Last Day for Comment listed, unless a different time of day is specified. Written and oral comments may be submitted at the appropriate time during a rulemaking hearing as outlined in OAR 137-001-0030.

Agencies providing notice request public comment on whether other options should be considered for achieving a proposed administrative rule's substantive goals while reducing negative economic impact of the rule on business.

In Notices of Proposed Rulemaking where no hearing has been set, a hearing may be requested by 10 or more people or by an association with 10 or more members. Agencies must receive requests for a public rulemaking hearing in writing within 21 days following notice publication in the *Oregon Bulletin* or 28 days from the date notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received by an agency, notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

*\*Auxiliary aids for persons with disabilities are available upon advance request. Contact the agency Rules Coordinator listed in the notice information.*

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### Board of Examiners for Engineering and Land Surveying Chapter 820

**Rule Caption:** To amend or adopt rules that clarify rules related to registration or application for registration.

Date:	Time:	Location:
11-10-09	1:30 p.m.	670 Hawthorne Ave. SE Suite 220 Salem, OR 97301

**Hearing Officer:** Grant Davis

**Stat. Auth.:** ORS 672.255

**Other Auth.:** ORS 670.310, 408.450

**Stats. Implemented:** ORS 672.002-672.325

**Proposed Adoptions:** 820-010-0480, 820-010-0530

**Proposed Amendments:** 820-010-0010, 820-010-0204, 820-010-0206, 820-010-0208, 820-010-0215, 820-010-0225, 820-010-0226, 820-01-0227, 820-010-0228, 820-010-0230, 820-010-0300, 820-010-0305, 820-010-0415, 820-010-0425, 820-010-0427, 820-010-0465, 820-010-0470, 820-010-0505, 820-010-0510, 820-010-0520, 820-010-0605, 820-010-0620

**Last Date for Comment:** 11-10-09

**Summary:** OAR 820-010-0010 - Definitions - Housekeeping revisions.

OAR 820-010-0204 - Applications for Registration as Professional Engineers (PE) Based on Examination by Another Jurisdiction or by NCEES

(1st Registration) - Clarifies the examinations accepted and recognized by the Board.

OAR 820-010-0206 - Applications for Registration as a Professional Land Surveyors (PLS) Based on Examination by Another Jurisdiction or by

NCEES (1st Registration) - Clarifies the examinations accepted and recognized by the Board.

OAR 820-010-0208 - Applications for Registration as a Professional Photogrammetrists Based on Examination by Another Jurisdiction or by NCEES (1st Registration) - Clarifies the examinations accepted and recognized by the Board.

OAR 820-010-0215 - Form of Applications - Clarifies information to be submitted with an application for registration.

OAR 820-010-0225 - Educational Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI) - Clarifies the deadline to submit official transcripts to receive results of the FE examination.

OAR 820-010-0226 - Educational Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI) - Clarifies the deadline to submit official transcripts to receive results of the FLS examination.

OAR 820-010-0227 - Educational and Experience Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI) and Applications Based on Non-Accredited Degrees - Housekeeping revisions as a result of changes with the national organization (NCEES).

OAR 820-010-0228 - Combined Educational and Experience Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI) and Applications Based on Non-accredited Degrees - Housekeeping revisions as a result of changes with the national organization (NCEES).

OAR 820-010-0230 - Information to be Furnished by Professional Engineer Applicants - Revises the terms from "in the same field" to "a similar discipline."

OAR 820-010-0300 - Refunds and Charges - Clarifies that re-application fees are also non-refundable.

OAR 820-010-0305 - Fees - Clarifies the reinstatement fees for a registration or certificate.

OAR 820-010-0415 - Nature of the Examination for Professional Engineer (PE) - Housekeeping revisions as a result of changes with the national organization (NCEES).

OAR 820-010-0425 - Nature of Examination for Professional Land Surveyor (PLS) - Housekeeping revisions as a result of changes with the national organization (NCEES).

OAR 820-010-0427 - Nature of Examination for Registered Professional Photogrammetrist (RPP) - Housekeeping revisions as a result of changes with the national organization (NCEES).

OAR 820-010-0465 - Application for Readmission to Examination - Clarifies that reapplications and fees will not be accepted prior to the release of results from the preceding examination.

OAR 820-010-0470 - Review of Examinations - Clarifies the review process for Oregon Specific examinations.

OAR 820-010-0480 - NCEES Examinations - Clarifies the review process for the NCEES examinations.

OAR 820-010-0505 - Biennial Renewal of Registration or Certification - Clarifies that a registration in the retired or delinquent status for a period of over 5 years cannot be renewed.

OAR 820-010-0510 - Registrants Qualified to Practice - Housekeeping revisions to include CWREs.

OAR 820-010-0520 - Registrants Not Qualified to Practice - Housekeeping revisions to include CWREs and delete reference to military registrants.

OAR 820-010-0530 - United States Military Registrants - Proposed language addresses registrants currently serving in the Armed Forces of the United States.

OAR 820-010-0605 - Address Changes; Service of Notice - Includes requirements to notify the Board of name changes.

OAR 820-010-0620 - Official Seal - Housekeeping revisions and include the Exhibits in the on-line OAR compilation.

**Rules Coordinator:** Mari Lopez

**Address:** Board of Examiners for Engineering and Land Surveying, 670 Hawthorne Ave. SE, Suite 220, Salem, OR 97301

**Telephone:** (503) 362-2666, ext. 26

# NOTICES OF PROPOSED RULEMAKING

## Board of Examiners for Speech-Language Pathology and Audiology Chapter 335

**Rule Caption:** Conforms dual licensee professional development requirements to rules for other licensees; Corrects typographical error.

**Date:** 10-28-09      **Time:** 10 a.m.      **Location:** 800 NE Oregon St.  
Rm. 445  
Portland, OR 97232

**Hearing Officer:** Sandy Leybold

**Stat. Auth.:** ORS 681

**Stats. Implemented:** ORS 681

**Proposed Amendments:** 335-070-0065, 335-095-0060

**Last Date for Comment:** 10-28-09

**Summary:** 335-070-0065(1): Changed actual number of professional development hours to percentage of the requirements to align with other professional development rules.

335-095-0060(1)(b): Changed typographical error of "dysphasia" to "dysphagia."

**Rules Coordinator:** Sandy Leybold

**Address:** Board of Examiners for Speech-Language Pathology and Audiology, 800 NE Oregon St., Suite 407, Portland, OR 97232

**Telephone:** (971) 673-0220

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## Board of Nursing Chapter 851

**Rule Caption:** Rules for Approval of Oregon Nurse Practitioner Programs, Requirements for National Certification, and Continuing Education.

**Date:** 11-19-09      **Time:** 9 a.m.      **Location:** 17938 S.W. Upper  
Boones Ferry Rd.  
Portland, OR 97224

**Hearing Officer:** James McDonald, Board President

**Stat. Auth.:** ORS 678.380, 678.390

**Stats. Implemented:** ORS 678.410

**Proposed Adoptions:** 851-050-0008, 851-050-0142

**Proposed Amendments:** 851-050-0000, 851-050-0001, 851-050-0002, 851-050-0004, 851-050-0005, 851-050-0006, 851-050-0010, 851-050-0138

**Last Date for Comment:** 11-17-09, 5 p.m.

**Summary:** These rules cover approval of Oregon nurse practitioner programs, requirements for national certification, and criteria for continuing education for nurse practitioner certification renewal.

**Rules Coordinator:** KC Cotton

**Address:** Board of Nursing, 17938 SW Upper Bones Ferry Rd., Portland, OR 97224

**Telephone:** (971) 673-0638

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**Rule Caption:** Oregon State Board of Nursing to Eliminate Fees for Issuance of a Duplicate Wallet-Sized Card.

**Date:** 11-19-09      **Time:** 9 a.m.      **Location:** 17938 SW Upper  
Boones Ferry Rd.  
Portland, OR 97224

**Hearing Officer:** James McDonald, Board President

**Stat. Auth.:** ORS 678.410

**Stats. Implemented:** ORS 678.101, 678.410

**Proposed Amendments:** 851-002-0010, 851-002-0040

**Last Date for Comment:** 11-17-09, 5 p.m.

**Summary:** These rules cover the agency fees. These rules amendments will eliminate the fee for the Oregon State Board of Nursing to issue duplicate licensure or certificate card.

**Rules Coordinator:** KC Cotton

**Address:** Board of Nursing, 17938 SW Upper Bones Ferry Rd., Portland, OR 97224

**Telephone:** (971) 673-0638

**Rule Caption:** Oregon State Board of Nursing Fees to Support Prescription Monitoring Fund.

**Date:** 11-19-09      **Time:** 9 a.m.      **Location:** 17938 SW Upper  
Boones Ferry Rd.  
Portland, OR 97224

**Hearing Officer:** James McDonald, Board President

**Stat. Auth.:** ORS 678.101, 678.410

**Stats. Implemented:** ORS 678.101, 678.410

**Proposed Amendments:** 851-002-0020, 851-002-0035

**Last Date for Comment:** 11-17-09, 5 p.m.

**Summary:** These rules cover the agency fees. These rule amendments will allow collection of a \$50 biennial fee for those with prescriptive authority, of which 90 percent will be transmitted to the Prescription Monitoring Fund quarterly.

**Rules Coordinator:** KC Cotton

**Address:** Board of Nursing, 17938 SW Upper Bones Ferry Rd., Portland, OR 97224

**Telephone:** (971) 673-0638

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**Rule Caption:** Rules for Delegation of Dispensing Functions by Nurse Prescribers, and Antibiotic Prescribing for Expedited Partner Therapy.

**Date:** 11-19-09      **Time:** 9 a.m.      **Location:** 17938 S.W. Upper  
Boones Ferry Rd.  
Portland, OR 97224

**Hearing Officer:** James McDonald, Board President

**Stat. Auth.:** ORS 678.380, 678.390

**Stats. Implemented:** ORS 678.410

**Proposed Adoptions:** 851-056-0007

**Proposed Amendments:** 851-056-0000, 851-056-0006, 851-056-0010, 851-056-0016, 851-056-0020, 851-056-0024

**Last Date for Comment:** 11-17-09, 5 p.m.

**Summary:** These rules permit nurse prescribers (clinical nurse specialists and nurse practitioners) with dispensing authority issued by the Oregon State Board of Nursing to delegate certain non-judgmental dispensing functions to staff provided that medication is prepackaged and labeled with identifying information.

They also permit nurse prescribers (clinical nurse specialists and nurse practitioners) to provide a prescription for partner(s) of a patient they see with a diagnosed sexually transmitted infection per Department of Human Services guidelines.

**Rules Coordinator:** KC Cotton

**Address:** Board of Nursing, 17938 SW Upper Bones Ferry Rd., Portland, OR 97224

**Telephone:** (971) 673-0638

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**Rule Caption:** Rules Change Classroom and Lab Instructor to Student Ratios for Nursing Assistants.

**Date:** 11-19-09      **Time:** 9 a.m.      **Location:** 17938 S.W. Upper  
Boones Ferry Rd.  
Portland, OR 97224

**Hearing Officer:** James McDonald, Board President

**Stat. Auth.:** ORS 678.440, 678.444

**Stats. Implemented:** ORS 678.440, 678.444

**Proposed Amendments:** 851-061-0090

**Last Date for Comment:** 11-17-09, 5 p.m.

**Summary:** These rules cover the standards for training programs for Nursing Assistants and Medication Aides. This rule amendment would change classroom and lab instructor to student ratios for Nursing Assistant and Medication Aide training.

**Rules Coordinator:** KC Cotton

**Address:** Board of Nursing, 17938 SW Upper Bones Ferry Rd., Portland, OR 97224

**Telephone:** (971) 673-0638

# NOTICES OF PROPOSED RULEMAKING

**Rule Caption:** Changes Made in Authorized Duties for CNA 1s and CNA 2s.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
11-19-09	9 a.m.	17938 S.W. Upper Boones Ferry Rd. Portland, OR 97224

**Hearing Officer:** James McDonald, Board President

**Stat. Auth.:** ORS 678.440, 678.442

**Stats. Implemented:** ORS 678.440, 678.444

**Proposed Amendments:** 851-063-0030, 851-063-0035

**Last Date for Comment:** 11-17-09, 5 p.m.

**Summary:** These rules cover the standards and authorized duties for Certified Nursing Assistants and Certified Medication Aides. The revisions in these rules amendments are to make changes in the authorized duties for CNA 1s and CNA 2s.

**Rules Coordinator:** KC Cotton

**Address:** Board of Nursing, 17938 SW Upper Bones Ferry Rd., Portland, OR 97224

**Telephone:** (971) 673-0638

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**Board of Optometry**  
**Chapter 852**

**Rule Caption:** Establishes: 1. Board member compensation; 2. definitions of dispensing and delegation; 3. fees for Electronic Prescription Monitoring Program.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-4-09	1:30 p.m.	1900 Hines St. SE Mezzanine Level Salem, OR 97302

**Hearing Officer:** Michelle Monkman, OD, President

**Stat. Auth.:** ORS 683, 182, 292

**Stats. Implemented:** HB 2058, SB 355, OL 535 (2009), ORS 182.466, 683.010(2), 683.030(3), 683.070, 683.100, 683.120, 683.270, 689.225, OAR 855-043-0001

**Proposed Adoptions:** 852-005-0015

**Proposed Amendments:** Rules in 852-010, 852-020, 852-050

**Last Date for Comment:** 12-4-09

**Summary:** 852-005: Establishes Board member compensation.

852-010: Establishes fees for Electronic Prescription Monitoring Program.

852-020: Defines dispensing. Further defines delegation of optometric care.

852-050: Establishes collection of fees for Electronic Prescription Monitoring Program.

**Rules Coordinator:** David W. Plunkett

**Address:** Board of Optometry, PO Box 13967, Salem, OR 97309

**Telephone:** (503) 399-0662, ext. 23

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**Board of Parole and Post-Prison Supervision**  
**Chapter 255**

**Rule Caption:** Adopts guidelines for specified juvenile offender prison terms (crimes after October 1989, before May 1991).

**Stat. Auth.:** ORS 144.050, 144.110, 144.020, 144.140

**Stats. Implemented:** ORS 144.020

**Proposed Adoptions:** 255-032-0007

**Proposed Repeals:** 255-032-0007(T)

**Last Date for Comment:** 10-27-09

**Summary:** OAR 255-032-0007 adopts hearing procedures and a matrix for specified juvenile offenders where the Board is required to hold a prison term hearing. Specifically, for inmates who were under the age of 17 years at the time of their crime(s), and who were waived to adult court under ORS 419C.340 through 419C.364, and who were convicted of Aggravated Murder under ORS 163.095, and whose crimes were committed after October 31, 1989, and before May 1, 1991, the Board will hold a prison term hearing. At the hearing, the Board will apply Divisions 30 and 35 of its rules except that, to determine an initial parole release date, the Board will use the guidelines and matrix set out in Exhibits P-I through P-III instead of

the guidelines and matrix set out in Exhibits A through C of the Board's rules.

**Rules Coordinator:** Michelle Mooney

**Address:** Board of Parole and Post-Prison Supervision, 2575 Center St. NE, Suite 100, Salem, OR 97301

**Telephone:** (503) 945-0914

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**Construction Contractors Board**  
**Chapter 812**

**Rule Caption:** Changes notices, contracts, inspection reports for home inspectors; waiver for armed forces; housekeeping; and exemption promotion gifts.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-27-09	11 a.m.	West Salem Roth's IGA Santiam Rm. 1130 Wallace Rd. NW Salem, OR

**Hearing Officer:** Rob Hernandez

**Stat. Auth.:** ORS 87.093, 293.445, 670.310, 701.124, 701.235, 701.238, 701.325, 701.330, 701.350, 701.530

**Stats. Implemented:** ORS 87.093, 293.445, 701.010, 701.026, 701.056, 701.063, 701.124, 701.131, 701.133, 701.139, 701.140, 701.143, 701.145, 701.146, 701.235, 701.238, 701.325, 701.330, 701.350, 701.355, 701.530

**Proposed Amendments:** 812-001-0200, 812-003-0120, 812-003-0140, 812-004-0320, 812-008-0070, 812-008-0110, 812-008-0202, 812-020-0062

**Last Date for Comment:** 10-27-09, 11 a.m.

**Summary:** • 812-001-0200 is amended to correct grammar and adopts the form "Home Inspection Consumer Notice."

• 812-003-0120 is amended to reorganize and clarify existing language and to exempt promotional gifts from the requirement that such items contain the CCB license number.

• 812-003-0140 is amended to revise the wording for consistency.

• 812-004-0320 is amended to remove the third-party beneficiary provision that a buyer who makes a home purchase conditioned upon an inspection report purchased by the homeowner will no longer be able to file a complaint for damages.

• 812-008-0070 is amended to waive the continuing education requirements, if within the two-year period preceding renewal a home inspector serves on active duty in the United States armed forces, including mobilization or deployment.

• 812-008-0110 is amended to add language to comply with the requirements of ORS 408.450 that excuses the certified home inspectors on active duty service from paying license renewal fees.

• 812-008-0202 is amended to require on the first page of the contract and inspection report a disclaimer notifying any person other than the home inspector's client that they should not rely upon the report and to revise the reference to the notice requirement to the new CCB notice "Home Inspection Consumer Notice."

• 812-020-0062 is amended, see ORS 701.124(7)(b), which authorizes CCB to exempt commercial contractors by rule. Exempts continuing education requirement if, within the two-year period preceding renewal, a commercially endorsed contractor serves on active duty in the United States armed forces, including mobilization or deployment.

**Rules Coordinator:** Catherine Dixon

**Address:** Construction Contractors Board, 700 Summer St. NE, Suite 300, Salem, OR 97310

**Telephone:** (503) 378-4621, ext. 4077

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**Department of Administrative Services,**  
**Oregon Educators Benefit Board**  
**Chapter 111**

**Rule Caption:** Amended to include new definitions and clarify existing definitions used by the Oregon Educators Benefit Board.

# NOTICES OF PROPOSED RULEMAKING

**Date:** 10-23-09  
**Time:** 11 a.m.–12 p.m.  
**Location:** PEBB/OEBB Boardroom  
1225 Ferry St. SE  
Salem, OR 97301

**Hearing Officer:** Denise Hall  
**Stat. Auth.:** ORS 243.860–243.886  
**Stats. Implemented:** ORS 243.860  
**Proposed Amendments:** 111-010-0015  
**Last Date for Comment:** 10-30-09  
**Summary:** OAR 111-010-0015 is amended to include new definitions and clarify existing definitions used by the Oregon Educators Benefit Board.  
**Rules Coordinator:** April Kelly  
**Address:** Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301  
**Telephone:** (503) 378-6588

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**Rule Caption:** Establishes Oregon Educators Benefit Board's process for developing optional benefit plan designs comparable to district optional plan designs, and the process for participating districts' selection of OEBB optional benefit plans.

**Date:** 10-23-09  
**Time:** 11 a.m.–12 p.m.  
**Location:** PEBB/OEBB Boardroom  
1225 Ferry St. SE  
Salem, OR 97301

**Hearing Officer:** Denise Hall  
**Stat. Auth.:** ORS 243.860–243.886  
**Stats. Implemented:** ORS 243.864(1)(a), 243.868(1)  
**Proposed Adoptions:** 111-030-0020, 111-030-0025, 111-030-0030  
**Proposed Amendments:** 111-030-0001, 111-030-0005  
**Last Date for Comment:** 10-30-09  
**Summary:** 111-030-0020, 111-030-0025 and 111-030-0030 establish Oregon Educators Benefit Board's Process for developing optional benefit plan designs comparable to district optional plan designs, and the process for participating districts' selection of OEBB optional benefit plans. 111-030-0001 and 111-030-0005 are being amended to update an existing OEBB process.  
**Rules Coordinator:** April Kelly  
**Address:** Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301  
**Telephone:** (503) 378-6588

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**Rule Caption:** Amended to update the Oregon Educators Benefit Board's policies on member's enrollment in benefit plans.

**Date:** 10-23-09  
**Time:** 11 a.m.–12 p.m.  
**Location:** PEBB/OEBB Boardroom  
1225 Ferry St. SE  
Salem, OR 97301

**Hearing Officer:** Denise Hall  
**Stat. Auth.:** ORS 243.860–243.886  
**Stats. Implemented:** ORS 243.864(1)(a), 243.868(1)  
**Proposed Amendments:** 111-040-0001, 111-040-0025, 111-040-0030, 111-040-0050  
**Last Date for Comment:** 10-30-09  
**Summary:** OAR 111-040-0001 is amended to include the effective date for optional benefit plans and clarify newborn and adopted children benefit coverage. OAR 111-040-0025 and 111-040-0030 are amended to cite the correct rule number. OAR 111-040-0050 is amended to include information on optional benefit plans.  
**Rules Coordinator:** April Kelly  
**Address:** Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301  
**Telephone:** (503) 378-6588

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**Rule Caption:** Amended to update new processes and new optional benefits that affect OEBB's eligible retired employees.

**Date:** 10-23-09  
**Time:** 11 a.m.–12 p.m.  
**Location:** PEBB/OEBB Boardroom  
1225 Ferry St. SE  
Salem, OR 97301

**Hearing Officer:** Denise Hall  
**Stat. Auth.:** ORS 243.860–243.886  
**Stats. Implemented:** ORS 243.864(1)(a), 243.868(a)  
**Proposed Amendments:** 111-050-0010, 111-050-0015, 111-050-0020, 111-050-0025, 111-050-0080  
**Last Date for Comment:** 10-30-09  
**Summary:** 111-050-0010, 111-050-0015, 111-050-0020 and 111-050-0080 are amended to include the optional benefits related to OEBB eligible retired employees. OAR 111-050-0025 is amended to include the effective date for optional benefit plans and clarify newborn and adopted children benefit coverage.  
**Rules Coordinator:** April Kelly  
**Address:** Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301  
**Telephone:** (503) 378-6588

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**Rule Caption:** Amended to include the new mandatory reporting provisions.

**Date:** 10-23-09  
**Time:** 11 a.m.–12 p.m.  
**Location:** PEBB/OEBB Boardroom  
1225 Ferry St. SE  
Salem, OR 97301

**Hearing Officer:** Denise Hall  
**Stat. Auth.:** ORS 243.864  
**Other Auth.:** Section 1862 of the Social Security Act [42 U.S.C. 1395y(b)(7)&(b)(8)]  
**Stats. Implemented:** ORS 243.860, 646A.600–646A.628 & Section 1862 of the Social Security Act [42 U.S.C. 1395y(b)(7)&(b)(8)]  
**Proposed Amendments:** 111-060-0001  
**Last Date for Comment:** 10-30-09  
**Summary:** OAR 111-060-0001 is amended to include the new Medicare Secondary Payer Mandatory Reporting Provisions and the process for which the Oregon Educators Benefit Board collects member's Social Security Numbers.  
**Rules Coordinator:** April Kelly  
**Address:** Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301  
**Telephone:** (503) 378-6588

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## Department of Agriculture Chapter 603

**Rule Caption:** Amends errors and omissions.  
**Stat. Auth.:** ORS 634  
**Stats. Implemented:** ORS 634  
**Proposed Amendments:** 603-057-0160  
**Last Date for Comment:** 11-6-09  
**Summary:** OAR 603-057-0160: Add intended crop or site to information required in the application for a Site Specific Experimental Use Permit.  
Amend a section reference to be correct and applicable.  
Clarify the intent for all users of experimental pesticides to be subject to recordkeeping requirements.  
Make consistent the language the destruction/isolation of food or feed items subject to experimental pesticide use.  
**Rules Coordinator:** Sue Gooch  
**Address:** Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301  
**Telephone:** (503) 986-4552

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## Department of Consumer and Business Services, Building Codes Division Chapter 918

**Rule Caption:** Adopts the 2010 Oregon Mechanical Specialty Code.

# NOTICES OF PROPOSED RULEMAKING

**Date:** 10-20-09  
**Time:** 9:30 a.m.  
**Location:** 1535 Edgewater St. NW  
Salem, OR 97304

**Hearing Officer:** Mike Ewert  
**Stat. Auth.:** ORS 183.335, 455.020, 455.030, 455.110, 455.210, 455.355, 455.720, 469.700, & 469.740  
**Stats. Implemented:** ORS 183.335, 455.020, 455.110, 455.210, 455.355, 455.720, 469.700, & 469.740  
**Proposed Adoptions:** Rules in 918-440  
**Proposed Amendments:** Rules in 918-440  
**Last Date for Comment:** 10-23-09, 5 p.m.  
**Summary:** The proposed rules adopt the 2009 Editions of the International Mechanical Code and the International Fuel Gas Code with Oregon amendments and shall be known as the 2010 Oregon Mechanical Specialty Code. The proposed rules also include house-keeping changes that improve readability and provide clarity and consistency among the division's rules.  
**Rules Coordinator:** Shauna M. Parker  
**Address:** Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309  
**Telephone:** (503) 373-7438

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**Department of Consumer and Business Services,  
Division of Finance and Corporate Securities  
Chapter 441**

**Rule Caption:** Use of Certifications or Professional Designations by Person Engaged in Securities Business.

**Date:** 10-22-09  
**Time:** 2 p.m.  
**Location:** Conference Rm. E  
Labor & Industries Bldg.  
350 Winter St. NE  
Salem, OR 97301

**Hearing Officer:** Jeannette Holman  
**Stat. Auth.:** ORS 59.285  
**Other Auth.:** ORS 59.235  
**Stats. Implemented:** ORS 59.235, 59.135, 59.205  
**Proposed Adoptions:** 441-135-0020  
**Last Date for Comment:** 10-29-09, 5 p.m.

**Summary:** These rules set forth standards to protect consumers from misleading and fraudulent marketing practices with respect to the use of special designations and certifications in the offer, sale or purchase of securities, or the provision of advice as to the value of or the advisability of investing in, purchasing, or selling securities.  
**Rules Coordinator:** Shelley Greiner  
**Address:** Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE, Salem, OR 97301  
**Telephone:** (503) 947-7484

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**Department of Consumer and Business Services,  
Insurance Division  
Chapter 836**

**Rule Caption:** Employer Rating Groups, Rates and Ratemaking, and Workers' Compensation Rates and Ratemaking.

**Date:** 11-4-09  
**Time:** 10 a.m.  
**Location:** Conference Rm. E  
Labor & Industries Bldg.  
350 Winter St.  
Salem, OR

**Hearing Officer:** Jeannette Holman  
**Stat. Auth.:** ORS 731.244 & 737.319  
**Stats. Implemented:** ORS 737.310, 737.316, 737.320(3), 742.001, 742.003, 742.005 & 742.007  
**Proposed Amendments:** 836-042-0085, 836-042-0220  
**Proposed Repeals:** 836-042-0030  
**Last Date for Comment:** 11-10-09

**Summary:** These rules eliminate obsolete provisions and streamline procedures of the Insurance Division:

1. To eliminate a requirement to file a report of member insurers' investment income annually. The need for the member insurers' investment income report expired with a 1990 law change.

2. To eliminate a requirement for insurers writing large deductible policies to provide the Division with information on premiums, deductible credits, and reimbursements on a quarterly basis. The Division does not use this information on a regular basis and the information required is collected by the workers' compensation rating organization and is available to the Division if needed.

3. To eliminate the insurer requirement to annually file a list of employers participating in an insurer's workers' compensation Oregon Group Supplemental Experience Rating Group (OGSERP). Again, this information will be maintained by the insurer and will be available to the Division upon request.

**Rules Coordinator:** Sue Munson  
**Address:** Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Salem, OR 97301  
**Telephone:** (503) 947-7272

.....  
**Rule Caption:** Use of Certifications or Professional Designations by Insurance Producers.

**Date:** 10-22-09  
**Time:** 2 p.m.  
**Location:** Conference Rm. E  
Labor & Industries Bldg.  
350 Winter St.  
Salem, OR

**Hearing Officer:** Jeannette Holman  
**Stat. Auth.:** ORS 731.244  
**Other Auth.:** ORS 744.074, 746.110 & 746.240  
**Stats. Implemented:** ORS 744.074, 746.110 & 746.240  
**Proposed Adoptions:** 836-080-0160, Rules in 836-080  
**Last Date for Comment:** 10-29-09

**Summary:** This rule sets forth standards to protect consumers from misleading and fraudulent marketing practices with respect to the use of special designations and certifications in the solicitation, sale or purchase of, or advice made in connection with an insurance product or in providing advice as to the value of or the advisability of purchasing insurance.

**Rules Coordinator:** Sue Munson  
**Address:** Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Salem, OR 97301  
**Telephone:** (503) 947-7272

.....  
**Rule Caption:** Adoption of Annual and Supplemental Statement Blanks and Instructions for Reporting Year 2009.

**Stat. Auth.:** ORS 731.244, 731.574, 733.210  
**Stats. Implemented:** ORS 731.574, 733.210  
**Proposed Amendments:** 836-011-0000  
**Last Date for Comment:** 11-1-09

**Summary:** This rulemaking proposes to prescribe, for reporting year 2009, the required forms for the annual and supplemental financial statements required of insurers and health care service contractors under ORS 731.574, as well as the necessary instructions for completing the forms.

**Rules Coordinator:** Sue Munson  
**Address:** Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Salem, OR 97301  
**Telephone:** (503) 947-7272

.....  
**Department of Consumer and Business Services,  
Workers' Compensation Division  
Chapter 436**

**Rule Caption:** Workers' compensation claims administration, medical services and billing, reemployment assistance, and attorney fees.

# NOTICES OF PROPOSED RULEMAKING

**Date:** 10-26-09  
**Time:** 9 a.m.  
**Location:** Room F (basement)  
Labor & Industries Bldg.  
350 Winter St. NE  
Salem, OR

**Hearing Officer:** Fred Bruyns

**Stat. Auth.:** ORS 656.726(4)

**Stats. Implemented:** ORS chapter 656, as amended by Oregon Laws (OL) 2009: House Bill (HB) 2045, OL 2009, ch. 32; HB 2195, OL 2009, ch. 35; HB 2197, OL 2009, ch. 36; HB 2705, OL 2009, ch. 312; HB 2707, OL 2009, ch. 313; HB 3345, OL 2009, ch. 526; and ORS chapter 656, as amended by OL 2007, Senate Bill 559, ch. 241

**Proposed Adoptions:** 436-001-0420, 436-001-0430, 436-001-0440

**Proposed Amendments:** Rules in 436-030, 436-060, 436-105, 436-110, 436-120, 436-001-0003, 436-001-0019, 436-009-0010, 436-009-0070, 436-010-0008, 436-010-0240, 436-010-0265, 436-010-0280, 436-140-0005, 436-150-0005, 436-150-0010, 436-150-0030, 436-160-0310, 436-160-0340

**Proposed Repeals:** 436-075-0110

**Proposed Ren. & Amends:** 436-001-0265 to 436-001-0400, 436-001-0265 to 436-001-0410

**Last Date for Comment:** 10-29-09

**Summary:** NOTE: "Insurer" in this summary includes self-insured employers. The agency proposes to amend OAR chapter 436 to improve organization, clarity and consistency, and to eliminate redundancy. More specifically:

**The agency proposes to amend OAR chapter 436, division 001, "Procedural Rules Governing Rulemaking and Hearings." These proposed rules:** Implement House Bill 3345 by raising the maximum attorney fee payable under ORS 656.385 from \$2,000 to \$3,000, and making corresponding changes to the attorney fee matrix. The proposed rules consolidate rules related to attorney fees into OAR 436-001 and remove them from OAR 436-010, 060, and 120.

**The agency proposes to amend OAR chapter 436, division 009, "Oregon Medical Fee and Payment Rules." These proposed rules:** Clarify the types of identification numbers providers must include on their medical bills; allow a medical service provider to submit bills for independent medical examinations in the form or format agreed to by the insurer and the medical service provider.

**The agency proposes to amend OAR chapter 436, division 010, "Medical Services." These proposed rules:** Implement HB 2045 by including chiropractors among those health care providers who may make findings of impairment (when serving as the worker's attending physician); implement HB 2197, which allows a medical service provider who is not qualified to be an attending physician to provide compensable medical service to an injured worker for a period of 30 days or for 12 visits from from the date of the first visit on the initial claim (rather than the date of injury), whichever first occurs, without the authorization of an attending physician; defer to OAR 436-001 for awarding attorney fees under ORS 656.385; require use of a release form (in addition to Form 801 or 827) for release of HIV-related information; clarify requirements for collection of the workers' Social Security number on Form 827; allow and describe use of Form 827 to make claims for new or omitted medical conditions; require the health care provider to give the worker a copy of Form 3283 when giving the worker a copy of Form 827. (The agency prints nearly all 827s used by workers and providers, and will print Form 3283 as an attachment to Form 827.)

**The agency proposes to amend OAR chapter 436, division 030, "Claim Closure and Reconsideration." These proposed rules:** Require that a Notice of Closure include information about a worker's right to be represented by an attorney (now stated in ORS 656.270, to be repealed effective 1/1/2010 – HB 2197) and right to request a vocational eligibility evaluation (related to limits to requirements for vocational eligibility evaluations in HB 2705); clarify pro-

cedures for administrative claim closure; provide that requests for reconsideration of claim closures may be made by telephone; explain that the 14-day time frames for parties to submit certain records relevant to the reconsideration process begin with the director's notice of the start date of the reconsideration; require that evidence stored by the parties on audio media may be submitted to the director (for the purpose of reconsideration) only in transcribed form.

**The agency proposes to amend OAR chapter 436, division 060, "Claims Administration." These proposed rules:** Specify when and how to issue claim-related notices after a worker is deceased, regardless of the cause of death; clarify requirements for the worker's employer to give the worker a copy of Form 3283, "A guide for workers recently hurt on the job," when the worker files a claim; lengthen the time period that an ongoing request by the claimant's attorney for future claim-related documents remains in effect; specify that time limits for sending most information to the director begin with the mailing date of the agency's letter or order; implement HB 2707 by prescribing notice requirements when the insurer learns that the worker was employed in more than one job at the time of injury; exclude secondary employment by Oregon subject volunteers from the calculation of supplemental disability; require notice to the worker, as part of the notice of claim acceptance, about criteria for reimbursement of claim-related expenses; describe timeliness criteria, notice requirements, and consent requirements related to the electronic payment of benefits to workers and beneficiaries; implement HB 3345 by setting conditions for the payment of penalty assessments to workers and fees to attorneys related to late payment of disputed claim settlement amounts.

**The agency proposes to amend OAR 436-075, "Retroactive Program," OAR 436-140, "Construction Carve-Out Programs," and OAR 436-150, "Workers' Benefit Fund Claims Program." These proposed rules:** Eliminate references to "guaranty contract," because Senate Bill 559 (2007 Session) replaced the guaranty contract with policy-based proof of coverage and reporting.

**The agency proposes to amend OAR 436-105, "Employer-at-Injury Program (EAIP)." These proposed rules:** Define "consumables," as purchases required to support the functioning of newly purchased tools or equipment, and allow purchase of consumables under the EAIP; clarify that a worksite modification must be related to limitations that resulted in the worker's EAIP eligibility or prevent the worsening of an accepted condition; clarify minimum reimbursement thresholds and when administrative costs are reimbursable.

**The agency proposes to amend OAR 436-110, "Preferred Worker Program (PWP)." These proposed rules:** Clarify the definition of "date of hire"; revise definitions of "premium" and "reimbursable wages" to be consistent with the definitions in OAR 436-105; implement HB 2197 by clarifying procedures for use of premium exemption under ORS 656.622; provide a more specific time limit for requesting claims cost reimbursement; create a new employment purchase type – placement assistance provided by a certified vocational counselor or any public or private agency that provides placement services, reimbursable if the assistance results in employment that the preferred worker retains for at least 90 days; provides that placement assistance may not be combined with vocational assistance under OAR 436-120.

**The agency proposes to amend OAR 436-120, "Vocational Assistance to Injured Workers." These proposed rules:** Define several terms used in division 120 – "delivered," "director," "filed," "likely eligible," and "mailed"; defer to OAR 436-001 for awarding attorney fees under ORS 656.385; provide that modified or new employment that results from an employer-at-injury-activated use of the PWP is considered "suitable" 12 months after the department determines a worksite modification is complete; implement HB 2705 by eliminating the requirement to complete a vocational eligibility evaluation if the worker is released to regular or other suitable work with the employer at injury or aggravation; specify that the insurer is not required to do an eligibility evaluation if the worker is deceased

# NOTICES OF PROPOSED RULEMAKING

or has a permanent total disability award; implement HB 2195 by allowing an insurer, without approval by the director, to extend time loss up to 21 months; allow further training to a worker who has completed one training plan if there is a reasonable cause to do so; publish vocational fee schedule maximums as percentages of Oregon's state average weekly wage rather than fixed dollar amounts; to implement HB 2195, provide for "registration" rather than "authorization" of vocational assistance providers; require certified counselors who are subject to continuing education requirements under these rules to take at least eight hours (currently 7 hours) of training in ethical practices and at least six hours of training on the vocational assistance and reemployment assistance rules during the five years before certification renewal.

**The agency proposes to amend OAR 436-160, "Electronic Data Interchange."** These proposed rules: Specify whether certain proof-of-coverage data elements should be mandatory or optional.

Address questions or written testimony to: Fred Bruyns, rules coordinator; phone 503-947-7717; fax 503-947-7514; e-mail fred.h.bruyns@state.or.us. Proposed rules are available on the Workers' Compensation Division's Web site: <http://wcd.oregon.gov/policy/rules/rules.html#proprules> or at no charge from WCD Publications, 503-947-7627.

**Rules Coordinator:** Fred Bruyns

**Address:** Department of Consumer and Business Services, Workers' Compensation Division, PO Box 14480, Salem, OR 97309-0405

**Telephone:** (503) 947-7717

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## Department of Corrections Chapter 291

**Rule Caption:** Prison Term Modification Credits to Comply with 2009 Legislative Enhancements and Administrative Enhancements.

**Stat. Auth.:** ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-421.122, 423.020, 423.030, 423.075 & OL 2009, Ch. 660 (HB 3508)

**Stats. Implemented:** ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-421.122, 423.020, 423.030, 423.075 & OL 2009, Ch. 660 (HB 3508)

**Proposed Adoptions:** 291-097-0023

**Proposed Amendments:** 291-097-0005 - 291-097-0020, 291-097-0025 - 291-097-0140

**Last Date for Comment:** 10-31-09

**Summary:** The 2009 Legislative Assembly enacted Oregon Laws 2009, chapter 660 (House Bill 3508) effective July 1, 2009. HB 3508 increases the amount of earned time that an otherwise eligible inmate can obtain from 20 percent to 30 percent. HB 3508 contains an emergency clause and the amendments to ORS 421.121 become effective on either July 1, 2009 (for inmates sentenced on or after that date), or August 30, 2009 (for inmates who committed their crimes prior to July 1, 2009 if the sentencing court authorizes an increase in earned time credits for the otherwise eligible inmate). ORS 421.121 requires the Department to adopt administrative rules that establish a process for granting, retracting, and restoring earned time credits, which the Department has done under OAR 291-097.

Other changes are necessary to align these rules with recent changes to the Department's rules on Prohibited Inmate Conduct and Processing Disciplinary Actions, OAR 291-105, and to implement administrative enhancements for earned time credits available to inmates during review periods for maintaining appropriate institution conduct by maintaining misconduct free behavior for Level 1 or Level 2 rule violations.

**Rules Coordinator:** Janet R. Worley

**Address:** Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667

**Telephone:** (503) 945-0933

## Department of Human Services, Addictions and Mental Health Division: Addiction Services Chapter 415

**Rule Caption:** Repeal Regulations relating to the Provision of Addictions Services and Supports.

Date:	Time:	Location:
10-19-09	2 p.m.	Large Conference Rm 800 Cardley St. Medford, OR 97501
10-21-09	2 p.m.	Lewis & Clark Rm. 1300 Wall St. Bend, OR 97701
10-22-09	2 p.m.	North Conference Rm. 1555 SW Southgate Place Pendleton, OR 97801
10-28-09	2:15 p.m.	Rm. 137A, DHS Bldg. 500 Summer St. NE Salem, OR 97301-1118

**Hearing Officer:** Richard Luthe

**Stat. Auth.:** ORS 161.390, 409.050, 409.410, 409.420, 426.490-426.500, 428.205-428.270, 430.640 & 443.450

**Stats. Implemented:** ORS 161.390-161.400, 179.505, 409.010, 409.430-409.435, 426.380-426.395, 426.490-426.500, 430.010, 430.205-430.210, 430.240-430.640, 430.850-430.955, 443.400-443.460, 443.991, 461.549, 743A.168, 813.010-813.052 & 813.200-813.270

**Proposed Repeals:** 415-051-0000, 415-051-0010, 415-051-0015, 415-051-0020, 415-051-0025, 415-051-0030, 415-051-0035, 415-051-0037, 415-051-0040, 415-051-0045, 415-051-0050, 415-051-0055, 415-051-0057, 415-051-0060, 415-051-0065, 415-051-0067, 415-051-0069, 415-051-0072, 415-051-0075, 415-051-0077, 415-051-0090, 415-051-0100, 415-051-0105, 415-051-0110, 415-051-0130, 415-051-0140, 415-051-0155, 415-051-0165

**Last Date for Comment:** 10-30-09

**Summary:** These OAR 415 rules are being deleted and will be replaced by new rules in OAR 309.

**Rules Coordinator:** Richard Luthe

**Address:** Department of Human Services, Addictions and Mental Health Division: Addiction Services, 500 Summer St. NE, E-86, Salem, OR 97301

**Telephone:** (503) 947-1186

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## Department of Human Services, Addictions and Mental Health Division: Mental Health Services Chapter 309

**Rule Caption:** Revise and Integrate Regulations for the Provision of Addictions and Mental Health Services and Supports.

Date:	Time:	Location:
10-19-09	2 p.m.	Large Conference Rm 800 Cardley St. Medford, OR 97501
10-21-09	2 p.m.	Lewis & Clark Rm. 1300 Wall St. Bend, OR 97701
10-22-09	2 p.m.	North Conference Rm. 1555 SW Southgate Place Pendleton, OR 97801
10-28-09	2:15 p.m.	Rm. 137A, DHS Bldg. 500 Summer St. NE Salem, OR 97301-1118

**Hearing Officer:** Richard Luthe

**Stat. Auth.:** ORS 161.390, 409.050, 409.410, 409.420, 426.490-426.500, 428.205-428.270, 430.640 & 443.450

**Stats. Implemented:** ORS 161.390-161.400, 179.505, 409.010, 409.430-409.435, 426.380-426.395, 426.490-426.500, 430.010, 430.205-430.210, 430.240-430.640, 430.850-430.955, 443.400-443.460, 443.991, 461.549, 743A.168, 813.010-813.052 & 813.200-813.270

# NOTICES OF PROPOSED RULEMAKING

**Proposed Adoptions:** 309-032-1500, 309-032-1505, 309-032-1510, 309-032-1515, 309-032-1520, 309-032-1525, 309-032-1530, 309-032-1535, 309-032-1540, 309-032-1545, 309-032-1550, 309-032-1555, 309-032-1560, 309-032-1565

**Proposed Repeals:** 309-032-0001, 309-032-0070, 309-032-0075, 309-032-0080, 309-032-0085, 309-032-0090, 309-032-0095, 309-032-0100, 309-032-0105, 309-032-0110, 309-032-0115, 309-032-0175, 309-032-0180, 309-032-0185, 309-032-0190, 309-032-0195, 309-032-0200, 309-032-0205, 309-032-0210, 309-032-0220, 309-032-0225, 309-032-0230, 309-032-0235, 309-032-0240, 309-032-0245, 309-032-0250, 309-032-0455, 309-032-0460, 309-032-0465, 309-032-0470, 309-032-0475, 309-032-0480, 309-032-0485, 309-032-0490, 309-032-0495, 309-032-0500, 309-032-0505, 309-032-0510, 309-032-0515, 309-032-0525, 309-032-0535, 309-032-0545, 309-032-0555, 309-032-0565, 309-032-0575, 309-032-0585, 309-032-0595, 309-032-0605, 309-032-0720, 309-032-0730, 309-032-0740, 309-032-0750, 309-032-0760, 309-032-0770, 309-032-0780, 309-032-0790, 309-032-0800, 309-032-0810, 309-032-0820, 309-032-0830, 309-032-0850, 309-032-0860, 309-032-0870, 309-032-0890, 309-032-0950, 309-032-0960, 309-032-0970, 309-032-0980, 309-032-0990, 309-032-1000, 309-032-1010, 309-032-1020, 309-032-1030, 309-032-1040, 309-032-1050, 309-032-1060, 309-032-1070, 309-032-1080, 309-032-1095, 309-032-1100, 309-032-1110, 309-032-1120, 309-032-1130, 309-032-1140, 309-032-1150, 309-032-1160, 309-032-1170, 309-032-1180, 309-032-1190, 309-032-1200, 309-032-1210, 309-032-1220, 309-032-1230, 309-032-1240, 309-032-1245, 309-032-1250, 309-032-1255, 309-032-1260, 309-032-1265, 309-032-1270, 309-032-1275, 309-032-1280, 309-032-1285, 309-032-1290, 309-032-1295, 309-032-1300, 309-032-1305

**Last Date for Comment:** 10-30-09

**Summary:** These rules prescribe minimum standards for the services and supports provided by addictions and mental health providers approved by the Department of Human Services, Addictions and Mental Health Division (AMH). These rules:

(a) Promote recovery, resiliency, wellness, independence and safety for individuals receiving addictions and mental health services and supports;

(b) Specify standards for services and supports that are person-directed, youth guided, family-driven, culturally competent, trauma-informed and wellness-informed; and

(c) Promote functional and rehabilitative outcomes for individuals throughout a continuum of care that is developmentally appropriate.

**Rules Coordinator:** Richard Luthé

**Address:** Department of Human Services, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E-86, Salem, OR 97301

**Telephone:** (503) 947-1186

.....  
**Department of Human Services,  
Children, Adults and Families Division:  
Child Welfare Programs  
Chapter 413**

**Rule Caption:** Changing OARs affecting Child Welfare programs

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-22-09	1 p.m.	Room 251 500 Summer St. NE Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005

**Other Auth.:** The Social Security Act (42 USC 471-475)

**Stats. Implemented:** ORS 418-005, 419B.343

**Proposed Adoptions:** 413-010-0175

**Proposed Amendments:** 413-010-0170, 413-010-0180

**Last Date for Comment:** 10-23-09, 5 p.m.

**Summary:** OAR 413-010-0170 and OAR 413-010-0180 about the rights and protection of children placed into Department custody are being amended to state a child's right to participate in his or her case

plan development and reflect current Department terminology, policy, and practices. OAR 413-010-0175 about the definitions used in these rules, OAR 413-010-0170 to 413-010-0180, is being adopted to state definitions of terms used throughout these rules. OAR 413-010-0180 about the rights of children placed in the legal custody of the Department also is being amended to state the rights the child has.

In addition, the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

**Rules Coordinator:** Annette Tesch

**Address:** Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

**Telephone:** (503) 945-6067

.....  
**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-22-09	2:30 p.m.	Room 251 500 Summer St. NE Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005

**Stats. Implemented:** ORS 409.815, 418.005, 418.015, 419B.005-419B.050

**Proposed Adoptions:** 413-015-0214, 413-015-0403

**Proposed Amendments:** 415-015-0211, 413-015-0420

**Last Date for Comment:** 10-23-09, 5 p.m.

**Summary:** OAR 413-015-0211 about the additional steps undertaken by a Child Protective Services screener when determining the Department response to received information alleging abuse or neglect of a child is being amended to state that when a minor parent is an alleged perpetrator of abuse or neglect the screener must attempt to determine if there is a report of abuse or neglect with the minor parent as an alleged victim and if so, how to document both allegations in the Department's information system.

OAR 413-015-0214 about how the Department assigns workers to conduct Child Protective Services assessments is being adopted to state that when possible the Department assigns separate CPS workers to complete assessments of allegations when a minor parent is both an alleged perpetrator and victim.

OAR 413-015-0403 about how the Department assigns workers to conduct Child Protective Services assessments is being adopted to state that when possible the Department assigns separate CPS workers to complete assessments of allegations when a minor parent is both an alleged perpetrator and victim.

OAR 413-015-0420 about with whom and how Child Protective Services (CPS) workers make initial contact when assessing an allegation of abuse or neglect is being amended to state that when interviewing an alleged perpetrator who is the minor parent of the alleged victim the CPS worker must determine if there is an allegation of abuse or neglect with the minor parent as a victim and that, if so, the CPS worker must report the information to a CPS screener.

In addition, the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

**Rules Coordinator:** Annette Tesch

**Address:** Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

**Telephone:** (503) 945-6067

.....  
**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-22-09	1:30 p.m.	Room 251 500 Summer St. NE Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005

**Other Auth.:** Social Security Act, Title IV-E, Section 477; Public Law 106-169, Foster Care Independence Act of 1999, Title 1;

## NOTICES OF PROPOSED RULEMAKING

Public Law 110-351, Fostering Connections to Success and Increasing Adoptions Act; 45 CFR 1355, 1356, and 1357

**Stats. Implemented:** ORS 418.005, 418.475, 419B.343, 419B.476(3)

**Proposed Adoptions:** 413-030-0449, 413-030-0454, 413-030-0460

**Proposed Amendments:** 413-030-0400, 413-030-0405, 413-030-0410, 413-030-0430, 413-030-0445

**Proposed Repeals:** 413-030-0415, 413-030-0420, 413-030-0425, 413-030-0435, 413-030-0440, 413-030-0450, 413 030-0455

**Last Date for Comment:** 10-22-09, 5 p.m.

**Summary:** These rules about Department responsibilities for comprehensive transition planning and the services the Department provides during a child or young adult's transition from the care and custody of the Department to living independently are being amended, adopted, and repealed because the Department is restructuring the program and renaming it Youth Transitions. These rules set the requirements and responsibilities for the Department around youth transition services and when a child or young adult achieves independence, the eligibility requirements for a child or young adult seeking youth transition services, the range of services available to the child or young adult, and the development and review of comprehensive transition plans.

OAR 413-030-0400, 413-030-0405, 413-030-0410, 413-030-0430, and 413-030-0445 about the Department's responsibilities in monitoring and managing the transition of a child or young adult from the care and custody of the Department to independent living are being amended to reflect current Department terminology, policy, and practices. OAR 413-030-0415, 413-030-0420, 413-030-0425, 413-030-0435, 413-030-0440, 413-030-0450, and 413-030-0455 about the Department's responsibilities in monitoring and managing the transition of a child or young adult from the care and custody of the Department to independent living are being repealed because their relevant provisions have been incorporated into other rules in this rule set and their remaining provisions do not reflect current Department terminology, policy, and practices. OAR 413-030-0405 about the definitions used in OAR 413-030-0400 to 413-030-0460 also is being amended to add current and remove outdated definitions of terms used throughout these rules. OAR 413-030-0410 about a child or young adult's eligibility for Youth Transition services is also being amended to state the eligibility requirements for life skills training, housing subsidies, education and training grants, discretionary funds and cross-reference which services a child or young adult may utilize during the transition to independent living, and to state that a former foster care youth must have been in foster care at or after 16 years of age (instead of 14 years of age) to be eligible to access Youth Transition services. OAR 413-030-0430 about the range of services available through the Department to an eligible child or young adult transitioning to independent living also is being amended to state the services include skill building services, independent living housing subsidies, Chafee housing subsidies, education and training grants, and discretionary funds. OAR 413-030-0445 about the development of a comprehensive transition plan is being amended to state when the Department develops the plan, what the plan must include, who is involved in developing the plan, and that the plan must identify goals and services for education, employment, health, housing, life skills, supportive relationships and community connections, and transportation. OAR 413-030-0449 about how the Department reviews, monitors, and documents a child or young adult's comprehensive transition plan, OAR 413-030-0454 about benchmark review of the comprehensive transition plan, and OAR 413-030-0460 about the Department's responsibilities when a child or young adult is achieving independence are being adopted to explain the comprehensive transition plan and independence processes for a child or young adult in the care and custody of the Department who is transitioning to independent living.

In addition, the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

**Rules Coordinator:** Annette Tesch

**Address:** Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

**Telephone:** (503) 945-6067

.....

**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-22-09	2 p.m.	Room 251 500 Summer St. NE Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005

**Stats. Implemented:** ORS 109.328, 418.005, 419A.004(17), 419B.470

**Proposed Adoptions:** 413-070-0550, 413-070-0565

**Proposed Amendments:** 413-070-0520, 413-070-0524, 413-070-0532, 413-070-0536, 413-070-0540, 413-070-0548, 413 070-0552, 413-070-0556

**Proposed Repeals:** 413-070-0528, 413-070-0544, 413-070-0560, 413-070-0700, 413-070-0710, 413-070-0720, 413 070-0730, 413-070-0740, 413-070-0750

**Last Date for Comment:** 10-23-09, 5 p.m.

**Summary:** These rules about the appropriate use of Another Planned Permanent Living Arrangement (APPLA) (OAR 413-070-0520 to 413-070-0565) as a permanency plan for a child placed in the Department's legal custody are being changed to clarify the scope and limitations of the Department's consideration and recommendation of APPLA as the permanency plan for a child or young adult in the custody of the Department and to incorporate the relevant provisions from the rules concerning Permanent Foster/Kinship Care permanency plans (OAR 413-070-0700 to 413-070-0750) as the Permanent Foster/Kinship Care program is being restructured into APPLA and its rules (OAR 413-070-0700 to 413-070-0750) repealed. The APPLA rules, OAR 413-070-0520 to 413-070-0565, state the circumstances under which the Department will consider and implement an APPLA as the permanency plan for a child in the Department's custody, the types of APPLA plans — permanent foster care and permanent connections and support, when the Department may consider an APPLA as the permanency plan, the decision making process the Department must follow to conclude an APPLA is the appropriate permanency plan for a child, what an APPLA case plan must include, who reviews and approves an APPLA plan, the ongoing responsibilities of the Department and substitute caregiver when implementing an APPLA plan, when and how an APPLA case plan is reviewed, and how an APPLA plan may be terminated. OAR 413-070-0700, 413-070-0710, 413-070-0720, 413-070-0730, 413-070-0740, and 413-070-0750 about how the Department administered its Permanent Foster/Kinship Care program are being repealed because their relevant provisions have been incorporated into the administrative rules around APPLA (OAR 413-070-0520 to 413-070-0565) and their remaining provisions do not reflect current Department terminology, policy, and practices.

OAR 413-070-0520 about the purpose of the Department's Another Planned Permanent Living Arrangement (APPLA) rules (OAR 413-070-0520 to 413-070-0565), OAR 413-070-0524 about the definitions used in these rules, OAR 413-070-0532 about the types of APPLA plans the Department develops, OAR 413-070-0536 about when the Department may consider using an APPLA as the permanency plan for a child in the Department's custody, OAR 413-070-0540 about how the Department determines an APPLA is the appropriate permanency plan for a child, OAR 413-070-0548 about what an APPLA case plan must include, OAR 413-070-0552 about the Department substitute caregiver's ongoing responsibilities once an APPLA plan has been undertaken, and OAR 413-070-0556 about when and how the Department reviews an APPLA case plan are being amended; OAR 413-070-0528 about the values underlying permanency planning, OAR 413-070-0544 about the categories of

# NOTICES OF PROPOSED RULEMAKING

APPLA plans, and OAR 413-070-0560 about APPLA plan documentation requirements are being repealed; and OAR 413-070-0550 about how the Department reviews and approves an APPLA permanency plan and OAR 413-070-0565 about when an APPLA permanency plan must be terminated are being adopted to clarify the Department's policy for APPLA permanency plans, include definitions used throughout the APPLA rules, OAR 413-070-0520 to 413-070-0565, reflect current Department policy, practice, and terminology, and incorporate the relevant provisions of the repealed Permanent Foster/Kinship Care permanency plans rules (OAR 413-070-0700 to 413-070-0750).

OAR 413-070-0700 about the purpose of the Department's Permanent Foster/Kinship Care rules (OAR 413-070-0700 to 413-070-0750), OAR 413-070-0710 about the definitions used in these rules, OAR 413-070-0720 about the eligibility requirements for permanent foster/kinship care, OAR 413-070-0730 about how the Department approved a permanent foster/kinship placement for a child, OAR 413-070-0740 about the ongoing roles and responsibilities for foster/kinship care parents and the Department, and OAR 413-070-0750 about the termination of permanent foster/kinship care plans are being repealed to streamline the administrative rules and remove redundant rules as their relevant provisions have been incorporated into the administrative rules around the Another Planned Permanent Living Arrangement (APPLA, OAR 413-070-0520 to 413-070-0565) permanency plans because permanent foster care is a type of APPLA plan and their remaining provisions do not reflect current Department terminology, policy, and practices.

**Rules Coordinator:** Annette Tesch

**Address:** Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

**Telephone:** (503) 945-6067

.....  
**Department of Human Services,  
Division of Medical Assistance Programs  
Chapter 410**

**Rule Caption:** October 09 Technical changes to the January 1, 2009–December 31, 2010 Health Services Commission's Prioritized List of Health Services.

**Stat. Auth.:** ORS 409.050 & 414.065

**Stats. Implemented:** ORS 414.065

**Proposed Amendments:** 410-141-0520

**Proposed Repeals:** 410-141-0520(T)

**Last Date for Comment:** 10-22-09

**Summary:** The Oregon Health Plan Program administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to certain clients. Having temporarily amended this rule, DMAP needs to permanently amend and repeal the temporary rule with the filing of this notice. DMAP will permanently amend 410-141-0520 to reference the additional interim modifications and technical changes effective October 1, 2009 to the January 1, 2009–December 31, 2010 Prioritized List of Health Services. The October 1, 2009 interim modifications and technical changes include application of 2009 national code to the HSC lines and HSC guideline refinements.

**Rules Coordinator:** Darlene Nelson

**Address:** Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

**Telephone:** (503) 945-6927

.....  
**Department of Oregon State Police,  
Office of State Fire Marshal  
Chapter 837**

**Rule Caption:** Maintain the current Petroleum Load Fee rate of \$4.00 in lieu of raising it to \$6.00.

**Date:**  
10-21-09

**Time:**  
9 a.m.

**Location:**  
Office of State Fire Marshal  
4760 Portland Rd. NE  
Salem, OR 97305

**Hearing Officer:** Mariana Ruiz-Temple

**Stat. Auth.:** ORS 453.367

**Stats. Implemented:**

**Proposed Amendments:** 837-090-1145

**Last Date for Comment:** 10-28-09

**Summary:** The rule is being amended to maintain the Petroleum Load Fee at the current rate of \$4.00 in lieu of raising the fee to \$6.00. The Petroleum Load Fee funds the Hazardous Materials Emergency Response Team Program (HMERT). The program is sustainable at the current rate of \$4.00.

**Rules Coordinator:** Pat Carroll

**Address:** Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305

**Telephone:** (503) 934-8276

.....  
**Department of Revenue  
Chapter 150**

**Rule Caption:** Interest rate decrease for deficiencies and refunds effective January 1, 2010.

**Date:**  
11-23-09

**Time:**  
10 a.m.

**Location:**  
Fishbowl Conference Rm.  
955 Center St. NE  
Salem OR

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 305.100, 305.220

**Stats. Implemented:** ORS 305.220

**Proposed Amendments:** 150-305.220(1), 150-305.220(2)

**Last Date for Comment:** 11-23-09, Close of Hearing

**Summary:** OAR 150-305.220(1) and 150-305.220(2) are proposed for amendment to reflect a decrease in the interest rate paid on refunds and charged on deficiencies. This notice of proposed rulemaking is intended to comply with the requirements of ORS 305.220(3), which requires notice of intent to adopt adjusted interest rates to be given in the manner provided in ORS 183.335 not less than three months before the proposed effective date of the adjusted rates. These changes are proposed for interest periods beginning on or after January 1, 2010.

**Rules Coordinator:** Debra L. Buchanan

**Address:** 955 Center St NE Salem OR 97301-2555

**Telephone:** (503) 945-8653

.....  
**Department of State Lands  
Chapter 141**

**Rule Caption:** Removal-Fill Authorizations within Oregon Waters, General Authorizations and Essential Salmon Habitat Designations.

**Date:**  
11-18-09

**Time:**  
9–10 a.m.

**Location:**  
DSL, Land Board Rm.  
775 Summer St. NE  
Salem, OR

11-18-09

2–3 p.m.

Douglas Co. Courthouse  
Rm. 310  
1036 SE Douglas  
Roseburg, OR  
DSL Eastern Region  
1645 NE Forbes Rd.  
Suite 112  
Bend, OR

11-19-09

9–10 a.m.

**Hearing Officer:** Eric Metz

**Stat. Auth.:** ORS 196.600–196.692 & 196.800–196.990

**Stats. Implemented:** ORS 196.600–196.692 & 196.800–196.990

**Proposed Amendments:** 141-085-0500 – 141-085-0785, 141-089-0100 – 141-089-0615, 141-102-0000 – 141-102-0040

**Last Date for Comment:** 11-20-09

# NOTICES OF PROPOSED RULEMAKING

**Summary:** The Division 85 rules have been amended to reflect statutory changes enacted during the 79th Oregon Legislative Assembly—2009 Regular Session (HB 2155 and HB 2156), and to provide increased precision in certain technical areas, such as In-Lieu Fee Mitigation, and acceptable forms of financial security instruments for compensatory mitigation projects. The Division 89 rules have also been amended in part, to reflect statutory changes, but also to make them more succinct and consistent with the format used in recently revised Division 85 rules. The Division 102 rules have been amended to update the Department of State Lands' Essential Indigenous Anadromous Salmonid Habitat mapped designations based upon newly available, more accurate data from the Oregon Department of Fish and Wildlife on the spawning and rearing habitat of federally listed threatened and endangered runs of indigenous, anadromous salmonids and state listed sensitive runs of these same species.

**Rules Coordinator:** Elizabeth Martino

**Address:** Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279

**Telephone:** (503) 986-5239

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**Rule Caption:** Adopt rules governing the establishment of and uses within marine reserves and marine protected areas.

Date:	Time:	Location:
10-20-09	1-3 p.m.	State Lands Bldg. Land Board Rm, 775 Summer St. NE Salem, OR
10-21-09	7-9 p.m.	Port Orford Public Library 1421 Oregon St. Port Orford, OR
10-22-09	7-9 p.m.	The Inn at Otter Crest 301 Otter Crest Dr. Otter Rock, OR

**Hearing Officer:** Tony Stein

**Stat. Auth.:** ORS 183, 273, 274

**Other Auth.:** Oregon Constitution, Article 111, Section 5

**Stats. Implemented:** OL 2009 Ch. 847

**Proposed Adoptions:** 141-142-0010, 141-142-0015, 141-142-0020, 141-142-0025, 141-142-0030, 141-142-0035, 141-142-0040  
**Last Date for Comment:** 11-17-09, 5 p.m.

**Summary:** House Bill 3013 provides that the State Land Board and other relevant state agencies "...shall, consistent with existing statutory authority implement the November 29, 2008 recommendations from the Ocean Policy Advisory Council on marine reserves by: (1) Adopting rules to establish, study, monitor, evaluate and enforce a pilot rock marine reserve at Otter Rock and a pilot marine reserve and a marine protected area at Redfish Rocks..."

These rules describe what uses the Department of State Lands may authorize within areas designated as a marine reserve or marine protected area, and identify areas of state-owned submerged and submersible land in the Territorial Sea that have been designated by House Bill 3013 as a marine reserve or marine protected area.

**Rules Coordinator:** Elizabeth Martino

**Address:** Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279

**Telephone:** (503) 986-5239

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**Rule Caption:** Amend rules authorizing uses of state-owned submerged and submersible land.

Date:	Time:	Location:
10-26-09	7-9 p.m.	Smith Memorial Student Union Bldg., Rm. 338 Portland State University 1825 SW Broadway Portland, OR
10-27-09	7-9 p.m.	Seafood Customer Center 2021 Marine Dr. Astoria, OR
10-28-09	7-9 p.m.	Coos Bay Public Library Myrtlewood Meeting Rm. 525 Anderson Ave. Coos Bay, OR

**Hearing Officer:** Jeff Kroft

**Stat. Auth.:** ORS 183, 273, 274

**Other Auth.:** Oregon Constitution, Article VIII, Section 5

**Stats. Implemented:**

**Proposed Adoptions:** 141-082-0044, 141-082-0175

**Proposed Amendments:** 141-082-0000, 141-082-0030, 141-082-0040, 141-082-0060, 141-082-0070, 141-082-0080, 141-082-0090, 141-082-0100, 141-082-0110, 141-082-0130, 141-082-0140, 141-082-0150, 141-082-0160, 141-082-0170, 141-082-0200

**Proposed Repeals:** 141-082-0046, 141-082-0049, 141-082-0101, 141-082-0105, 141-082-0120, 141-082-0190, 141-082-0210

**Proposed Ren. & Amends:** 141-082-0020 to 141-082-0004, 141-082-0010 to 141-082-0014

**Last Date for Comment:** 11-6-09, 5 p.m.

**Summary:** These rules govern the granting of leases, public facility licenses, short-term access authorizations and registrations for a wide variety of commercial and non-commercial and public uses in, on, under and over state-owned submerged and submersible land. Since the time that these rules were last amended in 2002, they have served the agency well. However, a number of changes, most of which are relatively minor, need to be made to these rules to clarify various provisions; streamline some of the processes used; ensure that the definitions of terms used in the rules are the same as those recently used in other rules; and have the same format now used when creating new or amending existing rules. To enable the Department to recover more of the costs that it incurs to administer its registration program, these rules provide for increases in the application fee for a public facility license and the fees for the registration of structures on state-owned submerged and submersible land.

**Rules Coordinator:** Elizabeth Martino

**Address:** Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279

**Telephone:** (503) 986-5239

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## Department of Transportation Chapter 731

**Rule Caption:** Eligibility and application procedures for grants and loans under the multimodal transportation fund program.

**Stat. Auth.:** ORS 184.616, 184.619 & 367.082

**Stats. Implemented:** ORS 367.080-367.086

**Proposed Amendments:** 731-035-0010, 731-035-0020, 731-035-0030, 731-035-0040, 731-035-0050, 731-035-0060, 731-035-0070, 731-035-0080

**Last Date for Comment:** 10-21-09

**Summary:** The proposed amendments are needed to implement Section 10(1) of HB 2001, to allocate at least five percent of the net proceeds of lottery bonds used for the ConnectOregon III program to rural airports.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>

**Rules Coordinator:** Lauri Kunze

**Address:** Department of Transportation, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

**Telephone:** (503) 986-3171

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## Department of Transportation, Driver and Motor Vehicle Services Division Chapter 735

**Rule Caption:** Requirements for a Hazardous Materials Endorsement; Military Privileges; Valid CDL; Civil Penalty for Out-of-Service Order.

Date:	Time:	Location:
10-19-09	1 p.m.	Multnomah County Commission Board Rm. 501 SE Hawthorne Blvd. Portland, OR 97214
10-21-09	9 a.m.	U of O Continuing Ed. Center 975 High St. Eugene, OR 97401

# NOTICES OF PROPOSED RULEMAKING

**Hearing Officer:** Liz Woods  
**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 807.173, 183.745  
**Other Auth.:** 49 USC, Sec 5103a, 49 CFR §383.71, 49 CFR §1572  
**Stats. Implemented:** ORS 807.170, 807.173, 807.350, 809.310, 183.745 & Sec. 14, Ch. 395, OL 2009  
**Proposed Amendments:** 735-062-0190, 735-070-0000, 735-070-0170  
**Proposed Repeals:** 735-062-0003, 735-070-0043  
**Last Date for Comment:** 10-21-09

**Summary:** Chapter 395, Oregon Laws 2009 (SB 129) amends several statutes related to commercial driving privileges and the operation of a commercial motor vehicle. The bill was proposed by DMV to make certain that Oregon's commercial driver license (CDL) program is in compliance with federal regulations.

To qualify for a hazardous materials endorsement, Section 8, Chapter 395, Oregon Laws 2009 requires the person to be a U.S. citizen or permanent legal resident as defined by the department by rule. The proposed amendment of OAR 735-062-0190(1)(c) establishes what documents are required to establish proof of U.S. citizenship or a permanent legal status. DMV also proposes to amend OAR 735-062-0190 to align DMV's process with federal requirements that a person be required to pass a security threat assessment from the Transportation Security Administration (TSA) every five years. Other amendments clarify the process for cancellation of a commercial driver license if a person does not remain qualified for the hazardous materials endorsement. Other changes are made for clarity.

DMV proposes to amend OAR 735-070-0000 to include a reference to ORS 807.173 which authorizes DMV to cancel a CDL if the person no longer qualifies for a hazardous materials endorsement.

Section 14, Chapter 395, Oregon Laws 2009 specifies new civil penalty amounts for violation of an out-of-service order. DMV proposes to amend OAR 735-070-0170 to delete the language concerning the civil penalty amounts and to update a statutory reference in the section that sets forth administrative hearing rights.

DMV proposes to repeal two rules because of statutory amendments in Chapter 395, Oregon Laws 2009. DMV proposes to repeal OAR 735-062-0003 and 735-070-0043 as the new law includes all necessary language and the rules are no longer needed.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>

**Rules Coordinator:** Lauri Kunze  
**Address:** Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301  
**Telephone:** (503) 986-3171

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**Rule Caption:** Limited Term Driver Licenses, Driver Permits and Identification Cards; Documents Needed; Valid with Previous Photo.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-19-09	1 p.m.	Multnomah County Commission Board Rm. 501 SE Hawthorne Blvd. Portland OR 97214
10-21-09	9 a.m.	U of O Continuing Ed. Center 975 High Street Eugene OR 97401

**Hearing Officer:** Liz Woods  
**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 802.012, 807.040, 807.050, 807.060, 807.120, 807.150, 807.160, 807.400, 809.310, 2008 OL (SB 1080), Ch 1 and 2009 OL, Ch 258 (SB 128)  
**Other Auth.:** EO 07-22  
**Stats. Implemented:** ORS 802.012, 802.540, 807.040, 807.045, 807.050, 807.060, 807.062, 807.066, 807.100, 807.150, 807.160, 807.220, 807.230, 807.280, 807.400 and 2008 OL, Ch 1  
**Proposed Amendments:** 735-062-0007, 735-062-0010, 735-062-0015, 735-062-0020, 735-062-0090, 735-062-0110, 735-062-0125  
**Last Date for Comment:** 10-21-09

**Summary:** Section 4, Chapter 1, Oregon Laws 2008, which is operative on January 1, 2010, provides for the issuance, renewal and

replacement of a limited term driver license, limited term driver permit and limited term identification card. DMV proposes to amend OAR 735-062-0007, 735-062-0010 and 735-062-0090 to specify what proof of legal presence in the United States (US) an applicant must provide for the issuance or renewal of a limited term driver license, limited term driver permit or limited term identification card if the applicant is in the US on a temporary basis. Other changes update these rules to refer to a limited term driver license, driver permit or ID card.

The proposed amendment to OAR 735-062-0015(6) is to clarify that DMV will not re-verify the legal presence documents presented by a person who is applying to replace a limited term driver license, limited term driver permit or limited term identification card since those documents were verified at the time of original issuance or renewal. DMV is also proposing to amend section (2) of this rule to clarify that a tribal ID card is sufficient proof that the person applying is a citizen or permanent resident of the US.

OAR 735-062-0125 defines the requirements for renewing or replacing a driver license or identification card using a previous photo on file with DMV. As authorized by SB 1080, these may be issued to an applicant who is a US Citizen or permanent resident who is unable to renew or replace an Oregon issued driver license or identification card in person because the applicant is away from Oregon for an extended period of time. DMV's proposed amendment clarifies what proof must be provided by the applicant to qualify for a driver license or identification card that uses a previous photo. DMV also proposes to amend OAR 735-062-0020 to specify the requirements for proof of identity and date of birth when a driver license or identification card issued under OAR 735-062-0125 is renewed or replaced.

DMV proposes to amend OAR 735-062-0090 to extend the time period within which a person may apply for renewal of a driver license or identification card before its expiration date to 14 months. The amendment also describes the proof of legal presence necessary to renew a limited term driver license, driver permit or identification card.

**Rules Coordinator:** Lauri Kunze  
**Address:** Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301  
**Telephone:** (503) 986-3171

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**Rule Caption:** Renewal of Disabled Person Parking Permits.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-19-09	1 p.m.	Multnomah County Commission Board Room 501 SE Hawthorne Blvd Portland OR 97214
10-21-09	9 a.m.	U of O Continuing Education Ctr. 975 High St. Eugene OR 97401

**Hearing Officer:** Liz Woods  
**Stat. Auth.:** ORS 184.616, 184.619, 811.602, 811.607, 811.609  
**Stats. Implemented:** ORS 811.602, 811.604, 811.605, 811.606, 811.607, 811.609 and 2008 OL Ch 1  
**Proposed Amendments:** 735-080-0020, 735-080-0040, 735-080-0060

**Last Date for Comment:** 10-21-09  
**Summary:** ORS 811.604 as amended by Chapter 238, Oregon Laws 2009 (SB 937) requires that an application for renewal of a disabled person parking permit contain a certificate signed by a licensed health care provider that the person qualifies for the permit. Previously a person could sign a statement that they still qualify for a disabled person parking permit to renew.

DMV proposes to amend OAR 735-080-0040 to establish how an applicant for the renewal of a disabled person parking permit must provide the required signed certificate that qualifies the person to renew the permit. This includes a new renewal form that can be used.

## NOTICES OF PROPOSED RULEMAKING

DMV also proposes to amend OAR 735-080-0020 and 735-080-0060 to list the correct form numbers for applications as DMV has developed new forms that are specific to the permit, decal or placard for which the person is applying.

Other changes are made for clarity.

**Rules Coordinator:** Lauri Kunze

**Address:** Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301  
**Telephone:** (503) 986-3171

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**Rule Caption:** Proof of School Attendance, Completion, Exemption and for Waiver of Reinstatement Fee.

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 807.066, 809.380

**Stats. Implemented:** ORS 807.066 & 809.380

**Proposed Amendments:** 735-062-0035

**Last Date for Comment:** 10-21-09

**Summary:** ORS 809.380 as amended by Chapter 105, Oregon Laws 2009 (HB 2871) requires that DMV waive the reinstatement fee for a person whose driving privileges are suspended for non-attendance at school if the person can show that he or she has graduated from high school or received a General Educational Development (GED) certificate at the time of reinstating driving privileges. The proposed amendment to OAR 735-062-0035 establishes what proof DMV will accept as proof of high school graduation or a GED certificate for determining whether a reinstatement fee should be waived.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>

**Rules Coordinator:** Lauri Kunze

**Address:** Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301  
**Telephone:** (503) 986-3171

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**Rule Caption:** Hardship or Probationary Permit Restrictions.

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 807.270 & 813.510

**Stats. Implemented:** ORS 807.240, 807.270, 809.600, 813.100, 813.510, 813.602, 813.608, 813.610, 813.612 & 803.614

**Proposed Amendments:** 735-064-0100

**Last Date for Comment:** 10-21-09

**Summary:** Section 12, Chapter 783, Oregon Laws 2009 (HB 3271) amends ORS 809.600(1) and adds a new offense – aggravated driving while suspended or revoked – to the kinds of convictions that result in revocation of driving privileges as an habitual offender. OAR 735-064-0100(1)(c) describes what constitutes a violation of a hardship or probationary permit and lists the convictions in ORS 809.600(1)(a) through (g). Therefore DMV proposes to amend OAR 735-064-0100 to include the conviction of aggravated driving while suspended or revoked.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>

**Rules Coordinator:** Lauri Kunze

**Address:** Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301  
**Telephone:** (503) 986-3171

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**Rule Caption:** When Police Officer Unable to Appear at Hearing/Original Hearing as Used in ORS 813.440(1)(f).

**Stat. Auth.:** ORS 183.341, 184.616, 184.619, 802.010, 813.410 & 813.440

**Stats. Implemented:** ORS 813.410 & 813.440

**Proposed Adoptions:** 735-090-0125

**Proposed Amendments:** 735-090-0120

**Last Date for Comment:** 10-21-09

**Summary:** ORS 813.440 as amended by Section 1, Chapter 520, Oregon Laws 2009 (HB 2968) allows a hearing to determine the validity of a suspension ordered due to implied consent laws to be scheduled outside of the time requirements of ORS 813.410 due to

the inability of the person's attorney to appear due to the attorney's illness, vacation or scheduling conflict arising from other court or administrative hearing appearances. However this section does include a provision that the hearing must be rescheduled no later than 45 days after the date of the original hearing. As there are other reasons a hearing may be re-scheduled, before or after a hearing is actually held, a definition of original hearing is needed. DMV proposes to adopt OAR 735-090-0125 to clarify what is considered the original hearing date for purposes of determining whether a hearing can be re-scheduled due to an attorney's illness, vacation or scheduling conflict.

DMV also proposes to amend OAR 735-090-0120 that describes what the process is for rescheduling a hearing to determine the validity of a suspension under ORS 813.410 when a police officer is unable to appear at the hearing. The Office of Administrative Hearings (OAH) reschedules a hearing for an officer's illness, vacation or official duty conflict. The proposed changes to OAR 735-090-0120 will clarify what happens whenever a police officer is unable to attend a hearing due to the officer's illness, vacation or official duty conflict.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>

**Rules Coordinator:** Lauri Kunze

**Address:** Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301  
**Telephone:** (503) 986-3171

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### Department of Transportation, Highway Division Chapter 734

**Rule Caption:** Advertising signs attached to transit shelters.

**Stat. Auth.:** ORS 184.616, 184.619 & 377.729

**Stats. Implemented:** ORS 377.725

**Proposed Amendments:** 734-065-0010, 734-065-0015, 734-065-0020, 734-065-0025, 734-065-0035, 734-065-0040, 734-065-0045, 734-065-0050

**Proposed Repeals:** 734-065-0005, 734-065-0030

**Last Date for Comment:** 10-21-09

**Summary:** General updating of rules, most of which have not been updated in over 20 years; deleting former fee rule that was superseded by ORS 377.729 and subsequent fee rule for all outdoor advertising signs in 734-059-0100.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>

**Rules Coordinator:** Lauri Kunze

**Address:** Department of Transportation, Highway Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301  
**Telephone:** (503) 986-3171

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### Land Conservation and Development Department Chapter 660

**Rule Caption:** Permanent Rules amending OAR chapter 660, division 33, modifying uses on agricultural land.

Date:	Time:	Location:
11-5-09	9 a.m.	Springfield City Hall Springfield, OR

**Hearing Officer:** LCDC

**Stat. Auth.:** ORS 197.040

**Other Auth.:** Statewide Planning Goals 3 and 4

**Stats. Implemented:** ORS 215, OL 2009 Ch. 850

**Proposed Amendments:** 660-033-0120, 660-033-0130

**Last Date for Comment:** 11-5-09

**Summary:** The proposed permanent rules amend OAR chapter 660, division 33. The purpose of amending the rules is for consistency with House Bill 3099, enacted by the 2009 legislature. HB 3099 amended ORS chapter 215 modifying certain conditional and outright permitted uses or criteria for such uses, on land zoned for

# NOTICES OF PROPOSED RULEMAKING

exclusive farm use, including golf courses, schools, solid waste disposal sites, model airplay sites, and breeding and kenneling of greyhounds.

**Rules Coordinator:** Cassaria Tuttle

**Address:** Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301

**Telephone:** (503) 373-0050

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**Rule Caption:** Amend the Territorial Sea Plan for Use of Territorial Sea for Renewable Energy Development.

Date:	Time:	Location:
10-23-09	8 a.m.	Florence Events Center 715 Quince St. Florence, OR
11-5-09	8 a.m.	Springfield City Hall 225 Fifth St. Springfield, OR

**Hearing Officer:** Paul Klarin, LCDC

**Stat. Auth.:** ORS 196.471 & 197.040

**Other Auth.:** Statewide Land Use Planning Goal 19 Ocean Resources, (OAR 660-015-0010(4))

**Stats. Implemented:** ORS 196.405–196.435 & ORS 196.471–196.485

**Proposed Adoptions:** 660-036-0005

**Last Date for Comment:** 11-5-09

**Summary:** The proposed rule will adopt by reference amendments to the Territorial Sea Plan authorized by ORS 196.443. ORS 196.471 requires the Land Conservation and Development Commission to review such amendments to the Territorial Sea Plan and, upon making of findings, adopt the amendments as part of the Oregon Coastal Management Program.

**Rules Coordinator:** Cassaria Tuttle

**Address:** Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301-2540

**Telephone:** (503) 373-0050

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## **Landscape Architect Board Chapter 804**

**Rule Caption:** Define multiple choice exam application procedure; explain Emeritus registration procedure; update document sealing process.

**Stat. Auth.:** ORS 671.310, 671.325, 671.335, 671.376(4), 671.379, 671.415

**Stats. Implemented:** ORS 671.325, 671.335, 671.379

**Proposed Adoptions:** 804-022-0025

**Proposed Amendments:** 804-020-0003, 804-030-0000

**Last Date for Comment:** 10-30-09, Close of Business

**Summary:** OAR 804-020-0003 outlines the procedure for applying with the Oregon Board for the national LARE multiple choice test. Applicants for this exam must be pre-approved by the Oregon Board before they can acquire access to the test so this evaluation process allows for qualifications to be confirmed.

OAR 804-022-0025 outlines the application procedures for the inactive Emeritus status. Eligibility requirements are outlined as well as the procedure for maintaining an inactive Emeritus status.

OAR 804-030-0000 describes the seal that each registrant is required to obtain. Language is being added to clarify when the seal is required and what must accompany the seal when it is affixed.

**Rules Coordinator:** Susanna Knight

**Address:** 707 13th Street SE, Suite 261, Salem, OR 97301

**Telephone:** (503) 589-0093

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## **Oregon Business Development Department Chapter 123**

**Rule Caption:** These rules cover the operation of the Oregon Credit Enhancement Fund.

**Stat. Auth.:** ORS 285A.075 & 285A.213

**Stats. Implemented:** ORS 285A.213

**Proposed Amendments:** 123-021-0010, 123-021-0015, 123-021-0020, 123-021-0040, 123-021-0050, 123-021-0060, 123-021-0070, 123-021-0080, 123-021-0090, 123-021-0100, 123-021-0110, 123-021-0120, 123-021-0130, 123-021-0140

**Proposed Repeals:** 123-021-0030

**Last Date for Comment:** 10-21-09

**Summary:** These rules are being revised due to changes brought by the 2009 Legislative session and reflect the department name change. In addition these rules have been revised for clarity.

**Rules Coordinator:** Janelle Lacefield

**Address:** Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301

**Telephone:** (503) 986-0036

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**Rule Caption:** These rules have been revised due to 2009 Legislation.

**Stat. Auth.:** ORS 285A.075

**Stats. Implemented:** ORS 285A.654–285A.660

**Proposed Amendments:** 123-025-0010, 123-025-0012, 123-025-0015, 123-025-0017, 123-025-0021, 123-025-0025, 123-025-0030

**Last Date for Comment:** 10-21-09

**Summary:** These rules have been revised to include the new Infrastructure Finance Authority brought from the 2009 Legislative session through HB 2152 and revised for clarity.

**Rules Coordinator:** Janelle Lacefield

**Address:** Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301

**Telephone:** (503) 986-0036

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**Rule Caption:** These rules are being updated to reflect Department name change and the new Infrastructure Finance Authority.

**Stat. Auth.:** ORS 285A.075

**Stats. Implemented:** ORS 777.267

**Proposed Amendments:** 123-027-0040, 123-027-0056, 123-027-0060, 123-027-0070, 123-027-0156, 123-027-0161, 123-027-0166, 123-027-0211

**Last Date for Comment:** 10-21-09

**Summary:** These rules are being revised due to changes brought by the 2009 Legislative session and reflect the new Infrastructure Finance Authority within the Department and the department name change. In addition these rules have been revised for clarity.

**Rules Coordinator:** Janelle Lacefield

**Address:** Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301

**Telephone:** (503) 986-0036

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**Rule Caption:** The rules cover the Port Revolving Loan Fund.

**Stat. Auth.:** ORS 285A.075

**Stats. Implemented:** ORS 285A.669–285A.732

**Proposed Amendments:** 123-030-0000, 123-030-0004, 123-030-0010, 123-030-0020, 123-030-0030, 123-030-0040, 123-030-0050

**Last Date for Comment:** 10-21-09

**Summary:** These rules have been revised to include the new Infrastructure Finance Authority brought from the 2009 Legislative session through HB 2152 and revised for clarity.

**Rules Coordinator:** Janelle Lacefield

**Address:** Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301

**Telephone:** (503) 986-0036

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## **Oregon Department of Education Chapter 581**

**Rule Caption:** Modifies student accounting for purposes of distribution of school funds.

**Stat. Auth.:** ORS 326.310 & 327.125

**Stats. Implemented:** ORS 327

**Proposed Amendments:** 581-023-0006, 581-023-0018

## NOTICES OF PROPOSED RULEMAKING

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** The rule changes the requirements for school districts reporting enrollment, attendance, membership and other information. The rule also eliminates the enrollment does that apply to students. The codes and other requirements apply to the distribution of the State School Fund and the Common School Fund.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St NE, Salem, OR 97310

**Telephone:** (503) 947-5791

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**Rule Caption:** Modifies rule relating to administration of prescription and nonprescription medication to students.

**Stat. Auth.:** ORS 326.051

**Stats. Implemented:** ORS 339.869

**Proposed Amendments:** 581-021-0037

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** The rule amendments specify who may provide training to designated school staff on the administration of medications to students. The rule also eliminates from the definition of physician those individual who are licensed in adjoining states.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St NE, Salem, OR 97310

**Telephone:** (503) 947-5791

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**Rule Caption:** Modifies timeline for when students must be proficient in essential skills to receive diploma.

**Stat. Auth.:** ORS 329.451

**Stats. Implemented:** ORS 329.045, 329.075, 329.451, 329.485 & 338.115

**Proposed Amendments:** 581-022-0615

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** Students are required to demonstrate proficiency in certain essential skills to receive a high school diploma. These essential skills include reading, writing, mathematics and speaking. Previously the State Board of Education established a timeline for phasing in this requirement. The rule amendments delay the requirements that a student demonstrate proficiency in writing and mathematics until a specified time. The rule amendments delay the requirement that a student demonstrate proficiency in speaking until an undetermined time.

The rule amendments also allow districts and schools to modify assessment options for certain students who are seeking modified diplomas. This was previously allowed by department policy.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St NE Salem, OR 97310

**Telephone:** (503) 947-5791

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**Rule Caption:** Modifies rules relating to Long Term Care and Treatment Programs that provide educational services.

**Stat. Auth.:** ORS 326.051 & 343.961

**Stats. Implemented:** ORS 343.243 & 343.961

**Proposed Adoptions:** 581-015-2571, 581-015-2572, 581-015-2573, 581-015-2574

**Proposed Amendments:** 581-015-2270, 581-015-2570

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** The Department of Education contracts with districts and programs to provide education to children in Long Term Care and Treatment (LTCT) programs. The department receives funding from the State School Fund and from an appropriation from the General Fund for distribution to the districts and programs. The rule amendments break apart the current rule into five separate rules and clarify language in the rules. The rules specify program eligibility and approval, program funding formula, resident district obligations and requirements for student due process hearings.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St NE, Salem, OR 97310

**Telephone:** (503) 947-5791

**Rule Caption:** Requires school districts and public charter schools to provide literacy instruction to all students.

**Stat. Auth.:** ORS 326.051

**Stats. Implemented:** ORS 329.451

**Proposed Adoptions:** 581-022-1215

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** The 2009 Legislature enacted HB 2507. The rule implements this bill by requiring school districts and public charter schools to provide literacy instruction to all students.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St NE, Salem, OR 97310

**Telephone:** (503) 947-5791

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**Rule Caption:** Requires school districts to award extended diplomas to certain students.

**Stat. Auth.:** ORS 326.051

**Stats. Implemented:** ORS 329.451

**Proposed Adoptions:** 581-022-1133

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** The 2009 legislature enacted HB 2507 which required school districts and public charter schools to award extended diplomas to certain students. The rule implements this legislation.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St. NE, Salem, OR 97310

**Telephone:** (503) 947-5791

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**Rule Caption:** Modifies graduation requirements for certain high school students.

**Stat. Auth.:** ORS 326.051 & 329.451

**Stats. Implemented:** ORS 329.451

**Proposed Amendments:** 581-022-1130

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** On April 1, 2009, Governor Kulongoski signed HB 2061 into law. This law waives the increased graduation credit requirements passed by the 2005 Legislature and set to go into effect July 1, 2009. These requirements are one additional English credit (for a total of 4) and one additional mathematics credit (for a total of 3). This waiver applies to students who began ninth grade during the 2005-2006 school year, attended school consecutively during the 2006-2007, 2007-2008 and 2008-2009 school years and who will receive their diploma prior to July 1, 2010.

This law is binding and has immediate effect. OAR 581-022-1130, which outlines the diploma implementation timeline, conflicts with this new law.

The rules also implement HB 2507 which was also adopted by the 2009 Legislature.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St NE, Salem, OR 97310

**Telephone:** (503) 947-5791

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**Rule Caption:** Specifies requirements for development of Oregon Statewide Assessment for public school students.

**Stat. Auth.:** ORS 326.051 & 329.075

**Stats. Implemented:** ORS 329.045, 329.075 & 329.485

**Proposed Adoptions:** 581-022-0620

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** State law requires the Oregon Department of Education to develop a statewide assessment system for use by all public school students. The rule specifies:

- which assessments are considered to be part of this assessment system
- directs the department to translate an assessment into other languages
- directs the department to maintain advisory groups for purposes of assessment development.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St NE, Salem, OR 97310

**Telephone:** (503) 947-5791

# NOTICES OF PROPOSED RULEMAKING

**Rule Caption:** Modifies rule relating to alternative certificates awarded by school districts and schools to students.

**Stat. Auth.:** ORS 329.451

**Stats. Implemented:** ORS 329.451

**Proposed Amendments:** 581-022-1135

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** The 2009 Legislature adopted HB 2507 which modified requirements relating to alternative certificates that are awarded by school districts and public charter schools to students. The rule amendments implement these requirements. These requirements include providing the appropriate resources at each high school to achieve an alternative certificate and notifying parents and guardians about the alternative certificate.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St NE, Salem, OR 97310

**Telephone:** (503) 947-5791

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**Rule Caption:** Modifies rule relating to modified diploma award by school districts and schools to students.

**Stat. Auth.:** ORS 329.451

**Stats. Implemented:** ORS 329.451

**Proposed Amendments:** 581-022-1134

**Last Date for Comment:** 10-21-09, 5 p.m.

**Summary:** The 2009 legislature enacted HB 2507 which changed requirements for a modified diploma awarded by school districts and public charter schools to students. The rule amendments bring the rule implement these changes. The changes include:

- requiring consent of parent or guardian to award modified diploma
- requiring annual notification to parents or guardian about availability of modified diploma
- requiring that districts and schools provide access to appropriate resources to achieve a modified diploma at each high school
- applying requirements of modified diploma to all students who graduate on or after July 1, 2009.

**Rules Coordinator:** Diane Roth

**Address:** 255 Capitol St NE, Salem, OR 97310

**Telephone:** (503) 947-5791

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## Oregon Government Ethics Commission Chapter 199

**Rule Caption:** Adopts rules providing guidelines to public officials and lobbyists.

Date:	Time:	Location:
10-22-09	9 a.m.	3218 Pringle Rd. SE Suite 220 Salem, OR 97302

**Hearing Officer:** Virginia Lutz

**Stat. Auth.:** ORS 244.290

**Stats. Implemented:** ORS 244.290, 183.335, 244.255, 244.250, 244.260, 244.310, 244.350, 244.280(3), 244.290(5)(d), 244.020, 244.025, 244.042, 244.100, 244.020(6)(b)(H), 244.020(6)(b)(O), 244.040, 244.047, 244.050

**Proposed Adoptions:** 199-001-0007, 199-001-0014, 199-001-0015, 199-005-0003, 199-005-0027, 199-020-0008

**Proposed Amendments:** 199-001-0000, 199-001-0005, 199-001-0010, 199-001-0020, 199-001-0035, 199-001-0040, 199-005-0005, 199-005-0010, 199-005-0015, 199-005-0020, 199-005-0025, 199-005-0035, 199-020-0005

**Last Date for Comment:** 11-20-09, 5 p.m.

**Summary:** Adopts rules interpreting 2009 revisions to ORS Chapter 244. The rules address the following topics: determining the value of items or services received by public officials; specifying the methods for calculating and collecting the agency's funding through rates and charges; specify when a continuing violation is considered a single violation or a separate and distinct violation for each day the violation occurs; set criteria for determining the amount of civil penalties that the Commission may impose; ensuring accurate reporting

of and compliance with gift and honoraria limits; determining the value of unsolicited tokens or awards; defining terms in the exceptions for receptions, meals or meetings; payments for travel, entertainment and other gift exceptions, and determining the source of gifts. The rules are intended to provide guidelines for compliance through defining terms and clarifying substantive provisions of government ethics law. Various housekeeping changes including name change and renumbering of statutes.

**Rules Coordinator:** Virginia Lutz

**Address:** Oregon Government Ethics Commission, 3218 Pringle Rd. SE, Suite 220, Salem, OR 97302

**Telephone:** (503) 378-5105

\*\*\*\*\*

## Oregon Medical Board Chapter 847

**Rule Caption:** Adds fee to licensing renewal fee for the Electronic Prescription Monitoring Program.

**Stat. Auth.:** Senate Bill 355 (2009), ORS 677.265

**Stats. Implemented:** Senate Bill 355 (2009), ORS 677.265

**Proposed Amendments:** 847-005-0005

**Last Date for Comment:** 10-28-09

**Summary:** The proposed rule change adds a \$25/year fee for the Electronic Prescription Monitoring Program for licensees (physicians, podiatric physicians and physician assistants) authorized to prescribe or dispense controlled substances. Licensees with Active, Locum Tenens, Telemonitoring, Teleradiology, Telemedicine and Emeritus status are included. Licensees with a limited license are not included.

**Rules Coordinator:** Malar Ratnathicam

**Address:** Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201

**Telephone:** (971) 673-2713

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## Oregon Student Assistance Commission Chapter 575

**Rule Caption:** Nursing Faculty Loan Repayment Program.

Date:	Time:	Location:
10-23-09	10 a.m.	1500 Valley River Dr. Eugene, OR 97401

**Hearing Officer:** Brian Lemos

**Stat. Auth.:** SB 701

**Other Auth.:** 2009 OL Ch. 815

**Stats. Implemented:** 2009 OL Ch. 815

**Proposed Adoptions:** Rules in 575-080

**Last Date for Comment:** 10-23-09

**Summary:** Provides loan repayments on behalf of nurse educators at nursing schools in Oregon who have earned a master's or doctoral degree from an accredited nursing education program.

**Rules Coordinator:** Beverly R. Boyd

**Address:** Oregon Student Assistance Commission, 1500 Valley River Dr., Suite 100, Eugene, OR 97401

**Telephone:** (541) 687-7394

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## Oregon Student Assistance Commission, Office of Degree Authorization Chapter 583

**Rule Caption:** Brings rules into compliance with 2009 OR Laws Ch. 172 (SB 114).

Date:	Time:	Location:
10-23-09	10 a.m.	1500 Valley River Dr. Suite 100 Eugene, OR

**Hearing Officer:** Brian Lemos

**Stat. Auth.:** 2009 OL Ch. 172

**Stats. Implemented:**

**Proposed Amendments:** Rules in 583-030

**Last Date for Comment:** 10-23-09

# NOTICES OF PROPOSED RULEMAKING

**Summary:** OR Laws Ch. 172 exempts all regionally accredited non-profit degree-granting institutions from ODA oversight and requires ODA to oversee all for-profit degree-granters and all degree-granters lacking regional accreditation. Rule changes will adjust the language of OAR to reflect this change in jurisdiction. Rules will be effective January 1, 2010.

**Rules Coordinator:** Beverly R. Boyd

**Address:** Student Assistance Commission, Office of Degree Authorization, 1500 Valley River Dr., Suite 100, Eugene, OR 97401  
**Telephone:** (541) 687-7394

.....  
**Oregon University System**  
**Chapter 580**

**Rule Caption:** To establish Tuition and Fees for the 2009–10 Academic Year, including Room and Board rates.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
11-5-09	10–11 a.m.	Room B214 Kerr Administration Bldg. Corvallis, OR
11-12-09	10–11 a.m.	Room B214 Kerr Administration Bldg. Corvallis, OR

**Hearing Officer:** Shonna S. Butler

**Stat. Auth.:** ORS 351

**Stats. Implemented:** ORS 351

**Proposed Amendments:** 580-040-0040

**Proposed Repeals:** 580-040-0040(T)

**Last Date for Comment:** 11-12-09

**Summary:** To establish Tuition and Fees for the 2009–10 Academic Year, including Room and Board rates; upon Board approval, January 2010, supersedes all previous permanent and temporary academic fee book rules

**Rules Coordinator:** Marcia M. Stuart

**Address:** Oregon University System, PO Box 3175, Eugene, OR 97403-0175

**Telephone:** (541) 346-5749

.....  
**Oregon Youth Authority**  
**Chapter 416**

**Rule Caption:** Transitional care provider standards offering independent living services for offenders 18 through 24 years old.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-21-09	1:30–2:30 p.m.	530 Center Street NE, Suite 200 Salem, OR 97301

**Hearing Officer:** Winifred Skinner

**Stat. Auth.:** ORS 420A.025

**Stats. Implemented:** ORS 420.888–420.892

**Proposed Adoptions:** 416-530-0200

**Last Date for Comment:** 10-22-09, 5 p.m.

**Summary:** This rule establishes standards for OYA transitional care providers and their homes that offer specific independent living and transitional services for youth offenders 18 through 24 years of age. Unless otherwise specified in this rule, the provisions of OAR 416-530-0000 through 416-530-0090 and OAR 416, division 800, apply to transitional care provider applicants, transitional care providers and transitional care homes.

**Rules Coordinator:** Winifred Skinner

**Address:** 530 Center Street NE, Suite 200, Salem, OR 97301-3765

**Telephone:** (503) 373-7570

.....  
**Rule Caption:** OYA offender medication management general standards.

**Stat. Auth.:** ORS 420A.025

**Stats. Implemented:** ORS 418.517, 420A.010, 420A.014 & 420.054

**Proposed Amendments:** 416-340-0020

**Last Date for Comment:** 10-21-09, Close of Business

**Summary:** The rule modification clarifies when an offender may sign exemption from immunization forms, and deletes a misinterpretation of a specific ORS.

**Rules Coordinator:** Winifred Skinner

**Address:** 530 Center Street NE, Suite 200, Salem, OR 97301-3765

**Telephone:** (503) 373-7570

.....  
**Parks and Recreation Department**  
**Chapter 736**

**Rule Caption:** Rules governing Marine Reserves designated by State Land Board on portions of the ocean shore and areas adjacent to state parks.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-20-09	1–3 p.m.	Dept. of State Lands 775 Summer St. NE Salem, OR 97301
10-21-09	7–9 p.m.	Port Orford Public Library 1421 Oregon St. Port Orford, OR 97456
10-22-09	7–9 p.m.	The Inn at Otter Crest 301 Otter Crest Dr. Otter Rock, OR 97369

**Hearing Officer:** Tony Stein

**Stat. Auth.:** ORS 390.124, 390.635, 390.660

**Other Auth.:** HB 3013 (2009 Leg. Session)

**Stats. Implemented:** ORS 390.635, 390.660, 390.725(4), 2009 OL Ch. 847

**Proposed Adoptions:** 736-029-0010, 736-029-0020, 736-029-0030, 736-029-0040

**Last Date for Comment:** 11-17-09, 5 p.m.

**Summary:** These rules provide governance and protection to Marine Reserves as designated by the State Land Board along the Oregon ocean shore and areas adjacent to state parks protected from all extractive activities, including the removal or disturbance of living and non-living marine resources, except as necessary for monitoring or research to evaluate reserve condition, effectiveness, or impact of stressors. Having Marine Reserves provides an additional tool to help protect, sustain or restore the nearshore marine ecosystem, its habitats, and species for the values they represent to present and future generations.

**Rules Coordinator:** Joyce Merritt

**Address:** Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301

**Telephone:** (503) 986-0756

.....  
**Public Utility Commission**  
**Chapter 860**

**Rule Caption:** In the Matter of Revisions to the Residential Service Protection Fund Administrative Rules.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-28-09	10 a.m.	PUC Main Hearing Rm. 1st Floor 550 Capitol St. NE Salem, OR 97301

**Hearing Officer:** Patrick Power

**Stat. Auth.:** ORS 183, 756, 759 & Ch. 290 OL 1987

**Stats. Implemented:** ORS 756.040, 759.036 & Ch. 290 OL 1987

**Proposed Adoptions:** 860-033-055

**Proposed Amendments:** 860-033-0001 – 860-033-0560

**Last Date for Comment:** 10-28-09, Close of Hearing

**Summary:** The rules in Division 033 regarding the Residential Service Protection Fund programs need to be updated to reflect current practices, to embrace new technologies, to improve reporting requirements to ensure that the Commission is reimbursing providers only for eligible customers, and to make housekeeping, organizational and other clarifying improvements.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before

## NOTICES OF PROPOSED RULEMAKING

the deadline. Please reference Docket No. AR 540 on comments and file them by email to the Commission's Filing Center at [PUC.FilingCenter@state.or.us](mailto:PUC.FilingCenter@state.or.us) and also send a signed hard copy to the Filing Center at PO Box 2148, Salem, Oregon 97301. To view documents filed, see <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=15803>

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at [diane.davis@state.or.us](mailto:diane.davis@state.or.us) or (503) 378-4372 by close of business October 23, 2009 to request a dial-in number. To present oral comment at the hearing, participants must attend in person.

**Rules Coordinator:** Diane Davis

**Address:** Public Utility Commission, PO Box 2148, Salem, OR 97308-2148

**Telephone:** (503) 378-4372

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**Rule Caption:** In the Matter of Setting Regulatory Thresholds for Metered Water Systems.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
11-5-09	9:30 a.m.	Public Utility Commission 550 Capitol St. NE Main Hearing Rm., 1st Flr. Salem, OR 97301

**Hearing Officer:** Shani M. Pines

**Stat. Auth.:** ORS 757.005 & ORS 757.061

**Other Auth.:** SB 623

**Stats. Implemented:** ORS 757.005 & 757.061

**Proposed Amendments:** 860-036-0010, 860-036-0030

**Last Date for Comment:** 11-5-09, Close of Hearing

**Summary:** This rulemaking is a requirement of SB 623, made into law by the 2009 Legislature. Currently, the Commission has regulatory thresholds for oversight and regulation of water utilities. The current average annual monthly threshold rate for residential and small commercial customers is \$33. The current average annual monthly threshold rate for large commercial water service customers is \$110. The current thresholds do not distinguish between metered and unmetered water utilities. Senate Bill 623 requires that the Commission determine a higher rate threshold for systems that are metered.

The proposed regulatory rate threshold is \$36 average annual monthly water service rate for metered, residential customers and small businesses (meter size one inch or smaller) and \$119 average annual monthly water service rate for metered, large commercial customers (meter size larger than one inch).

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 539 on comments and file them by e-mail to the Commission's Filing Center at [PUC.FilingCenter@state.or.us](mailto:PUC.FilingCenter@state.or.us) and also send a signed hard copy to the Filing Center at PO Box 2148, Salem, Oregon 97308-2418. For more information about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm>. Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=15774>.

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at [diane.davis@state.or.us](mailto:diane.davis@state.or.us) or (503) 378-4372 by close of business November 3, 2009, to request a dial-in number. To present oral comment at the hearing, participants must attend in person.

**Rules Coordinator:** Diane Davis

**Address:** Public Utility Commission, PO Box 2148, Salem, OR 97308-2148

**Telephone:** (503) 378-4372

### Real Estate Agency Chapter 863

**Rule Caption:** Legislation requires rules affecting real estate brokers and escrow agents; replaces/revises June 15, 2009 Rulemaking Notice.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
11-16-09	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 696.385 & Chapters 224, 174 & 324 OL 2009

**Stats. Implemented:** ORS 696.022, 696.026, 696.200, 696.241, 696.255, 696.511, 696.527, 696.530, 696.578, SB 140 (Ch. 224 OL 2009), SB 141 (Ch. 174 OL 2009) & HB 2910 (Ch. 324 OL 2009)

**Proposed Adoptions:** 863-014-0090, Rules in 863-049

**Proposed Amendments:** 863-014-0000, 863-014-0003, 863-014-0005, 863-014-0010, 863-014-0015, 863-014-0030, 863-014-0042, 863-014-0055, 863-014-0063, 863-014-0065, 863-014-0085, 863-014-0095, 863-014-0100, 863-014-0160, 863-015-0000, 863-015-0003, 863-015-0150, 863-015-0186, 863-015-0188, 863-015-0210, 863-015-0250, 863-015-0255, 863-015-0260, 863-015-0275, 863-024-0000, 863-024-0003, 863-024-0015, 863-024-0030, 863-024-0075, 863-024-0085, 863-024-0095, 863-024-0100

**Proposed Repeals:** 863-014-0038

**Proposed Ren. & Amends:** 863-050-0033 to 863-049, 863-050-0035 to 863-049, 863-050-0150 to 863-049, 863-050-0240 to 863-049

**Last Date for Comment:** 11-16-09, 5 p.m.

**Summary:** This Notice replaces and revises the June 15, 2009 Notice of Rulemaking Hearing on the same subject matter because the collaborative rules working groups determined additional rules needed to be amended. The new rules and amendments are in response to 2009 legislation, including SB 140, SB 141 and HB 2910. SB 140 will require an amendment to existing rules relating to depositing client funds with a licensed escrow agent. SB 141 requires the agency to adopt rules for licensing escrow agents and a new chapter 863, division 049 will be established for this purpose. HB 2910 requires amendments to a significant number of rules to eliminate sole practitioners as a type of broker. HB 2910 will require a new rule (863-014-0090) that allows a broker with three years of active experience to supervise other brokers for a sole principal real estate broker for a period not to exceed 90 days.

**Rules Coordinator:** Laurie Skillman

**Address:** Real Estate Agency, 1177 Center St. NE, Salem, OR 97301  
**Telephone:** (503) 378-4630

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### Teacher Standards and Practices Commission Chapter 584

**Rule Caption:** Adopts, amends, and repeals rules regarding new licenses, CTEs, RTTLs, Substitutes, Administrators, and Restricted Counselors.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-23-09	1-3 p.m.	TSPC Office 465 Commercial St. NE Salem, OR 97301

**Hearing Officer:** Victoria Chamberlain

**Stat. Auth.:** ORS 342

**Stats. Implemented:** ORS 342.120-342.430, 342.985

**Proposed Adoptions:** 584-060-0220, 584-065-0035

**Proposed Amendments:** 584-010-0020, 584-017-0200, 584-017-0201, 584-036-0055, 584-038-0300, 584-042-0002, 584-050-0006, 584-050-0030, 584-050-0035, 584-052-0015, 584-060-0012, 584-060-0013, 584-060-0071, 584-060-0162, 584-060-0181, 584-070-0112, 584-080-0022, 584-080-0151

**Proposed Repeals:** 584-065-0030, 584-065-0040

**Last Date for Comment:** 11-5-09, 4 p.m.

## NOTICES OF PROPOSED RULEMAKING

**Summary:** 1. 584-010-0020 & 584-038-0300: Housekeeping amendments.

2. 584-017-0201: Only Oregon candidates who have not completed their program may substitute for one three-year period.

3. 584-017-0200: Clarifies that “program completers” must be reported in the year they complete all program requirements and renames Initial to Initial I.

4. 584-036-0055: Distinguishes between one-year and three-year RTTL license, clarifies RTTL renewal.

5. 584-042-0002: Redesigns the Career & Technical Ed License (CTE) administrative rules.

6. 584-050-0006: Allows ED to issue a Notice of Right to Hearing when applicant has worked in violation of proper Licensure.

7. 584-050-0030: Amends rules to allow Executive Director to issue Notice of Opportunity of Right to Hearing when educator has worked in violation of proper licensure.

8. 584-050-0035: Clarifies educator must be licensed at all times while employed in position requiring licensure.

9. 584-052-0015: Requires applicants to qualify for a license in the state in which they complete a program.

10. 584-060-0012 & 584-060-0013: Updates and clarifies requirements for Initial I & II teaching licenses.

11. 584-060-0071: Aligns with Division 17. Adds reference to Early Childhood/Early Intervention endorsement.

12. 584-060-0162: Clarifies Restricted Transitional Teaching License requirements.

13. 584-060-0181: Clarifies that everyone must be a program completer except Oregon program graduates who have not completed their licensure requirements.

14. 584-060-0220: Creates new license for international visiting teachers that parallels ODE’s requirements.

15. 584-065-0035: Implements new standards for Special Education that aligns with national standards.

16. 584-065-0030 & 584-065-0040: Repeals outdated rules.

17. 584-070-0112: Allows person who is completing an out-of-state online program to qualify if more than half of program is complete. Allows those with Master’s degree in counseling-related field to qualify for the license while completing “licensure only” program.

18. 584-080-0022: Allows persons working out of state on an Oregon license to qualify for CAL through same manner as out-of-state administrator program completers.

19. 584-080-0151: Requires person to hold out-of-state license to qualify for Unrestricted Transitional Administrator License.

**Rules Coordinator:** Victoria Chamberlain

**Address:** Teacher Standards and Practices Commission, 465 Commercial St. NE, Salem, OR 97301

**Telephone:** (503) 378-6813

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### Water Resources Department Chapter 690

**Rule Caption:** Dam safety administration; fees related to dam ownership and to applications for groundwater registration modifications and limited licenses.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-22-09	3–5 p.m.	725 Summer St. North Mall Bldg. 1st Flr. Conf. Rm. 124 A Salem, OR
10-26-09	5–7 p.m.	2006 Fourth St. La Grande Public Library Community Rm. La Grande, OR

**Hearing Officer:** Tom Paul

**Stat. Auth.:** ORS 183, 536, 540

**Other Auth.:** Ch. 819, 2009 OL

**Stats. Implemented:**

**Proposed Adoptions:** 690-020-0100, 690-020-0200

**Proposed Amendments:** 690-020-0022, 690-020-0025, 690-020-0029, 690-020-0035, 690-340-0030, 690-382-0400

**Proposed Ren. & Amends:** 690-020-0021 to 690-020-0000, 690-020-0039 to 690-020-0050

**Last Date for Comment:** 10-30-09, 5 p.m.

**Summary:** Provisions in Senate Bill 788 (Chapter 819, 2009 Oregon Laws) authorize the Oregon Water Resources Department (Department) to charge a dam owner an annual fee based upon the dam’s hazard rating as determined by the Department. Another provision of SB 788 revised the upper limit of fees that the Commission may authorize the Department to charge applicants requesting modifications of a groundwater registration. This rulemaking concerns the implementation of these SB 788 provisions. In addition, this rulemaking proposes a revised schedule of fees the Department will charge for processing applications for limited licenses.

**Rules Coordinator:** Ruben Ochoa

**Address:** Water Resources Department, 725 Summer St. NE, Salem, OR 97301

**Telephone:** (503) 986-0874

# ADMINISTRATIVE RULES

## Board of Parole and Post-Prison Supervision Chapter 255

**Rule Caption:** Amending division 94 to expand the jurisdiction and to add definitions.

**Adm. Order No.:** PAR 3-2009(Temp)

**Filed with Sec. of State:** 8-21-2009

**Certified to be Effective:** 8-21-09 thru 2-16-10

**Notice Publication Date:**

**Rules Adopted:** 255-094-0001

**Rules Amended:** 255-094-0010, 255-094-0015, 255-094-0020

**Rules Ren. & Amend:** 255-094-0000 to 255-094-0005

**Subject:** These rules are being amended to add a "Definition" section, and to include the Local Supervisory Authority in the rules

Adding 255-094-0001 to provide definition of Releasing Authority.

Renumbering 255-094-0000 to 255-0005 to better organize the rules of division 94 and because of the new rule added at the beginning of the division.

**Rules Coordinator:** Michelle Mooney—(503) 945-0914

### 255-094-0001

#### Definitions

(1) Releasing Authority means:

(a) The Board or its designee for:

(12) Any felony offender who received a sentence of more than twelve months in the custody of the Department of Corrections; or

(B) Any felony offender who received a sentence of twelve (12) months or less but who also has an additional sentence(s) of greater than twelve (12) months.

(i) If an offender is on post-prison supervision for multiple sentences which include a sentence that exceeds twelve (12) months ("Board case") and sentence of twelve (12)-months or less ("Local Supervisory Authority case"), the Board will maintain jurisdiction of the post-prison supervision of the Local Supervisory Authority case until the Board's active involvement in the Board case(s) expires. Following expiration of the Board's case(s), the Board will maintain jurisdiction over the post-prison supervision of the Local Supervisory Authority case(s) until an offender is re-released following revocation of the post-prison supervision for the Local Supervisory Authority case(s), or until the Local Supervisory Authority petitions to assume jurisdiction, whichever comes first. Jurisdiction will fall under the Local Supervisory Authority at that point.

(ii) If the Board issued the order of post-prison supervision for an offender whose only sentence was twelve (12) months or less, jurisdiction will remain with the Board until petition by the Supervisory Authority to assume jurisdiction or upon re-release following revocation of the post-prison supervision for that sentence; whichever comes first.

(b) The Local Supervisory Authority or its designee for any felony offender whose crime was committed after November 1, 1989, was sentenced by the court to twelve (12) months or less, and who does not have an additional sentence of more than twelve (12) months for a felony.

Stat. Auth.: ORS 144.085, SB 1145 (passed in 1995 Legislative session), Ch. 163 & 924 (1999 OL)

Stats. Implemented:

Hist.: PAR 3-2009(Temp), f. & cert. ef. 8-21-09 thru 2-16-10

### 255-094-0005

#### Period of Active Parole or Post-Prison Supervision

(1) The minimum periods of active parole and post-prison supervision shall be:

(a) Six (6) months for offenders whose crimes were committed on or after November 1, 1989, and whose crimes fall within sentencing guidelines crime categories 1, 2 and 3;

(b) Twelve (12) months for offenders whose crimes were committed on or after November 1, 1989, and whose crimes fall within sentencing guidelines crime categories 4, 5, 6, 7, 8, 9 and 10;

(c) For offenders whose crimes were committed after December 4, 1986, but prior to November 1, 1989, the period of active supervision shall be set by determining the equivalent sentencing guidelines crime category and applying sub-section (a) and (b) above, subject to the exceptions in section (2) below;

(d) For offenders whose crimes were committed prior to December 4, 1986, the Releasing Authority shall apply the rules in effect at the time the crime was committed.

(2) The following minimum periods of active parole and post-prison supervision are exceptions to section (1) of this rule:

(a) Three (3) years for offenders sentenced as dangerous offenders under ORS 161.725 to 161.737;

(b) Three (3) years for offenders sentenced for murder under ORS 163.115;

(c) Three (3) years for offenders sentenced for aggravated murder under ORS 163.105;

(d) Offenders sentenced for Rape I, Sodomy I, Sexual Penetration I, Sexual Penetration 2, Sex Abuse 2, and Attempts of these which occurred on or after September 29, 1991, shall serve active supervision to the expiration of the indeterminate sentence;

(e) Offenders sentenced for Sex Abuse I or Attempted Sex Abuse I for crimes occurring on or after November 4, 1993, shall serve active supervision to the expiration of the indeterminate sentence;

(f) Offenders sentenced for Sodomy II or Rape II for crimes occurring on or after October 23, 1999, shall serve active supervision to the expiration of the indeterminate sentence.

(g) Offenders sentenced for Sex Abuse I or Attempted Sex Abuse I, for crimes which occurred on or after November 1, 1989, and prior to November 4, 1993, will serve active supervision in accordance with the period of post-prison supervision set by the sentencing court and the sentencing guidelines grid;

(h) Offenders sentenced for Rape I, Sodomy I, Sexual Penetration I, Sexual Penetration 2, or Sexual Abuse I, which occurred on or after December 4, 1986, and prior to November 1, 1989, shall serve a minimum of 36 months active supervision or to expiration of the sentence which ever comes first;

(i) Offenders sentenced for Robbery in the First Degree under ORS 164.415 which occurred on or after June 30, 1995, shall serve a minimum period of 36 months active supervision; and

(j) Offenders sentenced for Arson in the First Degree under ORS 164.325 which occurred on or after June 30, 1995, shall serve minimum period of 36 months active supervision; and

(k) Offenders sentenced as sexually violent dangerous offenders pursuant to Chapter 163 (1999 OR Laws) for crimes committed on or after October 23, 1999, shall serve active supervision for life.

(3) Upon completion of the specified period of active parole or post-prison supervision, the supervisory authority shall place the offender on inactive supervision status subject to the exceptions in OAR 255-094-0010, and notify the Releasing Authority of the status change.

(4) Upon revocation of supervision and re-release to the community, the period of active supervision shall be as provided in OAR 255-094-0001(1) & (2) provided that the period of active supervision does not exceed the sentence expiration date.

(5) After a rereleased offender has completed the minimum active supervision period as provided in OAR 255-094-0001(1)(2) and has substantially fulfilled the conditions of supervision, the supervising officer may place the offender on inactive supervision.

(6) Inmate/offenders found to be sexually violent dangerous offenders pursuant to OAR 255-060-0008(6) shall be subject to intensive supervision for the full period of parole or post-prison supervision as defined in OAR 255-005.

Stat. Auth.: ORS 144.085, SB 1145 (passed in 1995 Legislative session), Ch. 163 & 924 (1999 OL)

Stats. Implemented: ORS 144.085, SB 1145, OL 1995 & Ch. 163 & 924, 1999 OL

Hist.: PAR 8-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 3-2000, f. & cert. ef. 1-25-00; PAR 4-2000, f. & cert. ef. 2-15-00; PAR 2-2001, f. & cert. ef. 1-12-01; PAR 2-2005, f. & cert. ef. 4-25-05; Renumbered from 255-094-0000, PAR 3-2009(Temp), f. & cert. ef. 8-21-09 thru 2-16-10

### 255-094-0010

#### Exceptions to Inactive Supervision and Return to Active Supervision

(1) No sooner than thirty days prior to the expiration of the offender's active period of supervised parole or post-prison supervision or during a period of inactive supervision, the supervising officer or designee may send to the Releasing Authority a report on offenders who have not substantially fulfilled the supervision conditions, or who have failed to complete payment of restitution. The supervising officer or designee may request continuation on active supervision, or return to active supervision if it is in the community's or the offender's best interest. This report shall include:

(a) An evaluation of the offender's compliance with supervision conditions;

(b) The status of the offender's court ordered monetary obligations, including fines and restitution, if any;

(c) The offender's employment status;

(d) The offender's address;

# ADMINISTRATIVE RULES

## Board of Pharmacy Chapter 855

- (e) Treatment program outcome;
- (f) Any new criminal activity;
- (g) Other relevant information;
- (h) A recommendation that the Releasing Authority extend the active supervision period or return the offender to active supervision.

(2) After reviewing the report, if the Releasing Authority or its designated representative finds the offender has not substantially fulfilled the supervision conditions, or it is in the offender's or the community's best interest, the Releasing Authority may order that the offender remain on active supervision or return to active supervision for the remainder of the supervision period set by the sentencing court or set by law. The Releasing Authority shall send the offender notice of the continuation or return to active supervision.

(3) Once extended or returned to active supervision, the supervising officer may place the offender on inactive supervision when the offender has substantially fulfilled the conditions of supervision and completed restitution payments, or active supervision is no longer in the best interest of the offender and the community.

(4) When an offender being supervised in Oregon is placed on inactive supervision, the general and special conditions of supervision remain in effect with the following exceptions:

(a) General condition #1: Pay supervision fees (fines, restitution or other fees previously ordered by the Releasing Authority remain in effect).

(b) Special Conditions specifically deleted by the Releasing Authority.

(5) An offender being supervised via Interstate Compact is not eligible to be placed on unsupervised status.

Stat. Auth.: ORS 144.085 & SB1145 (passed during 1995 Legislative session)  
Stats. Implemented: ORS 144.085 & SB 1145, OL 1995  
Hist.: PAR 8-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 2-2005, f. & cert. ef. 4-25-05; PAR 3-2009(Temp), f. & cert. ef. 8-21-09 thru 2-16-10

### 255-094-0015

#### Return to Active Supervision

(1) An offender is subject to arrest for violations of conditions of supervision while on either active or inactive supervision.

(2) The Releasing Authority may return an offender to active supervision for the remainder of the supervision period set by the sentencing court or set by law when the Releasing Authority receives a report from the supervising agency showing good cause why the inactive status is no longer in the offender's best interest or the best interest or safety of the community.

(3) If the supervising agency has good cause to return an offender to active supervision, and the whereabouts of the offender are unknown, the supervising agency may request a warrant from the Releasing Authority.

(4) When an offender is returned to active supervision status, all general conditions plus all previously imposed special conditions shall be in effect.

Stat. Auth.: ORS 144.085 & SB 1145, OL 1995  
Stats. Implemented: ORS 144.085 & SB 1145, OL 1995  
Hist.: PAR 8-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 3-2000, f. & cert. ef. 1-25-00; PAR 2-2001, f. & cert. ef. 1-12-01; PAR 3-2009(Temp), f. & cert. ef. 8-21-09 thru 2-16-10

### 255-094-0020

#### Sentence Expiration

(1) During the pendency of violation proceedings, the running of the supervision period both active and inactive, the sentence is stayed, and the Releasing Authority retains jurisdiction over the offender until the proceedings are resolved. The Releasing Authority may grant credit toward the sentence for time the offender serves incarcerated pending the violation proceedings.

(2) These rules shall not preclude more than one extension or renewal of active parole or post-prison supervision, however an extension or renewal period may not exceed the maximum sentence.

(3) After expiration of the sentence of an offender on parole or post-prison supervision, the Releasing Authority shall send written notice of the expiration to the offender and the supervisory authority.

(4) For offenders sentenced as sexually violent dangerous offenders pursuant to Chapter 163 (1999 OR Laws) for crimes committed on or after October 23, 1999, upon receipt of a court order resentencing the offender and terminating post-prison supervision, the Releasing Authority shall send written notice of the termination of post-prison supervision to the offender and supervisory authority.

Stat. Auth.: ORS 144.085, SB 1145 (1995 OL) & Ch. 163, 1999 OL  
Stats. Implemented:  
Hist.: PAR 8-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 3-2000, f. & cert. ef. 1-25-00; PAR 4-2000, f. & cert. ef. 2-15-00; PAR 3-2009(Temp), f. & cert. ef. 8-21-09 thru 2-16-10

**Rule Caption:** Amend criteria implementation of rules for Public Health Emergency.

**Adm. Order No.:** BP 3-2009(Temp)

**Filed with Sec. of State:** 8-19-2009

**Certified to be Effective:** 8-19-09 thru 2-15-10

**Notice Publication Date:**

**Rules Amended:** 855-007-0010

**Subject:** The amendment authorizes the implementation of these rules when the President or any other federal official declares an emergency, or when the Governor authorizes specified actions.

**Rules Coordinator:** Karen MacLean—(971) 673-0001

### 855-007-0010

#### Declaration of Emergency

(1) With the exception of OAR 855-007-0060(2)(a) and (b), 855-007-0080(2), and 855-007-0080(7)(a) and (b) that are always in effect, the rules in this Division are only effective when:

(a) A State of Emergency or a Public Health Emergency has been declared by the Governor of Oregon under ORS 401.055 or 433.441 through 433.452;

(b) The provisions of any relevant rules in chapter 855 Oregon Administrative Rules have been suspended by the Governor under the authority of ORS 401.065(2);

(c) A signatory to the Pacific Northwest Emergency Management Arrangement (the states of Alaska, Idaho, Oregon, Washington, the Province of British Columbia, and Yukon) has requested assistance during a civil emergency as authorized in Chapter 25 Oregon Laws 2008;

(d) A signatory to the Emergency Management Assistance Compact has requested assistance during a civil emergency as authorized in ORS 401.043;

(e) The President of the United States or another federal official has declared a public health emergency; or

(f) The Governor has authorized the Public Health Director to take the actions described in ORS 431.264.

(2) When a state of emergency or a public health emergency has been declared such that these rules are in effect, if there is any contradiction between these rules and rules in other divisions of Chapter 855, these rules shall govern, otherwise rules in those other divisions shall continue to apply.

Stat. Auth.: ORS 401.043, 401.065, 433.441 & 689.205  
Stats. Implemented: 2008 OL Ch. 25, ORS 401.055 & 689.155  
Hist.: BP 4-2008(Temp), f. 12-31-08, cert. ef. 1-5-09 thru 7-3-09; BP 1-2009, f. & cert. ef. 6-22-09; BP 3-2009(Temp), f. & cert. ef. 8-19-09 thru 2-15-10

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## Bureau of Labor and Industries Chapter 839

**Rule Caption:** Amends the prevailing rates of wage for the period beginning July 1, 2009.

**Adm. Order No.:** BLI 19-2009

**Filed with Sec. of State:** 8-18-2009

**Certified to be Effective:** 8-18-09

**Notice Publication Date:**

**Rules Amended:** 839-025-0700

**Subject:** The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2009.

**Rules Coordinator:** Marcia Ohlemiller—(971) 673-0784

### 839-025-0700

#### Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon and Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2009, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2009, and the effective dates of the applicable special wage determination and rates amendments:

(a) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal

# ADMINISTRATIVE RULES

Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 26, 2009).

(b) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 3, 2009).

(c) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 10, 2009).

(d) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 17, 2009).

(e) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 24, 2009).

(f) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective August 14, 2009).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon and Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2009, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Medford, Portland and Salem and are listed in the blue pages of the phone book. Copies are also available on the bureau's webpage at [www.oregon.gov/boli](http://www.oregon.gov/boli) or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815, 651.060

Stats. Implemented: ORS.279C.815

Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99; BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00 cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002 f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04, cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07, cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08; BLI 41-2008, f. & cert. ef. 11-12-08; BLI 42-2008, f. & cert. ef. 12-1-08; BLI 44-2008, f. & cert. ef. 12-29-08; BLI 45-2008, f. 12-31-08, cert. ef. 1-1-09; BLI 1-2009, f. & cert. ef. 1-6-09; BLI 2-2009, f. & cert. ef. 1-12-09; BLI 4-2009, f. & cert. ef. 2-11-09; BLI 6-2009, f. & cert. ef. 3-17-09; BLI 7-2009, f. & cert. ef. 3-24-09; BLI 8-2009, f. 3-31-09, cert. ef. 4-1-09; BLI 10-2009, f. 6-9-09, cert. ef. 6-10-09; BLI 11-2009, f. 6-29-09, cert. ef. 6-30-09; BLI 12-2009, f. 6-29-09, cert. ef. 7-1-09; BLI 13-2009, f. & cert. ef. 7-1-09; BLI 14-2009, f. & cert. ef. 7-10-09; BLI 15-2009, f. & cert. ef. 7-16-09; BLI 16-2009, f. & cert. ef. 7-22-09; BLI 17-2009, f. & cert. ef. 7-29-09; BLI 19-2009, f. & cert. ef. 8-18-09

**Rule Caption:** Amends the prevailing rates of wage for the period beginning July 1, 2009.

**Adm. Order No.:** BLI 20-2009

**Filed with Sec. of State:** 9-14-2009

**Certified to be Effective:** 9-14-09

**Notice Publication Date:**

**Rules Amended:** 839-025-0700

**Subject:** The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2009.

**Rules Coordinator:** Marcia Ohlemiller—(971) 673-0784

## 839-025-0700

### Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon and Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2009, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2009, and the effective dates of the applicable special wage determination and rates amendments:

(a) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 26, 2009).

(b) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 3, 2009).

(c) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 10, 2009).

(d) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 17, 2009).

(e) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 24, 2009).

(f) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective August 14, 2009).

(g) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 11, 2009).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon and Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2009, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Medford, Portland and Salem and are listed in the blue pages of the phone book. Copies are also available on the bureau's webpage at [www.oregon.gov/boli](http://www.oregon.gov/boli) or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815, 651.060

Stats. Implemented: ORS.279C.815

Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99; BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00 cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002 f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05;

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Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06, cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06, cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07, cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07, cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07, cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08; BLI 41-2008, f. & cert. ef. 11-12-08; BLI 42-2008, f. & cert. ef. 12-1-08; BLI 44-2008, f. & cert. ef. 12-29-08; BLI 45-2008, f. 12-31-08, cert. ef. 1-1-09; BLI 1-2009, f. & cert. ef. 1-6-09; BLI 2-2009, f. & cert. ef. 1-12-09; BLI 4-2009, f. & cert. ef. 2-11-09; BLI 6-2009, f. & cert. ef. 3-17-09; BLI 7-2009, f. & cert. ef. 3-24-09; BLI 8-2009, f. 3-31-09, cert. ef. 4-1-09; BLI 10-2009, f. 6-9-09, cert. ef. 6-10-09; BLI 11-2009, f. 6-29-09, cert. ef. 6-30-09; BLI 12-2009, f. 6-29-09, cert. ef. 7-1-09; BLI 13-2009, f. & cert. ef. 7-1-09; BLI 14-2009, f. & cert. ef. 7-10-09; BLI 15-2009, f. & cert. ef. 7-16-09; BLI 16-2009, f. & cert. ef. 7-22-09; BLI 17-2009, f. & cert. ef. 7-29-09; BLI 19-2009, f. & cert. ef. 8-18-09; BLI 20-2009, f. & cert. ef. 9-14-09

## Construction Contractors Board Chapter 812

**Rule Caption:** Rules amended regarding: refunds, corporation documentation, enforcement actions, waiver for armed forces.

**Adm. Order No.:** CCB 6-2009

**Filed with Sec. of State:** 9-1-2009

**Certified to be Effective:** 9-1-09

**Notice Publication Date:** 8-1-2009

**Rules Adopted:** 812-003-0325

**Rules Amended:** 812-003-0140, 812-003-0330, 812-005-0280, 812-005-0800

**Subject:** 812-003-0140 is amended to allow a refund, less a \$40 processing fee, in instances where the agency must refuse to renew the license because the licensee formed a new business entity and language is added to comply with the requirements of ORS 408.450 that excuses licensees on active duty service from paying license renewal fees.

812-003-0325 adopt rule language that requires additional or removal of corporate officer, manager of manager-managed limited liability company (LLC), member of member-managed LLC or trustee to be accompanied by documentation to prove the change.

812-003-0330 is amended to add language to comply with 10 USC § 801 article 2(a)(1) that permits members of the United States armed forces to work as contractors for the military without CCB licensure. This would also permit inactive licensees to perform work as a contractor for the military without violating the requirements of an inactive license.

812-005-0280 is amended to allow the CCB to suspend a license if more than one unpaid final order exceeds the required bond amount.

812-005-0800 is amended to match the statute (ORS 701.098(1)(g)) to include corporations in the number of licensed contractors working together on the same task on the same job site, which was inadvertently omitted when the rule was adopted.

**Rules Coordinator:** Catherine Dixon—(503) 378-4621, ext. 4077

### 812-003-0140

#### License Application Fees

(1) The application fee for all new, renewal, or reissued licenses is \$260.

(2) Except as provided in section (3) of this rule, application fees will not be refunded or transferred.

(3) If a licensee submits an application to renew a license and the agency cannot renew the license because the applicant has formed a new business entity, the agency may refund the renewal application fee, less a \$40 processing fee.

(4)(a) Any licensee in the military or naval service of the United States, or any of its auxiliary corps, need not pay a license renewal fee if such fee would be due during the licensee's active duty service.

(b) A licensee in the military or naval service of the United States, or any of its auxiliary corps, shall pay the next license renewal fee that will become due after the licensee is discharged from active duty service.

(c) The agency may request that the licensee provide documentation of active duty status and of discharge.

(d) Section (4) of this rule applies to licensees that are sole proprietors or partners in a general partnership.

Stat. Auth.: ORS 670.310, 701.238 & 701.235

Stats. Implemented: ORS 701.056, 701.063, 701.238

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 4-2005, f. 8-24-05, cert. ef. 10-1-05; CCB 12-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 3-2008(Temp), f. & cert. ef. 1-10-08 thru 7-7-08; CCB 5-2008, f. 2-29-08, cert. ef. 7-1-08; CCB 1-2009, f. 1-30-09, cert. ef. 2-1-09; CCB 6-2009, f. & cert. ef. 9-1-09

### 812-003-0325

#### Change of Corporate Officer, LLC Manager, LLC Member, Trustee

When a contractor notifies the agency of any change in the identity of a person who holds a position with the contractor that is described in ORS 701.046(1)(h), (E), (F), (G), or (I), or 701.046(1)(i) (D), (E), or (F), the contractor must provide at least one of the following.

(1) For the addition, removal or resignation of a corporate officer as described in ORS 701.046(1)(h)(E) or 701.046(1)(i)(F):

(a) A copy of the corporation's board minutes evidencing the addition or removal of the corporate officer;

(b) A copy of the corporation's board consent evidencing the addition or removal of the corporate officer;

(c) A letter from the corporation's attorney advising the agency of the addition or removal of the corporate officer;

(d) A letter from the corporation's manager of personnel or human resources advising the agency of the addition or removal of the corporate officer; or

(e) In the case a resignation, a copy of the corporate officer's letter of resignation.

(2) For the addition, removal or resignation of a manager of a manager-managed limited liability company, as described in ORS 701.046(1)(h)(F) or 701.046(1)(i)(D):

(a) A copy of the limited liability company's minutes evidencing the addition or removal of the manager;

(b) A copy of the limited liability company's consent evidencing the addition or removal of the manager;

(c) A letter from the limited liability company's attorney advising the agency of the addition or removal of the manager;

(d) A letter from the limited liability company's manager of personnel or human resources advising the agency of the addition or removal of the manager; or

(e) In the case a resignation, a copy of the manager's letter of resignation.

(3) For the addition, expulsion or withdrawal or other cessation of a member of a member-managed limited liability company, as described in ORS 701.046(1)(h)(G) or 701.046(1)(i)(E):

(a) A copy of the limited liability company's minutes evidencing the addition or expulsion of the member;

(b) A copy of the limited liability company's consent evidencing the addition or expulsion of the member;

(c) A letter from the limited liability company's attorney advising the agency of the addition or cessation of the member;

(d) A letter from the limited liability company's manager of personnel or human resources advising the agency of the addition or cessation of the manager;

(e) In the event of a member's withdrawal, a copy of the written notice of withdrawal.

(4) For the addition, removal or resignation of a trustee of a trust, as described in ORS 701.046(1)(h)(I):

(a) A copy of the trust's minutes evidencing the addition or removal of the trustee;

(b) A copy of the trust's consent evidencing the addition or removal of the trustee;

(c) A letter from the trust's attorney advising the agency of the addition or removal of the trustee;

# ADMINISTRATIVE RULES

(d) A letter from the trust's manager of personnel or human resources advising the agency of the addition or removal of the trustee; or

(e) In the case a resignation, a copy of the trustee's letter of resignation.

Stat. Auth.: ORS 670.310 & 701.235  
Stats. Implemented: ORS 701.114  
Hist.: CCB 6-2009, f. & cert. ef. 9-1-09

## 812-003-0330

### Inactive Status Generally

(1) A licensee may not convert a license to an inactive status if the licensee is engaged in work as a contractor.

(2)(a) A licensee may not offer to undertake work, advertise work as a contractor, submit a bid for construction work, obtain a building permit or perform construction work while in an inactive status.

(b) Subsection (a) of this section does not apply to members of the United States armed forces serving on active duty provided that they perform work as a contractor only as part of their military duties.

(3) A licensee shall notify the agency of any change of address while in an inactive status. During the period when the status of a license is inactive, the agency shall send notices and any other communications to the licensee at the last known address of record of the licensee.

(4) To convert to an inactive status a license must have:

- (a) A current active license;
- (b) A current suspended license; or
- (c) A license that has expired no more than one year.

(5) If the licensee was subject to discipline by the agency, the licensee must satisfy any conditions imposed by the agency as a result of the discipline in order to be eligible for the inactive status.

(6) The licensee must submit a request to convert to inactive status on forms provided by the agency; and

(7) The licensee must comply with OAR 812-003-0340, 812-003-0350, and 812-003-0360.

Stat. Auth.: ORS 670.310 & 701.235  
Stats. Implemented: ORS 701.056 & 701.063  
Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 3-2009, f. 5-6-09, cert. ef. 6-1-09; CCB 6-2009, f. & cert. ef. 9-1-09

## 812-005-0280

### Fitness Standards

(1) In considering whether to revoke, suspend, or refuse to issue a license pursuant to ORS 701.098(1)(h)(A)-(I), the agency shall consider whether the applicant's or licensee's criminal conduct is substantially related to the fitness and ability of the applicant or licensee to engage in construction contracting.

(a) Fitness to engage in construction contracting includes, but is not limited to the ability to:

(A) Refrain from violent, threatening, intimidating or sexually predatory behavior;

- (B) Refrain from dishonest or fraudulent conduct; or
- (C) Be financially responsible.

(b) Factors to be considered in denying or refusing to issue or renew a license include, but are not limited to, the date of the offense and the circumstances of the crime. In addition, factors relating to rehabilitation, or lack thereof, as evidenced by intervening events include, but are not limited to: failure to complete the criminal sentence, including probation or parole; failure to complete court ordered treatment; or failure to pay court ordered restitution.

(c) Upon notice and request from the Board, it will be the duty of an applicant or licensee to provide the requested information in order for the Board to conduct a criminal background check as authorized by 701.098(1)(h)(A)-(I). Requested information includes but is not limited to police reports, record of conviction, parole or probation reports, restitution records, counseling reports, and letters of recommendation.

(d) Failure to provide requested information in (1)(c) of this section may result in the denial of a license.

(2) The agency may revoke, suspend, or refuse to issue a license if the applicant, licensee, or an owner, officer or responsible managing individual of the applicant or licensee demonstrates a lack of financial responsibility pursuant to ORS 701.098(2) and 701.102(2)(d).

(a) Lack of financial responsibility is evidenced by failure to pay a final order of the board, issued under ORS 701.145 or 701.146, where the final order, either alone or combined with any other unpaid final order, exceeds the amount of the applicable bond and the final order was issued against:

- (i) The applicant or licensee; or

(ii) A business in which the owner, officer or responsible managing individual of the applicant or licensee is, or was, an owner, officer or responsible managing individual during the work period in which the business' obligation giving rise to the final order arose or was incurred.

(iii) As used in subsection (a) of this rule, "officer" includes any person listed in ORS 701.005(11) or OAR 812-002-0533.

(b) Lack of financial responsibility is evidenced by failure to pay a civil penalty final order of the Director, Department of Consumer and Business Services, issued under ORS 654.086.

(3) Pursuant to ORS 701.098(2), the agency may revoke, suspend, or refuse to issue a license if a contractor engages in conduct that harms a consumer by:

(a) Arranging for or undertaking work as a contractor that:

(A) Is performed in a manner not in accordance with state building codes or accepted building standards demonstrating negligent or improper work;

(B) The work causes damage to the consumer or to the consumer's property; and

(C) The work is significantly substandard or is part of a pattern of substandard work performed by the contractor.

(4) Pursuant to ORS 701.098(2), the agency may revoke, suspend, or refuse to issue a license if the Director, Department of Consumer and Business Services, by final order, sanctions a contractor under OAR 437-001-0160 and 437-001-0165 for a fifth or subsequent repeat violation of any statute, regulation, rule, standard or order relating to the Oregon Safe Employment Act.

(5) Pursuant to ORS 701.098(2), the agency may revoke, suspend, or refuse to issue a license if the Director, Department of Consumer and Business Services, by final order, sanctions a contractor under OAR 437-001-0175 for a willful or egregious violation of any statute, regulation, rule, standard or order relating to the Oregon Safe Employment Act.

Stat. Auth.: ORS 670.310 & 701.235  
Stats. Implemented: ORS 701.098 & 701.102  
Hist.: CCB 13-2008, f. 6-30-08, cert. ef. 7-1-08; CCB 18-2008, f. & cert. ef. 11-20-08; CCB 4-2009, f. 5-6-09, cert. ef. 6-1-09; CCB 6-2009, f. & cert. ef. 9-1-09

## 812-005-0800

### Schedule of Penalties

The agency may assess penalties, not to exceed the amounts shown in the following guidelines:

(1) \$600 for advertising or submitting a bid to do work as a contractor in violation of ORS 701.026 and OAR 812-003-0120, which may be reduced to \$200 if the respondent becomes licensed or to \$50 if the advertisement or bid is withdrawn immediately upon notification from the agency that a violation has occurred and no work was accepted as a result of the advertisement or bid; and

(2) \$700 per offense without possibility of reduction for advertising or submitting a bid to do work as a contractor in violation of ORS 701.026 and OAR 812-003-0120, when one or more previous violations have occurred, or when an inactive, lapsed, invalid, or misleading license number has been used; and

(3) \$1,000 per offense for performing work as a contractor in violation of ORS 701.026 when the Board has no evidence that the person has worked previously without having a license and no consumer has suffered damages from the work, which may be reduced to \$700 if the respondent becomes licensed within a specified time; and

(4) \$5,000 per offense for performing work as a contractor in violation of ORS 701.026, when an owner has filed a complaint for damages caused by performance of that work, which may be reduced to \$700 if the contractor becomes licensed within a specified time and settles or makes reasonable attempts to settle with the owner.

(a) A "complaint for damages" as used in section (4) of this rule includes, but is not limited to:

(A) A Construction Contractors Board Dispute Resolution Services (DRS) complaint; or

(B) A letter to Construction Contractors Board indicating that a citizen has been damaged by the contractor; and

(5) \$5,000 per offense for performing work as a contractor in violation of ORS 701.026, when one or more violations have occurred, or when an inactive, lapsed, invalid, or misleading license number has been used; and

(6) \$500 per offense for failure to respond to the agency's request for the list of subcontractors required in ORS 701.345; and

(7) \$1,000 per offense for hiring a unlicensed subcontractor; and

(8) For failing to provide an "Information Notice to Owners about Construction Liens" as provided in ORS 87.093, when no lien has been

## ADMINISTRATIVE RULES

filed, \$200 for the first offense, \$400 for the second offense, \$600 for the third offense, \$1,000 for each subsequent offense. Any time a lien has been filed upon the improvement, \$1,000.

(9) Failure to include license number in advertising or on contracts, in violation of OAR 812-003-0120: First offense \$100, second offense \$200, subsequent offenses \$400.

(10) Failure to list with the Construction Contractors Board a business name under which business as a contractor is conducted in violation of OAR 812-003-0260: First offense \$50, second offense \$100, subsequent offenses \$200.

(11) Failure to notify the Construction Contractors Board of a new or additional business name or personal surname (for sole proprietors) under which business as a contractor is conducted, in violation of OAR 812-003-0320: First offense warning, second offense \$50, subsequent offenses \$200.

(12) Failing to use a written contract as required by ORS 701.305: \$500 for the first offense; \$1,000 for the second offense; and \$5,000 for subsequent offenses.

(13) Violation of OAR 812-012-0130(1), failure to provide a Consumer Notification form; \$100 first offense; \$500 second offense; \$1,000 third offense; and \$5,000 for subsequent offenses. Civil penalties shall not be reduced unless the agency determines from clear and convincing evidence that compelling circumstances require a suspension of a portion of the penalty in the interest of justice. In no event shall a civil penalty for this offense be reduced below \$100.

(14) Failure to conform to information provided on the application in violation of ORS 701.046(4), issuance of a \$5,000 civil penalty, and suspension of the license until the contractor provides the agency with proof of conformance with the application and the terms of the application.

(a) If the violator is a limited contractor or residential limited contractor working in violation of the conditions established pursuant to OAR 812-003-0130 or 812-003-0131, the licensee shall be permanently barred from licensure in the limited contractor category or residential limited contractor endorsement.

(b) If the violator is a licensed developer, residential developer or commercial developer working in violation of the conditions established pursuant to ORS 701.005(3), (6) or (13) or 701.042, the licensee shall be permanently barred from licensure in the licensed developer category or residential developer or commercial developer endorsement.

(15) Knowingly assisting an unlicensed contractor to act in violation of ORS chapter 701, \$1,000.

(16) Failure to comply with any part of ORS chapters 316, 656, or 657, 701.035, 701.046 or 701.091, as authorized by ORS 701.106, \$1,000 and suspension of the license until the contractor provides the agency with proof of compliance with the statute.

(17) Violating an order to stop work as authorized by ORS 701.225(3), \$1,000 per day.

(18) Working without a construction permit in violation of ORS 701.098, \$1,000 for the first offense; \$2,000 and suspension of CCB license for three (3) months for the second offense; \$5,000 and permanent revocation of CCB license for the third and subsequent offenses.

(19) Failure to comply with an investigatory order issued by the Board, \$500 and suspension of the license until the contractor complies with the order.

(20) Violation of ORS 701.098(1)(k) by engaging in conduct as a contractor that is dishonest or fraudulent and injurious to the welfare of the public: first offense, \$1,000, suspension of the license or both; second and subsequent offenses, \$5,000, per violation, revocation or suspension of the license until the fraudulent conduct is mitigated in a manner satisfactory to the agency or both.

(21) Engaging in conduct as a contractor that is dishonest or fraudulent and injurious to the welfare of the public by:

(a) Not paying prevailing wage on a public works job; or

(b) Violating the federal Davis-Bacon Act; or

(c) Failing to pay minimum wages or overtime wages as required under state and federal law; or

(d) Failing to comply with the payroll certification requirements of ORS 279C.845; or

(e) Failing to comply with the posting requirements of ORS 279C.840:

\$1,000 and suspension of the license until the money required as wages for employees is paid in full and the contractor is in compliance with the appropriate state and federal laws.

(22) Violation of ORS 701.098(1)(k) by engaging in conduct as a contractor that is dishonest or fraudulent and injurious to the welfare of the

public, as described in subparagraphs (19) or (20), where more than two violations have occurred: \$5,000 and revocation of the license.

(23) When, as set forth in ORS 701.098(1)(g), the number of licensed contractors working together on the same task on the same job site, where one of the contractors is licensed exempt under ORS 701.035(2)(b), exceeded two sole proprietors, one partnership, one corporation, or one limited liability company, penalties shall be imposed on each of the persons to whom the contract is awarded and each of the persons who award the contract, as follows: \$1,000 for the first offense, \$2,000 for the second offense, six month suspension of the license for the third offense, and three-year revocation of license for a fourth offense.

(24) Performing home inspections without being an Oregon certified home inspector in violation of OAR 812-008-0030(1): \$5,000.

(25) Using the title Oregon certified home inspector in advertising, bidding or otherwise holding out as a home inspector in violation of OAR 812-008-0030(3): \$5,000.

(26) Failure to conform to the Standards of Practice in violation of OAR 812-008-0202 through 812-008-0214: \$750 per offense.

(27) Failure to conform to the Standards of Behavior in OAR 812-008-0201(2)-(8): \$750 per offense.

(28) Offering to undertake, bidding to undertake or undertaking repairs on a structure inspected by an owner or employee of the business entity within 12 months following the inspection in violation of ORS 701.355: \$5,000 per offense.

(29) Failure to include certification number in all written reports, bids, contracts, and an individual's business cards in violation of OAR 812-008-0201(4): \$400 per offense.

(30) Violation of work practice standards for lead-based paint activity pursuant to OAR 812-007-0070; \$5,000 per violation and suspension of the lead-based paint business endorsement for up to one year.

(31) Violation of ORS 279C.590:

(a) Imposition of a civil penalty on the contractor of up to ten percent of the amount of the subcontract bid submitted by the complaining subcontractor to the contractor or \$15,000, whichever is less; and

(b) Imposition of a civil penalty on the contractor of up to \$1,000; and

(c) Placement of the contractor on a list of contractors not eligible to bid on public contracts established to ORS 701.227(4), for a period of up to six months for a second offense if the offense occurs within three years of the first offense.

(d) Placement of the contractor on a list of contractors not eligible to bid on public contracts established to ORS 701.227(4), for a period of up to one year for a third or subsequent offense if the offense occurs within three years of the first offense.

(32) Violation of ORS 701.315, inclusion of provisions in a contract that preclude a homeowner from filing a breach of contract complaint with the Board: \$1,000 for the first offense, \$2,000 for the second offense, and \$5,000 for the third and subsequent offenses.

(33) Violation of ORS 701.345, failure to maintain the list of subcontractors: \$1,000 for the first offense; \$2,000 for the second offense, and \$5,000 for the third and subsequent offenses.

(34) Violation of 701.098(1)(e), knowingly providing false information to the Board: \$1,000 and suspension of the license for up to three months for the first offense; \$2,000 and suspension of the license for up to one year for the second offense; and \$5,000 and permanent revocation of license for the third offense.

(35) Failing to provide a written contract with the contractual terms provided by ORS 701.305 or OAR 812-012-0110: \$200 for the first offense; \$500 for the second offense; and \$1,000 for subsequent offenses.

(36) Working while the license is suspended if the licensee was required to provide an increased bond under ORS 701.068(5), 701.068(6), or OAR 812-003-0175: revocation.

(37) Working while the license is suspended for any violation of ORS 701.098(4)(a)(A) or 701.098(4)(a)(B): \$5,000 for first offense, and revocation for second or subsequent offense.

(38) Working while the license is suspended for any reason except as otherwise provided for by this rule: revocation.

(39) Failure to comply with ORS 701.106(1)(a); \$1,000 for the first offense, \$5,000 for the second offense; \$5,000 and permanent revocation of CCB license for the third offense.

(40) Failure to deliver as required by ORS 701.109(2) a copy of a final judgment; \$200 first offense, \$400 second offense; \$600 for the third offense; \$1,000 for each subsequent offense.

(41) Failure to maintain insurance as required under ORS 701.073 or to provide proof of insurance as required under OAR 812-003-0200, where

# ADMINISTRATIVE RULES

there is no claim of loss submitted to the insurance company: first offense, \$500; second offense, \$1,000; third and subsequent offenses, \$5,000.

(42) Failure to maintain insurance as required under ORS 701.073 or to provide proof of insurance as required under OAR 812-003-0200, where there is a claim of loss submitted to the insurance company: first offense, \$2,000; second and subsequent offenses, \$5,000.

Stat. Auth.: ORS 183.310 - 183.500, 670.310, 701.235 & 701.992  
Stats. Implemented: ORS 87.093, 279C.590, 701.005, 701.026, 701.042, 701.046, 701.073, 701.091, 701.098, 701.106, 701.109, 701.227, 701.305, 701.315, 701.330, 701.345 & 701.992  
Hist.: IBB 4-1982, f. & ef. 10-7-82; IBB 1-1983, f. & ef. 3-1-83; Renumbered from 812-011-0080(13); IBB 3-1983, f. 10-5-83, ef. 10-15-83; IBB 3-1984, f. & ef. 5-11-84; IBB 3-1985, f. & ef. 4-25-85; BB 1-1987, f. & ef. 3-5-87, BB 1-1988(Temp), f. & cert. ef. 1-26-88; BB 2-1988, f. & cert. ef. 6-6-88; CCB 1-1989, f. & cert. ef. 11-1-89; CCB 2-1990, f. 5-17-90, cert. ef. 6-1-90; CCB 3-1990(Temp), f. & cert. ef. 7-27-90; CCB 4-1990, f. 10-30-90, cert. ef. 11-1-90; CCB 3-1991, f. 9-26-91, cert. ef. 9-29-91; CCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; CCB 2-1992, f. & cert. ef. 4-15-92; CCB 4-1992, f. & cert. ef. 6-1-92; CCB 5-1993, f. 12-7-93, cert. ef. 12-8-93; CCB 2-1994, f. 12-29-94, cert. ef. 1-1-95; CCB 3-1995, f. 9-7-95, cert. ef. 9-9-95; CCB 4-1995, f. & cert. ef. 10-5-95; CCB 3-1996, f. & cert. ef. 8-13-96; CCB 8-1998, f. 10-29-98, cert. ef. 11-1-98; CCB 7-1999(Temp), f. & cert. ef. 11-1-99 thru 4-29-00; CCB 4-2000, f. & cert. ef. 5-2-00; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 13-2000(Temp), f. & cert. ef. 11-13-00 thru 5-11-01; CCB 2-2001 f. & cert. ef. 4-6-01; CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 1-2002(Temp), f. & cert. ef. 3-1-02 thru 8-26-02; CCB 2-2002, f. & cert. ef. 3-1-02; CCB 7-2002, f. 6-26-02 cert. ef. 7-1-02; CCB 8-2002, f. & cert. ef. 9-3-02; CCB 11-2003, f. 12-5-03, cert. ef. 1-1-04; CCB 6-2004, f. 6-25-04, cert. ef. 9-1-04; CCB 9-2004, f. & cert. ef. 12-10-04; CCB 5-2005, f. 8-24-05, cert. ef. 1-1-06; Renumbered from 812-005-0005, CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 2-2006, f. & cert. ef. 1-26-06; CCB 7-2006, f. & cert. ef. 6-23-06; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 4-2007, f. 6-28-07, cert. ef. 7-1-07; CCB 2-2008(Temp), f. & cert. ef. 1-2-08 thru 6-29-08; CCB 5-2008, f. 2-29-08, cert. ef. 7-1-08; CCB 13-2008, f. 6-30-08, cert. ef. 7-1-08; CCB 17-2008, f. 9-26-08, cert. ef. 10-1-08; CCB 19-2008, f. & cert. ef. 11-20-08; CCB 1-2009, f. 1-30-09, cert. ef. 2-1-09; CCB 4-2009, f. 5-6-09, cert. ef. 6-1-09; CCB 6-2009, f. & cert. ef. 9-1-09

## Department of Agriculture Chapter 603

**Rule Caption:** Updates requirements for importing onion vegetative material, disposal of cull onions, and eradicating infected fields.

**Adm. Order No.:** DOA 12-2009

**Filed with Sec. of State:** 8-21-2009

**Certified to be Effective:** 8-21-09

**Notice Publication Date:** 7-1-2009

**Rules Amended:** 603-052-0347

**Subject:** The proposed amendments update the list of Idaho counties and add an Arizona county from which vegetative propagative material may be imported. Disposal requirements of cull onions imported from outside of the control area were added. The control and eradication methods used should *Allium* white rot be found in a Malheur County onion field have been updated to reflect recent research on new disease management methods. Adds language for obtaining a Director's Exemption to the control area order and for reviewing the control area order in a regular basis.

**Rules Coordinator:** Sue Gooch—(503) 986-4583

### 603-052-0347

#### Control Area and Procedures in Malheur County

(1) As authorized by ORS 570.405 to 570.435, a control area is established for the protection of the onion industry in the following described area through the eradication or control of *Allium* white-rot disease caused by *Sclerotium cepivorum*. Such control area includes all of Malheur County.

(2) The following methods of control are declared to be the proper methods to be used in the control area described in section (1) of this rule, for the control and prevention of the introduction of *Allium* white-rot disease into the area:

(a) No person shall import into the control area for the purpose of propagation any bulbs, sets, or seedlings of onion, garlic, leek, chive, shallots, or other *Allium* spp. with the following exceptions:

(A) The bulbs, sets, or seedlings were produced in adjacent Idaho counties covered by the Idaho Rules Governing White-Rot Disease of Onion (IDAPA 02.06.07) in Ada, Bingham, Blaine, Boise, Bonneville, Canyon, Cassia, Elmore, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Owyhee, Payette, Power, Twin Falls, and Washington counties;

(B) The bulbs, sets, or seedlings were produced in Maricopa County, Arizona and were shipped in new single-use containers. Each shipment must be accompanied by a state phytosanitary certificate declaring the bulbs, sets, or seedlings were produced in Maricopa County and were officially inspected and found free of *Allium* white rot;

(b) Commercial onion propagation within the control area shall be limited to production from seed, or if vegetative propagative material is used, that material must be produced within the control area or within the counties described in subsection (a) of this section;

(c) Except as provided in subsections (c) and (d) of this section, no person shall in any manner import or move machinery, tools, or equipment into the control area, which have previously been used in any manner on fields outside the control area where the host plants named in subsection (a) of this section have been cultivated. Machinery, tools, or equipment may be imported or moved into the control area if they are first cleaned and sterilized to the satisfaction of and with the prior approval of the Department. The cleaning shall include the thorough removal of all dirt by the use of steam under pressure. Sterilization shall be accomplished by the use of steam. For the purposes of this subsection, "machinery, tools, or equipment" includes, but is not limited to, farm trucks, harvesters, and tillage equipment;

(d) Machinery, tools, or equipment utilized in the adjacent Idaho Counties covered by the Idaho Rules Governing White-Rot Disease of Onion in Ada, Bingham, Blaine, Boise, Bonneville, Canyon, Cassia, Elmore, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Owyhee, Payette, Power, Twin Falls, and Washington counties are exempt from the prohibitions in subsection (c) of this section;

(e) The Department may stop the movement into or within the control area of any machinery, tools, or equipment, which have not been cleaned and sterilized as provided in this subsection, until such machinery, tools, or equipment are so cleaned and sterilized.

(3) Culls and waste from onions imported from outside of the control area must be disposed of in an approved landfill or must be treated in a manner that the Department has determined will render *S. cepivorum* sclerotia non-viable.

(4)(a) The Department may inspect any onions or onion planting areas within the control area during any time of the year to determine whether the disease organism is present therein. If the Department finds that any onions, whether or not being transported, or any fields are infested with the disease organism, it shall by written order, delivered or mailed to the onion grower or field owner, direct the control and eradication of the infestation, and may prior to issuance of the order, seize any infected onions which are separated from the land on which grown;

(b) Movement of such onions within the control area or removal of such from the control area may be carried out only with the Department's prior approval and under its supervision.

(5) Control and eradication methods used shall only be those approved by the Department and will be based on the best available science. These methods may include:

(a) The destruction of any infected onions;

(b) A directive specifying implementation of Departmentally approved mitigation measures to prevent the spread of *S. cepivorum*;

(c) Prohibit the pasturing of animals on any infested area;

(d) A directive that equipment, tools, and machinery used on an infested area be cleaned and sterilized as described in section (3) of this rule prior to removal from said area.

(6) The Department may, with the consent of the owner, allow use of an infested growing area as an experimental plot by Oregon State University for onion white-rot research. Such use shall be subject to the prior approval of, and supervised by the Department.

(7) The Department, upon receipt of an application in writing, may issue a Director's Exemption allowing movement into or within this control area of regulated commodities not otherwise eligible for movement under the provisions of this control area order. Movement of such commodities will be subject to any conditions or restrictions stipulated in the Director's Exemption, and these conditions and restrictions may vary depending upon the intended use of the commodity and the potential risk of escape or spread of *S. cepivorum*.

(8) The Department and other interested parties shall review the control area requirements biennially for accuracy and effectiveness.

Stat. Auth.: ORS 561 & 570

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 2-1977, f. 2-9-77, ef. 3-1-77; DOA 4-2008, f. & cert. ef. 1-11-08; DOA 12-2009, f. & cert. ef. 8-21-09

**Rule Caption:** Amends rules to allow for new PCR Trichomoniasis diagnostic testing.

**Adm. Order No.:** DOA 13-2009(Temp)

**Filed with Sec. of State:** 8-28-2009

**Certified to be Effective:** 9-1-09 thru 2-28-10

# ADMINISTRATIVE RULES

## Notice Publication Date:

**Rules Amended:** 603-011-0610, 603-011-0615, 603-011-0620

**Subject:** On September 1, 2009, testing bulls for the Trich Year 2010 begins. On August 5, 2009, we received the research results about a new trichomoniasis diagnostic test that is more accurate and less expensive than our current culture method. This test, known as real-time Polymerase Chain Reaction (PCR) Assay, is more accurate as a single test than are three cultures that are now required by rule to rule out trichomoniasis. This temporary rule is to address the need to allow producers to use the new PCR Assay in place of the culture method for testing their bulls during the Trich Year 2010 that begins on September 1, 2009.

**Rules Coordinator:** Sue Gooch—(503) 986-4583

## 603-011-0610

### Definitions

(1) “Bovine trichomoniasis” is a sexually transmitted disease of cattle caused by the parasitic protozoan organism *Tritrichomonas fetus*.

(2) “The Department” is the Oregon Department of Agriculture (ODA).

(3) “Virgin bull” is a sexually intact male bovine less than 12 months of age that is certified by the owner/manager as having had no potential breeding contact with females.

(4) “Exposed herds” are cattle herds which have had, within twelve months, direct commingling or cross fence contact with test-positive herd during a time of potential breeding activity.

(5) “Permanent Identification” is a steel alphanumeric ear tag provided as official identification to accredited veterinarians, breed registry tattoos, or other means of identification established by the Department after review by the Trichomoniasis Advisory Panel.

(6) “Herd” is a group of cattle managed as a separate unit and not mixed with other cattle under the same ownership.

(7) “Test positive herd” is a defined herd of cattle in which a diagnosis of trichomoniasis has been made by a certified, licensed veterinarian.

(8) “Trich-year” is the period from September 1st to August 31st of any given year.

(9) “Real-time PCR Assay” is a TAQMAN Probe Assay defined by Lyle McMillen in *Veterinary Parasitology* Volume 141, 2006 including an endogenous amplification control.

Stat. Auth.: ORS 591 & 596

Stats. Implemented: ORS 596.392

Hist.: DOA 9-2000, f. & cert. ef. 4-4-00; DOA 11-2005, f. & cert. ef. 2-17-05; DOA 19-2007, f. & cert. ef. 11-28-07; DOA 15-2008, f. 6-12-08, cert. ef. 9-1-08; DOA 13-2009(Temp), f. 8-28-09 cert. ef. 9-1-09 thru 2-28-10

## 603-011-0615

### Importation Requirements

In addition to an import permit and other disease control requirements, the following requirements must be met regarding bovine trichomoniasis.

(1) Bulls 12 months of age and over shall have all of the following:

(a) Negative trichomoniasis test results within 60 days proceeding entry into Oregon performed by a certified veterinarian and

(b) A Certificate of Veterinary Inspection that states:

(A) The bulls represented on this Certificate of Veterinary Inspection have been tested for and found to be negative for trichomoniasis pursuant to subsection (1)(a) above and have been confined and have not had sexual contact with females since their last negative test; and

(B) Trichomoniasis has not been diagnosed in the herd of origin within the past 24 months.

(2) Any bull originating from a herd in which trichomoniasis has been diagnosed within the past 24 months shall have all of the following:

(a) Three (3) consecutive negative trichomoniasis culture tests conducted at least seven (7) days apart, but not more than 28 days apart, or one (1) negative real-time PCR Assay, with the last test conducted within 60 days proceeding entry; and

(b) A Certificate of Veterinary Inspection that states that the requirements, set forth in subsection (2)(a) above, have been met.

(3) All breeding bulls 12 months of age and over, entering Oregon as part of a herd that has an authorized Out-of-State Grazing permit pursuant to section 603-011-0264, do not require a Certificate of Veterinary Inspection but are required to have one negative trichomoniasis test within the 12 months proceeding entry. However, all bulls from a herd in which trichomoniasis has been diagnosed within the past 24 months must comply with (2)(a) above to qualify the herd for an Out-of-State Grazing permit. All

Out-of-State Grazing permits shall include an attached copy of the test record, that includes the permanent identification number of the bull(s) tested and the name and telephone number of the testing certified veterinarian.

(4) Bulls may be exempt from the trichomoniasis test requirements for entry into Oregon under any one or all of the following conditions:

(a) Used solely for exhibition purposes and remain under confinement at the location of the exhibition without having access to or allowed to commingle with sexually mature female cattle; or

(b) Used solely for artificial insemination using semen extension and preservation protocols that meet Certified Semen Services standards; or

(c) Consigned directly to slaughter without unloading before the arrival at the slaughter plant.

Stat. Auth.: ORS 596

Stats. Implemented:

Hist.: DOA 15-2008, f. 6-12-08, cert. ef. 9-1-08; DOA 13-2009(Temp), f. 8-28-09 cert. ef. 9-1-09 thru 2-28-10

## 603-011-0620

### Procedures

(1) The Department shall establish a Bovine Trichomoniasis Advisory Panel, whose membership shall be:

(a) Five voting members who are representatives of the cattle industry, recommended by the Animal Health Committee of the Oregon Cattlemen's Association; and

(b) Four non-voting advisory members who are: the OSU Extension Veterinarian, two practicing veterinarians appointed by the Advisory Panel, and one representative of the office of the ODA State Veterinarian.

(2) Duties of the Advisory Board shall be to:

(a) Advise the Department on management of issues related to the program; and

(b) Advise the Department on preferred policies and processes for resolution of disputes related to the program.

(3) Certified veterinarians, as described in 603-011-0630, must report a positive test result of *Tritrichomonas fetus* to the Department on a form supplied by the Department within 48 hours of determining the result.

(4) In response to a positive bovine trichomoniasis test the Department shall:

(a) Conduct an investigation to identify herds that were potentially exposed to the infected herd.

(b) Require that any further bovine trichomoniasis testing be performed by a certified person, and accept the results of a retest by a certified person, if the original test was performed by a non-certified person; and

(c) Require permanent identification and testing of all bulls, excepting virgin bulls, in the test-positive herd and exposed herds.

(5) All bulls in herds required to be tested must be withdrawn from breeding contact and tested between 10 and 90 days after withdrawal.

(6) All bulls in test-positive herds must each have three consecutive negative culture test results with each test event separated by at least seven days and no more than 28 days, or one (1) negative real-time PCR Assay result completed at least seven (7) days after initial diagnosis is made. Bulls that have a positive test result shall be considered infected and be handled as described in 603-011-0620(8).

(a) Test-positive herds with valid Out-of-State Permit will have all bulls restricted in place until negative trichomoniasis test results are complete as described in (6) above. Bulls that have a positive test result shall be considered infected and be handled as described in 603-011-0620(8); or

(b) Return all herdmate bulls from Out-of-State Permit affected herds to their state of origin to complete negative trichomoniasis testing as described in (6) above. The Department shall release the herdmate bulls from restriction when the State Veterinarian from the state of origin notifies the Department that the required testing is complete. Test-positive bulls shall not return.

(c) Out-of-State Permit herds exposed to trichomoniasis will have all bulls restricted in place until one negative trichomoniasis test is complete. Any cattle determined to be infected will be restricted and the herd status will be changed to a test-positive herd and subject to the requirements of subsection (6)(a) or (b); or

(d) Return all herdmate bulls to their state of origin to complete one negative trichomoniasis test. The Department shall release the herdmate bulls from restriction when the State Veterinarian from the state of origin notifies the Department that the required testing is complete. Any bull that has a positive test result shall cause the herd to be classified as test-positive and treated as in (6)(a) or (b).

(7) All bulls from a test-positive herd must be re-tested every trich-year until every remaining bull tests negative during the same test period.

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(a) All bulls from a test-positive herd must be re-tested before February 1 of the following year.

(b) All bulls removed or culled from a test-positive herd are to be tested before removal or culling.

(8) Test-positive bulls shall be held under quarantine separate and apart from other cattle or shall comply with one of the following:

(a) Test-positive bulls may be retested and, if found negative on three consecutive culture tests that are separated by at least seven days, or one (1) real-time PCR Assay, completed at least seven (7) days after initial test, may be considered test-negative and released from quarantine; or

(b) Test-positive bulls moving into feeding channels shall be castrated before moving from the ranch; or

(c) Test-positive bulls moving out of the infected herd into commercial slaughter-marketing channels, including collection points, shall be identified before moving with an "S" brand applied to both sides of the tail-head and shall move only to slaughter under authority of a VS Form 1-27 Permit for Movement of Restricted Animals; or

(d) Test-positive bulls moving out of the infected herd directly to slaughter shall do so with:

(A) A VS Form 1-27 Permit for Movement of Restricted Animals; and  
(B) Prior notification of the State Veterinarian; and

(C) Record of their permanent identification on the VS Form 1-27 under which authority they move.

(9) Failure to comply with the above provisions for response to a positive bovine trichomoniasis test shall result in quarantine of all cattle in the non-compliant herd under provisions of ORS 596.392(4).

(10) The Department may waive the mandatory testing and quarantine provisions of this rule if:

(a) The owner or manager demonstrates that a herd program for control of bovine trichomoniasis which the Department determines, after consultation with the Advisory Panel, to be adequate under the circumstances, is in place and operational at time of diagnosis; or

(b) The owners or managers of the test positive herd and of all exposed herds agree to not test, or agree to pursue a control program of their own design, and the Department determines that such action is adequate under the circumstances.

Stat. Auth.: ORS 591 & 596

Stats. Implemented: ORS 596.392

Hist.: DOA 9-2000, f. & cert. ef. 4-4-00; DOA 11-2005, f. & cert. ef. 2-17-05; DOA 19-2007, f. & cert. ef. 11-28-07; DOA 15-2008, f. 6-12-08, cert. ef. 9-1-08; DOA 13-2009(Temp), f. 8-28-09 cert. ef. 9-1-09 thru 2-28-10

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## Department of Agriculture, Oregon Hop Commission Chapter 643

**Rule Caption:** Oregon Hop Commission Proposed Assessment Increase.

**Adm. Order No.:** HOP 1-2009

**Filed with Sec. of State:** 9-1-2009

**Certified to be Effective:** 9-1-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 643-010-0010

**Subject:** Any person who is first purchaser as defined in ORS 576.051(6), shall deduct and withhold one and eight-tenths cents (001.80) per pound from the price to the producer thereof, on and after September 1, 2009, on a dried weight basis, for all his/her purchases from the producer of hops produced in Oregon.

**Rules Coordinator:** Nancy Frketch—(503) 982-7600

### 643-010-0010

#### Assessments

Any person who is first purchaser as defined in ORS Chapter 576, shall deduct and withhold one and eight-tenths cents per pound (001.8) from the price to the producer, on and after September 1, 2009, on a dried weight basis, for all his/her purchases from the producer of hops produced in Oregon.

Stat. Auth.: ORS 183.325, 576.305 & 576.325

Stats. Implemented: ORS 576.325

Hist.: OHC 3, f. & ef. 7-23-64; OHC 5, f. 7-12-71, ef. 8-15-70; OHC 6, f. 8-2-77, ef. 8-15-77; OHC 1-1979, f. 7-2-79, ef. 8-15-79; OHC 1-1989, f. 8-2-89, cert. ef. 8-15-89; OHC 1-1991, f. 6-27-91, cert. ef. 8-15-91; HOP 3-1995, f. & cert. ef. 8-23-95; HOP 1-1998, f. & cert. ef. 8-24-98; HOP 1-2009, f. & cert. ef. 9-1-09

## Department of Community Colleges and Workforce Development Chapter 589

**Rule Caption:** Amend and Renumber OARs in Division 20 regarding the Administration of Statewide and Local Workforce Investment Systems.

**Adm. Order No.:** DCCWD 4-2009

**Filed with Sec. of State:** 8-31-2009

**Certified to be Effective:** 8-31-09

**Notice Publication Date:** 7-1-2009

**Rules Ren. & Amend:** 151-020-0045 to 589-020-0300, 151-020-0060 to 589-020-0310, 151-020-0065 to 589-020-0320, 151-020-0075 to 589-020-0330, 151-020-0100 to 589-020-0340, 151-020-0110 to 589-020-0350

**Subject:** Federal statutory and administrative responsibility for Administration of Statewide and Local Workforce Investment Systems are under the jurisdiction of the Department of Community Colleges and Workforce Development (CCWD), as directed by the office of the governor.

Six administrative rules are being renumbered and moved from the Office of Education and Workforce Policy to CCWD, which has on file Workforce Investment Act (WIA) Title 1 and 1B policies and procedures that address federal WIA guidance and requirements.

**Rules Coordinator:** Linda Hutchins—(503) 947-2456

### 589-020-0300

**Procedure for Resolving a Non-Criminal Allegation of a Violation of the Act, Regulations, Grant or Other Agreement Under the Workforce Investment Act filed Directly Against the Department of Community Colleges and Workforce Development**

(1) If there is a complaint against the Department (CCWD) and the complainant is a Local Workforce Area subrecipient, another grant recipient, or other entity receiving WIA funds directly from the Department, the initial complaint must be filed at the State level with CCWD. Complainants are entitled to an opportunity for informal resolution of the complaint and a contested case hearing.

(2) Both the informal resolution process and the contested case hearing must be completed within 60 days of receipt of a complaint.

(3) These procedures shall be used for the resolution of complaints arising from actions, such as audit disallowance or the imposition of sanctions, taken by the governor with respect to audit findings, investigations, or monitoring reports.

Stat. Auth.: ORS 326.370; 660.318

Stats. Implemented: ORS 285A.455

Hist.: EWP 3-2000, f. & cert. ef. 12-22-00; EWP 3-2007(Temp), f. & cert. ef. 12-13-07 thru 6-6-08; EWP 1-2008, f. & cert. ef. 4-14-08; Renumbered from 151-020-0045, DCCWD 4-2009, f. & cert. ef. 8-31-09

### 589-020-0310

#### Confidentiality — Definitions

(1) "Exiter" means a participant who has a date of case closure, completion or known exit from WIA-funded or non-WIA funded partner services within the quarter (hard exit); or a participant who does not receive any WIA-funded or non-WIA funded partner service for 90 days and is not scheduled for future services except follow-up services (soft exit).

(2) "Participant" means a person applying for or receiving training in programs conducted under Title IB of the Act.

(3) "Participant behavioral records" are records which include, but are not limited to, psychometric testing, personality evaluations, written transcripts of incidents relating to participant behavior, grades, conduct, personal and academic evaluations, counseling, alcohol or substance abuse evaluation and/or treatment, disciplinary actions, if any, and other personal evaluations.

(4) "Participant records" include all participant records, participant behavioral records and documents which contain personally identifiable information maintained by the recipient and its subrecipients.

(5) "Personally identifiable" means that the participant records include:

(a) The name of the participant, the participant's parents;

(b) Other family members;

(c) The address of the participant;

(d) A personal identifier, such as the participant's Social Security number or phone number;

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(e) A list of personal or physical characteristics which would make the participant's identity easily traceable; or

(f) Other information which would make the participant's identity easily traceable.

(6) "Program staff" means Recipient and Subrecipient staff.

(7) "Recipient" means the Governor and the Department.

(8) "Release" means to make participant records available to individuals, agencies or businesses for inspection in original or duplicate form.

(9) "Surrogate" means an individual who acts in the place of a parent or guardian in safeguarding a participant's rights when the parent or guardian is unknown (the parent cannot be identified or ascertained by diligent inquiry), unavailable (after reasonable effort, the whereabouts of the parents cannot be ascertained) or the participant is a ward of the State. "Surrogate" may also apply to disabled adults who have a designated legal guardian or advocate.

Stat. Auth.: ORS 326.370; 660.318

Stats. Implemented: ORS 285A.455

Hist.: EWP 1-2000(Temp), f. 6-30-00, cert. ef. 7-1-00 thru 12-27-00; Renumbered from 151-020-0060, DCCWD 4-2009, f. & cert. ef. 8-31-09

## 589-020-0320

### Authority to Request Social Security Numbers

(1) The purpose of this rule is to establish legal authority, policy and procedures for obtaining and using Social Security numbers from participants to comply with record-keeping and performance measurement requirements for services provided under Title IB of the federal Workforce Investment Act of 1998 (P.L. 105-220)(WIA).

(2) It is the policy of Department of Community Colleges and Workforce Development (Department) and providers of WIA Title IB services to request participants registering for or participating in services provided in relation to WIA Title IB services or activities to voluntarily provide and authorize the use of their Social Security numbers. Participants are requested to release their Social Security numbers for purposes of record keeping related to referral and service delivery, and for performance measurement, research, planning and program evaluation. The request shall notify the participant that:

(a) Release of the Social Security number is voluntary;

(b) Request for release is made under authority of this rule; ORS 285A.455 and 285A.461; and WIA sections 136, 185 and 188, 29 USC 2871, 2935 and 2938; and

(c) The specific uses that will be made of the Social Security number. Those specific uses must be described in the notification.

(3) Procedures: The request to a participant to release his or her Social Security number shall conform to forms and/or procedures developed by the Department. Any alteration in the wording or procedure must be approved by the Department. When an individual registers or applies for WIA Title IB services, the individual will be provided with a notice about the request to obtain and use the Social Security number. Individuals will be requested to voluntarily agree to the use of Social Security numbers for the uses described in that notice.

(a) Refusal to voluntarily disclose or permit the use of his/her Social Security number by the individual will not be used as a basis to deny the individual any right, benefit or privilege provided solely under Title IB of the Workforce Investment Act.

(b) Any specific program that requests or requires disclosure of a Social Security number in relation to or as a condition of eligibility to participate in that specific program (such as unemployment compensation, Temporary Assistance for Needy Families, food stamps or Oregon Health Plan) will separately advise applicants about those specific eligibility requirements. If an individual refuses to voluntarily consent to disclosure of his or her Social Security number for WIA Title IB purposes, but releases the Social Security number as a mandatory condition for participating in a specific program, the mandatory program will mask the Social Security number or take any other appropriate action to ensure it is used only for purposes allowed under the mandatory disclosure requirement.

(c) A completed form that authorizes the use of Social Security numbers and related records for WIA Title IB purposes will remain valid unless or until revoked, and the Department and providers in the WIA Title IB service delivery system may utilize the Social Security numbers for authorized purposes.

(d) If an individual refuses to authorize the use or disclosure of his or her Social Security number, the Department or WIA IB provider may assign an alternative individual identification number. Such number is personally identifiable information and is governed by disclosure requirements under the Public Records Law, ORS 192.410 to 192.505.

(e) Participants receiving services funded by WIA Title IB who enter work-based programs such as on-the-job training or work experience activities will be required to disclose their Social Security numbers for employment or payroll purposes. All other provisions of this rule will apply to the use of the Social Security number.

(f) Social Security numbers will not be disclosed to the general public.

Stat. Auth.: ORS 326.370; 660.318

Stats. Implemented: ORS 285A.455

Hist.: EWP 2-2000, f. 7-7-00, cert. ef. 7-7-00 thru 12-27-00; EWP 3-2000, f. & cert. ef. 12-22-00; Renumbered from 151-020-0065, DCCWD 4-2009, f. & cert. ef. 8-31-09

## 589-020-0330

### Confidentiality

(1) This Oregon Administrative Rule (OAR) provides information to the recipient and subrecipients when making decisions concerning the disclosure of information from applicant and participant records. The purpose of the OAR is:

(a) To protect applicants and participants from unreasonable invasions into their privacy;

(b) To give applicants and participants access to their records; and

(c) To inform applicants and participants about the reasonable uses of their records for purposes of administering the WIA.

(2) As used in 589-020-0330 the following definitions apply:

(a) "Applicant" means a person applying or registering for services in programs conducted under Title IB of the Act.

(b) "Participant" means a person applying for or receiving services in programs conducted under Title IB of the Act.

(c) "Personally identifiable" means that the applicant or participant records include:

(A) The name of the applicant or participant, their parents; or

(B) Other family members;

(C) The address of the applicant or participant;

(D) A personal identifier, such as the applicant's or participant's Social Security number or phone number;

(E) A list of personal or physical characteristics which would make the applicant's or participant's identity easily traceable, or

(F) Other information which would make the applicant's or participant's identity easily traceable.

(d) "Surrogate" means an individual who acts in the place of a parent or guardian in safeguarding an applicant's or participant's rights when the parent or guardian is unknown (the parent cannot be identified or ascertained by diligent inquiry), unavailable (after reasonable effort, the whereabouts of the parents cannot be ascertained) or the applicant or participant is a ward of the State. "Surrogate" may also apply to disabled adults who have a designated legal guardian or advocate.

(3) No applicant or participant records shall be released without the express consent of the applicant or participant, their parent or legal guardian or surrogate, except as noted in this rule.

(a) An applicant or participant may provide written consent for the examination or release of his/her records;

(b) An applicant or participant who is under the age of 18 and is not legally emancipated shall not authorize the release of any records pertaining to him/herself without the written consent of their parent, legal guardian or surrogate unless otherwise provided for herein;

(c) Custodial and non-custodial parents share equal access to applicant or participant records unless a court order is presented to the contrary.

(4) Records of applicants or participants, who are at least 18 years of age, shall not be released to anyone, including their parent, legal guardian or surrogate, without the written consent of the applicant or participant unless otherwise provided pursuant to applicable state or federal law.

(5) To the extent otherwise authorized by applicable state or federal law, release of applicant or participant records is authorized for purposes of:

(a) As required to meet emergency medical or other unusual circumstances, but only if the release of such information is necessary to protect the health and safety of the applicant or participant or other individuals;

(b) Among subrecipient staff, and subrecipients and their contractors when necessary for the provision of effective and efficient services or as necessary with other one-stop programs for which the clients may be eligible and only with a properly executed release of information form;

(c) Pursuant to a court order or lawfully issued subpoena;

(d) To authorized federal, state or local staff, or designee, to determine compliance with nondiscrimination and equal employment opportunity requirements under 29 CFR Part 37;

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(e) To public agencies when the applicant or participant has applied to the agency for assistance or service or is receiving such assistance or service only with a properly executed release of information form;

(f) To private auditing firms employed by the subrecipient to carry out monitoring of its programs for internal purposes only with a properly executed release of information form;

(g) To organizations who provide test scoring and/or data analysis provided that the organization has established written policies to preserve the confidentiality of the records, will not send reports containing applicant or participant personally identifiable information to anyone other than the organization requesting the service; and applicant or participant record information will not be disclosed when disclosure would constitute a clearly unwarranted invasion of personal privacy only with a properly executed release of information form;

(h) To organizations, including state and federal workforce development, educational agencies and community colleges and their local boards, conducting studies for or on behalf of employment and training agencies, educational agencies, the State of Oregon Workforce Investment Board for purposes which may include developing, validating, or administering predictive tests, program enhancement or in order to develop statistical and demographic data to facilitate the creation of strategies to improve the education, training and quality of Oregon's workforce provided that:

(A) The information shall be used only for the purposes for which it is made available; and

(B) Personally identifiable information contained in the applicant or participant records has been transformed or otherwise encoded by a staff member from the agency releasing the records to a form usable by the organization conducting the study or, if applicable, to those standards required by the Shared Information System, in order to safeguard the identity of the applicant or participant.

(6) The subrecipients shall establish policies for protecting the confidentiality of applicant or participant records and procedures for releasing or examining such records which will include all of the following:

(a) Hours during which record release or examination may occur;

(b) That a written request for such release or examination must be made;

(c) That the request specifically identify the applicant or participant record to be examined;

(d) That the requestor provide his or her name and address;

(e) The person to whom such requests should be directed (normally the custodian of records);

(f) That the fee schedule for record production not exceed the actual cost of production, including staff time, in locating, reviewing and copying the records; and

(g) A record of each release, for which an applicant or participant, parent, legal guardian or surrogate's written consent is required, shall be maintained. Such record shall include the name of the party seeking access, the date access was granted, and the purpose for which the party requested or was authorized to use the records. The records of disclosure should be kept with, but not released or examined as a part of, the applicant's or participant's records. If participant behavioral records are released, the record of disclosure shall include the name of the individual who explained the behavioral portion of the records.

Stat. Auth.: ORS 326.370; 660.318

Stats. Implemented: ORS 285A.455

Hist.: EWP 3-2000, f. & cert. ef. 12-22-00; Renumbered from 151-020-0075, DCCWD 4-2009, f. & cert. ef. 8-31-09

## 589-020-0340

### Eligible Training Provider — Definitions

(1) "Adult Education" Services or instruction below the postsecondary level for individuals who:

(a) Have attained 16 years of age;

(b) Are enrolled or required to be enrolled in secondary school under State law; and

(A) Lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;

(B) Do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or

(C) Are unable to speak, read, or write the English language.

(2) In order for Adult Education and literacy activities to be considered a training activity, it must be in combination with any of the following:

(a) Occupational training,

(b) On-the-Job training,

(c) Programs that combine workplace training with related training,

(d) Occupational skills training programs,

(e) Skill upgrading and training,

(f) Entrepreneurial training, and

(g) Job readiness training.

(3) "Apprenticeship Training" One to six year programs that are structured, paid on-the-job training directly supervised by journey persons in a trade. Programs include related technical instruction of at least 144 hours per year. Apprenticeship programs are based on agreements between employers and apprentices and are approved and registered with the registration agency (state or federal).

(4) "Contracted Training" is designated to prepare specifically identified individuals for entrance into the workforce in a particular occupation or group of occupations. Training is generally offered through a contract between an agency, business, or other entity and a training provider. Performance outcomes are a key component of the agreement and are the responsibility of the sponsoring organization.

(5) "Customized Training" Training that is:

(a) Designed to meet the special requirements of an employer (including a group of employers);

(b) Conducted with a commitment by the employer to employ an individual on successful completion of the training; and

(c) For which the employer pays for not less than 50% of the cost of the training.

(6) "Entrepreneurial Training" Training that provides an individual with the knowledge and skills to start and grow a business.

(7) "Occupational Skills Training" Programs designed to prepare persons with the skill and knowledge to enter employment in a specific occupation or group of occupations. Programs vary in length depending on the current knowledge of the participant and the skills necessary for employment in the particular field.

(8) "On-the Job Training" Training by an employer that is provided to a paid participant while engaged in productive work in a job:

(a) Provides knowledge or skills essential to the full and adequate performance of the job;

(b) Provides reimbursement to the employer of up to 50% of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

(c) Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

(9) "State List of Eligible Training Providers and Programs" The sanctioned state list of training programs that are certified for use by WIA Participants, WorkSource Oregon Centers and others to provide training services under the Workforce Investment Act under Title IIB for Adult and Dislocated Workers.

(10) "Workplace Training and Related Instruction" A program of study that combines occupational skills training, related instruction and work-experience to provide persons with the skills, knowledge and abilities to enter employment in a specific occupation or group of occupations.

Stat. Auth.: ORS 326.370; 660.318

Stats. Implemented: ORS 285A.455

Hist.: EWP 1-2000(Temp), f. 6-30-00, cert. ef. 7-1-00 thru 12-27-00; EWP 3-2000, f. & cert. ef. 12-22-00; Renumbered from 151-020-0100, DCCWD 4-2009, f. & cert. ef. 8-31-09

## 589-020-0350

### Eligible Training Provider Process

(1) The workforce investment system established under WIA emphasizes informed customer choice, system performance, and continuous improvement. The eligible provider process is part of the strategy for achieving these goals. This rule sets forth the procedures that Local Boards, in partnership with the State, shall follow to identify providers whose performance qualifies them to receive WIA funds to provide training services to adults and dislocated workers.

(2) A provider is initially eligible to receive WIA Title IB funds to provide training services to eligible adult and dislocated worker participants through an individual training account if they are placed on the statewide list of eligible providers pursuant to this section.

(3) Training services to be provided under the Act using training providers on the Statewide List of Eligible Training Providers shall include the following:

(a) Apprenticeship;

(b) Entrepreneurial Training;

(c) Occupational Training Programs (Occupational Skills Training);

(d) Occupational Course(s) of Study;

(e) Workplace Training Programs;

(f) Adult Education, if in combination with any one of a-e, above; and

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(g) Local Boards, if they meet the conditions of WIA section 117(f)(1).

(4) On-the-job training and customized training providers need not be on the Statewide List of Eligible Training Providers and Programs to receive Title IB funds.

(5) Community-based organizations and other private organizations serving participant groups that face multiple barriers to employment need not be on the Statewide List of Eligible Training Providers and Programs to receive Title IB funds.

(6) Training providers may submit an application to any of the Local or Regional Workforce Investment Boards in the State to be approved for inclusion on the Statewide List of Eligible Training Providers and Programs.

(7) To be eligible to be a training provider on the Statewide List of Eligible Training Provider and Programs, the provider shall meet:

(a) All applicable state and federal licensure requirements.

(b) The requirements of 20 CFR 663 subpart E, WIA section 122, and any local criteria adopted by Local Boards.

(8) The Department is responsible for:

(a) Establishing the procedure for use by the local boards to determine initial and subsequent eligibility of a provider who seeks to receive WIA funds to deliver a program of training services.

(A) The procedure shall specify that institutions and organizations that are Higher Education Act Title IV or National Apprenticeship Act eligible shall be considered automatically eligible to be on the Statewide List of Eligible Training Providers and Programs through June 30, 2001 once they have submitted a complete and accurate application with information on the school, institution or organization and on the program or course of study for which they seek ETP certification.

(B) For those institutions and organizations not listed in subsection (7)(a)(A), the procedure shall require them to submit additional information relating to performance criteria including:

- (i) Organizational Capacity,
- (ii) Training Services Capacity,
- (iii) Focus on Employment and Training Needs,
- (iv) Facilities, Equipment and Safety,
- (v) Employment Opportunities,
- (vi) Student Evaluation and Monitoring,
- (vii) Special Population Services,
- (viii) Demonstrated Performance,

(b) Developing and maintaining the State List of Eligible Providers and Programs, which is comprised of approved providers, submitted by Local Boards;

(c) Having on file a signed statement from each Eligible Training Provider that the provider assures the accuracy and truthfulness of applications prior to certification and inclusion on the State List of Eligible Training Providers and Programs.

(d) Verifying the accuracy of the information submitted by the provider as required by the Act, in consultation with the Local Board;

(e) Removing providers who do not meet the requirements of this section or who do not meet program performance levels;

(f) Taking appropriate enforcement actions, against providers in the case of the intentional provision of inaccurate information, as described in WIA section 122(f)(1), and in the case of a substantial violation of the requirements of WIA, as described in WIA section 122(f)(2);

(g) Disseminating the State list, accompanied by cost information relating to each provider, to One-Stop operators throughout the State; and

(h) Adopting a grievance procedure for training providers whose application was removed from the statewide list.

(9) The Local Board shall:

(a) Develop an application or use the state approved application seeking the information required by the state pursuant to this section as well as any additional application components and criteria identified by the local board;

(b) Accept applications from those interested in becoming an eligible training provider;

(c) Develop a process for reviewing and approving all completed applications;

(d) Forward all approved applications to the Department;

(e) Adopt a grievance procedure for training providers whose application is not approved; and

(f) Make the complete Statewide List of Eligible Training Providers and Programs available to participants and customers through the WorkSource Oregon Centers.

(10) The Department shall administer the criteria and application procedures and provide guidance to Local Boards to be used in administering the eligible training provider process at the local level.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 326.370; 660.318

Stats. Implemented: ORS 285A.455

Hist.: EWP 1-2000(Temp), f. 6-30-00, cert. ef. 7-1-00 thru 12-27-00; EWP 3-2000, f. & cert. ef. 12-22-00; Renumbered from 151-020-0110, DCCWD 4-2009, f. & cert. ef. 8-31-09

## Department of Consumer and Business Services, Division of Finance and Corporate Securities Chapter 441

**Rule Caption:** Adopts additional information for loan modifications on foreclosure notice form.

**Adm. Order No.:** FCS 6-2009(Temp)

**Filed with Sec. of State:** 8-21-2009

**Certified to be Effective:** 8-21-09 thru 2-17-10

**Notice Publication Date:**

**Rules Amended:** 441-505-3046, 441-710-0540, 441-730-0246, 441-850-0042

**Subject:** The legislature recently adopted Senate Bill 628 to address residential foreclosures and loan modification. Part of the bill amended the foreclosure notice form created by the 2008 Legislature in House Bill 3630. The amended form describes how to request a loan modification and provides information on resources available to the borrower. The Department of Consumer and Business Services is authorized to adopt rules prescribing the changes to this form. This rulemaking activity adds the loan modification provisions and directs users of the foreclosure notice to fill in specific information on the loan modification section of the foreclosure notice. Because the bill requires the modified form to be used for all notices sent 60 days after the bill's effective date (September 28, 2009), the department proposes to adopt these rules to modify the required form on a temporary basis.

**Rules Coordinator:** Shelley Greiner—(503) 947-7484

### 441-505-3046

#### Contents of Foreclosure Notices

The sender of a notice form required by 2008 Or Laws, ch. 19, § 20 and as amended by **2009 Or Laws ch. 864**, § 1 (Enrolled Senate Bill 628) must enter in the form and format adopted by this rule:

(1) The statewide telephone contact number for handling consumer queries as **800-SAFENET (800-723-3638)**

(2) The telephone number of the Oregon State Bar's Lawyer Referral Service as 503-684-3763;

(3) The Oregon State Bar's Lawyer Referral Service toll-free number as 800-452-7636;

(4) The website address of the Oregon State Bar as <http://www.osbar.org>;

(5) The website address for the organization providing more information and a directory of legal aid programs as <http://www.oregonlawhelp.org>;

(6) The toll-free consumer mortgage foreclosure information number as 800-SAFENET (800-723-3638); and

(7) Information on federal loan modification programs as **<http://www.makinghomeaffordable.gov/>**.

Stat. Auth.: 2008 OL, Ch. 19 § 20

Stats. Implemented: 2008 OL Ch. 19 § 20, 2009 OL ch. 864, § 1 (Enrolled Senate Bill 628)

Hist.: FCS 9-2008, f. 10-15-08, cert. ef. 10-16-08; FCS 6-2009(Temp), f. 8-21-09 thru 2-17-10

### 441-710-0540

#### Contents of Foreclosure Notices

The sender of a notice form required by 2008 Or Laws, ch. 19, § 20 and as amended by 2009 Or Laws ch. 864, § 1 (Enrolled Senate Bill 628) must enter in the form and format adopted by this rule:

(1) The statewide telephone contact number for handling consumer queries as **800-SAFENET (800-723-3638)**

(2) The telephone number of the Oregon State Bar's Lawyer Referral Service as 503-684-3763;

(3) The Oregon State Bar's Lawyer Referral Service toll-free number as 800-452-7636;

(4) The website address of the Oregon State Bar as <http://www.osbar.org>;

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(5) The website address for the organization providing more information and a directory of legal aid programs as <http://www.oregonlawhelp.org>

(6) The toll-free consumer mortgage foreclosure information number as 800-SAFENET (800-723-3638); and

(7) Information on federal loan modification programs as <http://www.makinghomeaffordable.gov/>.

Stat. Auth.: 2008 OL Ch. 19 § 20

Stat. Implemented: 2008 OL Ch. 19 § 20, 2009 OL ch. 864, § 1 (Enrolled Senate Bill 628)

Hist.: FCS 9-2008, f. 10-15-08, cert. ef. 10-16-08; FCS 6-2009(Temp), f. 8-21-09 thru 2-17-10

## 441-730-0246

### Contents of Foreclosure Notices

The sender of a notice form required by 2008 Or Laws, ch. 19, § 20 and as amended by 2009 Or Laws ch. 864, § 1 (Enrolled Senate Bill 628) must enter in the form and format adopted by this rule:

(1) The statewide telephone contact number for handling consumer queries as 800-SAFENET (800-723-3638)

(2) The telephone number of the Oregon State Bar's Lawyer Referral Service as 503-684-3763;

(3) The Oregon State Bar's Lawyer Referral Service toll-free number as 800-452-7636;

(4) The website address of the Oregon State Bar as <http://www.osbar.org>;

(5) The website address for the organization providing more information and a directory of legal aid programs as <http://www.oregonlawhelp.org>

(6) The toll-free consumer mortgage foreclosure information number as 800-SAFENET (800-723-3638); and

(7) Information on federal loan modification programs as <http://www.makinghomeaffordable.gov/>.

Stat. Auth.: 2008 OL Ch. 19 § 20

Stat. Implemented: 2008 OL Ch. 19 § 20, 2009 OL ch. 864, § 1 (Enrolled Senate Bill 628)

Hist.: FCS 9-2008, f. 10-15-08, cert. ef. 10-16-08; FCS 6-2009(Temp), f. 8-21-09 thru 2-17-10

## 441-850-0042

### Contents of Foreclosure Notices

The sender of a notice form required by 2008 Or Laws, ch. 19, § 20 and as amended by 2009 Or Laws ch. 864, § 1 (Enrolled Senate Bill 628) must enter in the form and format adopted by this rule:

(1) The statewide telephone contact number for handling consumer queries as 800-SAFENET (800-723-3638)

(2) The telephone number of the Oregon State Bar's Lawyer Referral Service as 503-684-3763;

(3) The Oregon State Bar's Lawyer Referral Service toll-free number as 800-452-7636;

(4) The website address of the Oregon State Bar as <http://www.osbar.org>;

(5) The website address for the organization providing more information and a directory of legal aid programs as <http://www.oregonlawhelp.org>

(6) The toll-free consumer mortgage foreclosure information number as 800-SAFENET (800-723-3638); and

(7) Information on federal loan modification programs as <http://www.makinghomeaffordable.gov/>.

Stat. Auth.: 2008 OL Ch. 19 § 20

Stat. Implemented: 2008 OL Ch. 19 § 20, 2009 OL ch. 864, § 1 (Enrolled Senate Bill 628)

Hist.: FCS 9-2008, f. 10-15-08, cert. ef. 10-16-08; FCS 6-2009(Temp), f. 8-21-09 thru 2-17-10

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**Rule Caption:** Streamlines information collection and reporting requirements for licensed check cashers.

**Adm. Order No.:** FCS 7-2009

**Filed with Sec. of State:** 9-9-2009

**Certified to be Effective:** 9-9-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 441-755-0300, 441-755-0310

**Subject:** This rulemaking activity streamlines the record-keeping and reporting requirements to the Department of Consumer and Business Services by registered check cashing businesses. Under these rules, check cashers would no longer track the date on a check or the name of the person who has issued the check. These rules also remove the current requirements for a check casher to report on the number of cashed checks greater than \$1,000 and the number of cashed checks that a financial institution refused to accept or pay (i.e., dishonored).

**Rules Coordinator:** Shelley Greiner—(503) 947-7484

## 441-755-0300

### Required Books and Records

(1) For any payment instrument cashed, the licensee must record the following information:

(a) The transaction date;

(b) The payment instrument number;

(c) Name and location or routing number of the payor financial institution;

(d) Amount of the payment instrument;

(e) Method of identification used to identify the person cashing the payment instrument, if any; and

(f) Amount of fee charged.

(2) The information required in section (1) of this rule may be maintained manually or in electronic format.

(3) Records for all licensed locations may be maintained at the licensee's principal place of business.

Stat. Auth.: ORS 697.550

Stats. Implemented: ORS 697.504, 697.510, 697.514 & 697.526

Hist.: FCS 8-2007, f. & cert. ef. 11-30-07; FCS 7-2009, f. & cert. ef. 9-9-09

## 441-755-0310

### Annual Report

(1) To assist the Director to determine whether examination of a licensee is necessary, each licensee must submit a report on or before April 1 for the previous calendar year's check-cashing activities for each licensed location, including:

(a) The total number of payment instruments cashed, subdivided into the three categories of payment instruments as described in ORS 697.520(1);

(b) The total amount of the face values of all payment instruments cashed;

(c) The total amount of fees charged; and

(2) There is no fee for providing the written report required in this rule.

Stat. Auth.: ORS 697.550

Stats. Implemented: ORS 697.504, 697.510, 697.514 & 697.526

Hist.: FCS 8-2007, f. & cert. ef. 11-30-07; FCS 7-2009, f. & cert. ef. 9-9-09

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**Rule Caption:** Repeals rules related to associations of sellers of travel.

**Adm. Order No.:** FCS 8-2009

**Filed with Sec. of State:** 9-9-2009

**Certified to be Effective:** 1-1-10

**Notice Publication Date:** 7-1-2009

**Rules Repealed:** 441-925-0010, 441-925-0020, 441-925-0030, 441-925-0040

**Subject:** The legislature passed Senate Bill 109 in the 2009 legislative session. Senate Bill 109 repealed a voluntary certification program for trade associations representing travel agencies, effective January 1, 2010. As a result of legislative action, the administrative rules that implement the association of sellers of travel program are no longer necessary. This rulemaking activity will repeal these unnecessary provisions effective on January 1, 2010 to coincide with the statute.

**Rules Coordinator:** Shelley Greiner—(503) 947-7484

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**Rule Caption:** Amends and repeals rules governing savings associations to comply with statutory changes.

**Adm. Order No.:** FCS 9-2009

**Filed with Sec. of State:** 9-15-2009

**Certified to be Effective:** 9-25-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 441-005-0010, 441-500-0020, 441-505-4010

**Rules Repealed:** 441-760-0020, 441-760-0030, 441-760-0040, 441-760-0050, 441-760-0060, 441-760-0070, 441-760-0080, 441-760-0090, 441-760-0100, 441-760-0110, 441-760-0120, 441-760-0130, 441-760-0140, 441-760-0150, 441-760-0160, 441-760-0170, 441-760-0180, 441-760-0190, 441-760-0200, 441-760-0210, 441-760-0220, 441-760-0230, 441-760-0240, 441-760-0250, 441-760-0260, 441-760-0265, 441-760-0270, 441-760-0280, 441-760-0290, 441-760-0300, 441-760-0310

**Subject:** The legislature passed HB 2199 in the 2009 legislative session. The bill streamlined regulation of the financial services sector

# ADMINISTRATIVE RULES

in Oregon in part by repealing the statutes governing savings associations (ORS chapter 722), which has not been utilized by an Oregon company for some time. This rulemaking removes rules implementing the repealed statutes and also removes references to savings associations throughout OAR chapter 441.

**Rules Coordinator:** Shelley Greiner—(503) 947-7484

## 441-005-0010

### Application For Certificate Of Compliance

(1) To apply for a certificate from the Director to indicate that use of a requested name or intended activity is in compliance with the Bank Act and ORS chapters 59, 645, 705, 717, 725 and 726, a company shall submit:

(a) A letter request to the Director describing the company's business,  
(b) The names, dates of birth and home addresses of all executive officers, directors and principals of the company, or persons holding similar positions; and  
(c) Supporting documentation evidencing the company's organization as a financial institution, including but not limited to:

(A) The company's business plan;  
(B) A copy of the charter or comparable documents from the jurisdiction where the company is organized, if applicable; and  
(C) The articles of incorporation or proposed articles of incorporation or similar documents of incorporation.

(2) Within 10 business days from the receipt of the written request, the Director will review the request. Upon review, the Director will either issue a certificate to the Secretary of State and company authorizing the registration of the name for the company, request additional information from the company, or send a written denial of the request to the company.

(3) If the Director requests additional information from the company, the company shall have 30 days to submit additional information. If the company fails to submit the additional information within 30 days, the Director may deny the request for certification.

(4) If the Director denies a request for certification, the company shall have the right to request a hearing, which will be conducted pursuant to ORS chapter 183.

(5) In lieu of the requirements under section 1(b) and (c) of this rule, state or federally chartered financial institutions may comply with section 1(a) and supporting documentation required under section 1(c)(B) unless the Director determines after receiving this documentation that full compliance with section 1(a) through (c) is required.

Stat. Auth.: ORS 705.635

Stats. Implemented: ORS 705.635

Hist.: DO 5-2001, f. 12-24-01, cert. ef. 1-1-02; Renumbered from 440-200-0020, FCS 3-2004, f. & cert. ef. 9-30-04; FCS 9-2009, f. 9-15-09, cert. ef. 9-25-09

## 441-500-0020

### Fees for Banks, Trust Companies, Savings Banks, Extranational Institutions, Savings Associations and Call for Reports

(1) Definitions.

(a) As used in this rule, "assets" means:

(A) The average assets of an Oregon based insured institution; or  
(B) The average Oregon assets of an extranational institution.

(b) For the purposes of determining averages in subsections (1)(a):

(A) Average assets for an Oregon based insured institution shall be determined from the quarterly Call Reports of Condition and Income filed with the applicable federal supervisory agency for the calendar year immediately preceding the due date of the fee assessment; and

(B) Average Oregon assets in for an extranational institution shall be determined from the quarterly reports of Oregon Assets filed with the Director for the calendar year immediately preceding the due date of the assessment.

(2) Call for Reports. To the extent any report used to determine the fee assessment is not required to be filed or made available to the Director under other Banking Rules, the specific reports shall be provided by the insured institution or extranational institution upon the call of the Director to allow the fee assessments to be determined.

(3) Subject to section (9) of this rule, the annual fee assessment under ORS 706.530 for an insured institution subject to the jurisdiction of the Director is: If assets are:

(a) Less than \$10 million, \$800 plus .000275 of all assets;

(b) \$10 million or more but less than \$25 million, \$1,625 plus .000200 of all assets;

(c) \$25 million or more but less than \$100 million, \$2,895 plus .000153 of all assets;

(d) \$100 million or more but less than \$500 million, \$9,795 plus .000090 of all assets;

(e) \$500 million or more but less than \$1 billion, \$22,795 plus .000066 of all assets;

(f) \$1 billion or more but less than \$2 billion, \$24,795 plus .000064 of all assets;

(g) \$2 billion or more but less than \$3 billion, \$26,795 plus .000063 of all assets;

(h) \$3 billion or more but less than \$4 billion, \$29,795 plus .000062 of all assets;

(i) \$4 billion or more, \$33,795 plus .000061 of all assets.

(4) Subject to section (9) of this rule, the annual regulatory fee assessment under ORS 706.530 for each trust company subject to the Director's jurisdiction is \$2,000 plus:

(a) .000060826 of the first \$150 million in managed assets; and .000030413 of managed assets greater than \$150 million;

(b) .0000152065 of the first \$150 million in custodial assets; and .0000076075 of custodial assets greater than \$150 million.

(5) Subject to section (9) of this rule, the annual regulatory fee assessment under ORS 706.530 and 713.090 for each extranational institution is: If Oregon assets are:

(a) Less than \$10 million, \$845 plus .000310 of all assets;

(b) \$10 million or more but less than \$25 million, \$2,545 plus .000140 of all assets;

(c) \$25 million or more but less than \$100 million, \$3,545 plus .000100 of all assets;

(d) \$100 million or more but less than \$500 million, \$6,745 plus .000068 of all assets;

(e) \$500 million or more, but less than \$1 billion, \$10,245 plus .000061 of all assets;

(f) \$1 billion or more but less than \$2 billion, \$15,245 plus .000056 of all assets;

(g) \$2 billion or more, \$17,245 plus .000055 of all assets.

(6) The fees assessed by this rule are not subject to prorate or refund.

(7) If no fee is assessed during any year under sections (3) or (4) of this rule because an insured institution did not have Oregon assets during the calendar year immediately preceding the due date of the assessment, the insured institution may be charged for actual cost, if the Director participates in any examination of the institution during the same calendar year. Actual cost shall be determined in the same way as provided in OAR 441-500-0030.

(8) All fees assessed under sections (3) to (5) of this rule are due and payable on March 1 of each calendar year.

(9)(a) The Director may by order reduce the fees assessed for any specific year.

(b) When a fee is assessed under sections (3) to (5) of this rule, the assessment shall not be less than:

(A) \$5,000 for an insured institution under section (3);

(B) \$2,500 for a trust company under section (4) and an extranational institution under section (5).

(10) The charges for special examination and special attention provided in OAR 441-500-0030 are in addition to and not in lieu of the fees assessed by this rule.

Stat. Auth.: ORS 705.620

Stats. Implemented: ORS 706.530

Hist.: FID 2-1986, f. & ef. 3-7-86; FID 3-1986, f. & ef. 5-15-86; FID 4-1986, f. & ef. 7-25-86; FCS 2-1988, f. 1-29-88, cert. ef. 2-1-88; Renumbered from 805-002-0100; FCS 1-1989, f. 1-18-89, cert. ef. 2-1-89; FCS 1-1993, f. & cert. 2-23-93; FCS 4-1994, f. & cert. ef. 4-25-94; FCS 1-1998, f. & cert. ef. 3-31-98, Renumbered from 441-505-0020; FCS 6-2007, f. & cert. ef. 10-22-07; FCS 1-2008, f. & cert. ef. 1-28-08; FCS 2-2009, f. & cert. ef. 2-3-09; FCS 9-2009, f. 9-15-09, cert. ef. 9-25-09

## 441-505-4010

### Exemption for Banking Institutions

(1) An exemption is created under ORS 709.030(4) from the trust company certificate of authority and deposit requirements for:

(a) A non-Oregon institution or extranational institution when the entities are involved in any activity described in section (2) of this rule; and

(b) A non-Oregon institution or extranational institution that indirectly engages in any activity covered in subsection (2) of this rule because of its beneficial interest in a pool of notes secured by real estate mortgages or trust deeds.

(2) The exemption applies to:

(a) The taking, acquiring, holding and enforcement of notes secured by real estate mortgages or trust deeds or making commitments to purchase such notes;

(b) The foreclosing of mortgages and trust deeds in the courts of this state, acquiring the mortgaged property, holding and operating the property for a period not exceeding five years or disposal of the property.

Stat. Auth.: ORS 709.030(4)(g)

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Stats. Implemented: ORS 709.030(4)(g)  
Hist.: FCS 1-1998, f. & cert ef. 3-31-98; FCS 6-2007, f. & cert. ef. 10-22-07; FCS 9-2009, f. 9-15-09, cert. ef. 9-25-09

.....  
**Department of Corrections**  
**Chapter 291**

**Rule Caption:** Prison Term Modification Credits to Comply with 2009 Legislative Enhancements and Administrative Enhancements.

**Adm. Order No.:** DOC 15-2009(Temp)

**Filed with Sec. of State:** 8-31-2009

**Certified to be Effective:** 8-31-09 thru 2-23-10

**Notice Publication Date:**

**Rules Adopted:** 291-097-0023

**Rules Amended:** 291-097-0005, 291-097-0010, 291-097-0015, 291-097-0020, 291-097-0025, 291-097-0040, 291-097-0080, 291-097-0100

**Subject:** The 2009 Legislative Assembly enacted Oregon Laws 2009, chapter 660 (House Bill 3508) effective July 1, 2009. HB 3508 increases the amount of earned time that an otherwise eligible inmate can obtain from 20 percent to 30 percent. HB 3508 contains an emergency clause and the amendments to ORS 421.121 become effective on either July 1, 2009 (for inmates sentenced on or after that date), or August 30, 2009 (for inmates who committed their crimes prior to July 1, 2009 if the sentencing court authorizes an increase in earned time credits for the otherwise eligible inmate). ORS 421.121 requires the Department to adopt administrative rules that establish a process for granting, retracting, and restoring earned time credits, which the Department has done under OAR 291-097. Because of the emergency clause contained in HB 3508, and in order to bring the Department's administrative rules into compliance with HB 3508, it is necessary for the Department to adopt temporary administrative rules that amend the existing process.

Other temporary changes are necessary to align these rules with recent changes to the Department's rules on Prohibited Inmate Conduct and Processing Disciplinary Actions, OAR 291-105, and to implement administrative enhancements for earned time credits available to inmates during review periods for maintaining appropriate institution conduct by maintaining misconduct free behavior for Level 1 or Level 2 rule violations.

**Rules Coordinator:** Janet R. Worley — (503) 945-0933

## 291-097-0005

### Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120, 421.121, 421.122, 423.020, 423.030 and 423.075.

(2) The purpose of this rule is to establish procedures for calculating, applying, retracting, and restoring earned time, statutory good time and extra good time credits, and for recommending modifications of parole release dates to the Board of Parole and Post-Prison Supervision, for inmates sentenced for crimes committed on or after November 1, 1989 (sentencing guidelines), and for inmates sentenced for crimes committed prior to November 1, 1989 (matrix sentences).

#### (3) Policy:

(a) It is the policy of the Department of Corrections that inmates serving sentences for crimes committed on or after November 1, 1989 (sentencing guidelines), may be considered for a reduction in their term of incarceration pursuant to ORS 421.121, as set forth in these rules.

(A) Inmates sentenced under sentencing guidelines may be eligible to earn sentence reduction credits (earned time credits) up to a maximum of 20 percent of each sentencing guidelines sentence. Inmates sentenced under sentencing guidelines on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced under the sentencing guidelines prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department of Corrections to consider the inmate eligible for additional earned time credits, may be eligible to earn sentence reduction credits (earned time credits) up to a maximum of 30 percent of each sentencing guidelines sentence.

(B) Earned time credits are designed to provide a minimum amount of time credits necessary to serve as adequate incentive for appropriate institutional behavior and program participation.

(b) It is the policy of the Department of Corrections that inmates serving sentences for crimes committed prior to November 1, 1989 (pre-sentencing guidelines sentences), may be eligible for prison term reduction credits (statutory good time and extra good time credits) pursuant to ORS 421.120, as set forth in these rules.

(c) It is the policy of the Department of Corrections that inmates sentenced for crimes committed prior to November 1, 1989 (pre-sentencing guidelines sentences), may be eligible to receive a recommendation from the Department to the Board of Parole and Post-Prison Supervision that the inmate receive prison term reduction credits for an earlier date, as set forth in these rules.

(d) It is the policy of the Department of Corrections to develop Oregon Corrections plans on all inmates assigned to a Department of Corrections facility.

(e) It is the policy of the Department of Corrections to not calculate earned time for boarders from another state or those inmates serving pre-sentencing guidelines sentences or sentences of death, life without the possibility of parole or life with the possibility of parole.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075, OL 2009 Ch 660 (HB 3508)

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075, OL 2009 Ch 660 (HB 3508)

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10

## 291-097-0010

### Definitions

(1) Earned Time Credits: Sentence reduction credits (days), up to 30 percent of the sentence imposed, that can be earned by an inmate sentenced under sentencing guidelines, pursuant to ORS 421.121, and these rules. The inmate earns the reductions by compliance with his/her Oregon Corrections Plan and institution conduct.

(2) Earned Time Release Date: The release date that has been achieved by an inmate, calculated by subtracting the earned time credits accrued from the maximum date.

(3) Extra Good Time Credits: Sentence reduction credits (days) that can be earned by an inmate sentenced for crimes committed prior to November 1, 1989 (pre-sentencing guidelines), for satisfactory work assignment or participation in an educational program, pursuant to ORS 421.120(1)(c), (d) and (e) and 421.122, and these rules. Days earned reduce the statutory good time date. Methods of computation are delineated in OAR 291-097-0070.

(4) Final Review Period: An increment of at least four months prior to an inmate's projected release date.

(5) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of services or coordination of programs.

(6) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, or an Assistant Director and has responsibility for the delivery of program services or coordination of program operations.

(7) Judgment: Document issued by the court that commits an inmate to the legal and physical custody of the Department of Corrections, and reflects the inmate's term of incarceration, term of post-prison supervision, and court-ordered supervision conditions, if any.

(8) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status.

(9) Offender: Any person under the supervision of the Department of Corrections, local supervisory authority or community corrections who is on probation, parole or post-prison supervision status.

(10) Offender Information & Sentence Computation Unit (OISC): The functional unit charged to administrate applicable statutes pertaining to sentencing; develop, implement and revise applicable processes for inmate and offender sentence computation; respond to public information requests with regard to inmates and offenders; certify an inmate's release date; and provide supportive services to Department facilities with regard to inmate sentencing.

(11) Oregon Corrections Plan (OCP): An automated case management tool incorporated into the Corrections Information System that serves as the primary tool for tracking an inmate's progress in working to mitigate the identified risk factors.

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(12) Parole Release Date: The date on which an inmate is ordered to be released from an indeterminate prison sentence(s) to parole by the Board of Parole and Post-Prison Supervision. Parole release may be to the community, detainee or to another Department of Corrections sentence.

(13) Pre-Sentence: That period of time a defendant spends in physical custody or incarceration from the point of arrest to the date of delivery to the Department to serve that sentence.

(14) Prison Term:

(a) Sentencing Guidelines Sentences: The length of incarceration time within a Department of Corrections facility as established by the court in the judgment for each crime of conviction.

(b) Pre-Sentencing Guidelines Sentences: The length of required incarceration time within a Department of Corrections facility as established by the order of the Board of Parole and Post-Prison Supervision setting of a parole release date.

(15) Prison Term Analyst: The staff person from OISC responsible for calculating inmates' sentences, applying sentence reduction credits and establishing release dates pursuant to applicable rules and statutes.

(16) Projected Release Date: The date upon which an inmate is anticipated to complete service of the prison term.

(17) Restoration of Earned Time, Statutory Good Time, Extra Good Time Credits: Where previously retracted earned time, statutory good time, extra good time and previously forfeited statutory good time and extra good time for parole violators are granted and applied back to the inmate's sentence.

(18) Retraction: Where previously granted earned time, statutory good time or extra good time credits are forfeited by an inmate as a result of a significant negative action on the part of the inmate, in accordance with the rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105), or forfeiture of program earned time credits granted following the effective date of this rule for inmates identified for residential alcohol and drug treatment (SCF 25) who fail to satisfactorily complete the prescribed program during their term of incarceration.

(19) Review Period: A six-month increment, beginning with an inmate's admission date, used to determine an inmate's compliance with institution behavior and his/her OCP.

(20) Short-Term Transitional /Non-Prison Leave: A leave for a period not to exceed 90 days preceding an established release date that allows an inmate opportunity to secure appropriate transitional support when necessary for successful reintegration into the community. Short-term transitional leave/non-prison leave is granted in accordance with ORS 421.510 and the Department's rule on Short-Term Transitional Leave, Emergency Leaves, and Supervised Trips (OAR 291-063).

(21) Special Case Factor 25: An inmate identified as both highly criminal and highly involved with drugs or alcohol through intake screening or subsequent assessment who is required to participate and complete a residential alcohol and drug program if available prior to the inmate's release.

(22) Statutory Good Time Credits: Prison term reduction credits (days) applicable to sentences for crimes committed prior to November 1, 1989 (matrix sentences) consisting of a reduction of one day for every two days served, pursuant to ORS 421.120(1)(a) and (b), and these rules. The application of statutory good time days establishes the initial statutory good time date and is re-calculated upon parole revocation based on the length of the remaining sentence.

(23) Supplemental Judgment: The form of judgment prepared by and transmitted to a sentencing court pursuant to Oregon Laws 2009, Chapter 660, §18 (House Bill 3508) which authorizes the Department to consider the inmate for a reduction in the term of incarceration under ORS 421.121 that may not exceed 30 percent of the total term of incarceration in a DOC facility.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075, OL 2009 Ch 660 (HB 3508)  
Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075, OL 2009 Ch 660 (HB 3508)  
Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2000, f. & cert. ef. 6-26-00; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10

## 291-097-0015

### Earned Time Credits

(1) Pursuant to ORS 421.121, inmates sentenced under sentencing guidelines may earn sentence reduction credits up to 20 percent of the total sentencing guidelines prison term imposed for acceptable participation in OCP requirements and for maintaining appropriate institution conduct, except inmates:

(a) Serving a sentence subject to ORS 137.635;

(b) Serving presumptive sentences or required incarceration terms under ORS 161.737;

(c) Serving statutory minimum sentences under ORS 137.700 or ORS 137.707;

(d) Serving a presumptive sentence under ORS 137.719;

(e) Subject to ORS 137.750 and whose judgment does not state that the inmate may be considered for sentence reductions;

(f) Serving time as a sanction for violation of conditions of post prison supervision; or

(g) Subject to any other Oregon statutes restricting earned time credits.

(2) Pursuant to ORS 421.121, inmates sentenced under sentencing guidelines on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced under the sentencing guidelines prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department of Corrections to consider the inmate eligible for additional earned time credits, may earn sentence reduction credits up to 30 percent of the total sentencing guidelines prison term imposed for acceptable participation in OCP requirements and for maintaining appropriate institution conduct, except inmates:

(a) Serving a sentence subject to ORS 137.635;

(b) Serving presumptive sentences or required incarceration terms under ORS 161.737;

(c) Serving statutory minimum sentences under ORS 137.700 or ORS 137.707;

(d) Serving a presumptive sentence under ORS 137.719;

(e) Subject to ORS 137.750 and whose judgment does not state that the inmate may be considered for sentence reductions;

(f) Serving time as a sanction for violation of conditions of post prison supervision;

(g) Subject to any other Oregon statutes restricting earned time credits;

(h) Released onto short-term transitional leave on or prior to August 30, 2009, the operative date of Oregon Laws 2009, Chapter 660, §18 (House Bill 3508);

(i) Released onto conditional release (Second Look) on or prior to August 30, 2009, the operative date of Oregon Laws 2009, Chapter 660, §18 (House Bill 3508);

(j) Released onto short-term transitional leave/non-prison leave on or prior to August 30, 2009, the operative date of Oregon Laws 2009, Chapter 660, §18 (House Bill 3508) as part of an Alternative Incarceration Program as provided by the Department's rule on Alternative Incarceration Programs (OAR 291-062);

(k) Whose prison term reached its earned time release date prior to or on August 31, 2009;

(l) Whose prison term reached its earned time release date prior to the date the sentencing court enters a supplemental judgment; or

(m) Serving a sentence for the following crimes:

(A) Rape in the Third Degree under ORS 163.355;

(B) Sodomy in the Third Degree under ORS 163.385;

(C) Sexual Abuse in the Second Degree under ORS 163.425;

(D) Criminally Negligent Homicide under ORS 163.145;

(E) Assault in the Third Degree under ORS 163.165;

(F) Assault in the Fourth Degree under ORS 163.160(3);

(G) A crime listed in ORS 137.700; or

(H) An attempt to commit a crime described in this subsection.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 3-1998(Temp), f. & cert. ef. 2-20-98 thru 8-17-98; DOC 19-1998, f. & cert. ef. 8-14-98; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10

## 291-097-0020

### Calculation and Application of Earned Time Credits

(1) For inmates sentenced on or after November 1, 1989, the maximum amount of earned time credits is 20 percent of the total sentencing guidelines sentence. In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: 10 percent for compliance with the Oregon Corrections Plan and 10 percent for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

(2) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to

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July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department of Corrections to consider the inmate eligible for additional earned time credits, the maximum amount of earned time credits is 30 percent of the total sentencing guidelines sentence. In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: 15 percent for compliance with the Oregon Corrections Plan and 15 percent for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

### (3) Earned Time Review Periods:

(a) Oregon Corrections Plan compliance is defined as acceptable participation in work and self-improvement programs required within the OCP. The required activities within the OCP are determined by ongoing assessment and evaluation, which begins at the inception of the inmate prison term.

(A) An inmate will be considered to be compliant if he/she was not failed from the required program activity(ies) during the review period under consideration, nor did the inmate refuse to participate in required programming during the review period under consideration.

(i) As needed, the counselor will communicate with the treatment or program providers as well as work crew supervisors to evaluate an inmate's compliance with the required program activity(ies).

(ii) If the inmate's counselor determines the inmate is non-compliant with the OCP, he/she will approve a program failure for documentation in the inmate's computer record.

### (B) Inmates Needing Residential Alcohol and Drug Treatment:

(i) Inmates identified as needing Residential Alcohol and Drug treatment (SCF 25), and who are not within the timeframes for the program will not be responsible for entering or completing that specific program activity, but will be held responsible for completing all other available required activities identified within the OCP.

(ii) However, any program earned time previously applied will be retracted during the final review period if it is determined the inmate has refused to enter, or failed to complete a residential alcohol and drug program prior to release.

(b) Institution conduct compliance is defined as maintaining Level I or Level II major misconduct-free behavior during the review period. Major misconduct is documented in accordance with the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105). Any finding of a Level I or Level II major misconduct violation during the review period will be considered as noncompliance. The date of the adjudication, not of the incident, will be used for the date of the violation.

(c) At the end of each review period, the prison term analyst will review the inmate's computer records for information reflecting the inmate's compliance with the current Oregon Corrections Plan and institution conduct. Based on the information contained in the inmate's computer records, the prison term analyst will apply either:

(A) An effective 0, 10, or 20 percent reduction to the sentencing guidelines sentence proportional for the review period under consideration for inmates sentenced on or after November 1, 1989, or

(B) An effective 0, 15, or 30 percent reduction to the sentencing guidelines sentence proportional for the review period under consideration for inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013 or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits.

(d) For inmates housed in non-Oregon Department of Corrections facilities, the designated counselor will review the inmate's institution file including any reports received from the housing facility to determine compliance with the current OCP and institution conduct.

(A) OCP compliance will be determined by the inmate's reported compliance with requirements as determined by Department staff or the housing facility staff.

(B) Due process comparable to the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) shall be applied. Institution conduct non-compliance will be determined by substituting the rule(s) of prohibited conduct, for the rule(s) violated at the housing facility, with the most equivalent charges as defined in the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105). The functional unit manager or designee may impose sanctions, in addition to that imposed by the housing facility, related to sentence reductions.

(e) For each review period under consideration for inmates housed in Oregon Department of Corrections facilities, the prison term analyst will list the reasons for applying or not applying earned time credits and record the corresponding percentage of earned time applied to the inmate's sentence on the Earned Time Computation Form (CD 1154D).

(f) For inmates housed in non-Oregon Department of Corrections facilities, the designated counselor will list the reasons for applying or not applying earned time credits and record the corresponding percentage of earned time applied on the Earned Time Computation Form (CD 1154D).

(g) Upon the prison term analyst's or counselor's application of earned time credits toward an inmate's sentence for the review period under consideration, the OISC Unit will recompute the inmate's new earned time release date, file the Earned Time Computation Form (CD 1154D) in the institution file, and provide a copy of the determination to the inmate.

(4) Determination of Earned Time Credits During Presentence Incarceration: For crimes committed on or after November 1, 1989, earned time credits will be computed for the period in which an inmate is in custody in a non-Department of Corrections facility prior to sentencing and admission to the Department of Corrections, based solely on the inmate's conduct in the facility.

(a) Conduct compliance will be assumed, unless the Department receives documentation of adjudicated misconduct from the facility.

(A) For inmates sentenced on or after November 1, 1989, the inmate will be granted an effective 0 or 20 percent reduction toward the sentencing guidelines sentence proportional for the length of presentence incarceration.

(B) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits, the inmate will be granted an effective 0 or 30 percent reduction toward the sentencing guidelines sentence proportional for the length of presentence incarceration.

(b) Any verified major misconduct equivalent to a Level 1 or Level 2 major misconduct violation as defined in the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) during any of the presentence incarceration credits applied to the sentence will result in an effective 0 percent reduction toward the sentencing guidelines sentence proportional for the total length of presentence incarceration.

(A) For inmates sentenced on or after November 1, 1989, conduct compliance will result in an effective 20 percent reduction in the sentencing guidelines prison term proportional for the length of presentence incarceration.

(B) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits, conduct compliance will result in an effective 30 percent reduction in the sentencing guidelines prison term proportional for the length of presentence incarceration.

(5) If the inmate escapes, the prison term analyst will close out the current earned time review period, changing the current review period to end the day after escape. An inmate that is returned from an escape to a Department of Corrections facility will have the starting date of the new earned time credit cycle begin with the date of return. The escape will constitute a program failure for the period up to the escape.

### (6) Alternative Incarceration Program:

(a) If, during any review period, the inmate is assigned to an Alternative Incarceration Program and for sufficient justification as determined by the functional unit manager's committee to be unsuccessful, the inmate will be considered a program failure as provided by the Department's rule on Alternative Incarceration Programs (OAR 291-062).

(b) If the inmate fails to successfully complete the short-term transitional leave (non-prison leave) granted through the Alternative Incarceration Program, the inmate will be considered a program failure and non-compliant with institution conduct from the effective date of the short-term transitional leave until he/she is returned to a Department of Corrections facility.

(7) Determination of earned time credits for inmates on non-AIP transitional leave:

(a) Earned time credits will be computed for the period in which an inmate is serving the remainder of his/her sentencing guidelines term of incarceration on short-term transitional leave (OAR 291-063).

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(A) Institution conduct and Oregon Corrections Plan compliance will be assumed while an inmate is released on short-term transitional leave.

(B) Earned time credits for the period on transitional leave will be applied at a rate of 20 percent or 30 percent, in accordance with the applicable rate for the sentence at the time of release onto short-term transitional leave.

(b) A revocation of an inmate's short-term transitional leave is deemed non-compliance with the inmate's Oregon Corrections Plan and non-compliance with institution conduct. Upon revocation of short-term transitional leave, an inmate will receive an effective 0 percent reduction for OCP compliance and 0 percent reduction toward the sentencing guidelines sentence for institutional conduct proportional for the length of the inmate's short-term transitional leave.

(8) If all of an inmate's sentence(s) is vacated, reversed and remanded for new trial, or conviction affirmed and remanded for resentencing, the prison term analyst will close out the current earned time review period to end the day after release to the sentencing court. An inmate that is returned on a resentencing will start a new review period, effective the date of return to a Department of Corrections facility. The new earned time credit cycle date will be reflected on the inmate's facesheet.

(9) Determination of earned time credits for inmates serving the remainder of a sentencing guidelines sentence on conditional release (Second Look):

(a) Earned time credits will be computed for the period in which an inmate is serving the remainder of his/her sentencing guidelines term of incarceration in the community on conditional release, based solely on the inmate's compliance with his/her conditional release plan.

(b) Earned time credits for the period on conditional release (Second Look) will be applied at a rate of 20 percent or 30 percent, in accordance with the applicable rate for the sentence at the time of release onto conditional release (Second Look).

(c) Conduct compliance will be assumed, unless the inmate's conditional release is revoked by the sentencing court.

(d) Any revocation of an inmate's conditional release prior to the inmate reaching his/her projected earned time date will result in an effective 0 percent reduction in the sentencing guidelines prison term for the length of the inmate's sentence being served in the community on conditional release.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2000, f. & cert. ef. 6-26-00; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10

## 291-097-0023

### Court Notification of Inmate Eligibility for Increase in Earned Time Credits

Pursuant to Oregon Laws 2009, Chapter 660 §18 (House Bill 3508), for inmates with sentencing guidelines sentences imposed prior to July 1, 2009 for crimes committed on or after November 1, 1989:

(1) Upon identifying an inmate who is eligible for earned time credits that exceed 20 percent, the Department will send written notification to the inmate, as well as the presiding judge, trial court administrator, and the district attorney of the county in which the inmate was sentenced, of the particular sentences for which the Department has determined that the inmate is eligible for an increase in earned time credits. The Department will also provide a supplemental judgment to the presiding judge and trial court administrator of the county in which the inmate was sentenced that lists the particular sentences for which the Department has determined that the inmate is eligible for an increase in earned time credits.

(2) The Department will not send a written notification or supplemental judgment for any sentence in which an inmate has completed his/her prison term prior to or on August 31, 2009.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Hist.: DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10

## 291-097-0025

### Retraction of Earned Time Credits

Time credits previously earned or applied will be retracted as follows:

(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the disciplinary order directs that earned time credits earned or applied be

forfeited in accordance with the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291 105).

(a) A recommendation for retraction of earned time shall be within the range corresponding to the violation level as set forth in Table 1.

(b) A recommendation for retraction of earned time credits may not exceed the amount previously applied.

(2) Inmates identified as needing residential alcohol and drug treatment (SCF 25) who have not completed the prescribed program by their final review period will have all previously applied earned time for program compliance retracted from the first full review period following September 1, 1996. Retraction of program earned time may not exceed the amount previously applied.

(a) If earned time is retracted during or after the final review period in which a final release date is calculated, the release date will be adjusted by the OISC Unit. After such a retraction, the new release date will remain as established by the OISC Unit and that inmate shall be ineligible for any future earned time credit.

(b) The prison term analyst will contact the counselor for confirmation of whether an SCF 25 inmate requires a retraction at the time of the final review. SCF 25 retractions will be documented in writing by the counselor.

(3) Failure to comply with the OCP during the final review period will result in a retraction of the portion of the earned time credits for program compliance advanced at the beginning of the final review period. The prison term analyst will document the retraction on the Earned Time Computation form (CD 1154D).

[ED. NOTE: Forms & Tables referenced are available from the agency.]  
Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10

## 291-097-0040

### Determination of Earned Time Credits During Final Review Period for Sentencing Guideline Sentences

(1) Four months prior to an inmate's projected release date, prison term analysts (or the designated counselor for inmates housed in non-Oregon Department of Corrections facilities) will conduct a final review of inmates' earned time compliance. Final reviews will be conducted only for inmates serving a sentencing guidelines sentence. Prison term analysts will advance and apply earned time credits for the final review period as follows:

(a) Advancement and application of earned time credits for the final review period:

(A) Except for residential alcohol and drug treatment (SCF 25) inmates, an inmate's full compliance with the OCP and institutional behavior will be assumed during the final review period.

(i) For inmates sentenced on or after November 1, 1989, the prison term analyst will apply an effective 20 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(ii) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits, the prison term analyst will apply an effective 30 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(B) For residential alcohol and drug treatment (SCF 25) inmates, only institutional behavior compliance will be assumed during the final review period unless the inmate has successfully complied with his/her Oregon Corrections Plan at the time of the final review.

(i) For inmates sentenced on or after November 1, 1989, if the inmate has successfully complied with his/her Oregon Corrections Plan at the time of the final review, the prison term analyst will apply an effective 20 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(ii) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department of Corrections to consider the inmate eligible for additional earned time credits, if the inmate has successfully complied with his/her Oregon Corrections Plan at the time of the final review, the prison term analyst will apply an effective 30 percent reduction

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in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(iii) For inmates sentenced on or after November 1, 1989, if the inmate has not successfully complied with his/her Oregon Corrections Plan at the time of the final review, the prison term analyst will apply an effective 10 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(iv) For inmates with eligible crimes sentenced on or after July 1, 2009 for a crime committed prior to July 1, 2013, or inmates sentenced prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department to consider the inmate eligible for additional earned time credits, if the inmate has not successfully complied with his/her Oregon Corrections Plan at the time of the final review, the prison term analyst will apply an effective 15 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(2) If, after the completion of a final review and advancement of earned time credits for the final review period, the inmate's prison term is extended as a result of a new sentence or an adjustment in presentence time, the prison term analyst will delete the final review and any earned time credits advanced for the final review period. The prison term analyst will complete a new Earned Time Computation form (CD 1154D) to assure that the extended prison term is reviewed in accordance with these rules.

(3) If, after the completion of a final review and advancement of earned time credits for the final review period, the inmate's prison term is reduced, the OISC Unit will adjust the final review period and any earned time credits advanced for the final review period provided the inmate was in full compliance with his/her Oregon Corrections Plan and institutional behavior at the time of the final review.

(a) If the inmate was in partial compliance with his/her Oregon Corrections Plan or institutional behavior at the time of the final review, the prison term analyst will delete the final review and any earned time credits advanced for the final review period.

(b) The prison term analyst will complete a new Earned Time Computation form (CD 1154D) to assure that the reduced prison term is reviewed in accordance with these rules.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10

## 291-097-0080

### Retraction of Statutory Good Time and Extra Good Time Credits

Statutory good time and extra good time credits previously earned or applied may be retracted as a result of a disciplinary action as follows:

(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the disciplinary order directs that time credits earned are forfeited in accordance with the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) and **Table 2** attached.

(2) A recommendation for retraction of statutory good time and extra good time credits may not exceed the amount previously earned or applied.

[ED. NOTE: Tables referenced are available from the agency;]  
Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10

## 291-097-0100

### Inmates With Indeterminate Sentences of More than Thirty-six Months

(1) The functional unit manager may recommend to the Board of Parole and Post-Prison Supervision that an inmate receive prison term reduction credits in those cases where the inmate has received a parole release date set from the Board of Parole and Post-Prison Supervision of 36 months or more, if:

(a) The inmate has applied for a reduction and the period under review falls within the established prison term;

(b) The inmate has completed a three-year period of good conduct; and

(c) The inmate has complied with OCP efforts to address problems associated with the inmate's criminal conduct present at the time of incarceration.

(d) Notwithstanding (b) and (c) above, the functional unit manager may consider significant improvement in inmate behavior and OCP efforts during the last 12 months of the three-year period and recommend that the parole release date be reset.

(2) Three-Year Period of Good Conduct: For purposes of these rules, an inmate shall be considered to have maintained a three-year period of good conduct if:

(a) The inmate has not received any Level I — II rule violations as defined in the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) during the three years under review.

(b) The inmate has not received three or more Level III — V rule violations as defined in the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(c) Notwithstanding (a) and (b) above, upon finding that an inmate has committed a Level IV or V rule violation as defined in the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105), after a formal disciplinary hearing or upon waiver of the inmate's right to hearing, the hearings officer may recommend to the functional unit manager that the inmate not be considered for a positive recommendation for prison term reduction within a three-year period from the date of the rule violation.

(3) Demonstrable Achievement in Addressing Problems Associated with the Inmate's Criminal Conduct Present at the Time of Incarceration: For purposes of these rules, an inmate shall be considered to have made demonstrable achievement in addressing problems associated with the inmate's criminal conduct present at the time of incarceration if the inmate has received favorable reports for his/her successful participation in one or more self-improvement programs appropriate to his/her need as determined by departmental assessment captured in the OCP (to the extent these specific programs are available to the inmate). An inmate will be considered to be successfully participating in a self-improvement program if he/she is documented to be registered on a waiting list for the program within 30 days of the development of the OCP.

(4) Inmates serving a term of incarceration in a Department of Corrections facility as a sanction for violation of parole or post-prison supervision are ineligible for consideration for a positive recommendation.

(a) Inmates sentenced for aggravated murder or as dangerous offenders, and those whose parole the Board of Parole and Post-Prison Supervision denied are not subject to personal reviews.

(b) Dangerous offenders may be eligible for personal reviews upon receipt of a positive recommendation from the Department of Corrections, if the Board of Parole and Post-Prison Supervision has found their condition absent or in remission and has set a parole release date.

(5) The functional unit manager or designee will review the recommendation of the counselor, approve/deny or otherwise modify the recommendation, and send the determination to the Board of Parole and Post-Prison Supervision on an action sheet and supplemental report for the Board's consideration.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075, OL 2009 Ch 660 (HB 3508)  
Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10

## Department of Environmental Quality Chapter 340

**Rule Caption:** Oregon Title V Operating Permit CPI Fee Increase.

**Adm. Order No.:** DEQ 4-2009(Temp)

**Filed with Sec. of State:** 8-27-2009

**Certified to be Effective:** 8-27-09 thru 2-20-10

**Notice Publication Date:**

**Rules Amended:** 340-220-0030, 340-220-0040, 340-220-0050

**Subject:** The temporary rule amendments increase Title V Operating Permit fees by the change in the 2008 consumer price index and

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conform to new statutory requirements of Senate Bill 104, which amended ORS 468A.315. The old and new fees are described below:

- Annual Base Fee — from \$5,183 to \$5,421
- Emission Fee (per ton) — from \$51.83 to \$54.21
- Administrative Fee — from \$418 to \$437
- Simple Modification — from \$1,672 to \$1,748
- Ambient Air Monitoring — from \$3,344 to \$3,497

**Rules Coordinator:** Larry McAllister—(503) 229-6412

## 340-220-0030

### Annual Base Fee

(1) The Department will assess an annual base fee of \$ 4,390 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2007 to November 14, 2008.

(2) The Department will assess an annual base fee of \$ 4,849 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2008 to November 14, 2009.

(3) The Department will assess an annual base fee of \$ 5,421 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2009 to November 14, 2010, and for each annual period thereafter.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2580; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10

## 340-220-0040

### Emission Fee

(1) The Department will assess an emission fee of \$ 43.90 per ton of each regulated pollutant emitted during calendar year 2006 to each source subject to the Oregon Title V Operating Permit Program.

(2) The Department will assess an emission fee of \$ 48.49 per ton of each regulated pollutant emitted during calendar year 2007 to each source subject to the Oregon Title V Operating Permit Program.

(3) The Department will assess an emission fee of \$ 54.21 per ton of each regulated pollutant emitted during calendar year 2008 and for each calendar year thereafter to each source subject to the Oregon Title V Operating Permit Program.

(4) The emission fee will be applied to emissions based on the elections made according to OAR 340-220-0090.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.035

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2590; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10

## 340-220-0050

### Specific Activity Fees

(1) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of August 21, 2007 to August 25, 2008 as follows:

(a) Existing Source Permit Revisions:

- (A) Administrative\* — \$ 406;
- (B) Simple — \$ 1,626;
- (C) Moderate — \$ 12,194;
- (D) Complex — \$ 24,387.

(b) Ambient Air Monitoring Review — \$ 3,252.

(2) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of August 26, 2008 to August 25, 2009 as follows:

(a) Existing Source Permit Revisions:

- (A) Administrative\* — \$ 418;
- (B) Simple — \$ 1,672;
- (C) Moderate — \$ 12,540;
- (D) Complex — \$ 25,081.

(b) Ambient Air Monitoring Review — \$ 3,344.

(3) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source as of August 26, 2009 as follows:

(a) Existing Source Permit Revisions:

- (A) Administrative\* — \$ 437;
- (B) Simple — \$ 1,748;
- (C) Moderate — \$ 13,115;
- (D) Complex — \$ 26,231.

(b) Ambient Air Monitoring Review — \$ 3,497.

\*Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in 340-218-0150 are subject to simple, moderate or complex revision fees.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10

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**Rule Caption:** Temporary Rule: Amend the Clean Water State Revolving Fund Rules.

**Adm. Order No.:** DEQ 5-2009(Temp)

**Filed with Sec. of State:** 9-3-2009

**Certified to be Effective:** 9-4-09 thru 2-28-10

**Notice Publication Date:**

**Rules Adopted:** 340-054-0110, 340-054-0112, 340-054-0114, 340-054-0116, 340-054-0118

**Subject:** The rule revisions allow the Department of Environmental Quality to set aside a portion of the state fiscal year 2010 funds available under the Clean Water State Revolving Fund program for a special reserve. This reserve will provide funding for new project and also provide a financial incentive during the current economic downturn. The current administrative rules direct DEQ to provide increases to existing loans first. Typically, funds available during a fiscal year are adequate to fund only a few new projects as there is continual demand for loan increases to exiting projects. This rule will ensure funding from the special reserve is available to new projects, rather than exclusively funding increases to existing projects.

**Rules Coordinator:** Larry McAllister—(503) 229-6412

## 340-054-0110

### Purpose and Applicability

(1) OAR 340-054-0110 through 340-054-0118 govern the use of funds under a special reserve through the Clean Water State Revolving Fund (CWSRF) program for the state fiscal year 2010 (July 1, 2009 to June 30, 2010).

(2) All requirements for projects funded under the special reserve not specifically addressed in OAR 340-054-0110 through 340-054-0118 are subject to OAR 340-054-0001 through 340-054-0065.

Stat. Auth.: ORS 468.020 & 468.440

Stat. Implemented: ORS 468.423-468.440

Hist.: DEQ 5-2009(Temp), f. 9-3-09 cert. ef. 9-4-09 thru 2-28-10

## 340-054-0112

### Use of the Special Reserve

(1) The department will establish a special reserve for the state fiscal year 2010 in an amount equal to 50 percent of the total funds available for the state fiscal year 2010, excluding any fiscal year 2010 capitalization grant. This reserve is in addition to the reserves established under OAR 340-054-0025(6), except as provided in section (5) of this rule.

(2) Funds available under the special reserve may not be used for planning loans.

(3) Loans made from the special reserve will only be used for new projects included in the state fiscal year 2010 Intended Use Plan.

(4) Notwithstanding OAR 340-054-0025(6)(c), funds from the special reserve will not be used for increases to existing CWSRF loans.

(5) During the time that OAR 340-054-0110 through 340-054-0118 is effective, the expedited reserve established under OAR 340-054-0025(6)(c)(A) in the amount of \$2 million will be moved to the CWSRF general fund.

Stat. Auth.: ORS 468.020 & 468.440

Stat. Implemented: ORS 468.423-468.440

Hist.: DEQ 5-2009(Temp), f. 9-3-09 cert. ef. 9-4-09 thru 2-28-10

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## 340-054-0114

### Allocation of Funds

(1) The department will determine the amount of funding to be provided to an applicant, but the loan amount allocated to any one borrower under the special reserve may not exceed \$5 million.

(2) A borrower who receives funding under the special reserve may also receive funding from the CWSRF general fund, subject to the requirement of OAR 340-054-0025(6)(a), or from the CWSRF Small Communities reserve established under OAR 340-054-0025(6)(c)(B).

Stat. Auth.: ORS 468.020 & 468.440

Stat. Implemented: ORS 468.423-468.440

Hist.: DEQ 5-2009(Temp), f. 9-3-09 cert. ef. 9-4-09 thru 2-28-10

## 340-054-0116

### Financial Terms

Notwithstanding OAR 340-054-0065(5), the interest rate on a loan funded from the special reserve will be zero percent, regardless of the term of repayment.

Stat. Auth.: ORS 468.020 & 468.440

Stat. Implemented: ORS 468.423-468.440

Hist.: DEQ 5-2009(Temp), f. 9-3-09 cert. ef. 9-4-09 thru 2-28-10

## 340-054-0118

### Intended Use Plan

Notwithstanding OAR 340-054-0025(5)(d), the department will provide at least 14 days for public comment on the proposed Intended Use Plan.

Stat. Auth.: ORS 468.020 & 468.440

Stat. Implemented: ORS 468.423-468.440

Hist.: DEQ 5-2009(Temp), f. 9-3-09 cert. ef. 9-4-09 thru 2-28-10

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**Rule Caption:** Amending Composting Facility Rules.

**Adm. Order No.:** DEQ 6-2009

**Filed with Sec. of State:** 9-14-2009

**Certified to be Effective:** 9-14-09

**Notice Publication Date:** 4-1-2009

**Rules Adopted:** 340-096-0060, 340-096-0070, 340-096-0080, 340-096-0090, 340-096-0100, 340-096-0110, 340-096-0120, 340-096-0130, 340-096-0140, 340-096-0150

**Rules Amended:** 340-012-0065, 340-093-0030, 340-093-0050, 340-093-0070, 340-093-0100, 340-093-0105, 340-093-0130, 340-093-0140, 340-093-0150, 340-096-0001, 340-096-0010, 340-096-0050, 340-097-0110, 340-097-0120

**Rules Repealed:** 340-096-0020, 340-096-0024, 340-096-0028

**Subject:** DEQ supports and encourages composting. At the same time, if not conducted in the proper manner, or if conducted at an improper location, composting presents potential environmental problems, most notably to surface water and groundwater.

The rules provide performance standards that all composting facilities must meet. These standards protect surface water and groundwater, require control of offensive odors and vectors, and require testing of finished compost to make sure human pathogens have been reduced to safe levels. The rules also eliminate several existing exemptions and one permit category; provide greater specificity for composting facility plans, refine composting facility design features for stormwater and leachate control; clarify financial assurance requirements for solid waste disposal facilities, clarify public notice requirements for renewal of several solid waste permits; and adopt enforcement provisions specifically for composting facilities.

**Rules Coordinator:** Larry McAllister—(503) 229-6412

## 340-012-0065

### Solid Waste Management Classification of Violations

#### (1) Class I:

(a) Establishing or operating a disposal site without first obtaining a registration or permit;

(b) Accepting solid waste for disposal in a permitted solid waste unit or facility that has been expanded in area or capacity without first submitting plans to the department and obtaining department approval;

(c) Disposing of or authorizing the disposal of a solid waste at a location not permitted by the department to receive that solid waste;

(d) Violating a lagoon freeboard limit that results in the overflow of a sewage sludge or leachate lagoon;

(e) Accepting for treatment, storage, or disposal at a solid waste disposal site, without approval from the department, waste defined as hazardous waste, waste from another state which is hazardous under the laws of that state, or wastes prohibited from disposal by statute, rule, permit, or order;

(f) Failing to properly construct, maintain, or operate in good functional condition, groundwater, surface water, gas or leachate collection, containment, treatment, disposal or monitoring facilities in accordance with the facility permit, department approved plans, or department rules;

(g) Failing to collect, analyze or report groundwater, surface water or leachate quality data in accordance with the facility permit, the facility environmental monitoring plan, or department rules;

(h) Mixing for disposal or disposing of recyclable material that has been properly prepared and source separated for recycling;

(i) Failing to establish or maintain financial assurance as required by statute, rule, permit or order;

(j) Failing to comply with the terms of a permit terminated due to a failure to submit a timely application for renewal; or

(k) Operating a composting facility in a manner that causes a discharge to surface water of pollutants, leachate or stormwater when that discharge is not authorized by a NPDES permit.

#### (2) Class II:

(a) Failing to accurately report the amount of solid waste disposed, by a permitted disposal site or a metropolitan service district;

(b) Failing to timely or accurately report the weight and type of material recovered or processed from the solid waste stream;

(c) Failing to comply with landfill cover requirements, including but not limited to daily, intermediate, and final covers, or limitation of working face size;

(d) Operating a Household Hazardous Waste (HHW) collection event or temporary site without first obtaining department approval or without complying with an approved plan for a HHW collection event; or

(e) Receiving or managing waste in violation of or without a department approved Special Waste Management Plan; or

(f) Unless otherwise specifically classified, operating a composting facility in a manner that fails to comply with the facility's registration, permit, department-approved plans or department rules.

#### (3) Class III:

(a) Failing to post required signs;

(b) Failing to control litter;

(c) Failing to notify the department of any name or address change; or

(d) Violating any labeling requirement under ORS 459A.675-685.

Stat. Auth.: ORS 459.045 & 468.020

Stats. Implemented: ORS 459.205, 459.376, 459.995 & 468.090 - 468.140

Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 1-1982, f. & ef. 1-28-82; DEQ 22-1984, f. & ef. 11-8-84; DEQ 22-1988, f. & cert. ef. 9-14-88; DEQ 4-1989, f. & cert. ef. 3-14-89; DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 26-1994, f. & cert. ef. 11-2-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-093-0030

### Definitions

As used in OAR chapter 340, divisions 93, 94, 95, 96 and 97 unless otherwise specified:

(1) "Access Road" means any road owned or controlled by the disposal site owner that terminates at the disposal site and that provides access for users between the disposal site entrance and a public road.

(2) "Agricultural Waste" means waste on farms resulting from the raising or growing of plants and animals including but not limited to crop residue, manure, animal bedding, and carcasses of dead animals.

(3) "Agricultural Composting" means composting conducted by an agricultural operation (as defined in ORS 467.120(2)(a)) on lands used for farming (as defined in ORS 215.203).

(4) "Agronomic Application Rate" means land application of no more than the optimum quantity per acre of compost, sludge or other materials. In no case may such application adversely impact the waters of the state. Such application must be designed to:

(a) Provide the amount of nutrient, usually nitrogen, needed by crops or other plantings, to prevent controllable loss of nutrients to the environment;

(b) Condition and improve the soil comparable to that attained by commonly used soil amendments; or

(c) Adjust soil pH to desired levels.

(5) "Airport" means any area recognized by the Oregon Department of Transportation, Aeronautics Division, for the landing and taking-off of air-

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craft which is normally open to the public for such use without prior permission.

(6) "Aquifer" means a geologic formation, group of formations or portion of a formation capable of yielding usable quantities of groundwater to wells or springs.

(7) "Asphalt paving" means asphalt which has been applied to the land to form a street, road, path, parking lot, highway, or similar paved surface and that is weathered, consolidated, and does not contain visual evidence of fresh oil.

(8) "Assets" means all existing and probable future economic benefits obtained or controlled by a particular entity.

(9) "Baling" means a volume reduction technique whereby solid waste is compressed into bales for final disposal.

(10) "Base Flood" means a flood that has a one percent or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average of a significantly long period.

(11) "Biological Waste" means blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces.

(12) "Biosolids" means solids derived from primary, secondary or advanced treatment of domestic wastewater which have been treated through one or more controlled processes that significantly reduce pathogens and reduce volatile solids or chemically stabilize solids to the extent that they do not attract vectors.

(13) "Clean Fill" means material consisting of soil, rock, concrete, brick, building block, tile or asphalt paving, which do not contain contaminants which could adversely impact the waters of the State or public health. This term does not include putrescible wastes, construction and demolition wastes and industrial solid wastes.

(14) "Cleanup Materials Contaminated by Hazardous Substances" means contaminated materials from the cleanup of releases of hazardous substances into the environment, and which are not hazardous wastes as defined by ORS 466.005.

(15) "Closure Permit" means a document issued by the department bearing the signature of the Director or his/her authorized representative which by its conditions authorizes the permittee to complete active operations and requires the permittee to properly close a land disposal site and maintain and monitor the site after closure for a period of time specified by the department.

(16) "Commercial Solid Waste" means solid waste generated by stores, offices, including manufacturing and industry offices, restaurants, warehouses, schools, colleges, universities, hospitals, and other non-manufacturing entities, but does not include solid waste from manufacturing activities. Solid waste from business, manufacturing or processing activities in residential dwellings is also not included.

(17) "Commission" means the Environmental Quality Commission or the Commission's authorized designee.

(18) "Composted material" is the product resulting from the composting process.

(19) "Composting" means the managed process of controlled biological decomposition of feedstocks. A managed process includes but is not limited to reducing particle size, adding moisture, manipulating piles, and performing procedures to achieve human pathogen reduction.

(20) "Composting Facility" means a site or facility composting feedstocks to produce a useful product through a managed process of controlled biological decomposition. Sites and facilities that use methods such as vermiculture, vermicomposting and agricultural composting to produce a useful product are also considered composting facilities.

(21) "Construction and Demolition Waste" means solid waste resulting from the construction, repair, or demolition of buildings, roads and other structures, and debris from the clearing of land, but does not include clean fill when separated from other construction and demolition wastes and used as fill materials or otherwise land disposed. Such waste typically consists of materials including concrete, bricks, bituminous concrete, asphalt paving, untreated or chemically treated wood, glass, masonry, roofing, siding, plaster; and soils, rock, stumps, boulders, brush and other similar material. This term does not include industrial solid waste and municipal solid waste generated in residential or commercial activities associated with construction and demolition activities.

(22) "Construction and Demolition Landfill" means a landfill that receives only construction and demolition waste.

(23) "Corrective Action" means action required by the department to remediate a release of constituents above the levels specified in 40 CFR §258.56 or OAR chapter 340 division 40, whichever is more stringent.

(24) "Cover Material" means soil or other suitable material approved by the department that is placed over the top and side slopes of solid wastes in a landfill.

(25) "Cultures and Stocks" means etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Culture" does not include throat and urine cultures.

(26) "Current Assets" means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

(27) "Current Liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classified as current assets or the creation of other current liabilities.

(28) "Department" means the Department of Environmental Quality.

(29) "Digested Sewage Sludge" means the concentrated sewage sludge that has decomposed under controlled conditions of pH, temperature and mixing in a digester tank.

(30) "Director" means the Director of the Department of Environmental Quality or the Director's authorized designee.

(31) "Disposal Site" means land and facilities used for the disposal, handling, treatment or transfer of or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, land application units (except as exempted by subsection (81)(b) of this rule), transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting facilities and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste; a facility subject to the permit requirements of ORS 468B.050; a site that is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable material, unless the site is used by the public either directly or through a collection service; or a site operated by a wrecker issued a certificate under ORS 822.110.

(32) "Domestic Solid Waste" includes, but is not limited to, residential (including single and multiple residences), commercial and institutional wastes, as defined in ORS 459A.100; but the term does not include:

(a) Sewage sludge or septic tank and cesspool pumpings;

(b) Building demolition or construction wastes and land clearing debris, if delivered to a disposal site that is limited to those purposes and does not receive other domestic or industrial solid wastes;

(c) Industrial waste going to an industrial waste facility; or

(d) Waste received at an ash monofill from an energy recovery facility.

(33) "Endangered or Threatened Species" means any species listed as such pursuant to Section 4 of the federal Endangered Species Act and any other species so listed by the Oregon Department of Fish and Wildlife.

(34) "Energy Recovery" means recovery in which all or a part of the solid waste materials are processed to use the heat content, or other forms of energy, of or from the material.

(35) "Feedstock" means organic and other solid wastes used in a composting process to produce composted material:

(a) Type 1 feedstocks include source-separated yard and garden wastes, wood wastes, agricultural crop residues, wax-coated cardboard, vegetative food wastes including department approved industrially produced vegetative food waste, and other materials the department determines pose a low level of risk from hazardous substances, physical contaminants and human pathogens.

(b) Type 2 feedstocks include manure and bedding and other materials the department determines pose a low level of risk from hazardous substances and physical contaminants and a higher level of risk from human pathogens compared to type 1 feedstock.

(c) Type 3 feedstocks include dead animals, meat and source-separated mixed food waste and industrially produced non-vegetative food waste. They also include other materials the department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens compared to type 1 and 2 feedstocks.

(36) "Financial Assurance" means a plan for setting aside financial resources or otherwise assuring that adequate funds are available to proper-

## ADMINISTRATIVE RULES

ly close and to maintain and monitor a disposal site after the site is closed according to the requirements of a permit issued by the department.

(37) "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters that are inundated by the base flood.

(38) "Gravel Pit" means an excavation in an alluvial area from which sand or gravel has been or is being mined.

(39) "Groundwater" means water that occurs beneath the land surface in the zone(s) of saturation.

(40) "Hazardous Substance" means any substance defined as a hazardous substance pursuant to Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq.; oil, as defined in ORS 465.200; and any substance designated by the Commission under ORS 465.400.

(41) "Hazardous Waste" means discarded, useless or unwanted materials or residues and other wastes that are defined as hazardous waste pursuant to ORS 466.005.

(42) "Heat-Treated" means a process of drying or treating sewage sludge where there is an exposure of all portions of the sludge to high temperatures for a sufficient time to kill all pathogenic organisms.

(43) "Home composting" means composting operated and controlled by the owner or person in control of a single or multiple family dwelling unit and used to compost residential food waste produced within the dwelling unit and yard debris produced on the property.

(44) "Incinerator" means any device used for the reduction of combustible solid wastes by burning under conditions of controlled airflow and temperature.

(45) "Industrial Solid Waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under ORS chapters 465 and 466 or under Subtitle C of the federal Resource Conservation and Recovery Act. Such waste may include, but is not limited to, waste resulting from the following processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; water treatment; and timber products manufacturing. This term does not include construction/demolition waste; municipal solid waste from manufacturing or industrial facilities such as office or "lunch room" waste; or packaging material for products delivered to the generator.

(46) "Industrial Waste Landfill" means a landfill that receives only a specific type or combination of industrial waste.

(47) "Inert" means containing only constituents that are biologically and chemically inactive and that, when exposed to biodegradation and/or leaching, will not adversely impact the waters of the state or public health.

(48) "Infectious Waste" means biological waste, cultures and stocks, pathological waste, and sharps; as defined in ORS 459.386.

(49) "Land Application Unit" means a disposal site where sludges or other solid wastes are applied onto or incorporated into the soil surface for agricultural purposes or for treatment and disposal.

(50) "Land Disposal Site" means a disposal site in which the method of disposing of solid waste is by landfill, dump, waste pile, pit, pond, lagoon or land application.

(51) "Landfill" means a facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface.

(52) "Leachate" means liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact.

(53) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

(54) "Local Government Unit" means a city, county, Metropolitan Service District formed under ORS Chapter 268, sanitary district or sanitary authority formed under ORS Chapter 450, county service district formed under ORS Chapter 451, regional air quality control authority formed under ORS 468A.100 to 468A.130 and 468A.140 to 468A.175 or any other local government unit responsible for solid waste management.

(55) "Low-Risk Disposal Site" means a disposal site which, based upon its size, site location, and waste characteristics, the department determines to be unlikely to adversely impact the waters of the State or public health.

(56) "Material Recovery" means any process of obtaining from solid waste, by pre-segregation or otherwise, materials which still have useful

physical or chemical properties and can be reused, recycled or composted for some purpose.

(57) "Material Recovery Facility" means a solid waste management facility that separates materials for the purposes of recycling from an incoming mixed solid waste stream by using manual and/or mechanical methods, or a facility at which previously separated recyclables are collected.

(58) "Medical Waste" means solid waste that is generated as a result of patient diagnosis, treatment, or immunization of human beings or animals.

(59) "Monofill" means a landfill or landfill cell into which only one type of waste may be placed.

(60) "Municipal Solid Waste Landfill" means a discrete area of land or an excavation that receives domestic solid waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under §257.2 of 40 CFR, Part 257. It may also receive other types of wastes such as nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction and demolition waste and industrial solid waste.

(61) "Net Working Capital" means current assets minus current liabilities.

(62) "Net Worth" means total assets minus total liabilities and is equivalent to owner's equity.

(63) "Pathological Waste" means biopsy materials and all human tissues, anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological waste" does not include teeth or formaldehyde or other preservative agents.

(64) "Permit" means a document issued by the department which by its conditions may authorize the permittee to construct, install, modify, operate or close a disposal site in accordance with specified limitations.

(65) "Permit Action" means the issuance, modification, renewal or revocation by the department of a permit.

(66) "Person" means the United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

(67) "Processing of Wastes" means any technology designed to change the physical form or chemical content of solid waste including, but not limited to, baling, composting, classifying, hydropulping, incinerating and shredding.

(68) "Public Waters" or "Waters of the State" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(69) "Putrescible Waste" means solid waste containing organic material that can be rapidly decomposed by microorganisms, and which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(70) "Recycling" means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

(71) "Regional Disposal Site" means a disposal site that receives, or a proposed disposal site that is designed to receive more than 75,000 tons of solid waste a year from outside the immediate service area in which the disposal site is located. As used in this section, "immediate service area" means the county boundary of all counties except a county that is within the boundary of the Metropolitan Service District. For a county within the Metropolitan Service District, "immediate service area" means that Metropolitan Service District boundary.

(72) "Release" has the meaning given in ORS 465.200(14).

(73) "Resource Recovery" means the process of obtaining useful material or energy from solid waste and includes energy recovery, material recovery and recycling.

(74) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(75) "Salvage" means the controlled removal of reusable, recyclable or otherwise recoverable materials from solid wastes at a solid waste disposal site.

(76) "Sensitive Aquifer" means any unconfined or semiconfined aquifer that is hydraulically connected to a water table aquifer, and where

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flow could occur between the aquifers due to either natural gradients or induced gradients resulting from pumpage.

(77) "Septage" means the pumpings from septic tanks, cesspools, holding tanks, chemical toilets and other sewage sludges not derived at sewage treatment plants.

(78) "Sharps" means needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling and syringes that have been removed from their original sterile containers.

(79) "Sludge" means any solid or semi-solid waste and associated supernatant generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar characteristics and effects.

(80) "Sole Source Aquifer" means the only available aquifer, in any given geographic area, containing potable groundwater with sufficient yields to supply domestic or municipal water wells.

(81) "Solid Waste" means all useless or discarded putrescible and non-putrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid materials, dead animals and infectious waste. The term does not include:

(a) Hazardous waste as defined in ORS 466.005;

(b) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates.

(82) "Solid Waste Boundary" means the outermost perimeter (on the horizontal plane) of the solid waste at a landfill as it would exist at completion of the disposal activity.

(83) "Source Separate" means that the person who last uses recyclable materials separates the recyclable material from solid waste.

(84) "Tangible Net Worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

(85) "Third Party Costs" mean the costs of hiring a third party to conduct required closure, post-closure or corrective action activities.

(86) "Transfer Station" means a fixed or mobile facility other than a collection vehicle where solid waste is taken from a smaller collection vehicle and placed in a larger transportation unit for transport to a final disposal location.

(87) "Treatment" or "Treatment Facility" means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any solid waste. It includes but is not limited to soil remediation facilities. It does not include "composting" as defined in section (18) of this rule, "material recovery" as defined in section (56) of this rule, nor does it apply to a "material recovery facility" as defined in section (57) of this rule.

(88) "Underground Drinking Water Source" means an aquifer supplying or likely to supply drinking water for human consumption.

(89) "Vector" means any insect, rodent or other animal capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.

(90) "Vegetative" means feedstocks used for composting that are derived from plants including but not limited to: fruit and vegetable peelings or parts, grains, coffee grounds, crop residue, waxed cardboard and uncoated paper products. Vegetative material does not include oil, grease, or dairy products such as milk, mayonnaise or ice cream.

(91) "Vermicomposting" means the controlled and managed process by which live worms convert solid waste into dark, fertile, granular excrement.

(92) "Vermiculture" means the raising of earth worms for the purpose of collecting castings for composting or enhancement of a growing medium.

(93) "Water Table Aquifer" means an unconfined aquifer in which the water table forms the upper boundary of the aquifer. The water table is typically below the upper boundary of the geologic strata containing the water, the pressure head in the aquifer is zero and elevation head equals the total head.

(94) "Wellhead protection area" means the surface and subsurface area surrounding a water well, spring or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach that water well, spring, or wellfield. A public water system is a system supplying water for human consumption that has four or more service con-

nections or supplies water to a public or commercial establishment which operates a total of at least 60 days per year, and which is used by 10 or more individuals per day.

(95) "Wood waste" means chemically untreated wood pieces or particles generated from processes commonly used in the timber products industry. Such materials include but are not limited to sawdust, chips, shavings, stumps, bark, hog-fuel and log sort yard waste, but do not include wood pieces or particles containing or treated with chemical additives, glue resin, or chemical preservatives.

(96) "Wood Waste Landfill" means a landfill that receives primarily wood waste.

(97) "Zone of Saturation" means a three-dimensional section of the soil or rock in which all open spaces are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of groundwater recharge, discharge or withdrawal.

**NOTE:** Definition updated to be consistent with current Hazardous Waste statute.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 459.045 & 468.020

Stats. Implemented: ORS 459 & 459A

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 26-1981, f. & ef. 9-8-81; DEQ 2-1984, f. & ef. 1-16-84; DEQ 18-1988, f. & cert. ef. 7-13-88 (and corrected 2-3-89); DEQ 14-1990, f. & cert. ef. 3-22-90; DEQ 24-1990, f. & cert. ef. 7-6-90; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0010; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-093-0050

### Permit Required

(1) Except as provided by section (3) of this rule, no person may establish, operate, maintain or substantially alter, expand, improve or close a disposal site, and no person may change the method or type of disposal at a disposal site, until the person owning or controlling the disposal site obtains a permit therefore from the department.

(2) Persons owning or controlling the following classes of disposal sites must comply with the requirements in the following rules:

(a) Municipal solid waste landfills must comply with OAR 340, Division 94 "Municipal Solid Waste Landfills";

(b) Industrial Solid Waste Landfills, Construction and Demolition Landfills, Wood Waste Landfills and other facilities not listed in OAR 340, Division 96 must comply with OAR 340, Division 95 "Land Disposal Sites Other Than Municipal Solid Waste Landfills";

(c) Energy recovery facilities and incinerators receiving domestic solid waste must comply with OAR 340, Division 96 "Special Rules Pertaining to Incineration";

(d) Composting facilities must comply with OAR 340-096-0060 through 340-096-0150: "Special Rules Pertaining to Composting."

(e) Land used for deposit, spreading, lagooning or disposal of sewage sludge, septage and other sludges must comply with OAR 340-096-0030 "Special Rules Pertaining to Sludge and Land Application Disposal Sites";

(f) Transfer stations and Material Recovery Facilities must comply with OAR 340-096-0040 "Transfer Stations and Material Recovery Facilities";

(g) Petroleum contaminated soil remediation facilities and all other solid waste treatment facilities must comply with OAR 340-096-0050 "Solid Waste Treatment Facilities."

(3) Persons owning or controlling the following classes of disposal sites are specifically exempted from the above requirements to obtain a permit under OAR chapter 340, divisions 93 through 97, but must comply with all other provisions of OAR chapter 340, divisions 93 through 97 and other applicable laws, rules, and regulations regarding solid waste disposal:

(a) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;

(b) Disposal sites, facilities or disposal operations operated pursuant to a permit issued under ORS 468B.050 if all applicable requirements in OAR chapter 340, divisions 93 through 97 have been met;

(c) A land disposal site used exclusively for the disposal of clean fill, unless the materials have been contaminated such that the department determines that their nature, amount or location may create an adverse impact on groundwater, surface water or public health or safety;

**NOTE:** Such a landfill may require a permit from the Oregon Division of State Lands. A person wishing to obtain a permit exemption for an inert waste not specifically mentioned in this subsection may submit a request to the department with such information as the department may require to evaluate the request for exemption, pursuant to OAR 340-093-0080.

(d) A Site or facility utilizing any amount of sewage sludge or biosolids under a valid water quality permit, pursuant to ORS 468B.050;

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(e) Facilities which receive only source separated materials for purposes of material recovery, except when the department determines that the nature, amount or location of the materials is such that they constitute a potential threat of adverse impact on the waters of the state or public health;

(f) A site used to transfer a container, including but not limited to a shipping container, or other vehicle holding solid waste from one mode of transportation to another (such as barge to truck); if:

(A) The container or vehicle is not available for direct use by the general public;

(B) The waste is not removed from the original container or vehicle; and

(C) The original container or vehicle does not stay in one location longer than 72 hours, unless otherwise authorized by the department.

(4) The department may, in accordance with a specific permit containing a compliance schedule, grant reasonable time for solid waste disposal sites or facilities to comply with OAR chapter 340, divisions 93 through 97.

(5) If it is determined by the department that a proposed or existing disposal site is not likely to create a public nuisance, health hazard, air or water pollution or other environmental problem, the department may waive any or all requirements of OAR 340-093-0070, 340-093-0130, 340-093-0140, 340-093-0150, 340-094-0060(2) and 340-095-0030(2) and issue a letter authorization in accordance with OAR 340-093-0060.

(6) Each person who is required by sections (1) and (5) of this rule to obtain a permit must:

(a) Make prompt application to the department therefore;

(b) Fulfill each and every term and condition of any permit issued by the department to such person;

(c) Comply with OAR chapter 340, divisions 93 through 97;

(d) Comply with the department's requirements for recording, reporting, monitoring, entry, inspection, and sampling, and make no false statements, representations, or certifications in any form, notice, report, or document required thereby;

(e) Allow the department or an authorized governmental agency to enter the property under permit at reasonable times to inspect and monitor the site and records as authorized by ORS 459.385 and 459.272.

(7) Failure to conduct solid waste disposal according to the conditions, limitations, or terms of a permit or OAR chapter 340, divisions 93 through 97, or failure to obtain a permit is a violation of OAR chapter 340, divisions 93 through 97 and may be cause for the assessment of civil penalties for each violation as provided in OAR chapter 340, division 12 or for any other enforcement action provided by law. Each and every day that a violation occurs is considered a separate violation and may be the subject of separate penalties.

Stat. Auth.: ORS 459A.025, 459.045 & 468.020

Stats. Implemented: ORS 459.205, 459.215 & 459.225

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 26-1981, f. & ef. 9-8-81; DEQ 2-1984, f. & ef. 1-16-84; DEQ 14-1984, f. & ef. 8-8-84; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0020; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 2-1995, f. & cert. ef. 1-10-95; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-093-0070

### Applications for Permits

(1) Any person wishing to obtain a new, modified, or renewal permit from the department must submit a written application on a form provided by the department. The department must receive renewal applications at least 180 days before a permit is needed. All other applications must be received 60 days before a permit is needed. All application forms must be completed in full, signed by the applicant or the applicant's legally authorized representative, and accompanied by the specified number of copies of all required exhibits. The name of the applicant must be the legal name of the owner of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility.

(2) The department will accept applications for a permit only when complete, as detailed in section (3) of this rule. Within 45 days after receipt of an application, the department will conduct a preliminary review of the application to determine the adequacy of the information submitted. Failure to complete this review within 45 days does not preclude the department from later requesting further information from the applicant as provided in this section.

(a) If the department determines that additional information is needed it will promptly request the needed information from the applicant. The application will be considered to be withdrawn if the applicant fails to submit the requested information within 90 days of the request or such other time as the department establishes in writing.

(b) If additional measures are necessary to gather facts regarding the application, the department will notify the applicant that such measures will be instituted, and the timetable and procedures to be followed. The application will be considered to be withdrawn if the applicant fails to comply with these additional measures.

(3) Applications for a permit will be complete only if they:

(a) Are submitted in triplicate on forms provided by the department, are accompanied by all required exhibits using paper with recycled content with copy printed on both sides of the paper whenever possible, follow the organizational format and include the level of informational detail required by the department, and are signed by the property owner or person in control of the premises;

(b) Include written recommendations of the local government unit or units having jurisdiction with respect to new or existing disposal sites, or alterations, expansions, improvements or changes in method or type of disposal at new or existing disposal sites. Such recommendations must include, but not be limited to, a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals;

(c) Identify any other known or anticipated permits from the department or other governmental agencies. If previously applied for, include a copy of such permit application and if granted, a copy of such permit;

(d) Include payment of application fees as required by OAR 340-097-0110 and 340-097-0120;

(e) Include a site characterization report(s) prepared in accordance with OAR 340-093-0130, to establish a new disposal site or to substantially alter, expand or improve a disposal site or to make a change in the method or type of disposal at a disposal site, unless the requirements of said site characterization report(s) have been met by other prior submittals;

(f) Include detailed plans and specifications as required by OAR 340-093-0140;

(g) For a new land disposal site:

(A) Include a written closure plan that describes the steps necessary to close all land disposal units at any point during their active life pursuant to OAR 340-094-0110 to 340-094-0120 or 340-095-0050 to 340-095-0060; and

(B) Provide evidence of financial assurance for the costs of closure of the land disposal site and for post-closure maintenance, of the land disposal site, pursuant to OAR 340-094-0140 or 340-095-0090, unless the department exempts a non-municipal land disposal site from this requirement pursuant to OAR 340-095-0050(3).

(h) Include any other information the department may deem necessary to determine whether the proposed disposal site and the operation thereof will comply with all applicable rules of the department.

(4) If the department determines that a disposal site is a "low-risk disposal site" or is not likely to adversely impact the waters of the State or public health, the department may waive any of the requirements of subsections (3)(e) and (f) of this rule, OAR 340-093-0150, 340-094-0060(2) and 340-095-0030(2). In making this judgment, the department may consider the size and location of the disposal site, the volume and types of waste received and any other relevant factor. The applicant must submit any information the department deems necessary to determine that the proposed disposal site and site operation will comply with all pertinent rules of the department.

(5) If a local public hearing regarding a proposed disposal site has not been held and if, in the judgment of the department, there is sufficient public concern regarding the proposed disposal site, the department may, as a condition of receiving and acting upon an application, require that such a hearing be held by the county board of commissioners or county court or other local government agency responsible for solid waste management, for the purpose of informing and receiving information from the public.

(6) Permit modifications and renewals:

(a) Permit Modification: An application for a permit modification is required for:

(A) The sale or exchange of the activity or facility; or

(B) Any change in the nature of the activities or operations from those of the last application including modification or expansion of the disposal site or a change in the method or type of disposal. Any application that would substantially change the scope or operations of the disposal site must include written recommendations from the local government unit as required in subsection (3)(b) of this rule.

(b) Permit Renewal: An application for a permit renewal is required if a permittee intends to continue operation beyond the permitted period. A

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complete renewal application must be filed at least 180 days before the existing permit expires.

(A) A complete application for renewal must be made in the form required by the department and include the information required by this Division and any other information required by the department.

(B) Any application for renewal which would substantially change the scope of operations of the disposal site must include written recommendations from the local government unit as required in subsection (3)(b) of this rule.

(C) If a completed application for renewal of a permit is filed with the department in a timely manner before the expiration date of the permit, the permit does not expire until the department takes final action on the renewal application.

(D) If a completed application for renewal of a permit is not filed with the department in a timely manner before the expiration date of the permit, the department may require the permittee to close the site and apply for a closure permit, pursuant to OAR 340-094-0100 or 340-095-0050.

(7) Permits extended under subsection (6) of this rule remain fully effective and enforceable until the effective date of the new permit.

Stat. Auth.: ORS 459

Stats. Implemented: ORS 459.235

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 26-1981, f. & ef. 9-8-81; DEQ 2-1984, f. & ef. 1-16-84; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0025; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-093-0100

### Public Notice and Participation Requirements Regarding Permit Actions

(1) The department has categorized permit actions according to environmental and public health significance. Category 1 represents permit actions with low environmental and public health significance and less public notice and opportunity for public participation. Category 4 represents permit actions with potentially high environmental and public health significance, and the greatest level of public notice and opportunity for participation.

(2) OAR 340-093-0105 classifies permits as Category 1 through Category 4. If a permit action is uncategorized, the permit action will be processed under Category 3. The following describes the public notice and participation requirements for each category:

(a) Category 1 — No public notice or opportunity for public participation;

(b) Category 2 — The department will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.

(c) Category 3 — The department will provide public notice of the proposed permit action and a minimum of 35 days to submit written comments. The department will provide a minimum of 30 days notice for a hearing if one is scheduled. The department will schedule a hearing to allow interested persons to submit oral or written comments if:

(A) Within 14 days of the mailing of the notice, the department receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing, or

(B) The department determines that a hearing is necessary.

(d) Category 4 — Once an application is considered complete under OAR 340-093-0070, the department will:

(A) Provide public notice of the receipt of a completed application and requested permitting action; and

(B) Schedule an informational meeting within the community where the facility will be or is located and provide public notice of the meeting. The department will consider any information gathered in this process when it drafts the proposed permit.

(C) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments.

(D) Schedule a public hearing to allow interested persons to submit oral or written comments and a minimum of 30 days notice for the hearing.

(3) The department may move a permit action to a higher category under (2) of this rule, based on, but not limited to, the following factors:

(a) Anticipated public interest in the facility;

(b) Compliance and enforcement history of the facility or owner;

(c) Potential for significant environmental or public harm due to location or type of facility; or

(d) A change in the nature of the facility or the quantity or types of solid waste received, processed or disposed of at the facility.

(4) The public notice required under (2)(b), (2)(c) and (2)(d)(C) of this rule will contain at least the following information:

(a) Name of the applicant and location of the facility;

(b) Type of facility including a description of the facility's process subject to the permit;

(c) Description of permitted substances stored, disposed of, discharged or emitted, including whether there has been an increase or decrease in the substance since the last permit action for the facility;

(d) Location and description of documents relied upon in preparing the draft permit action;

(e) Other permits required by the department;

(f) Date of previous permit action;

(g) Opportunity for public comment, whether in writing or in person;

(h) Compliance, enforcement and complaint history along with resolution of the same; and

(i) A summary of the discretionary decisions made by the department in drafting the permit.

(5) The department will provide the notice, as required under section (2) of this rule, to the applicant, those requesting notice of the permitting action, local news media, and other interested persons as identified by the department.

Stat. Auth.: ORS 459.005 - 459.418 & 459A.100 - 459A.120

Stats. Implemented: ORS 459.245

Hist.: DEQ 34-1990, f. 8-20-90, cert. ef. 9-1-90; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0024; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-093-0105

### Categories for Permit Actions

(1) Category 1:

(a) Waste Tire Carrier Permit under 340-064-0055.

(b) Letter Authorization under 340-093-0060.

(c) Modification to a permit that is administrative in nature or does not alter permit conditions.

(2) Category 2:

(a) Renewal of a construction and demolition debris landfill permit under 340-093-0070.

(b) Renewal of an industrial waste landfill permit under 340-093-0070.

(c) Renewal of a closure permit under 340-094-0100 and 340-095-0500.

(d) Renewal of a transfer station permit under 340-096-0040.

(e) Renewal of a material recovery facility permit under 340-096-0040.

(f) Renewal of a solid waste treatment facility permit under 340-093-0070.

(g) Renewal of a waste tire storage site permit under 340-064-0015.

(h) Renewal of a solid waste composting permit under 340-093-0070.

(i) New composting registration issued under OAR 340-096-0100.

(j) Renewal of a composting facility registration under 340-096-0100.

(k) All other modifications not listed under category 1.

(3) Category 3:

(a) New captive industrial facility permit as defined in 340-097-0120(1)(c).

(b) New transfer station or material recovery facility permit under 340-096-0040.

(c) New composting permit issued under 340-096-0110.

(d) New closure permit under 340-094-0100 and 340-095-0500.

(e) New construction and demolition landfill permit under 340-095-0001.

(f) New solid waste treatment facility permit under 340-096-0050.

(g) New off-site industrial facility permit under 340-097-0120(2)(a).

(h) New sludge disposal facility permit under 340-096-0030.

(i) New waste tire storage facility permit under 340-064-0015.

(j) Renewal of a municipal landfill permit under 340-093-0070.

(k) Renewal of an incinerator or energy recovery facility permit under 340-093-0070.

(4) Category 4:

(a) New municipal solid waste landfill facility permit under 340-094-0001.

(b) New incinerator permit under 340-096-0010.

(c) New energy recovery facility permit under 340-097-0120(2)(a).

Stat. Auth.: ORS 459A.025, 459.045 & 468.020

Stat. Implemented: ORS 459.245

Hist.: DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-093-0130

### Site Characterization Report(s)

The purpose of the site characterization report(s) required by OAR 340-093-0070(3)(e) is to demonstrate that the proposed facility will be

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located in a suitable site and will use appropriate technology in design, construction and operation. The site characterization report(s) must describe existing site conditions and a conceptual engineering proposal in sufficient detail to determine whether the facility is feasible and protects the environment. Except as provided in OAR 340-093-0070(4), the site characterization report(s) must include, but not be limited to, the following:

(1) Information on site location and existing site conditions, including:

(a) A site location description, including a location map and list of adjacent landowners;

(b) An Existing Conditions Map of the area showing land use and zoning within 1/4 mile of the disposal site; and

(c) Identification of any siting limitations and how those limitations will be addressed.

(2) A description of the scope, magnitude, type, and purpose of the proposed facility, including but not limited to the following:

(a) Estimated capacity and projected life of the site;

(b) Identification of the communities, industries and/or markets to be served;

(c) Anticipated types and quantities of solid wastes to be received, disposed of and/or processed by the facility;

(d) Summary of general design criteria and submittal of conceptual engineering plans;

(e) Description of how the proposed technology compares to current technological practices, or to similar proven technology, including references to where similar technology has been effectively implemented;

(f) Demonstration that the proposed facility is compatible with the local solid waste management plan and the state solid waste management plan;

(g) Planned future use of the disposal site after closure;

(h) Key assumptions used to calculate the economic viability of the proposed facility; and

(i) The public involvement process that has been and will be implemented.

(3) A proposal for protection and conservation of the air, water and land environment surrounding the disposal site, including control and/or treatment of leachate, methane gas, litter and vectors, and control of other discharges, emissions and activities which may result in a public health hazard, a public nuisance or environmental degradation.

(4) For a landfill, the following must be included:

(a) A detailed soils, geologic, and groundwater report of the site prepared and stamped by a professional Engineer, Geologist or Engineering Geologist with current Oregon registration. The report must include consideration of surface features, geologic formations, soil boring data, water table profile, direction of groundwater flow, background quality of water resources in the anticipated zone of influence of the landfill, need and availability of cover material, climate, average rates of precipitation, evapotranspiration, runoff, and infiltration (preliminary water balance calculations);

(b) Information on soil borings to a minimum depth of 20 feet below the deepest proposed excavation and lowest elevation of the site or to the permanent groundwater table if encountered within 20 feet. A minimum of one boring per representative landform at the site and an overall minimum of one boring per each ten acres must be provided. Soil boring data must include the location, depth, surface elevation and water level measurements of all borings, the textural classification (Unified Soil Classification System), permeability and cation exchange capacity of the subsurface materials and a preliminary soil balance;

(c) For all water wells located within the anticipated zone of influence of the disposal site, the depth, static level and current use must be identified;

(d) Background groundwater quality must be determined by laboratory analysis and must include at least each of the constituents specified by the department.

(5) Any other information the department may deem necessary to determine whether the proposed disposal site is feasible and will comply with all applicable rules of the department.

Stat. Auth.: ORS 459

Stats. Implemented: ORS 459.015 & 459.205(1)

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 26-1981, f. & ef. 9-8-81; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0030; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-093-0140

### Detailed Plans and Specifications Required

Except as provided in OAR 340-093-0070(4):

(1) Any person applying for a Solid Waste Disposal Permit must submit plans and specifications conforming with current technological

practices, and sufficiently detailed and complete so that the department may evaluate all relevant criteria before issuing a permit. The plans and specifications must follow the organizational format, and include the level of information detail, as required by the department. The department may refuse to accept plans and specifications that are incomplete and may request such additional information as it deems necessary to determine that the proposed disposal site and site operation will comply with all pertinent rules of the department.

(2) Engineering plans and specifications submitted to the department must be prepared and stamped by a professional engineer with current Oregon registration.

(3) If in the course of facility construction any person desires to deviate significantly from the approved plans, the permittee must submit a detailed description of the proposed change to the department for review and approval prior to implementation. If the department deems it necessary, a permit modification must be initiated to incorporate the proposed change.

Stat. Auth.: ORS 459

Stats. Implemented: ORS 459.015 & 459.205(1)

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 26-1981, f. & ef. 9-8-81; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0035; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-093-0150

### Construction Certification

Except as provided in OAR 340-093-0070(4):

(1) The department may require, upon completion of major or critical construction at a disposal site, that the permittee submit to the department a final project report signed by the project engineer or manager as appropriate. The report must certify that construction has been completed in accordance with the approved plans including any approved amendments thereto.

(2) If any major or critical construction has been scheduled in the plans for phase development subsequent to the initial operation, the department may require that the permittee submit additional certification for each phase when construction of that phase is completed.

(3) Solid waste may not be disposed of in any new waste management unit (such as a landfill cell) of a land disposal site unless/until the permittee has received prior written approval from the department of the required engineering design, construction, Construction Quality Assurance, operations, and monitoring plans. Only after the department has accepted a construction certification report prepared by an independent party, certifying to the department that the unit was constructed in accordance with the approved plans, may waste be placed in the unit. If the department does not respond to a certified construction certification report within 30 days of its receipt, the permittee may proceed to use the unit for disposal of the intended solid waste.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.015 & 459.205 - 459.245

Hist.: DEQ 26-1981, f. & ef. 9-8-81; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0036; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0001

### Applicability

OAR chapter 340, division 96 applies to energy recovery facilities and incinerators receiving solid waste delivered by the public or by a solid waste collection service, composting facilities, sludge disposal sites, land application disposal sites, transfer stations, material recovery facilities and solid waste treatment facilities. Such facilities are disposal sites as defined by ORS Chapter 459, and are also subject to the requirements of OAR chapter 340, division 93, financial assurance requirements as set forth in Division 95 at OAR 340-095-0090 and 340-095-0095, and Division 97. The department may tailor the financial assurance requirements to the nature of the facility and may exempt low risk facilities. For purposes of these Division 96 rules, a low risk facility is one the department determines is not likely to generate significant amounts of residual waste materials or contamination from the operation of the facility that will remain at closure.

Stat. Auth.: ORS 459.005 - 459.418 & 459A.100 - 459A.120

Stats. Implemented: ORS 459.015 & 459.045

Hist.: DEQ 5-1993, f. & cert. ef. 3-10-93; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0010

### Special Rules Pertaining to Incineration

(1) Applicability. This rule applies to all energy recovery facilities and incinerators receiving solid waste delivered by the public or by a solid waste collection service. (2) Detailed Plans and Specifications:

(a) All incineration equipment and air pollution control appurtenances thereto must comply with air pollution control rules and regulations and

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emission standards of this department or the regional air pollution control authority having jurisdiction;

(b) Detailed plans and specifications for incinerator disposal sites must include, but not be limited to, the location and physical features of the site, such as contours, drainage control, landscaping, fencing, access and on-site roads, solid waste handling facilities, truck washing facilities, ash and residue disposal and design and performance specifications of incineration equipment and provisions for testing emissions therefrom.

(3) Incinerator Design and Construction:

(a) Ash and Residue Disposal. Incinerator ash and residues must be disposed in an approved landfill unless handled otherwise in accordance with a plan approved in writing by the department;

(b) Waste Water Discharges. There must be no discharge of waste water to public waters except in accordance with a permit from the department, issued under ORS 468B.050;

(c) Access Roads. All weather roads must be provided from the public highways or roads, to and within the disposal site and must be designed and maintained to prevent traffic congestion, traffic hazards and dust and noise pollution;

(d) Drainage. An incinerator site must be designed such that surface drainage will be diverted around or away from the operational area of the site;

(e) Fire Protection. Fire protection must be provided in accordance with plans approved in writing by the department and in compliance with pertinent state and local fire regulations;

(f) Fences. Access to the incinerator site must be controlled by means of a complete perimeter fence and gates which may be locked;

(g) Sewage Disposal. Sanitary waste disposal must be accomplished in a manner approved by the department or state or local health agency having jurisdiction;

(h) Truck Washing Facilities. Truck washing areas, if provided, must be hard surfaced and all wash waters must be conveyed to a catch basin, drainage and disposal system approved by the Department or state or local health agency having jurisdiction.

(4) Incinerator Operations:

(a) Storage:

(A) All solid waste deposited at the site must be confined to the designated dumping area;

(B) Accumulation of solid wastes and undisposed ash residues must be kept to minimum practical quantities.

(b) Salvage:

(A) A permittee may conduct or allow the recovery of materials such as metal, paper and glass from the disposal site only when such recovery is conducted in a planned and controlled manner approved by the department in the facility's operations plan;

(B) Salvaging must be controlled so as not to interfere with optimum disposal operation and to not create unsightly conditions or vector harborage;

(C) All salvaged material must be stored in a building or enclosure until it is removed from the disposal site in accordance with a recycling program authorized in the operations plan.

(c) Nuisance Conditions:

(A) Blowing debris must be controlled such that the entire disposal site is maintained free of litter;

(B) Dust, malodors and noise must be controlled to prevent air pollution or excessive noise as defined by ORS Chapters 467 and 468 and rules and regulations adopted pursuant thereto.

(d) Health Hazards. Rodent and insect control measures must be provided, sufficient to prevent vector production and sustenance. Any other conditions which may result in transmission of disease to man and animals must be controlled;

(e) Air Quality. The incinerator must be operated in compliance with applicable air quality rules (OAR 340-025-0850 through 340-025-0905);

(f) Records. The department may require such records and reports as it considers are reasonably necessary to ensure compliance with conditions of a permit or OAR chapter 340, divisions 93 through 97. All records must be kept for a minimum of five years. In the case of a change in ownership of the permitted facility, the new permittee is responsible for ensuring that the records are transferred from the previous owner and maintained for the required five years.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.015 & 459.205

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0045; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0050

### Solid Waste Treatment Facilities

(1) Applicability. This rule applies to all solid waste treatment facilities. Such facilities are disposal sites as defined by ORS Chapter 459, and are also subject to the requirements of OAR chapter 340, divisions 93, 95, and 97 as applicable.

(2) Plans and Specifications. Plans and specifications for a solid waste treatment facility must include, but not be limited to, the location and physical features of the facility such as contours, surface drainage control, access and on-site roads, traffic routing, landscaping, weigh stations, fences and specifications for solid waste handling equipment, truck and area washing facilities and wash water disposal, and water supply and sanitary waste disposal.

(3) Air Quality. A permittee must ensure that all solid waste treatment facilities comply with air pollution control rules and regulations and emission standards of this Department or the regional air pollution control authority having jurisdiction.

(4) Bioremediation Facilities. Facilities that propose to biologically treat petroleum contaminated soil must design the operation to prevent contamination of the area and minimize the possibility of contaminants leaching to groundwater. Such facilities must in general comply with regulations in OAR chapter 340, division 95, "Land Disposal Sites Other Than Municipal Solid Waste Landfills," for location restrictions, operating criteria and design criteria. The following requirements also apply:

(a) To prevent leaching, design criteria must include either:

(A) A landfill-type liner with a leachate removal system. A concrete slab is not considered a liner. An applicant must demonstrate that the proposed liner is compatible with the waste; or

(B) A vadose zone monitoring system, pursuant to 40 CFR 264, Subpart M.

(b) Groundwater. The department may require groundwater monitoring depending on the facility's cover, run-on controls and irrigation;

(c) Operating criteria:

(A) Each permittee must ensure that surface runoff and leachate seeps are controlled so as to minimize discharges of pollutants into public waters;

(B) The permittee must ensure that the facility is operated in a manner such that the liner is not damaged;

(C) The permittee must provide a monitoring plan to demonstrate completion of the biodegradation process.

(d) Financial assurance. An application for a bioremediation solid waste treatment facility must include a financial assurance plan sufficient to cover costs for a third party to remove the waste to a thermal desorption facility if it is deemed necessary by the department.

(5) Records. The department may require such records and reports as it considers are reasonably necessary to ensure compliance with conditions of a permit or OAR chapter 340, divisions 93 through 97. All records must be kept for a minimum of five years. In the case of a change in ownership of the permitted facility, the new permittee is responsible for ensuring that the records are transferred from the previous permittee and maintained for the required five years.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 5-1993, f. & cert. ef. 3-10-93; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0060

### Special Rules Pertaining to Composting: Applicability

(1) No person may construct or operate a composting facility except as provided in this rule.

(2) All composting facilities must comply with 340-096-0070: Performance Standards.

(3) All composting facilities, except those composting facilities exempt under (3)(a) of this rule, must comply with OAR 340-096-0080: Screening.

(a) The following composting facilities are exempt from the requirements of OAR 340-096-0080: Screening, 340-096-100: Registration, and 340-096-0110 Composting Permit unless the department determines the composting facility may adversely affect human health or the environment:

(A) Any composting facility composting less than 100 tons of Type 1 feedstock, Type 2 feedstock, or both during any calendar year;

(B) Any composting facility composting less than 20 tons of Type 3 feedstock during any calendar year;

(C) Any composting facility composting less than 40 tons of Type 3 feedstock in any calendar year when conducting in-vessel composting in containers designed to prohibit vector attraction and prevent nuisance and odor generation;

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(D) Any composting facility that produces silage on a farm for animal feed; and

(E) Any home composting facility.

(F) Any Confined Animal Feeding Operation operating under a Confined Animal Feeding Operation permit issued by the Oregon Department of Agriculture and operating a composting facility, in conjunction with the Confined Animal Feeding Operation, in compliance with a composting facility management plan approved by the Oregon Department of Agriculture that meets the requirements of OAR 340-096-0090 and for which the Oregon Department of Agriculture is providing oversight under an agreement with the department. The Oregon Department of Agriculture may require that a facility subject to this section (3)(a)(F) comply with OAR 340-096-0080: Screening.

(4) All composting facilities that are determined by the department to present a risk to human health or the environment under OAR 340-096-0080(3)(b): Screening, or under (3)(a) of this rule, must comply with OAR 340-096-0090: Operations Plan Approval and OAR 340-096-0110: Composting Permit.

(5) All composting facilities that are not exempt under this rule, including but not limited to all facilities operating under a solid waste composting facility individual permit, general permit, or registration issued by the department prior to the effective date of this rule, must submit the materials required by OAR 340-096-0080: Screening within 180 days after the effective date of this rule. Any composting facility in operation before the effective date of these rules may continue in operation pending a determination by the department under OAR 340-096-0080: Screening and issuance by the department of a Registration under OAR 340-096-0100: Registration or a Composting Permit under OAR 340-096-0110: Composting Permit.

(6) Any person proposing to begin operation of a new composting facility or to substantially modify an existing facility, where such a facility is not exempt under section (3) of this rule, must comply with OAR 340-096-0080: Screening and provide to the department the information required by OAR 340-096-0080(1) at least 180 days before the facility is proposed to begin operation.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0070

### Special Rules Pertaining to Composting: Performance Standards

(1) All composting facilities must be designed, constructed, and operated in a manner that does not cause a discharge of leachate or stormwater from the facility to surface water, except:

(a) Leachate from a composting facility may be discharged to surface water only in compliance with a discharge permit issued by the department.

(b) Stormwater from a composting facility may be discharged to surface water only in compliance with a discharge permit issued by the department.

(2) All composting facilities that collect and dispose of leachate or stormwater in engineered structures must comply with the applicable requirements of OAR 340-096-0130: Leachate Collection Design and Operating Requirements.

(3) All composting facilities must be designed, constructed, and operated in a manner that does not cause a likely adverse impact to groundwater under OAR 340 Division 40. All composting facilities proposing to use infiltration in soil as a method for managing leachate or stormwater must comply with OAR 340-096-0120: Groundwater Protection.

(4) All composting facilities must be designed, constructed, and operated in a manner that, to the greatest extent practicable, consistent with proper facility design and operation, controls and minimizes odors that are likely to cause adverse impacts outside the boundaries of the facility.

(5) All composting facilities must be designed, constructed, and operated in a manner that achieves human pathogen reduction as required by OAR 340-096-0140: Pathogen Reduction.

(6) All composting facilities must be designed, constructed, and operated in a manner that controls or prevents propagation, harborage, or attraction of vectors, including but not limited to rats, birds, and flies.

(7) All composting facilities must comply with all other applicable laws and regulations.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0080

### Special Rules Pertaining to Composting: Screening

(1) All composting facilities not exempted by OAR 340-96-0060(3)(a) will be screened by the department under this rule to determine whether the facility poses a risk to human health or the environment. All facilities subject to this rule must provide to the department the information described below. The department may require any additional information the department considers necessary to evaluate the potential environmental risks posed by a facility. All information must be submitted on application forms provided by the department and include the screening fee required by OAR 340-097-0120(3). The application must be accompanied by all required exhibits using paper with recycled content with copy printed on both sides of the paper whenever possible, follow the organizational format and include the level of informational detail required by the department, and be signed by the property owner or person in control of the premises.

(a) Physical information, including:

(A) The location and site schematic, including areas for management of leachate and stormwater, of the existing or proposed composting facility by latitude and longitude, identified on a map;

(B) The location of the facility on a tax lot map;

(C) The location of and distance to surface water in the drainage area of the composting facility, and all drainage channels, ditches and any other water conveyances leading from the composting facility to surface water, identified on a map;

(D) Distance to the uppermost groundwater aquifer and other known aquifers at the location of the composting facility and in any areas proposed for infiltration of leachate or stormwater from the composting facility;

(E) Soil type or types, and permeability if known or available, at the location of the composting facility and in any areas proposed for infiltration of leachate or stormwater;

(F) The location and well logs of all wells on the property where the composting facility is located; the location and well logs of any wells within ¼ mile of the composting facility; and, if known, the location of any proposed wells within ¼ mile of the composting facility;

(G) The locations of all commercial and residential structures within a one mile radius of the composting facility, identified on a map or photograph;

(H) The prevailing wind direction, by season, identified on a map, and any other climatic information related to wind and air movement;

(b) Operational information, including:

(A) A description of the composting operation including feedstock types, volumes and sources, any grinding or other preparation of feedstocks, composting methods, and uses of composted material;

(B) A description of any leachate and stormwater produced at the facility, including information about the chemical composition of leachate;

(C) A description of all existing or planned structures and features for managing leachate and stormwater, including but not limited to information about any detention or infiltration basins, and any infiltration structures such as filter strips and bioswales;

(D) If the facility is subject to the pathogen reduction requirements of OAR 340-096-0070(5), a description of the methods the facility will use to achieve such pathogen reduction;

(E) A description of the methods the facility will use to achieve vector control;

(F) Any seasonal variances in the operation of the facility;

(G) Contact information including the composting facility operator, composting facility owner, and property owner; and

(H) Operational and compliance history of the facility.

(c) Information regarding other permits, including any other known or anticipated permits from the department or other governmental agencies. If previously applied for, include a copy of such permit application and, if granted, a copy of such permit.

(d) A Land Use Compatibility Statement pursuant to OAR 340 Division 18 and a statement that the facility is compatible with the solid waste management plan for the jurisdiction.

(2) To conduct the evaluation under section (3) of this rule, the department may require a composting facility to conduct groundwater sampling or monitoring and provide analytical results to the department.

(3) Based on information provided by the composting operator, and any other information available to the department, the department will evaluate the current and likely future impact of the composting facility to human health and the environment. The department will evaluate the degree to which a composting facility may present a risk of adverse effects to surface water and groundwater, and the likelihood the facility will create unacceptable odor problems.

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(a) All composting facilities the department determines present a low environmental risk must comply with OAR 340-096-0100: Registration. Any requirements the department determines are necessary for a facility to operate in compliance with OAR 340-096-0070: Performance Standards will be incorporated into the registration Approval Conditions under OAR 340-096-0100. Approval Conditions may include any of the matters addressed in OAR 340-096-0090: Operations Plan Approval. The department will consider a composting facility a “low risk” facility if, based on the information provided under (1) and (2) of this rule, the specific location of the facility, the feedstocks used, and the operational and compliance history of the facility, the department determines:

(A) The facility is not likely to cause discharge of leachate or leachate-contaminated stormwater to surface water;

(B) Infiltration of leachate or stormwater from the facility will not cause a likely adverse impact to soil, groundwater quality, or indirectly to surface water quality; and

(C) The facility is not likely to cause odor problems beyond the boundaries of the facility.

(b) All composting facilities the department determines present a risk of potential adverse effects to surface water, groundwater, or soil, or may create odor problems beyond the boundaries of the facility, must comply with OAR 340-096-0090: Operations Plan Approval. The department will consider a composting facility to present a “risk of potential adverse effects” if, based on the information provided under (1) and (2) of this rule, including but not limited to the location of the facility; the design, structures, and operational requirements necessary to meet the requirements of OAR 340-096-0070; the feedstocks used, and the operational and compliance history of the facility, the department determines:

(A) The composting facility presents a risk of unpermitted releases of leachate or stormwater to surface water;

(B) The facility presents a risk of causing a likely adverse impact to surface water or groundwater;

(C) The facility presents a risk of causing an unacceptable adverse impact to soil; or

(D) The facility presents a risk of causing odor problems beyond the boundaries of the facility.

(4) The department may at any time reevaluate a composting facility under this rule and may assign a facility to a different category under section (3) of this rule.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020  
Stats. Implemented: ORS 459.005, 459.015 & 459.205  
Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0090

### Special Rules Relating to Composting: Operations Plan Approval

(1) All composting facilities subject to this rule must prepare a composting facility operations plan for review and approval by the department that describes how the composting facility will be designed and operated to meet the performance standards set out in OAR 340-096-0070. The Operations Plan Approval fee required by OAR 340-097-0120(4) and, if applicable, the Engineering review fee required by OAR 340-097-0120(5), must be submitted to the department with the proposed plan.

(2) Except as provided in OAR 340-096-0060(5), a composting facility subject to this rule may not begin or continue operation until the department approves the facility Operations Plan. All composting facilities subject to this rule must operate in compliance with the Operations Plan approved by the department. Any significant changes in the Operations Plan must be approved by the department.

(3) If the department determines that an approved Operations Plan is incomplete, inadequate, or otherwise fails to provide the necessary information and assurances that the composting facility will comply with OAR 340-096-0070: Performance Measures or with section (6) of this rule, the department may require the composting facility to revise the Operations Plan.

(4) After receiving a proposed Operations Plan, the department will provide the composting facility operator with an opportunity to meet with the department and discuss the composting facility, the proposed Operations Plan, and any department concerns or issues related to the facility and the plan. Upon final department approval of an Operations Plan, the composting facility must comply with OAR 340-096-0110: Composting Permit.

(5) All Operations Plans subject to this rule must address the elements set out in sections (5)(a) through (f) of this rule.

(a) Feedstocks. The Operations Plan must describe the types and volumes of feedstocks the facility will accept, the methods the facility will use to produce compost, and the proposed uses of the compost.

(b) Protection of Surface Water. The Operations Plan must describe how the facility will be designed and operated to comply with OAR 340-096-0070(1) and (2) by describing the operational procedures and any structures the facility will use to manage any leachate and any stormwater generated at the facility. Any facility that manages leachate or stormwater in an engineered structure must submit detailed plans and specifications for any such structures and comply with OAR 340-096-0130: Leachate and Stormwater Collection Design and Management Requirements.

(c) Protection of groundwater. The Operations Plan must describe how the facility will be designed and operated to comply with OAR 340-096-0070(3). Any facility that manages leachate or stormwater through infiltration into soil must comply with OAR 340-096-0120: Groundwater.

(d) Odor control. The Operations Plan must describe the methods and procedures the facility will use to comply with OAR 340-096-0070(4) and with 340-096-0150: Odors.

(e) Pathogen reduction. Unless the facility is exempt from pathogen reduction under OAR 340-096-0140(1), the Operations Plan must describe methods the facility will use to comply with OAR 340-096-0140: Pathogen Reduction, including:

(A) Methods the facility will use to comply with OAR 340-096-0070(5) to achieve the pathogen reduction standards set out in OAR 340-096-0140(2);

(B) Methods the facility will use for sampling and testing of composted material to assure that the required human pathogen reduction is being achieved; and

(C) Procedures the facility will use for handling composted material that does not meet pathogen reduction standards.

(f) Vector attraction. The Operations Plan must describe methods the composting operation will use to comply with OAR 340-096-0070(6) to minimize the attraction of vectors such as rats, birds, flies.

(g) Closure. The Operations Plan must include a Closure Plan that must address:

(A) Removal of equipment and materials used to operate and maintain the facility;

(B) Disposal of unused feedstocks, partially processed residues and finished compost;

(C) Disposal of processed compost that, due to concentrations of contaminants, cannot be marketed or used for beneficial purposes; and

(D) Abandonment of treatment facilities, including ponds and lagoons, and removal of residues, including a preliminary evaluation of potential impacts to soil and groundwater below ponds and treatment facilities.

(h) Post Closure. The Operations Plan must include a Post-Closure Plan to address groundwater and surface water issues after the facility is closed.

(i) Recordkeeping. The Operations Plan must describe the methods the facility will use for keeping records of:

(A) Weight and volumes of incoming feedstocks;

(B) Pathogen testing conducted under 5(e) of this rule;

(C) Complaints and actions taken to address complaints; and

(D) Any upsets or violations of the Operations Plan.

(6) As part of the Operations Plan approval process, the department will review with the composting facility the matters in (6)(a) through (l) of this rule. The department may require, either in its initial Operations Plan review or under section (3) of this rule, that an Operations Plan include any of the matters in sections (6)(a) through (l) of this rule if the department determines that such measures are necessary for the facility to meet the requirements of OAR 340-096-0070: Performance Standards, to comply with any other laws or regulations, or when required to correct other unacceptable conditions at a facility.

(a) Process controls. When required by the department, an Operations Plan must:

(A) Describe how the facility will monitor and record compost processing parameters including nutrient balance (C:N ratio), moisture content, aeration, pH and temperature and compost retention time; and

(B) Include a mass balance calculation showing all feedstocks and amendments and all products produced. The mass balance calculation must be detailed and use a standard unit of measurement throughout.

(b) Material management. When required by the department, an Operations Plan must:

(A) Describe how the facility will handle feedstocks and composted material to prevent pathogen regrowth and cross contamination of piles.

(B) Describe how the facility will manage and dispose of composted material that due to concentrations of contaminants cannot be marketed or used for beneficial purposes.

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(c) Removal of composted material. When required by the department, an Operations Plan must provide for removal of composted material from the facility as frequently as possible, but not later than two years after processing is completed.

(d) Incorporation of feedstocks. When required by the department, the Operations Plan must include a schedule for incorporating feedstocks into active compost piles.

(e) Storage of feedstocks. When required by the department, the Operations Plan must:

(A) Identify designated areas where all feedstocks deposited at the site will be confined;

(B) Provide that accumulation of feedstocks does not create odor or vector problems, or create other nuisance conditions;

(C) Provide that undisposed residues must be kept to minimum practical quantities; and

(D) Provide for facilities and procedures for handling, recycling or disposing of feedstocks that are non-biodegradable by composting.

(f) Salvage. When required by the department, the Operations Plan must provide procedures for recovery of materials such as metal, paper and glass so that recovery does not interfere with composting operations, or create unsightly conditions or vector harborage.

(g) Access Roads. When required by the department, the Operations Plan must:

(A) Provide for all-weather roads from the public highway or roads to and within the compost operation that are designed and maintained to prevent traffic congestion, traffic hazards and dust and noise pollution.

(B) Provide for effective barriers to unauthorized entry and dumping, such as fences, gates and locks.

(h) Fire Protection. When required by the department, the Operations Plan must provide for fire protection in compliance with applicable state and local fire regulations.

(i) Noise, dust and litter. When required by the department, the plan must provide for effective methods to reduce or avoid noise, dust, and litter, and to prevent tracking of mud or other materials off the facility;

(j) Containers. When required by the department, the operations plan must describe how the facility will clean and manage all containers at the facility.

(k) Vehicles. When required by the department, the Operations Plan must describe how all vehicles and devices operated by facility will be maintained and operated to prevent leaking, or spilling of feedstocks or finished compost while in transit.

(l) Truck Covers. When required by the department, the Operations Plan must describe how the facility will notify all incoming feedstock haulers that trucks must be covered or suitably cross-tied to prevent any load loss during shipment.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020  
Stats. Implemented: ORS 459.005, 459.015 & 459.205  
Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0100

### Special Rules Relating to Composting: Registration

(1) All composting facilities required to register with the department by OAR 340-096-0080(3)(a) must comply with this rule. Except as provided in OAR 340-096-0060(5), all facilities subject to this rule must complete registration before a facility may operate.

(2) After a facility has completed the requirements of OAR 340-093-0100 with respect to public notice and comment, if the department determines that the facility has met all of the requirements of OAR Divisions 93, 96, 97, and all other applicable statutes and regulations, the department will register the facility. The registration is a permit for purposes of OAR chapter 340, division 18 and chapter 340 divisions 93, 96, and 97, except the following: OAR 340-093-0070(3); 340-093-0130; and 340-093-0140.

(3) All composting facilities registered under this rule must comply with the following:

(a) For facilities with department Conditions of Approval for operation of the facility, comply with all conditions;

(b) If required by the department, submit an annual report of the weight of feedstocks used for composting on a form provided by the department;

(c) If a composting facility discharges leachate or stormwater under a permit issued by the department, submit an annual report to the department with the sampling data required by the permit or permits;

(d) Immediately notify the department of any violation of the facility Conditions of Approval or OAR 340-096-0070: Performance Standards;

(e) Immediately notify the department of any significant change of status of the composting facility, including any change in the ownership or

operation of the facility, the location of the composting operation, the type or volume of feedstocks used, and the composting process used by the facility;

(f) Keep all required records. If required by the department, maintain records for a minimum of ten years. In the case of a change in ownership of the composting facility, the owner is responsible for ensuring that the records are transferred from the previous owner and maintained for the required ten years;

(g) At the request of the department, submit any records or reports the department may require to ensure compliance with conditions of OAR chapter 340, Divisions 93, 96, and 97; and

(h) If required by the department, demonstrate financial assurance as provided in OAR 340-096-0001. The department may tailor the financial assurance requirements to the nature of the facility and may exempt a facility if, based on the information submitted under OAR 340-096-0070, an Operations Plan approved under OAR 340-0096-0090, and any other information available to the department, the department determines that the facility is not likely to generate significant amounts of residual waste materials or contamination from the operation of the facility that will remain at closure; and

(i) If required, pay the Engineering Review fee under OAR 340-097-0120(5).

Stat. Auth.: ORS 459.045, 459A.025 & 468.020  
Stats. Implemented: ORS 459.005, 459.015 & 459.205  
Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0110

### Special Rules Pertaining to Composting: Composting Permit

(1) All composting facilities required by OAR 340-096-0060 to operate under a Composting Permit must comply with this rule. Except as provided in OAR 340-096-0060(5), all facilities subject to this rule must receive a Composting Permit before a facility may operate.

(2) After a facility has completed OAR 340-096-0090: Operations Plan Approval and the department has approved the facility Operations Plan, to receive a Composting Permit, the facility must:

(a) Pay the plan approval fee required by OAR 340-097-0120(4); and

(b) If required, pay the Engineering Review fee under OAR 340-097-0120(5).

(3) After a facility has completed the requirements of section (2) of this rule, and after completing the requirements of OAR 340-093-0100 with respect to public notice and comment, if the department determines that the facility has met all of the requirements of OAR Divisions 93, 96, 97, and all other applicable statutes and regulations, the department will issue a Compost Permit for the facility. The Compost Permit is a permit for purposes of OAR chapter 340, division 18 and chapter 340 divisions 93, 96, and 97, except the following: OAR 340-093-0070(3); 340-093-0130; and 340-093-0140.

(4) All composting facilities permitted under this rule must comply with the following:

(a) Comply with OAR 340-096-0700: Performance Standards;

(b) Comply with all requirements of the facility Operations Plan;

(c) If required by the department, submit an annual report of the weight of feedstocks used for composting on a form provided by the department;

(d) If a composting facility discharges leachate or stormwater under a permit issued by the department, submit an annual report to the department with the sampling data required by the permit or permits;

(e) Immediately notify the department of any violation of the facility Operations Plan, Conditions of Approval, or OAR 340-096-0070: Performance Standards;

(f) Immediately notify the department of any significant change of status of the compost operation, including any change in the ownership or operation of the facility, the location of the facility, type or volume of feedstocks used, and the composting process used by the facility;

(g) Keep all required records. If required by the department, maintain records for a minimum of five years. In the case of a change in ownership of the composting facility, the owner is responsible for ensuring that the records are transferred from the previous owner and maintained for the required five years;

(h) Comply with OAR 340-097-0120(6)(c) with respect to fees;

(i) At the request of the department, submit any records or reports the department may require to ensure compliance with conditions of OAR chapter 340, divisions 93, 96, and 97; and

(j) If required by the department, demonstrate financial assurance as provided in OAR 340-096-0001. The department may tailor the financial assurance requirements to the nature of the facility and may exempt a facil-

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ity if the department determines, based on the information submitted under OAR 340-096-0070, an Operations Plan approved under OAR 340-0096-0090, and any other information available to the department, the facility is not likely to generate significant amounts of residual waste materials or contamination from the operation of the facility that will remain at closure.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020  
Stats. Implemented: ORS 459.005, 459.015 & 459.205  
Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0120

### Special Rules Pertaining to Composting: Groundwater Protection

(1) All composting facilities using or proposing to use infiltration in soil as a method for managing leachate or stormwater must comply with this rule.

(2) Methods of soil infiltration that are subject to this rule include, but are not limited to:

(a) Conducting any composting operations, including grinding, chipping, storing feedstocks, or composting feedstocks on surfaces that do not meet the requirements of OAR 340-096-0130: Leachate Collection Design and Management Requirements;

(b) Discharging any liquids from the composting facility, including leachate, leachate contaminated stormwater, or stormwater, to filter strips, bioswales, or other similar features; and

(c) Discharging any liquids from the composting facility, including leachate, leachate contaminated stormwater, or stormwater, to fields, pastures, cropland, or ditches.

(3) All composting facilities subject to this rule must provide to the department the information described in OAR 340-096-0080(1) and (2), and any other information required by the department to evaluate to proposed use of infiltration in soil.

(4) The department will evaluate the proposed infiltration methods to determine whether the proposed infiltration may cause likely adverse impacts to groundwater under OAR 340 Division 40.

(5) The department may approve, disapprove, restrict, require modifications to, and attach conditions to proposed infiltration methods and procedures. When approved by the department, the proposed infiltration methods and procedures, and any limitations, restrictions, and conditions required by the department as part of its approval, must be incorporated into the facility Operations Plan under OAR 340-096-0090. For "low risk" facilities exempt from OAR 340-096-0090 under OAR 340-096-0080(3)(a), any limitations, restrictions, and conditions required by the department will be incorporated into the facility Conditions of Approval under OAR 340-096-0100.

(6) As part of its approval under this rule, the department may require the facility to conduct groundwater sampling and monitoring, and submit analytical results to the department.

(7) The department may prohibit the use of infiltration to soil as a method for managing leachate or stormwater, for some or all actions, in some or all areas of a composting facility, if based on the factors in OAR 340-096-0080 and any other information available to the department, the department determines that infiltration at a facility is likely to cause an adverse impact to groundwater under OAR 340 Division 40. The department may require the facility to conduct operations on protective surfaces to prevent such impacts. Any such protective surface must comply with OAR 340-096-0130(8).

(8) Any infiltration method that is an Underground Injection Control, as defined in OAR chapter 340, division 44, must comply with that Division.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020  
Stats. Implemented: ORS 459.005, 459.015 & 459.205  
Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0130

### Special Rules Pertaining to Composting: Leachate Collection Design and Management Requirements

(1) All composting facilities that collect leachate or stormwater in engineered structures must comply with this rule.

(2) If required by the department, a person proposing to construct a new composting facility that is subject to this rule must prepare and submit to the department a Facility Design and Construction Plan, stamped by a registered professional engineer, as part of the Operations Plan approval under OAR 340-096-0090. The Plan must include site layout, lining and leachate collection/management system, and stormwater and process water collection and treatment facilities.

(3) If required by the department, any person subject to this rule must submit site design and engineering plans for any new facility construction

such as site modifications, compost liners/pads, closure of existing composting areas/systems, and/or other ancillary facilities.

(4) All construction subject to this rule must be performed in accordance with the approved plans and specifications, including all conditions of approval. Any amendments to those plans and specifications must be approved in writing by the department.

(5) If required by the department, prior to initiating construction, a facility subject to this rule must submit and receive written department approval of complete construction documents for the project to be constructed. The construction documents submitted must:

(a) Define the construction project team;

(b) Include construction contract documents specifying material and workmanship, and requirements to guide how the Constructor is to furnish products and execute work; and

(c) Include a Construction Quality Assurance (CQA) plan describing the measures that will be taken to monitor and ensure that the quality of materials and the work performed by the Constructor complies with project specifications and contract requirements.

(6) If required by the department, within 90 days of completing construction, a facility subject to this rule must submit to the department a Construction Certification Report, prepared by a qualified independent party, to document and certify that all required components and structures have been constructed in compliance with the permit requirements and approved design specifications. This submittal shall include "as constructed" facility plans which note any changes from the original approved plans.

(7) For a facility subject to section (6) of this rule, the facility must not accept feedstocks for storage, processing or composting in newly constructed facilities or areas until the department has accepted the Construction Certification Report. If the department does not respond in writing to the Construction Certification Report within 30 days of its receipt, the facility may accept feedstock at the facility in the newly constructed facilities or areas.

(8) Protective surface requirements. If a protective surface is required by the department under OAR 340-096-0120 for feedstock storing, mixing, grinding, or active processing areas, the surfaces must be designed to prevent release of leachate to surface water or groundwater from such areas. The surface must:

(a) Consist of at least two (2) feet of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-6}$  cm/sec or an equivalent protection of groundwater;

(b) Be capable of resisting damage from movement of mobile operating equipment and weight of stored piles;

(c) Prevent ponding; and

(d) Direct all collected leachate and stormwater to collection devices.

(9) Leachate storage design must assure collection of any leachate generated from areas of feedstock collection and preparation and active composting areas and convey the leachate to a storage basin, tank or other containment structure that has:

(a) Adequate capacity to collect and convey the amount of leachate generated. Volume calculations must be based on facility design, monthly water balance and precipitation data;

(b) A geomembrane liner or alternative design approved by the department that is equivalent to at least two (2) feet of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-6}$  cm/sec;

(c) Secondary containment for tanks used to store leachate; and

(d) Underground tanks must have a monitoring system to identify releases.

(e) If part of the site design, dikes or slopes designed to maintain their structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling or precipitation.

(10) Any leachate collection system subject to this rule must describe the methods the facility will use to beneficially reuse or properly dispose of all collected leachate.

(11) The department may approve alternative methods of compliance with this rule if the department determines that the proposed alternative methods will achieve the same level of protection. Proposed design alternatives to subsections (2) and (3) of this rule must be accompanied by engineered specifications for department review and approval.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020  
Stats. Implemented: ORS 459.005, 459.015 & 459.205  
Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0140

### Special Rules Pertaining to Composting: Pathogen Reduction

(1) All composting facilities must comply with this rule, except that agricultural operations as defined by ORS 467.120(2)(a) producing

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composted material for on-farm use are not subject to the requirements of this rule. The department may require that an agricultural operation comply with this rule if the department determines that such compliance is necessary to protect human health or the environment.

(2) All composted material must meet the following limits:

(a) For composted material produced from Type 1 or Type 3 feedstock, or a mix of Type 1 and 3 feedstocks, analysis must be performed for salmonella or fecal coliform and meet the following limits:

(A) Salmonella analysis must result in less than 3 Most Probable Number per 4 grams of total solids (dry weight).

(B) Fecal coliform analysis must result in less than 1,000 Most Probable Number per gram of total solids (dry weight).

(b) For composted material produced from Type 1 or Type 3 feedstock with less than 50% by volume of Type 2 feedstock, analysis must be performed for salmonella or fecal coliform and meet the following limits:

(A) Salmonella analysis must result in less than 3 Most Probable Number per 4 grams of total solids (dry weight).

(B) Fecal coliform analysis must result in less than 1,000 Most Probable Number per gram of total solids (dry weight).

(c) For composted material produced from feedstock containing more than 50% volume of Type 2 feedstock in the initial pile, analysis must be performed for fecal coliform and meet the following limits:

(A) Analysis must result in less than 1,000 Most Probable Number per gram of total solids (dry weight).

(3) Methods of Pathogen Reduction. All composting facilities subject to this rule must document and implement a pathogen reduction plan that addresses requirements of the Code of Federal Regulations, 40 CFR Part 503. The plan must include a Process to Further Reduce Pathogen (PFRP), pursuant to 40 CFR Part 503 Appendix B, item (B)(1), dated February 19, 1993, that must include one of the following elements:

(a) Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the active compost pile must be maintained at 55 degrees Celsius or higher for three days;

(b) Using the windrow composting method, the temperature of the active compost pile must be maintained at 55 degrees Celsius or higher for 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there must be a minimum of five turnings of the windrow; or

(c) An alternative method that permittee can demonstrate achieves an equivalent reduction of human pathogens.

(4) Testing compost for pathogen reduction. All composting facilities subject to this rule must test composted material with the following frequency:

(a) If less than 2,500 tons of composted material from Type 1 and 2 feedstocks are produced per year, testing must be conducted once a year.

(b) If more than 2,500 tons of composted material from Type 1 and 2 feedstock are produced per year, testing must be conducted every 5,000 tons of feedstock used or a maximum of once every three months.

(c) If less than 2,500 tons of composted material from Type 3 feedstocks are produced per year, testing must be conducted once every four months.

(d) If more than 2,500 tons of composted material from Type 3 are produced per year, testing must be conducted every 5,000 tons of feedstock used or monthly.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-096-0150

### Special Rules Pertaining to Composting: Unacceptable Odors

(1) The department recognizes that the microbial metabolic activity in compost piles causes odors, and that composting facilities cannot completely eliminate all odors. All composting facilities must be designed, constructed, and operated in manner that, to the greatest extent practicable consistent with proper facility design and operation, controls and minimizes odors that are likely to cause adverse impacts outside the boundaries of the facility.

(2) The department may require a facility to prepare an Odor Minimization Plan under section (5) of this rule, and may further require the facility to modify operations and otherwise implement all reasonable and practicable measures determined necessary by the department to control and minimize adverse impacts of odors outside the boundaries of the facility. In deciding whether to require an Odor Management Plan, the department will consider the frequency, duration, strength and intensity of odors; the number and frequency of complaints; and the number of people impacted.

(3) When a composting facility receives a complaint about odor, the facility must:

(a) Contact the complainant within 24 hours to discuss the complaint;

(b) Keep a record of the complaint; the name and telephone number of the complainant, when available; the date the complaint was received; and

(c) Immediately initiate procedures at the facility as appropriate to reduce or eliminate the odor identified by the complainant; and

(d) Initiate procedures as appropriate to prevent the release of odors in the future.

(4) A facility must notify the department:

(a) If a facility receives complaints from five or more individuals about a given event, or

(b) If an odor event lasts for more than 24 hours without resolution or mitigation of the problem creating the odor event.

(5) Odor Minimization Plan. If required by the department under OAR 340-096-0090 or this rule, the compost facility must develop an Odor Minimization Plan to minimize odors. The plan must include:

(a) A management plan for malodorous loads;

(b) Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problems at the facility;

(c) Additional odor-minimizing measures, which may include the following:

(A) Avoidance of anaerobic conditions in the composting material;

(B) Use of mixing for favorable composting conditions;

(C) Formation of windrow or other piles into a size and shape favorable to minimizing odors;

(D) Use of end-product compost as cover to act as a filter during early stages of composting;

(E) Specification of a readily available supply of bulking agents, additives or odor control agents;

(F) Procedures for avoiding delay in processing and managing feedstocks during all weather conditions; and

(G) Methods for taking into consideration the following factors prior to turning or moving composted material:

(i) Time of day;

(ii) Wind direction;

(iii) Percent moisture;

(iv) Estimated odor potential; and

(v) Degree of maturity.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-097-0110

### Solid Waste Permit and Disposal Fees

(1) Each person required to have a Solid Waste Disposal Permit is subject to the following fees:

(a) An application processing fee for new facilities which must be submitted with the application for a new permit as specified in OAR 340-097-0120(2);

(b) A solid waste permit compliance fee as listed in OAR 340-097-0120(3); and

(c) The 1991 Recycling Act permit fee as listed in OAR 340-097-0120(4).

(2) Each disposal site receiving domestic solid waste will be subject to the per-ton solid waste disposal fees on domestic solid waste as specified in OAR 340-097-0120(5).

(3) Out-of-state solid waste. Each disposal site or regional disposal site receiving solid waste generated out-of-state must pay a per-ton solid waste disposal fee as specified in OAR 340-097-0120(5).

(4) Oregon waste disposed of out-of-state. A person who transports solid waste that is generated in Oregon to a disposal site located outside of Oregon that receives domestic solid waste shall pay the per-ton solid waste disposal fees as specified in OAR 340-097-0120(5):

(a) For purposes of this rule and OAR 340-097-0120(5), a person is the transporter if the person transports or arranges for the transport of solid waste out of Oregon for final disposal at a disposal site that receives domestic solid waste, and is:

(A) A solid waste collection service or any other person who hauls, under an agreement, solid waste out of Oregon;

(B) A person who hauls his or her own industrial, commercial or institutional waste or other waste such as cleanup materials contaminated with hazardous substances;

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(C) An operator of a transfer station, when Oregon waste is delivered to a transfer station located in Oregon and from there is transported out of Oregon for disposal;

(D) A person who authorizes or retains the services of another person for disposal of cleanup materials contaminated with hazardous substances; or

(E) A person who transports infectious waste.

(b) Notification requirement:

(A) Before transporting or arranging for transport of solid waste out of the State of Oregon to a disposal site that receives domestic solid waste, a person must notify the department in writing on a form provided by the department. The persons identified in subsection (4)(a) of this rule are subject to this notification requirement;

(B) The notification must include a statement of whether the person will transport the waste on an on-going basis. If the transport is on-going, the person must re-notify the department by January 1 of each year of his or her intention to continue to transport waste out-of-state for disposal.

(c) As used in this section, "person" does not include an individual transporting the individual's own residential solid waste to a disposal site located out of the state.

(5) Fees. The solid waste permit compliance fee must be paid for each year a disposal site is in operation or under permit. The 1991 Recycling Act permit fee, if applicable, must be paid for each year the disposal site is in active operation. The fee period shall be prospective and is as follows:

(a) New sites:

(A) Any new disposal site will owe a solid waste permit compliance fee and 1991 Recycling Act permit fee, if applicable, 30 days after the end of the calendar quarter in which solid waste is received at the facility, except as specified in paragraph (5)(a)(B), (C) or (D) of this rule;

(B) For a new disposal site receiving less than 1,000 tons of solid waste a year. For the first year's operation, the entire permit compliance fee will apply if the facility is placed into operation on or before September 1. Any new facility placed into operation after September 1 will not owe a permit compliance fee until the following January 31. An application for a new disposal site receiving less than 1,000 tons of solid waste a year must include the applicable permit compliance fee for the first year of operation;

(C) For a new industrial solid waste disposal site, sludge or land application disposal site or solid waste treatment facility receiving more than 1,000 but less than 20,000 tons of solid waste a year. These facilities will owe a solid waste permit compliance fee and 1991 Recycling Act permit fee, if applicable, on January 31 following the calendar year in which the facility is placed into operation;

(D) For a new transfer station, material recovery facility or composting facility. For the first fiscal year's operation, the entire permit compliance fee will apply if the facility is placed into operation on or before April 1. Any new facility placed into operation after April 1 will not owe a permit compliance fee until the department's annual billing for the next fiscal year. An application for a new transfer station, material recovery facility or composting facility must include the applicable permit compliance fee for the first year of operation.

(b) Existing permitted sites. Any existing disposal site that is in operation, is permitted to receive or receives solid waste in a calendar year must pay the solid waste permit compliance fee and 1991 Recycling Act permit fee, if applicable, for that year as specified in OAR 340-097-0120(3)(a), (b), (c) and (4). A facility will be deemed to be an "existing permitted site" from the time of permit issuance;

(c) Closed sites. If a land disposal site stops receiving waste before April 1 of the fiscal year in which the site permanently ceases active operations, the permittee must pay the solid waste permit compliance fee for the "year of closure" as specified in OAR 340-097-0120(3)(d)(A) as well as the permit compliance fee paid quarterly by the permittee based on the waste received in the previous calendar quarters. If a land disposal site has permanently ceased receiving waste and the site is closed, a solid waste permittee must pay the solid waste permit compliance fee for closed sites as specified in OAR 340-097-0120(3)(d);

(d) The Director may alter the due date for the solid waste permit compliance fee and, if applicable, the 1991 Recycling Act permit fee upon receipt of a justifiable request from a permittee.

(6) Tonnage reporting. The permit compliance fee, 1991 Recycling Act permit fee if applicable, and per-ton solid waste disposal fees, if applicable, must be submitted together with a form approved by the department. Information reported must include the amount and type of solid waste and any other information required by the department to substantiate the tonnage or to calculate the state material recovery rate.

(7) Calculation of tonnage. Permittees and registrants are responsible for accurate calculation of solid waste tonnage. For purposes of determining appropriate fees under OAR 340-097-0120(3) through (5), annual tonnage of solid waste received must be calculated as follows:

(a) Municipal solid waste facilities. Annual tonnage of solid waste received at municipal solid waste facilities, including construction and demolition sites and municipal solid waste composting facilities, receiving 50,000 or more tons annually must be based on weight from certified scales. When certified scales are required, all solid waste received at the facility for disposal must be weighed at the facility's scales, except as otherwise approved by the department in writing. If certified scales are required but are temporarily not functioning, all solid waste received at the facility must either use other certified scales in the area or estimate tonnage as specified in this section. If certified scales are not required, estimated annual tonnage for municipal solid waste, including that at municipal solid waste composting facilities will be based upon 300 pounds per cubic yard of uncompacted waste received, and 700 pounds per cubic yard of compacted waste received. If yardage is not known, the solid waste facility may use one ton per resident in the service area of the disposal site, unless the permittee demonstrates a more accurate estimate. For other types of wastes received at municipal solid waste sites and where certified scales are not required or not available, the conversions and provisions in subsection (b) of this section must be used;

(b) Industrial facilities. Annual tonnage of solid waste received at industrial facilities receiving 50,000 or more tons annually must be based on weight from certified scales. When certified scales are required, all solid waste received at the facility must be weighed at the facility's scales, except as otherwise approved by the department in writing. If certified scales are required but are temporarily not functioning, all solid waste received at the facility must either use other certified scales in the area or estimate tonnage as specified in this section. If certified scales are not required, industrial sites must use the following conversion factors to determine tonnage of solid waste disposed. Composting facilities must use the following conversion factors for those materials appropriate for composting:

(A) Asbestos: 500 pounds per cubic yard;

(B) Pulp and paper waste other than sludge: 1,000 pounds per cubic yard;

(C) Construction, demolition and land clearing wastes: 1,100 pounds per cubic yard;

(D) Wood waste:

(i) Wood waste, mixed, including log sort waste (as defined in OAR 340-093-0030(94)): 1,200 pounds per cubic yard;

(ii) Wood waste including scrap lumber, pallets, wood from construction and demolition activities: 250 pounds per cubic yard;

(iii) Wood chips, green: 473 pounds per cubic yard;

(iv) Wood chips, dry: 243 pounds per cubic yard;

(v) Sawdust, wet: 530 pounds per cubic yard;

(vi) Sawdust, bone dry: 275 pounds per cubic yard.

(E) Yard debris:

(i) Grass clippings: 950 pounds per cubic yard;

(ii) Leaves: 375 pounds per cubic yard;

(iii) Compacted yard debris: 640 pounds per cubic yard; and

(iv) Uncompacted yard debris: 250 pounds per cubic yard.

(F) Manure, sludge, septage, grits, screenings and other wet wastes: 1,600 pounds per cubic yard;

(G) Food waste: 700 pounds per cubic yard

(H) Ash and slag: 2,000 pounds per cubic yard;

(I) Contaminated soils: 2,400 pounds per cubic yard;

(J) Asphalt, mining and milling wastes, foundry sand, silica: 2,500 pounds per cubic yard;

(K) For wastes other than the above, the permittee or registrant must determine the density of the wastes subject to approval by the department in writing;

(L) As an alternative to the above conversion factors, the permittee or registrant may determine the density of their own waste, subject to approval by the department in writing.

(8) The application processing fee may be refunded in whole or in part, after taking into consideration any costs the department may have incurred in processing the application, when submitted with an application if either of the following conditions exists:

(a) The department determines that no permit will be required;

(b) The applicant withdraws the application before the department has granted or denied preliminary approval or, if no preliminary approval has been granted or denied, the department has approved or denied the application.

# ADMINISTRATIVE RULES

## (9) Exemptions:

(a) Persons treating petroleum contaminated soils will be exempt from the application processing and renewal fees for a Letter Authorization if the following conditions are met:

(A) The soil is being treated as part of a site cleanup authorized under ORS Chapters 465 or 466; and

(B) The department and the applicant for the Letter Authorization have entered into a written agreement under which costs incurred by the department for oversight of the cleanup and for processing of the Letter Authorization must be paid by the applicant.

(b) Persons to whom a Letter Authorization has been issued are not subject to the solid waste permit compliance fee or the 1991 Recycling Act permit fee.

(10) All fees shall be made payable to the Department of Environmental Quality.

## (11) Submittal schedule:

(a) The solid waste permit compliance fee will be billed by the department to the holder of the following permits: transfer station, material recovery facility, composting facility and closed solid waste disposal site. The fee period be the state's fiscal year (July 1 through June 30), and the fee is due annually by the date indicated on the invoice. Any "year of closure" prorated fee will be billed to the permittee of a closed site together with the site's first regular billing as a closed site;

(b) For holders of solid waste disposal site permits other than those in subsection (11)(a) of this rule, the solid waste permit compliance fee and the 1991 Recycling Act permit fee, if applicable, are not billed to the permittee by the department. These fees must be self-reported by the permittee to the department, pursuant to sections (5) and (6) of this rule. The fee period will be either the calendar quarter or the calendar year, and the fees are due to the department as follows:

(A) For municipal solid waste disposal sites (including incinerators and energy recovery facilities) and construction and demolition landfills: on the same schedule as specified in subsection (11)(c) of this rule;

(B) For industrial solid waste disposal sites, sludge or land application disposal sites and solid waste treatment facilities:

(i) For sites receiving over 20,000 tons of waste a year: quarterly, on the 30th day of the month following the end of the calendar quarter; or

(ii) For sites receiving less than 20,000 tons of waste a year: annually, on the 31st day of January beginning on January 31, 1995;

(iii) A site which has received less than 20,000 tons of waste in past years but exceeds that amount in a given year, will in general be granted a one-year delay from the department before the site is required to begin submitting permit fees on a quarterly basis. If the site appears likely to continue to exceed the 20,000 annual ton limit, then the department will require the site to report tonnage and submit applicable permit fees on a quarterly basis.

(c) The per-ton solid waste disposal fees on domestic solid waste and the Orphan Site Account fee are not billed by the department. They are due on the following schedule:

(A) Quarterly, on the 30th day of the month following the end of the calendar quarter; or

(B) Annually, on the 31st day of January beginning in 1995, for holders of solid waste disposal site permits for sites receiving less than 1,000 tons of solid waste a year.

(d) The fees on Oregon solid waste disposed of out of state are due to the department quarterly on the 30th day of the month following the end of the calendar quarter, or on the schedule specified in OAR 340-097-0120(5)(e)(C). The fees must be submitted together with a form approved by the department, which must include the amount of solid waste, type, county of origin of the solid waste, and state to which the solid waste is being transported for final disposal.

Stat. Auth.: ORS 459.045, 459.235, 459.236, 459A.025, 459A.110, 459A.115, 468.065

Stats. Implemented: ORS 459.235, 459.236, 459A.110 & 459A.115

Hist.: DEQ 3-1984, f. & cert. 3-7-84; DEQ 45-1990, f. & cert. ef. 12-26-90; DEQ 12-1991(Temp), f. & cert. ef. 8-2-91; DEQ 28-1991, f. & cert. ef. 12-18-91; DEQ 8-1992, f. & cert. ef. 4-30-92; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0115; DEQ 23-1993, f. 12-16-93, cert. ef. 1-1-94; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09

## 340-097-0120

### Permit/Registration Categories and Fee Schedule

(1) For purposes of OAR chapter 340, division 97:

(a) A "new facility" means a facility at a location not previously used or permitted, and does not include an expansion to an existing permitted site;

(b) An "off-site industrial facility" means all industrial solid waste disposal sites other than a "captive industrial facility";

(c) A "captive industrial facility" means an industrial solid waste disposal site where the permittee is the owner and operator of the site and is the generator of all the solid waste received at the site.

(2) Application Processing Fee. Except as provided in sections (3), (4), and (5) of this rule with respect to composting facilities, an application processing fee must be submitted with each application for a new facility, including application for preliminary approval pursuant to OAR 340-093-0090. The amount of the fee will depend on the type of facility and the required action as follows:

(a) A new municipal solid waste landfill facility, construction and demolition landfill, incinerator, energy recovery facility, solid waste treatment facility, off-site industrial facility or sludge disposal facility:

(A) Designed to receive over 7,500 tons of solid waste per year: \$10,000;

(B) Designed to receive less than 7,500 tons of solid waste per year: \$5,000.

(b) A new captive industrial facility (other than a transfer station or material recovery facility): \$1,000;

(c) A new transfer station or material recovery facility:

(A) Receiving over 50,000 tons of solid waste per year: \$500;

(B) Receiving between 10,000 and 50,000 tons of solid waste per year: \$200;

(C) Receiving less than 10,000 tons of solid waste per year: \$100.

(d) Letter Authorization (pursuant to OAR 340-093-0060):

(A) New site: \$500;

(B) Renewal: \$500.

(e) Permit Exemption Determination (pursuant to OAR 340-093-0080(2)): \$500.

(3) Composting Facility Screening Fee. Every composting facility that is required to comply with OAR 340-096-0080: Screening must pay a screening fee of \$150. The fee must be submitted with the application for screening, as provided in OAR 340-096-0080(1).

(4) Composting Facility Plan Review and Approval Fee. Every composting facility that is required to comply with OAR 340-096-0090: Operations Plan Approval must pay a fee as provided below. The fee must be submitted with the proposed Operations Plan, as provided in OAR 340-096-0090(1). Agricultural composting facilities for which the Oregon Department of Agriculture is providing facility plan review and approval are not required to pay this fee.

(a) For facilities composting over 100 tons and less than or equal to 3,500 tons of feedstocks per year: \$500;

(b) For facilities composting over 3,500 tons and less than or equal to 7,500 of feedstocks tons per year: \$750;

(c) For facilities composting over 7,500 tons and less than or equal to 10,000 tons per year: \$1000;

(d) For facilities composting over 10,000 tons and less than or equal to 50,000 tons per year: \$2,000;

(e) For facilities composting over 50,000 tons per year: \$5,000.

(5) Composting Facility Engineering Review Fee. Every composting facility that requires department review of engineering plans and specifications under OAR 340-096-0130 must pay a fee of \$500. This fee is in addition to the fee required by (4) of this rule. Agricultural composting facilities for which the Oregon Department of Agriculture provides review of engineering plans and specifications are not required to pay this fee.

(6) Solid Waste Permit Compliance Fee. The Commission establishes the following fee schedule including base per-ton rates to be used to determine the solid waste permit compliance fee beginning with fiscal year 1993. The per-ton rates are based on the estimated solid waste to be received at all permitted solid waste disposal sites and on the department's Legislatively Approved Budget. The department will review annually the amount of revenue generated by this fee schedule. To determine the solid waste permit compliance fee, the department may use the base per-ton rates or any lower rates if the rates would generate more revenue than provided in the department's Legislatively Approved Budget. Any increase in the base rates must be fixed by rule by the Commission. (In any case where a facility fits into more than one category, the permittee must pay only the highest fee):

(a) All facilities accepting or permitted to accept solid waste except transfer stations, material recovery facilities and composting facilities:

(A) \$200, if the facility receives less than 1,000 tons of solid waste a year; or

# ADMINISTRATIVE RULES

(B) A solid waste permit compliance fee based on the total amount of solid waste received at the facility in the previous calendar quarter or year, as applicable, at the following rate:

(i) All municipal landfills, construction and demolition landfills, off-site industrial facilities, sludge disposal facilities, incinerators and solid waste treatment facilities: \$.21 per ton;

(ii) Captive industrial facilities: \$.21 per ton;

(iii) Energy recovery facilities: \$.13 per ton.

(C) If a disposal site (other than a municipal solid waste facility) is not required by the department to monitor and report volumes of solid waste collected, the solid waste permit compliance fee may be based on the estimated tonnage received in the previous quarter or year.

(b) Transfer stations and material recovery facilities:

(A) Facilities accepting over 50,000 tons of solid waste per year: \$1,000;

(B) Facilities accepting between 10,000 and 50,000 tons of solid waste per year: \$500;

(C) Facilities accepting less than 10,000 tons of solid waste per year: \$50.

(c) Composting facilities with a Composting Permit, except agricultural composting facilities for which the Oregon Department of Agriculture is providing facility oversight:

(A) Utilizing over 50,000 tons of feedstocks for composting per year: \$5,000;

(B) Utilizing over 7,500 and less than or equal to 50,000 tons of feedstocks for composting per year: \$1,000

(C) Utilizing over 3,500 and less than or equal to 7,500 tons of feedstocks for composting per year: \$500.

(D) Utilizing over 100 tons and less than or equal to 3,500 tons of feedstocks for composting per year: \$100.

(d) Closed Disposal Sites:

(A) Year of closure. If a land disposal site stops receiving waste before April 1 of the fiscal year in which the site permanently ceases active operations, the department will determine a pro-rated permit compliance fee for those quarters of the fiscal year not covered by the permit compliance fee paid on solid waste received at the site. The pro-rated fee for the quarters the site was closed shall be based on the calculation in paragraph (B) of this subsection;

(B) Each land disposal site which closes after July 1, 1984: \$150; or the average tonnage of solid waste received in the three most active years of site operation multiplied by \$.025 per ton, whichever is greater; but the maximum permit compliance fee shall not exceed \$2,500.

(7) 1991 Recycling Act permit fee:

(a) A 1991 Recycling Act permit fee must be submitted by each solid waste permittee which received solid waste in the previous calendar quarter or year, as applicable, except transfer stations, material recovery facilities, composting facilities and captive industrial facilities. The Commission establishes the 1991 Recycling Act permit fee as \$.09 per ton for each ton of solid waste received in the subject calendar quarter or year;

(b) The \$.09 per-ton rate is based on the estimated solid waste received at all permitted solid waste disposal sites subject to this fee and on the department's Legislatively Approved Budget. The department will review annually the amount of revenue generated by this rate. To determine the 1991 Recycling Act permit fee, the department may use this rate or any lower rate if the rate would generate more revenue than provided in the department's Legislatively Approved Budget. Any increase in the rate must be fixed by rule by the Commission;

(c) This fee is in addition to any other permit fee and per-ton fee which may be assessed by the department.

(8) Per-ton solid waste disposal fees on domestic solid waste. Each solid waste disposal site that receives domestic solid waste (except transfer stations, material recovery facilities, solid waste treatment facilities and composting facilities), and each person transporting solid waste out of Oregon for disposal at a disposal site that receives domestic solid waste except as excluded under OAR 340-097-0110(4)(c), must submit to the department the following fees for each ton of domestic solid waste received at the disposal site:

(a) A per-ton fee of 50 cents;

(b) An additional per-ton fee of 31 cents;

(c) Beginning January 1, 1993, an additional per-ton fee of 13 cents for the Orphan Site Account;

(d) Submittal schedule:

(A) These per-ton fees must be submitted to the department quarterly. Quarterly remittals shall be due on the 30th day of the month following the end of the calendar quarter;

(B) Disposal sites receiving less than 1,000 tons of solid waste per year must submit the fees annually on January 31. If the disposal site is not required by the department to monitor and report volumes of solid waste collected, the fees must be accompanied by an estimate of the population served by the disposal site;

(C) For solid waste transported out of state for disposal, the per-ton fees must be paid to the department quarterly. Quarterly remittals are due on the 30th day of the month following the end of the calendar quarter in which the disposal occurred. If the transportation is not on-going, the fee must be paid to the department within 60 days after the disposal occurs.

(e) As used in this rule and in OAR 340-097-0110, the term "domestic solid waste" does not include source separated recyclable material, or material recovered at the disposal site;

(f) Solid waste that is used as daily cover at a landfill in place of virgin soil will not be subject to the per-ton solid waste fees in this section, provided that:

(A) The amount of solid waste used as daily cover does not exceed the amount needed to provide the equivalent of six inches of soil used as daily cover;

(B) If disposed of in Oregon, the solid waste is not being used on a trial basis, but instead has received final approval from the department for use as daily cover; and

(C) If disposed of in a landfill outside of Oregon, the solid waste has received final approval from the appropriate state or local regulatory agency that regulates the landfill.

(g) For solid waste delivered to disposal facilities owned or operated by a Metropolitan Service District, the fees established in this section will be levied on the district, not on the disposal site.

Stat. Auth.: ORS 459.045, 459.235 & 468.065

Stats. Implemented: ORS 459.235, 459.236, 459A.110 & 459A.115

Hist.: DEQ 3-1984, f. & ef. 3-7-84; DEQ 12-1988, f. & cert. ef. 6-14-88; DEQ 14-1990, f. & cert. ef. 3-22-90; DEQ 45-1990, f. & cert. ef. 12-26-90; DEQ 12-1991(Temp), f. & cert. ef. 8-2-91; DEQ 28-1991, f. & cert. ef. 12-18-91; DEQ 8-1992, f. & cert. ef. 4-30-92; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0120; DEQ 23-1993, f. 12-16-93, cert. ef. 1-1-94; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09

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## Department of Fish and Wildlife Chapter 635

**Rule Caption:** Treaty Indian Fall Gill Net Fishery Set for Columbia River Above Bonneville Dam.

**Adm. Order No.:** DFW 95-2009(Temp)

**Filed with Sec. of State:** 8-19-2009

**Certified to be Effective:** 8-24-09 thru 12-31-09

**Notice Publication Date:**

**Rules Amended:** 635-041-0075

**Rules Suspended:** 635-041-0075(T)

**Subject:** Amended rule sets three Treaty Indian gill net fishing period in the Columbia River above Bonneville Dam (Zone 6). The fishery consists of one 84-hour fishing period and two 108-hour fishing periods, from 6:00 a.m. Monday, August 24, through 6:00 p.m. Saturday, September 12, 2009. Implementation is consistent with action taken August 18, 2009 by the Columbia River Compact agencies of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

### 635-041-0075

#### Fall Salmon Season

(1) Commercial sale of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Saturday, August 1, 2009 until further notice.

(a) Allowable sales include Chinook, coho, steelhead, sockeye, walleye, carp, shad, catfish, yellow perch and bass landed in mainstem platform hook and line and Yakama Nation Zone 6 tributary fisheries, and in the Yakama Nation fishery on the Washington shoreline from 600 feet below the fish ladder at the Bonneville Dam North shore powerhouse, downstream to Beacon Rock (bank fishing only). Fish may NOT be sold on USACE Property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(b) Gear is restricted to subsistence fishing gear: hoopnets, dipnets, and rod and reel with hook-and-line.

(2) Chinook, coho, steelhead, sockeye, walleye, carp, yellow perch, catfish, bass and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6 during the following periods:



# ADMINISTRATIVE RULES

2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09

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**Rule Caption:** Columbia River Fall Commercial Gillnet Fishing Area Modified.

**Adm. Order No.:** DFW 97-2009(Temp)

**Filed with Sec. of State:** 8-25-2009

**Certified to be Effective:** 8-25-09 thru 8-31-09

**Notice Publication Date:**

**Rules Amended:** 635-042-0031

**Rules Suspended:** 635-042-0031(T)

**Subject:** Amended rule modifies the fishing area authorized for the last two fishing periods in the fall commercial salmon season in the Columbia River mainstem from zones 4-5 to just zone 5. These fishing periods are scheduled to occur from 8:00 p.m. Tuesday, August 25 to 6:00 a.m. Wednesday, August 26, 2009 (10 hours) and from 8:00 p.m. Thursday, August 27 to 6:00 a.m. Friday, August 28, 2009 (10 hours).

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-042-0031

### Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River:

(a) Zones 1-5, as identified in OAR 635-042-0001 as follows: 7:00 p.m. Tuesday, August 4 to 7:00 a.m. Wednesday, August 5, 2009 (12 hours); and 7:00 p.m. Thursday, August 6 to 7:00 a.m. Friday, August 7, 2009 (12 hours).

(b) Zones 2-5 as follows:

7:00 p.m. Sunday, August 9 to 7:00 a.m. Monday, August 10, 2009 (12 hours);

(c) Zones 3-5, upstream of the Kalama River (above a line projected from the Goble Ramp on the Oregon shore to the downstream end of Kalama Chemical dock on the Washington shore) as follows:

8:00 p.m. Tuesday, August 18 to 6:00 a.m. Wednesday, August 19, 2009 (10 hours);

8:00 p.m. Thursday, August 20 to 6:00 a.m. Friday, August 21, 2009 (10 hours); and

(d) Zone 5 as follows:

8:00 p.m. Tuesday, August 25 to 6:00 a.m. Wednesday, August 26, 2009 (10 hours);

and 8:00 p.m. Thursday, August 27 to 6:00 a.m. Friday, August 28, 2009 (10 hours).

(2) It is *unlawful* to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010 (4)). Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) A maximum of three white sturgeon, 43-54 inches in fork length, may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open. The sturgeon possession and sales limit includes mainstem and Select Area fisheries. Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-

2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09

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**Rule Caption:** Restrictions to Public Access of Department Hatcheries.

**Adm. Order No.:** DFW 98-2009(Temp)

**Filed with Sec. of State:** 8-26-2009

**Certified to be Effective:** 8-26-09 thru 2-21-10

**Notice Publication Date:**

**Rules Adopted:** 635-008-0210

**Subject:** This adopted rule sets restrictions to public access and use of Department hatcheries and their grounds. The public is prohibited access between the hours of 10:00 p.m. and 4:00 a.m. daily. This rule also prohibits open fires and the running of dogs not on a leash, for public safety purposes. Camping on Department hatchery property is prohibited unless specifically authorized by the hatchery's manager.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-008-0210

### Public Access to Department Hatcheries

(1) In addition to the provisions of OAR 635-008-0200, the following restrictions to public use of Department hatcheries apply:

(a) Public access to Department hatchery property is prohibited between the hours of 10:00 p.m. and 4:00 a.m. daily;

(b) Open fires are prohibited;

(c) Camping is prohibited unless specifically authorized by the Hatchery Manager;

(d) Dogs must be on leash while inside the main hatchery grounds.

(2) The restrictions described in section (1) above also apply to the following Department property: Cedar Creek Access, adjacent to Sandy Hatchery and located on the Sandy River near the confluence with Cedar Creek (at T2S, R4E, Sec 12).

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: DFW 98-2009(Temp), f. & cert. ef. 8-26-09 thru 2-21-10

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**Rule Caption:** Bag Limit for Hatchery Coho Increased in Select Tributaries of the Lower Columbia River.

**Adm. Order No.:** DFW 99-2009(Temp)

**Filed with Sec. of State:** 8-26-2009

**Certified to be Effective:** 9-1-09 thru 12-31-09

**Notice Publication Date:**

**Rules Amended:** 635-014-0090

**Rules Suspended:** 635-014-0090(T)

**Subject:** The amended rule allows the sport harvest of three hatchery coho per day in: Bear Creek; Big Creek; Clatskanie River; Gnat Creek; John Day River; Klaskanine River; Lewis & Clark River; Young's Bay; and Young's River. These modifications allow sport anglers opportunities to harvest substantial numbers of coho that are returning to hatchery facilities. Seasons and dates are the same as found in the 2009 Oregon Sport Fishing Regulations.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

# ADMINISTRATIVE RULES

635-014-0090

## Inclusions and Modifications

(1) The **2009 Oregon Sport Fishing Regulations** provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2009 Oregon Sport Fishing Regulations.

(2) Fishhawk Lake (Nehalem Basin) is open for trout angling through October 31, 2009.

(a) Retention of trout is allowed, 2 per day; 2 daily limits in possession; 8-inch minimum length;

(b) Angling restricted to artificial flies and lures only through August 31, 2009.

(3) Notwithstanding all other requirements provided in the **2009 Oregon Sport Fishing Regulations**, the following additional rules apply to angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River, Sand Lake, Nestucca River Basin (including the Little Nestucca River), Salmon River, and Siuslaw River Basin that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 5 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone with a 5 adult non fin-clipped Chinook salmon seasonal aggregate limit, and no more than 10 total adult non fin-clipped Chinook salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31, 2009.

(b) In those waters of the Necanicum River listed as open for Chinook or steelhead angling, fin-clipped coho may be retained as part of the adult and jack salmon daily bag limit.

(A) Retention of trout is allowed, 2 per day; 2 daily limits in possession; 8-inch minimum length;

(B) Angling restricted to artificial flies and lures only May 23 through August 31, 2009.

(c) In those waters of the Nehalem River Basin listed as open for salmon or steelhead in the 2009 Oregon Sport Fishing Regulations, the daily catch limit is 2 adult salmon or steelhead in combination except:

(A) Closed for Chinook salmon from August 1 through December 31, 2009;

(B) From August 1 through December 31, the daily catch limit increases to three total adult salmon or steelhead in combination if at least 1 retained salmon is an adult coho with a healed fin clip; and

(C) Open for adipose fin-clipped coho inland from the tips of the jetties upstream to Miami River-Foley Creek Road bridge as per zone regulations. All retained coho salmon must have a healed fin-clip, except:

(i) Open in Nehalem Bay upstream to the Miami-Foley Bridge on the South Fork Nehalem River and upstream to North Fork Road Bridge (at Aldervale) on the North Fork for all coho from September 1 through the earlier of November 30 or attainment of an adult coho quota of 1,000 non-fin-clipped coho.

(D) The daily catch limit may include one adult non fin-clipped coho salmon per day and one non fin-clipped jack coho salmon, and no more than 5 total adult non fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(d) In those waters of the Tillamook Basin (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers), listed as open for salmon or steelhead in the 2009 Oregon Sport Fishing Regulations, the daily catch limit is 2 adult salmon or steelhead except:

(A) In those waters open for Chinook salmon the daily catch limit may include no more than 1 adult non fin-clipped Chinook salmon per day and 5 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone with a 5 adult non fin-clipped Chinook salmon seasonal aggregate limit, and no more than 10 total adult non fin-clipped Chinook salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31, 2009; and

(B) In those waters open for coho salmon from August 1 through October 31, the daily catch limit increases to three total adult salmon or steelhead in combination if at least 1 of the retained salmon is an adult coho with a healed fin clip.

(e) In all waters of the Siletz River Basin, Yaquina River Basin, Alsea River Basin, and Yachats River Basin open for Chinook salmon, the daily catch limit may include no more than 1 adult non fin-clipped Chinook salmon per day and 2 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone with a 2 adult non fin-clipped Chinook salmon seasonal aggregate limit, and no more than 10 total adult non fin-clipped Chinook salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31, 2009.

(f) Within the Siletz River Basin the following additional rules apply:

(A) Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at river mile 8 is closed for Chinook salmon from August 1 through December 31, 2009; and

(B) All waters of the Siletz River (including all tributaries) upstream of Morgan Park at river mile 25.0 are closed for Chinook salmon from August 1 through December 31, 2009.

(g) Within the Yaquina River Basin the following additional rules apply:

(A) All waters of the Yaquina River upstream of the confluence of the Yaquina River and Big Elk Creek at river mile 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31, 2009; and

(B) All retained coho salmon must have a healed fin-clip, except open in Yaquina River and Bay upstream to the confluence of the Yaquina River and Big Elk Creek at river mile 18.3 for all coho from September 1 through the earlier of November 30 or attainment of an adult coho quota of 500 non-fin-clipped coho. The daily catch limit may include one adult non fin-clipped coho salmon per day and one non fin-clipped jack coho salmon, and no more than 5 total adult non fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(h) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) upstream of the lower Drift Creek Wilderness Area boundary at river mile 10.5 are closed for Chinook salmon from August 1 through December 31, 2009; and

(B) all waters of the Alsea River upstream of the confluence with Five Rivers at river mile 21; and

(C) all waters of Five Rivers are closed for Chinook salmon from August 1 through December 31, 2009.

(i) Within the Siuslaw River Basin the following additional rules apply:

(A) All waters of the Siuslaw River upstream of the confluence with Lake Creek at river mile 30 are closed for Chinook salmon from August 1 through December 31, 2009;

(B) All waters of Lake Creek are closed for Chinook salmon from August 1 through December 31, 2009.

(j) In those waters of Bear Creek, Big Creek, Clatskanie River, Gnat Creek, John Day River, Klaskanine River, Lewis & Clark River, Young's Bay, and Young's River during open seasons for coho salmon the additional rules apply: Effective September 1, 2009 the daily bag limit in the aggregate is 2 adult salmon or steelhead per day, with the exception that one additional adult adipose fin-clipped coho may be retained per day for a total aggregate of 3 adult fish, of which no more than 2 may be a Chinook or fin-clipped steelhead, harvested daily.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-

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2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp), f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp), f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef. 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert. ef. 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06; DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 63-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 43-2009(Temp), f. 5-5-09, cert. ef. 5-22-09 thru 10-31-09; DFW 67-2009(Temp), f. 6-9-09, cert. ef. 6-15-09 thru 10-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 99-2009(Temp), f. 8-26-09, cert. ef. 9-1-09 thru 12-31-09

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**Rule Caption:** Columbia River Fall Commercial Gillnet Fishing Period Rescinded.

**Adm. Order No.:** DFW 100-2009(Temp)

**Filed with Sec. of State:** 8-27-2009

**Certified to be Effective:** 8-27-09 thru 8-31-09

**Notice Publication Date:**

**Rules Amended:** 635-042-0031

**Rules Suspended:** 635-042-0031(T)

**Subject:** Amended rule rescinds the last fishing period authorized for the fall commercial salmon season in the Columbia River mainstem in zone 5. This fishing period had previously been scheduled to occur from 8:00 p.m. Thursday, August 27 to 6:00 a.m. Friday, August 28, 2009 (10 hours). By rescinding this final fishing period in the early fall gill net fishery, the fishery is thereby closed.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-042-0031

### Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River:

(a) Zones 1-5, as identified in OAR 635-042-0001 as follows: 7:00 p.m. Tuesday, August 4 to 7:00 a.m. Wednesday, August 5, 2009 (12 hours); and 7:00 p.m. Thursday, August 6 to 7:00 a.m. Friday, August 7, 2009 (12 hours).

(b) Zones 2-5 as follows:

7:00 p.m. Sunday, August 9 to 7:00 a.m. Monday, August 10, 2009 (12 hours);

(c) Zones 3-5, upstream of the Kalama River (above a line projected from the Goble Ramp on the Oregon shore to the downstream end of Kalama Chemical dock on the Washington shore) as follows:

8:00 p.m. Tuesday, August 18 to 6:00 a.m. Wednesday, August 19, 2009 (10 hours); 8:00 p.m. Thursday, August 20 to 6:00 a.m. Friday, August 21, 2009 (10 hours); and

(d) Zone 5 as follows:

8:00 p.m. Tuesday, August 25 to 6:00 a.m. Wednesday, August 26, 2009 (10 hours).

(2) It is unlawful to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010(4)). Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) A maximum of three white sturgeon, 43-54 inches in fork length, may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open. The sturgeon possession and sales limit includes mainstem and Select Area fisheries. Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-

2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09

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**Rule Caption:** Commercial Vessels Allowed To Retrieve Dungeness Crab Gear August 29 Through October 31, 2009.

**Adm. Order No.:** DFW 101-2009(Temp)

**Filed with Sec. of State:** 8-27-2009

**Certified to be Effective:** 8-29-09 thru 10-31-09

**Notice Publication Date:**

**Rules Amended:** 635-005-0055

**Subject:** This amended rule allows commercial fishermen to retrieve any commercial Dungeness crab fishing gear from the ocean and transport that gear to shore beginning August 29 and continuing through October 31, 2009 to facilitate retrieval of commercial ocean Dungeness crab gear remaining in the ocean following closure of the crab season. Before the implementation of crab pot limit rules it was common practice for commercial fishing vessels to retrieve another vessel's crab gear and bring it to shore for the owner to pick up.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-005-0055

### Fishing Gear

It is *unlawful* for commercial purposes to:

(1) Take crab by any means other than crab rings or crab pots (ORS 509.415); a crab ring is any fishing device that allows crab unrestricted entry or exit while fishing.

(2) Possess on a vessel, use, control, or operate any crab pot which is greater than thirteen cubic feet in volume, calculated using external dimensions.

(3) Possess on a vessel, use, control, or operate any crab pot which does not include a minimum of two circular escape ports of at least 4-1/4 inches inside diameter located on the top or side of the pot. If escape ports are placed on the side of the pot, they shall be located in the upper half of the pot.

(4) Possess on a vessel, use, control, or operate any crab pot which does not have a release mechanism. Acceptable release mechanisms are:

(a) Iron lid strap hooks constructed of iron or "mild" steel rod (not stainless steel) not to exceed 1/4-inch (6 mm) in diameter;

(b) A single loop of untreated cotton or other natural fiber twine, or other twine approved by the Department not heavier than 120 thread size between pot lid tiedown hooks and the tiedown straps; or

(c) Any modification of the wire mesh on the top or side of the pot, secured with a single strand of 120 thread size untreated cotton, natural fiber, or other twine approved by the Department which, when removed, will create an opening of at least five inches in diameter.

(5) Place, operate, or leave crab rings or pots in the Pacific Ocean and Columbia River or in any bay or estuary during the closed season, except that in only the Pacific Ocean and Columbia River, rings or pots may be placed no more than 64 hours immediately prior to the date the Dungeness crab season opens. In addition, unbaited crab rings or pots with open release mechanisms may be left in the Pacific Ocean (not including the Columbia River) for a period not to exceed 14 days following the closure of the Dungeness crab season.

# ADMINISTRATIVE RULES

(6) Have Dungeness crab gear deployed in the Pacific Ocean or Columbia River more than 14 days without making a landing of Dungeness crab.

(7) Use commercial crab pots in the Columbia River or Pacific Ocean unless the pots are individually marked with a surface buoy bearing, in a visible, legible and permanent manner, the brand of the owner and the Department buoy tag, provided that:

(a) The brand is a number registered with and approved by the Department;

(b) Only one unique buoy brand shall be registered to any one permitted vessel;

(c) All crab pots fished by a permitted vessel must use only the Oregon buoy brand number registered to that vessel in the area off of Oregon;

(d) The Department shall issue crab buoy tags to the owner of each commercial crab permit in the amount determined by OAR 635-006-1015(1)(g)(E);

(e) All buoy tags eligible to a permit holder must be purchased from the Department at cost and attached to the gear prior to setting gear; and

(f) Buoys attached to a crab pot must have the buoy tag securely attached to the first buoy on the crab pot line (the buoy closest to the crab pot) at the end away from the crab pot line;

(g) Additional buoy tags to replace lost tags will be issued by the Department as follows:

(A) As of the first business day after 30 days following the season opening in the area fished, up to ten percent of the tags initially issued for that season; or

(B) For a catastrophic loss, defined as direct loss of non-deployed gear in the event of a vessel being destroyed due to fire, capsizing, or sinking. Documentation of a catastrophic loss may include any information the Department considers appropriate, such as fire department or US Coast Guard reports; or

(C) If the Director finds that the loss of the crab pot buoy tags was:

(i) Due to an extraordinary event; and

(ii) The loss was minimized with the exercise of reasonable diligence;

and

(iii) Reasonable efforts were taken to recover lost buoy tags and associated fishing gear.

(D) Upon receipt of the declaration of loss required by subsection (7)(g)(E) of this rule, and a request for replacement tags under subsection (7)(g)(C) of this rule, the Director or the Director's designee may provide an opportunity for the permit holder requesting the replacement tags to describe why the buoy tag loss meets the criteria for replacement under subsection (7)(g)(C). The Director or the Director's designee shall provide the Director's order to the permit holder and to the Department's License Services. The permit holder may appeal the Director's findings to the Fishery Permit Review Board under OAR 635-006-1065(1)(g).

(E) Permit holders (or their alternative designated on the buoy tag order form) must obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of an authorized Department employee. The declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.

(8) Remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the vessel's buoys and pots.

(9) Attach one crab pot to another crab pot or ring net by a common groundline or any other means that connects crab pots together.

(10) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.

(11) Operate more than 15 crab rings from any one fishing vessel in bays or estuaries, except the Columbia River.

(12) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean adjacent to the state of Oregon unless a crab pot allocation has been issued to the permit required under OAR 635-006-1015(1)(g).

(13) Deploy or fish more crab pots than the number of pots assigned by the crab pot allocation certificate or to use any vessel other than the vessel designated on the crab pot allocation, except to set gear as allowed under OAR 635-006-1015.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 285(74-20), f. 11-27-74, ef. 12-25-74, Renumbered from 625-010-0160; FWC 49-1978, f. & ef. 9-27-78, Renumbered from 635-036-0130; FWC 56-1982, f. & ef. 8-27-82; FWC 81-1982, f. & ef. 11-4-82; FWC 82-1982(Temp), f. & ef. 11-9-82; FWC 13-1983, f. & ef. 3-24-83; FWC 11-1984, f. 3-30-84, ef. 9-16-84, except section (5) per FWC 45-1984, f. & ef. 8-30-84; FWC 72-1984, f. & ef. 10-22-84; FWC 30-1985, f.

6-27-85, ef. 7-1-85; FWC 78-1986 (Temp), f. & ef. 12-1-86; FWC 97-1987(Temp), f. & ef. 11-17-87; FWC 102-1988, f. 11-29-88, cert. ef. 12-29-88; FWC 107-1990, f. & cert. ef. 10-1-90; FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93; FWC 84-1994, f. 10-31-94, cert. ef. 12-1-94; FWC 68-1996(Temp), f. & cert. ef. 12-5-96; FWC 2-1997, f. 1-27-97, cert. ef. 2-1-97; DFW 45-2006, f. 6-20-06, cert. ef. 12-1-06; DFW 96-2006(Temp), f. & cert. ef. 9-8-06 thru 3-6-07; DFW 97-2006(Temp), f. 9-8-06, cert. ef. 9-9-06 thru 3-7-07; DFW 123-2006(Temp), f. 11-28-06, cert. ef. 12-1-06 thru 3-7-06; DFW 135-2006(Temp), f. & cert. ef. 12-26-06 thru 6-15-07; DFW 11-2007, f. & cert. ef. 2-14-07; DFW 41-2007, f. & cert. ef. 6-8-07; DFW 82-2007(Temp), f. 8-31-07, cert. ef. 9-1-07 thru 10-31-07; DFW 113-2007, f. & cert. ef. 10-25-07; DFW 127-2007(Temp), f. & cert. ef. 12-11-07 thru 6-7-08; DFW 129-2007(Temp), f. & cert. ef. 12-14-07 thru 6-7-08; DFW 29-2008(Temp), f. & cert. ef. 3-25-08 thru 8-31-08; DFW 59-2008(Temp), f. & cert. ef. 6-11-08 thru 8-28-08; DFW 98-2008(Temp), f. 8-19-08, cert. ef. 8-29-08 thru 10-31-08; Administrative correction 11-18-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 145-2008(Temp), f. 11-24-08, cert. ef. 12-1-08 thru 5-29-09; DFW 54-2009(Temp), f. 5-19-09, cert. ef. 5-29-09 thru 8-28-09; DFW 101-2009(Temp), f. 8-27-09, cert. ef. 8-29-09 thru 10-31-09

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**Rule Caption:** Commercial Oregon Ocean Terminal Area Chinook Salmon Fisheries.

**Adm. Order No.:** DFW 102-2009(Temp)

**Filed with Sec. of State:** 8-27-2009

**Certified to be Effective:** 9-1-09 thru 12-31-09

**Notice Publication Date:**

**Rules Amended:** 635-003-0085

**Subject:** Amend rules to implement Commercial Oregon ocean terminal area Chinook salmon fisheries beginning September 1, 2009.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-003-0085

### Extended Commercial Seasons

In addition to the open seasons prescribed in OAR 635-003-0003 there are open seasons for Chinook salmon as follows:

(1) Elk River Ocean Terminal Area — from October 15 through the earlier of November 30 or quota of 300 Chinook in the area described in section (1)(a) of this rule:

(a) The open area is all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°43'48" N. Lat. 124°32'08" W. Long., thence due East through Tichenor Rock (42°43'48" N. Lat. 124°30'36" W. Long.) to shore;

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 28 inches in total length; it is unlawful to use multipoint or barbed hooks or to fish more than four spreads per line; it is unlawful to make more than one landing of Chinook per day; and it is unlawful to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(2) Tillamook Bay Ocean Terminal Area — from September 1 through the earlier of October 31 or quota of 300 Chinook in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area between Pyramid Rock (45°29'48" N. Lat.) and Twin Rocks 45°35'54" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (2), it is unlawful to take Chinook salmon less than 28 inches in total length and it is unlawful to use multipoint or barbed hooks or to fish more than four spreads per line; and it is unlawful to have in possession or to land more than 25 Chinook per calendar week (Sunday through Saturday). Landings are restricted to Garibaldi.

Stat. Auth.: ORS 496.138, 496.146, & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 48-1984(Temp), f. & ef. 8-31-84; 57-1984(Temp), f. & ef. 9-15-84; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 106-1992(Temp), f. 10-8-92, cert. ef. 10-24-92; FWC 111-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 80-1994(Temp), f. 10-25-94, cert. ef. 10-26-94; FWC 82-1994(Temp), f. 10-28-94, cert. ef. 10-30-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 85-1995(Temp), f. & cert. ef. 10-20-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 66-1997(Temp), f. 10-24-97, cert. ef. 10-26-97; FWC 67-1997(Temp), f. 10-28-97, cert. ef. 10-29-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 78-2006(Temp), f. 8-7-06, cert. ef. 9-1-06 thru 12-15-06; Administrative correction 12-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 65-2008(Temp), f. 6-20-08, cert. ef. 9-1-08 thru 12-31-08; DFW 128-2008(Temp), f. 10-9-08, cert. ef. 10-12-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 102-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09

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**Rule Caption:** Bag Limit for Coho Increased In Sandy and Willamette Rivers and Tributaries.

**Adm. Order No.:** DFW 103-2009(Temp)

**Filed with Sec. of State:** 8-27-2009

# ADMINISTRATIVE RULES

**Certified to be Effective:** 9-1-09 thru 12-31-09

**Notice Publication Date:**

**Rules Amended:** 635-017-0090

**Subject:** The amended rule allows the sport harvest of three hatchery coho in each of the Clackamas and Sandy rivers and Eagle Creek (Clackamas River tributary) effective Tuesday, September 1, 2009. This modification allows sport anglers opportunities to harvest substantial numbers of coho that are returning to hatchery facilities.

Modifications also allow sport harvest of three coho salmon in the Willamette River (river section 2 only) upstream of Willamette Falls and Tualatin, Yamhill, Molalla, and Santiam rivers. Modifications allow sport anglers opportunity to harvest a very large return of naturally produced coho salmon found upstream of Willamette Falls. Willamette Falls historically restricted access to fall returning salmon prior to development of a fish ladder that provided access year-round to all fish species. Hatchery programs were discontinued in the late 90's in response to ESA listing of several salmon and steelhead stocks in the region. Hatchery fish released in the late 90's continue to naturally reproduce which has led to an increasing trend in abundance of coho upstream of Willamette Falls.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-017-0090

### Inclusions and Modifications

(1) The **2009 Oregon Sport Fishing Regulations** provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2009 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Effective September 1, 2009 through December 31, 2009 the Santiam River is open to the harvest of coho salmon as follows: Mainstem (open September 1, 2009 through December 31, 2009); North Fork up to Stayton-Scio Bridge in Stayton (open September 1, 2009 through December 31, 2009); North Fork from Stayton-Scio Bridge in Stayton up to Big Cliff Dam (open November 1, 2009 through December 31, 2009); South Fork up to Grant Street Bridge in Lebanon (open September 1, 2009 through December 31, 2009); South Fork from Grant Street Bridge in Lebanon up to Foster Dam (open November 1, 2009 through December 31, 2009)

(4) Effective September 1, 2009 the daily bag limit for adult salmon or steelhead is 2 per day, 20 per year. 5 jacks per day, 2 daily jack limits in possession, with the exception that in the Clackamas and Sandy rivers and Eagle Creek a tributary of the Clackamas River one additional adipose fin-clipped coho salmon may be retained per day for a total aggregate of three fish harvested daily.

(a) The daily bag limit described in section (4) above is a combined total for all open waters.

(5) Effective September 1, 2009 the daily bag limit for adult salmon or steelhead is 2 per day, 20 per year. 5 jacks per day, 2 daily jack limits in possession, with the exception that in the Tualatin and Yamhill rivers one additional coho salmon may be retained for a total aggregate of three fish harvested daily and in the Molalla, Santiam rivers (described in section (3) above), and Willamette River (river section 2 only) one additional coho

salmon or adipose fin-clipped steelhead may be retained per day for a total aggregate of three fish harvested daily.

(b) The daily bag limit described in section (5) above is a combined total for all open waters.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp) f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09

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**Rule Caption:** Additional Harvest Opportunity During Shortened Fishing Season on Walton Lake and Antelope Flat Reservoir.

**Adm. Order No.:** DFW 104-2009(Temp)

**Filed with Sec. of State:** 8-28-2009

**Certified to be Effective:** 9-1-09 thru 12-31-09

**Notice Publication Date:**

**Rules Amended:** 635-018-0090

**Subject:** This rule implements modifications to the daily limits and harvest length restrictions for all game fish species in Walton Lake and Antelope Flat Reservoir from September 1 through October 18, 2009. There will be no daily catch or possession limits and no minimum length requirements preceding closure to fishing on October 19. This closure is earlier than previously published in the 2009 Oregon Sport Fishing Regulations. On or about October 19, Walton Lake and Antelope Flat Reservoir will be chemically treated with rotenone in order to remove exotic bullhead catfish (*Ameiurus nebulosus*) and smallmouth bass (*Micropterus dolomieu*).

**Rules Coordinator:** Therese Kucera—(503) 947-6033

# ADMINISTRATIVE RULES

635-018-0090

## Inclusions and Modifications

(1) The **2009 Oregon Sport Fishing Regulations** provide requirements for the Central Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2009 Oregon Sport Fishing Regulations.

(2) The Deschutes River from the mouth at the I-84 Bridge upstream to Sherars Falls is open to angling for trout, steelhead, and Chinook salmon from August 1 to October 31, 2009. The catch limit for Chinook salmon is two adults and five jacks per day. Catch limits and restrictions applying to trout, steelhead, and coho remain unchanged from those listed in the **2009 Oregon Sport Fishing Regulations** for Area 1 of the Deschutes River.

(3) Walton Lake and Antelope Flat Reservoir are open to angling for all game fish species from September 1 through October 18, 2009 with the following restrictions:

- (a) Harvest is allowed by hand, dip net or angling;
- (b) There are no daily catch or possession limits; and
- (c) There are no minimum length requirements.

(4) Walton Lake and Antelope Flat Reservoir are closed after October 18, 2009.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 20-1994(Temp), f. & cert. ef. 4-11-94; FWC 24-1994(Temp), f. 4-29-94, cert. ef. 4-30-94; FWC 34-1994(Temp), f. 6-14-94, cert. ef. 6-16-94; FWC 54-1994, f. 8-25-94, cert. ef. 9-1-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 67-1994(Temp), f. & cert. ef. 9-26-94; FWC 70-1994, f. 10-4-95, cert. ef. 11-1-94; FWC 18-1995, f. 3-2-95, cert. ef. 4-1-95; FWC 60-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 11-1996(Temp), f. 3-8-96, cert. ef. 4-1-96; FWC 32-1996(Temp), f. 6-7-96, cert. ef. 6-16-96; FWC 38-1996(Temp), f. 6-14-96, cert. ef. 7-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 20-1997, f. & cert. ef. 3-24-97; FWC 21-1997, f. & cert. ef. 4-1-97; FWC 27-1997(Temp), f. 5-2-97, cert. ef. 5-9-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 25-1998(Temp), f. & cert. ef. 3-25-98 thru 8-31-98; DFW 56-1998(Temp), f. 7-24-98, cert. ef. 8-1-98 thru 10-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 12-2000(Temp), f. 3-20-00, cert. ef. 4-15-00 thru 7-31-00; DFW 27-2000(Temp), f. 5-15-00, cert. ef. 8-1-00 thru 10-31-00; DFW 28-2000, f. 5-23-00, cert. ef. 5-24-00 thru 7-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 13-2001(Temp), f. 3-12-01, cert. ef. 4-7-01 thru 7-31-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 44-2001(Temp), f. 5-25-01, cert. ef. 6-1-01 thru 7-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 23-2002(Temp), f. 3-21-02, cert. ef. 4-6-02 thru 7-31-02; DFW 25-2002(Temp), f. 3-22-02, cert. ef. 4-6-02 thru 7-31-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 62-2002, f. 6-14-02, cert. ef. 7-11-02; DFW 74-2002(Temp), f. 7-18-02, cert. ef. 8-1-02 thru 10-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 97-2002(Temp), f. & cert. ef. 8-29-02 thru 10-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 26-2003(Temp), f. 3-28-03, cert. ef. 4-15-03 thru 7-31-03; DFW 66-2003(Temp), f. 7-17-03, cert. ef. 8-1-03 thru 10-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 23-2004(Temp), f. 3-22-04, cert. ef. 4-1-04 thru 7-31-04; DFW 77-2004(Temp), f. 7-28-04, cert. ef. 8-1-04 thru 10-31-04, Administrative correction 11-22-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 19-2005(Temp), f. 3-16-05, cert. ef. 4-15-05 thru 7-31-05; DFW 41-2005(Temp), f. 5-13-05, cert. ef. 5-15-05 thru 7-31-05; DFW 83-2005(Temp), f. 7-29-05, cert. ef. 8-1-05 thru 10-31-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 59-2006(Temp), f. 7-10-06, cert. ef. 8-1-06 thru 10-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 18-2007(Temp), f. 3-22-07, cert. ef. 4-15-07 thru 7-31-07; DFW 55-2007(Temp), f. 7-6-07, cert. ef. 8-1-07 thru 10-31-07; Administrative correction 11-17-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 26-2008(Temp), f. 3-17-08, cert. ef. 4-15-08 thru 7-31-08; DFW 27-2008(Temp), f. 3-24-08, cert. ef. 5-1-08 thru 10-27-08; Administrative correction 11-18-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 16-2009(Temp), f. 2-25-09, cert. ef. 4-15-09 thru 6-30-09; DFW 61-2009(Temp), f. 6-1-09, cert. ef. 8-1-09 thru 10-31-09; DFW 104-2009(Temp), f. 8-28-09, cert. ef. 9-1-09 thru 12-31-09

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**Rule Caption:** Amend the date for the September Youth Upland Bird Hunt in John Day.

**Adm. Order No.:** DFW 105-2009(Temp)

**Filed with Sec. of State:** 8-28-2009

**Certified to be Effective:** 8-28-09 thru 9-30-09

**Notice Publication Date:**

**Rules Amended:** 635-051-0075

**Subject:** Amend rules to correct the season dates for the September Youth Upland Bird Hunt in John Day.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

635-051-0075

## September Youth Pheasant Hunting

Notwithstanding the provisions of the 2009–2010 Oregon Game Bird Regulations, the season dates listed on page 22 for the September Youth Upland Bird Hunt in John Day are corrected to be September 19 through September 20, 2009.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 78-1991, f. & cert. ef. 7-29-91; FWC 69-1992, f. & cert. ef. 8-7-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 105-2009(Temp), f. & cert. ef. 8-28-09 thru 9-30-09

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**Rule Caption:** Amend rules related to purchasing hunting tag after the tag sale deadline

**Adm. Order No.:** DFW 106-2009(Temp)

**Filed with Sec. of State:** 9-2-2009

**Certified to be Effective:** 9-2-09 thru 3-1-10

**Notice Publication Date:**

**Rules Amended:** 635-065-0015

**Subject:** Amend rules to allow the department to sell tags after the tag sale deadline. The hunter must provide the Department with a written affidavit certifying that the person has not yet hunted during the season for which the tag is sought.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

635-065-0015

## General Tag Requirements and Limits

(1) Big Game Tags: Any person hunting game mammals for which a tag is required must have on their person a valid tag for the dates, area and species being hunted.

(2) Any person 12 years of age or older may purchase game mammal tags if they possess an adult hunting license.

(3) A person may obtain and possess during an annual hunting season only:

- (a) One valid general season black bear tag;
- (b) One valid additional general black bear tag valid in management units 20-30;
- (c) One valid controlled black bear tag in addition to general season bear tags issued under subsection (a) and (b) above;
- (d) One valid 700 series “leftover” controlled bear tag;
- (e) One valid cougar (mountain lion) tag;
- (f) One valid eastern additional general cougar (mountain lion) tag;
- (g) One valid pronghorn antelope tag.

(4) Except as provided in OAR chapter 635, division 090, and except as provided in OAR 635-075-0010, a person may obtain and possess only one of the following tags during an annual hunting season:

- (a) One valid deer bow tag;
- (b) One valid western Oregon deer tag;
- (c) One valid 100 series controlled buck hunt tag;
- (d) One valid 600 series controlled antlerless deer tag in addition to one of (4)(a)–(4)(c) and (4)(e);
- (e) One valid 100 series “left over” controlled deer tag;
- (f) One valid 600 series “left over” controlled deer tag;

(5) Except as provided in OAR chapter 635, division 090, a person may obtain and possess only one of the following tags during an annual hunting season:

- (a) One valid Cascade elk tag;
- (b) One valid Coast First Season elk tag;
- (c) One valid Coast Second Season elk tag;
- (d) One valid Rocky Mountain elk — first season tag,
- (e) One valid Rocky Mountain elk — second season tag;
- (f) One valid elk bow tag;
- (g) One valid controlled elk hunt tag;

(6) In addition to the tags described in OAR 635-065-0015(5), a person during an annual hunting season may obtain or possess only one valid 200 series “leftover” controlled elk tag.

(7) Except as provided in OAR 635-067-0032 thru 635-067-0034, a person may obtain and possess only one bighorn sheep ram tag in a lifetime.

(8) A person may obtain and possess only one Rocky Mountain goat tag in a lifetime.

(9) It is unlawful for any person to issue or to possess any game mammal tag which has been backdated.

(10) Any game mammal tag having an issue date subsequent to the last day authorized for issue of such tag as listed in “Oregon Big Game Regulations” for the current season is a void tag. Exception:

(a) Members of the armed forces returning to the state after the deadline shall be permitted to purchase general season tags for themselves at the Salem headquarters and regional offices of the department.

(b) Notwithstanding the deadlines for tag purchases provided by rule and in the hunting regulation synopses, any person who qualifies to

# ADMINISTRATIVE RULES

purchase a tag but fails to make the purchase by the deadline, may purchase the tag late if the person

(A) Submits a written affidavit certifying that the person has not yet hunted during the season for which the tag is sought to the Department's Licensing Services Office;

(B) The request must be received by the Department before the end of the season for the particular tag; and

(C) Pays the Department the fee for a duplicate tag, in addition to the usual tag fee.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89, Renumbered from 635-65-780; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 18-1994, f. & cert. ef. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 6-17-97, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 54-2000(Temp), f. & cert. ef. 8-28-00 thru 12-31-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 52-2001(Temp), f. & cert. ef. 6-27-01 thru 12-24-01; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 106-2009(Temp), f. & cert. ef. 9-2-09 thru 3-1-10

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**Rule Caption:** Columbia River Select Area Fisheries Close to Retention of White Sturgeon on September 6, 2009.

**Adm. Order No.:** DFW 107-2009(Temp)

**Filed with Sec. of State:** 9-2-2009

**Certified to be Effective:** 9-5-09 thru 10-31-09

**Notice Publication Date:**

**Rules Amended:** 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180

**Rules Suspended:** 635-042-0145(T), 635-042-0160(T), 635-042-0170(T), 635-042-0180(T)

**Subject:** Amended rules close the 2009 fall commercial Select Area salmon fisheries to retention of white sturgeon effective September 6, 2009. Fall Select Area fisheries modified include: Youngs Bay; Blind and Knappa sloughs; Tongue Point/South Channel and Deep River.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-042-0145

### Youngs Bay Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in those waters of Youngs Bay through 12:00 midnight Saturday, September 5, 2009. Effective Sunday, September 6, 2009 salmon may be taken but sturgeon may not be retained.

(a) The open fishing periods are established in segments categorized as the winter fishery; the spring fishery; the summer fishery; and the fall fishery as follows:

(A) Fall Season 7:00 p.m. Monday, August 31 to noon Saturday, October 31, 2009 (61 days);

(b) The fishing area for the Youngs Bay fall fisheries includes:

(A) All waters from the new Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is *unlawful* to use a gill net having a mesh size that is more than 6-inches after August 27, 2009.

(b) The use of additional weights or anchors attached directly to the headline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries.

(c) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) through 12:00 midnight Saturday, September 5, 2009 and no sturgeon may be retained effective 12:01 a.m. Sunday, September 6, 2009. The weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-5-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. & cert. ef. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-15-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09

## 635-042-0160

### Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes during the open fishing periods described below through 12:00 midnight Saturday, September 5, 2009. Effective Sunday, September 6, 2009 salmon may be taken but sturgeon may not be retained.

(a) Open fishing periods for the fall season in Blind and Knappa Sloughs are:

(A) 7:00 p.m. on Monday, Tuesday, Wednesday and Thursday nights to 7:00 a.m. the following morning (12 hours) from August 31 through September 18, 2009 (12 nights); and

# ADMINISTRATIVE RULES

(B) 6:00 p.m. on Monday, Tuesday, Wednesday and Thursday nights to 8:00 a.m. the following morning (14 hours) from September 21 through October 30, 2009 (24 nights).

(b) The fishing areas for the season are:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore. Markers define an area closure of about a 100 foot radius at the mouth of Big Creek.

(c) Gear restrictions are as follows:

(A) During the fall fishery, outlined above in sections (1)(a) and (1)(b), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is greater than 9.75-inches.

(B) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(2) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) through 12:00 midnight Saturday, September 5, 2009 and no sturgeon may be retained effective 12:01 a.m. Sunday, September 6, 2009. During the fishing periods identified in section (1)(a) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

(3) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp), f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06, cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 103(Temp), f. 8-26-08, cert. ef. 9-2-08 thru 10-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09

## 635-042-0170

### Tongue Point Basin and South Channel

(1) Tongue Point includes all waters bounded by a line from a yellow marker midway between the red light USCG navigation light (#2) at the tip of Tongue Point and the downstream (northern most) pier (#8) to the flashing green USCG navigation light (#3) at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

(2) South Channel includes all waters bounded by a line from a marker on John Day Point through the USCG navigation buoy #7 thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the USCG navigation light #10 thence northwesterly to a marker on the sand bar defining the terminus of South Channel.

(3) Salmon and sturgeon may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in sections (1) and (2) of this rule through 12:00 midnight Saturday, September 5, 2009. Effective Sunday, September 6, 2009 salmon may be taken but sturgeon may not be retained. Open fishing periods are:

(a) 7:00 p.m. on Monday, Tuesday, Wednesday and Thursday nights to 7:00 a.m. the following morning (12 hours) from August 31 through September 18, 2009 (12 nights); and

(b) 4:00 p.m. on Monday, Tuesday, Wednesday and Thursday nights to 8:00 a.m. the following morning (16 hours) from September 21 through October 30, 2009 (24 nights).

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

(5) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) through 12:00 midnight Saturday, September 5, 2009 and no sturgeon may be retained effective 12:01 a.m. Sunday, September 6, 2009. During the fishing periods identified in section (3) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. & cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 44-2008(Temp), f. 4-25-08, cert. ef. 4-28-08 thru 10-24-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09

# ADMINISTRATIVE RULES

635-042-0180

## Deep River Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes from the US Coast Guard navigation marker #16 upstream to the town of Deep River through 12:00 midnight Saturday, September 5, 2009. Effective Sunday, September 6, 2009 salmon may be taken but sturgeon may not be retained.

(2) The Fall fishing season is open:

(a) 7:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday nights to 9:00 a.m. the following morning (14 hours) from August 31 through September 19, 2009; and

(b) 4:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday nights to 9:00 a.m. the following morning (17 hours) from September 21 through October 31, 2009.

(3) Gill nets may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel.

(a) During the fall season, outlined above in sections (2)(a) and (2)(b) above, it is unlawful to use a gill net having a mesh size that is more than 6-inches.

(4) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) through 12:00 midnight Saturday, September 5, 2009 and no sturgeon may be retained effective 12:01 a.m. Sunday, September 6, 2009. During the fishing periods identified in sections (2)(a) and (2)(b) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

Stat. Auth.: ORS 183.325, 506.109 & 506.119  
Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 77-2006(Temp), f. 8-8-06, cert. ef. 9-4-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 23-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 4-30-09; DFW 35-2009(Temp), f. 4-7-09, cert. ef. 4-8-09 thru 4-30-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09

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**Rule Caption:** Amended Rules Relating to Protected Fish and Wildlife Taxonomy and to the Sensitive Species List.

**Adm. Order No.:** DFW 108-2009

**Filed with Sec. of State:** 9-8-2009

**Certified to be Effective:** 9-8-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 635-044-0002, 635-044-0005, 635-044-0015, 635-044-0035, 635-044-0060, 635-044-0130, 635-045-0002, 635-100-0001, 635-100-0040

**Subject:** Amended rules relating to protected fish and wildlife and relating to the department's Sensitive Species List. Amendments to the rule support a coordinated scientific approach between the Sensitive Species List, the Oregon Conservation Strategy and the Oregon Nearshore Strategy. Specific rule changes include: updating tax-

onomic standards, updating scientific and common names, clarifying the intent and purpose of the Sensitive Species List, establishing criteria for Sensitive Species, and updating rule requirements.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

635-044-0002

## Taxonomy

(1) Scientific taxonomic nomenclature reflects the following:

(A) Fish:

(A) Nelson, J. S., E. J. Crossman, H. Espinosa-Perez, L. T. Findley, C. R. Gilbert, R. N. Lea, and J. D. Williams. 2004. Common and scientific names of fishes from the United States, Canada, and Mexico. American Fisheries Society, Special Publication 29, Bethesda, Maryland.

(B) Moyle, P. B. 2002. Inland fishes of California. Revised and expanded. University of California Press. Berkeley, California.

(C) Jelks, H.L., S.J. Walsh, N.M. Burkhead, S. Contreras-Balders, E. Diaz-Pardo, D.A. Hendrickson, J. Lyons, N.E. Mandrak, F. McCormick J. S. Nelson, S. P. Platania, B. A. Porter, C.B. Renaud, J.J. Schmitter-Soto, E. B. Taylor, and M. L. Warren, Jr. 2008. Conservation status of imperiled North American freshwater and diadromous fishes. Fisheries. 33(8): 372-407.

(b) Amphibians and reptiles — Crother, B. I., editor. 2008. Scientific and standard English names of amphibians and reptiles of North America north of Mexico, with comments regarding confidence in our understanding. 6th Edition. Society for the Study of Amphibians and Reptiles, Herpetological Circular No. 37.

(c) Chesser, R.T., R.C. Banks, F.K. Barker, C. Cicero, J.L. Dunn, A.W. Kratter, I.J. Lovette, P.C. Rasmussen, J.V. Remsen, Jr., J.D. Rising, D.F. Stotz, and K. Winker. 2009. Fiftieth supplement to the American Ornithologists' Union Check-List of North American Birds. The Auk. 126:705-714.

(d) Mammals — Wilson, D. E. and D. M. Reeder, editors. 2005. Mammal species of the world, a taxonomic and geographic reference. 3rd Edition. Johns Hopkins University Press.

(2) If the taxonomic status of individual species is changed through subsequent publications scientific taxonomy shall remain as cited in 635-044-0002(1) and 635-044-0130 for the purposes of implementing and enforcing 635-044-0000 through 635-044-0235.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; DFW 108-2009, f. & cert. ef. 9-8-09

635-044-0005

## Permit Required to Hold Wildlife

Any person desiring to capture and hold any northern flying squirrel (*Glaucomys sabrinus*), chickaree (*Douglas's squirrel* and *red squirrel*) (*Tamiasciurus douglasii* and *T. hudsonicus*), golden-mantled ground squirrel (*Spermophilus lateralis*), or chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*), or to hold any raccoon (*Procyon lotor*) or bobcat (*Lynx rufus*) must first secure a Wildlife Holding Permit by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the species and numbers to be captured or otherwise acquired, the source or proposed area of capture, the date of application, and the name, address, and signature of applicant. Any application may be denied by the director for cause.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74. Renumbered from 630-025-0023 & 635-007-0100; FWC 69-1996, f. & cert. ef. 12-20-96; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 108-2009, f. & cert. ef. 9-8-09

635-044-0015

## Wildlife Which Cannot Be Captured and Held

Except as provided in these rules, no game mammal, furbearer, striped skunk (*Mephitis mephitis*), western spotted skunk (*Spilogale gracilis*), native bat, or coyote (*Canis latrans*) may be captured and held in captivity, except as authorized by the director. Fox (*Vulpes vulpes*) or *Urocyon cinereoargenteus* may be held by a commercial fur farm as defined in OAR 635-056-0010. No game bird may be captured and held in captivity except that members of the families Tetraonidae and Phasianidae may be captured and held as authorized by the director. No game fish may be captured and held in captivity except as authorized by the director. No species of nongame wildlife declared protected by the commission under OAR 635-044-0130 may be captured and held except northern flying squirrel

# ADMINISTRATIVE RULES

(*Glaucomyus sabrinus*), chickaree (Douglas's squirrel and red squirrel) (*Tamiasciurus douglasii* and *T. hudsonicus*), golden-mantled ground squirrel (*Spermophilus lateralis*), and chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*). No migratory bird or mammal protected by federal law may be captured and held without first securing a federal permit. A federal permit will serve in lieu of a state Wildlife Holding Permit for birds protected by the federal Migratory Bird Treaty Act and mammals protected by federal law.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-75; FWC 32, f. & ef. 11-28-75, Renumbered from 630-025-0025 & 635-007-0110; FWC 69-1996, f. & cert. ef. 12-20-96; DFW 108-2009, f. & cert. ef. 9-8-09

## 635-044-0035

### Requirements for Care of Wildlife Held in Captivity

(1) Any wildlife held in captivity, whether a permit is required or not, must be treated in a humane manner and cannot be restrained with a chain, rope, or other holding device. Facilities for care of captive wildlife must be maintained in a sanitary condition and be large enough to provide room for exercise and sturdy enough to prevent escape and protect the public. Food, water, and cover must be provided in sufficient quantity and quality to maintain the wildlife in a healthy condition.

(2)(a) Individual bear or cougar six months of age and older must be held within special facilities approved by the Department of Fish and Wildlife according to the specifications of Exhibit 1, except when:

(A) transported to or from veterinarian clinics or other ODFW-approved facilities; or

(B) on public display by a USDA class A, B or C license holder.

(b) Facilities approved by the Department by December 18, 1997, are deemed to comply with the new requirements of Exhibit 1.

(c) The department may, in its discretion, approve facilities that do not meet the specifications of Exhibit 1 if the department finds that such facilities provide safeguards equivalent to those required by Exhibit 1. The burden is on the applicant to demonstrate equivalency. One seeking equivalency approval shall submit a detailed analysis of each specification required by **Exhibit 1** and describe how the facility provides equivalent safeguards.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; Renumbered from 630-025-0029 & 635-007-0130; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 108-2009, f. & cert. ef. 9-8-09

## 635-044-0060

### License Required to Propagate Wildlife

(1) Any person desiring to propagate for sale any game mammal (excluding the family Cervidae), game bird, or tiger salamander (*Ambystoma mavortium*) (excluding blotched tiger salamander *A. m. melanostictum*) or desiring to sell any propagated game mammal (excluding the family Cervidae), game bird, or tiger salamander (*Ambystoma mavortium*) (excluding Blotched tiger salamander *A. m. melanostictum*) must first secure a Wildlife Propagation License by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the wildlife species and numbers being held for propagation purposes, or the species being held for sale. The application shall also include the date of application, and the name, address, and signature of applicant.

(2) Any person desiring to propagate and sell any raptor must adhere to all permit requirements and regulations pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the Interior on July 8, 1983. (Federal Register, Vol. 48, No. 132, Part 21).

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0043, Renumbered from 635-007-0150; FWC 6-1984, f. & ef. 2-29-84; FWC 28-1987, f. & ef. 6-19-87; FWC 69-1996, f. & cert. ef. 12-20-96; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 108-2009, f. & cert. ef. 9-8-09

## 635-044-0130

### Nongame Wildlife Protected

(1) Except as provided by 635-043-0030, 635-200-0040, 635-044-0015, 635-056-0080 and 635-044-0200, it is unlawful for any person to hunt, trap, pursue, kill, take, catch, angle for, or have in possession, either dead or alive, whole or in part, any:

(a) Threatened or Endangered animals as provided for in 635-100-0125; or

(b) Protected wildlife listed herein except as otherwise provided by the commission by permit, or with respect to Pacific Lamprey, as authorized by a federally-recognized Indian tribe to which the Commission has issued a permit authorizing that tribe to allow its members to take Pacific Lamprey at Willamette Falls for personal use, with a tribal enrollment card in possession, within seasons and subject to conditions established by the Commission. Nothing in this rule is intended to affect the provisions of ORS 610.002 to 610.990.

(A) Fish: (Protected fish are listed by common name and scientific name if consistently applied across taxonomic references):

(i) Goose Lake lamprey (*Entosphenus* sp.);

(ii) Alvord chub;

(iii) Oregon lakes tui chub;

(iv) Sheldon tui chub;

(v) Pit roach (*Lavinia symmetricus mitrulus*);

(vi) Oregon chub (*Oregonichthys crameri*);

(vii) Millicoma longnose dace (*Rhinichthys cataractae* ssp.);

(viii) Lahonton reidside (*Richardsonius egregius*) [Nelson et al. 2004];

(ix) Goose Lake sucker (*Catostomus occidentalis lacusanserinus*);

(x) Tahoe sucker (*Catostomus tahoensis*);

(xi) Malheur sculpin (*Cottus bendirei*);

(xii) Margined sculpin (*Cottus marginatus*);

(xiii) Pit sculpin (*Cottus pitensis*);

(xiv) Pacific lamprey (*Entosphenus tridentatus*);

(xv) Goose Lake tui chub;

(xvi) Klamath smallscale sucker, Jenny Creek population (*Catostomus rimiculus*);

(xvii) River lamprey (*Lampetra ayresii*);

(xviii) Western brook lamprey (*Lampetra richardsoni*);

(xix) Miller Lake lamprey (*Entosphenus minimus*);

(xx) Klamath River lamprey (*Entosphenus similis*);

(xxi) Pit-Klamath brook lamprey (*Entosphenus lethophagus*);

(B) Amphibians:

(i) Cope's giant salamander (*Dicamptodon copei*);

(ii) Clouded salamander (*Aneides ferreus*);

(iii) Black salamander (*Aneides flavipunctatus*);

(iv) California slender salamander (*Batrachoseps attenuatus*);

(v) Oregon slender salamander (*Batrachoseps wrightorum*);

(vi) Del Norte salamander (*Plethodon elongatus*);

(vii) Larch Mountain salamander (*Plethodon larselli*);

(viii) Siskiyou Mountains salamander (*Plethodon stormi*);

(ix) Rocky Mountain tailed frog (*Ascaphus montanus*)

(x) Coastal tailed frog (*Ascaphus truei*);

(xi) Northern red-legged frog (*Rana aurora*);

(xii) Foothill yellow-legged frog (*Rana boylei*);

(xiii) Cascades frog (*Rana cascadae*);

(xiv) Northern leopard frog (*Lithobates pipiens*);

(xv) Columbia spotted frog (*Rana luteiventris*)

(xvi) Oregon spotted frog (*Rana pretiosa*);

(xvii) Southern torrent salamander (*Rhyacotriton variegatus*);

(xviii) Columbia torrent salamander (*Rhyacotriton kezeri*);

(xix) Cascade torrent salamander (*Rhyacotriton cascadae*);

(xx) Western toad (*Anaxyrus boreas*);

(xxi) Woodhouse toad (*Anaxyrus woodhousei*);

(xxii) Blotched tiger salamander (*Ambystoma mavortium melanostictum*).

(C) Reptiles:

(i) Western painted turtle (*Chrysemys picta bellii*);

(ii) Western pond turtle (*Actinemys marmorata*);

(iii) Great Basin collared lizard (*Crotaphytus bicinctores*)

(iv) Long-nosed leopard lizard (*Gambelia wislizenii*);

(v) Pygmy short-horned lizard (*Phrynosoma douglassi*);

(vi) Desert horned lizard (*Phrynosoma platyrhinos*);

(vii) Sharp-tailed snake (*Contia tenuis*);

(viii) Common kingsnake (*Lampropeltis getula*);

(ix) California mountain kingsnake (*Lampropeltis zonata*);

(x) Western ground snake (*Sonora semiannulata*);

(D) Birds: All nongame birds except European starling, house sparrow and rock pigeon.

(E) Mammals:

(i) Fringed myotis (*Myotis thysanodes*);

(ii) Townsend's big-eared bat (*Corynorhinus townsendii*);

(iii) Pallid bat (*Antrozous pallidus*);

(iv) American pika (*cony*) (*Ochotona princeps*);

(v) Pygmy rabbit (*Brachylagus idahoensis*);

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- (vi) White-tailed jack rabbit (*Lepus townsendii*);
- (vii) Chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*);
- (viii) Golden-mantled ground squirrel (*Spermophilus lateralis*);
- (ix) Chickaree (Douglas's squirrel and red squirrel) (*Tamiasciurus douglasii* and *T. hudsonicus*);
- (x) White-tailed antelope squirrel (*Ammospermophilus leucurus*);
- (xi) Northern flying squirrel (*Glaucomys sabrinus*);
- (xii) White-footed vole (*Arborimus albipes*);
- (xiii) Ringtail (*Bassariscus astutus*);
- (xiv) Fisher (*Martes pennanti*);
- (xv) All marine mammals.
- (xvi) Silver-haired bat (*Lasionycteris noctivagans*);
- (xvii) Western small-footed myotis (*Myotis ciliolabrum*);
- (xviii) Long-eared myotis (*Myotis evotis*);
- (xix) Long-legged myotis (*Myotis volans*);
- (xx) Yuma myotis (*Myotis yumanensis*);
- (xxi) Columbian white-tailed deer (*Odocoileus virginianus leucurus*)

in the following Wildlife Management Units: Saddle Mountain (10), Scappoose (11), Willamette (15), and Santiam (16).

(2) Notwithstanding section (1) of this rule, it shall be lawful to purchase, sell, or exchange, or have in possession any pelt of wildlife listed therein which was lawfully taken in another state and transported into Oregon. A bill of lading or freight bill from a common carrier or other documentary proof indicating the state of origin of the pelt and the name and address of the person from whom the pelt was received shall be sufficient.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 39-1991, f. & cert. ef. 4-24-91; Renumbered from 635-007-0355, FWC 69-1996, f. & cert. ef. 12-20-96; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 78-2002, f. & cert. ef. 7-30-02; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 108-2009, f. & cert. ef. 9-8-09

## 635-045-0002

### Definitions

(1) "Adult hunting license" is a resident or nonresident hunter's license, resident combination angler's and hunter's license, disabled war veteran's license, pioneer's hunting license or senior citizen's hunting and fishing license.

(2) "Agricultural lands" are lands that are not less than ten acres in extent that have been cultivated and planted or irrigated to domestic crops that are currently in use. Isolated home gardens, abandoned farmsteads, logged lands, rangelands, and tree farms, are not included in this definition.

(3) "Antler Point" is a point at least one inch in length measured from tip of point to nearest edge of beam. This definition applies only to the three-point elk and spike only elk bag limits.

(4) "Antlerless deer" means doe or fawn deer.

(5) "Antlerless elk" means cow or calf elk.

(6) "Application" means the electronic form completed and purchased to apply for a hunt where the number or distribution of hunters is limited through a public drawing or other means. Mail order applications sent to the Department along with the proper remittance are used to generate the electronic form.

(7) "Baited Area" means an area where baiting has taken place.

(8) "Baiting" means the placing, exposing, depositing, distributing, or scattering of corn, wheat, salt or other feed to constitute a lure or enticement to, on, or over an area where hunters are attempting to take game birds.

(9) "Brace" is defined as an orthosis that is prescribed by a physician and fabricated by an orthotist certified by the American Board for Certification in Orthotics and Prosthetics, Inc.

(10) "Brace Height" is the distance from the back of the bow's riser at the handgrip to the string when the bow is at rest.

(11) "Buck Deer" means a male deer with at least one visible antler.

(12) "Buck Pronghorn" means a male pronghorn antelope with visible horns and a dark cheek patch below the ear.

(13) "Bull elk" for the purposes of a bag limit definition, means a male elk with at least one visible antler.

(14) "Calendar year" means from January 1 through December 31.

(15) "Carcass" is the skinned or unskinned body, with or without entrails, of a gamebird or game mammal.

(16) "Cascade elk" means any live elk occurring in the Dixon, Evans Creek, Indigo, Keno, McKenzie, Metolius, Rogue, Santiam and Upper Deschutes units and those parts of Fort Rock and Sprague units west of Highway 97, and that part of Grizzly Unit west of Hwy 97 and south of Hwy 26.

(17) "Closed season" is any time and place when it is not authorized to take a specific species, sex or size of wildlife.

(18) "Coast elk" means any live elk occurring in the Alsea, Applegate, Chetco, Melrose, Powers, Saddle Mountain, Scappoose, Siuslaw, Sixes, Stott Mountain, Tioga, Trask, Willamette, and Wilson units.

(19) "Commission" means the Oregon Fish and Wildlife Commission.

(20) "Controlled hunt" is a season where the number or distribution of hunters is limited through a public drawing or other means.

(21) "Department" means the Oregon Department of Fish and Wildlife.

(22) "Director" means the Oregon Fish and Wildlife Director.

(23) "Doe or fawn pronghorn" means a female pronghorn antelope without a dark cheek patch below the ear or a pronghorn fawns (young of the year) of either sex.

(24) "Domestic partner" as used in this rule means a person in a relationship with another person, each of whom:

(a) Is under no legal disability to marry the other person, but for the fact that each is of the same sex;

(b) Desires a relationship of marriage under Oregon law and would enter into marriage with the other person, and only with the other person, if Oregon law permitted it;

(c) Acknowledges and accepts financial obligations to the other person and to third parties equivalent to the financial obligation that arise with a marriage recognized under Oregon state law; and

(d) Is not married and has no similar commitment and responsibility to any other person.

(e) Has continuously lived for 6 months with the other person

(25) "Eastern Oregon" means all counties east of the summit of the Cascade Range including all of Klamath and Hood River counties.

(26) "Eastern Oregon deer" means any live deer occurring east of the east boundaries of the Santiam, McKenzie, Dixon, Indigo and Rogue units.

(27) "Eligible Hunter" means someone who will be 12 years of age by the time they hunt.

(28) "Entry permit" means a permit issued by the Department to be in an area where entry is restricted by regulation.

(29) "Established airport" is one that the Aeronautics Division has licensed as a public-use airport, registered as a personal-use airport, or specifically exempted from either licensing or registration.

(30) "Feral Swine" means animals of the genus *Sus* as defined by the Oregon Department of Agriculture in OAR 603-010-0055.

(31) "Fiscal year" means from July 1 through June 30.

(32) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox.

(33) "Game Birds" are any waterfowl, snipe, band-tailed pigeon, dove, pheasant, quail, partridge, grouse, or wild turkey.

(34) "Game mammals" are pronghorn antelope, black bear, cougar, deer, elk, moose, Rocky Mountain goat, bighorn sheep, and western gray squirrel.

(35) "General season" is any season open to the holder of a valid hunting license and appropriate game mammal tag without restriction as to the number of participants.

(36) "Hunter certification" means to have met educational, safety or other requirements designated by administrative rule for participation in a hunt.

(37) "Hunt" means to take or attempt to take any wildlife by means involving the use of a weapon or with the assistance of any mammal or bird.

(38) "Husbandry" means the care given animals directly by their owners and managers, including but not limited to:

(a) Nutrition;

(b) Breeding program;

(c) Veterinary medical care;

(d) Environmental cleanliness; and

(e) Humane handling.

(39) "Immediate family" for the purpose of Landowner Preference, means a landowner's spouse, children, father, mother, brother, sister, stepchildren, and grandchildren.; for all other purposes, it means spouse, domestic partner, children, father, mother, brother, sister, stepchildren, and grandchildren.

(40) "Inedible" means unfit for human consumption.

(41) "Landowner", as used in OAR chapter 635, division 075, means: (a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land; provided however that a recorded deed or contract of ownership shall be on file in the county in which the land is located; and/or

# ADMINISTRATIVE RULES

(b) A corporation holding title in fee simple to 40 or more contiguous acres of land; provided however that the corporation shall be registered with the State of Oregon; and/or

(c) A partnership holding title in fee simple to 40 or more contiguous acres of land; and/or

(d) Persons who hold title as part of a time share are not eligible for landowner preference.

(42) "Low Income" means a person who is "economically disadvantaged" as defined in Section 4(8) of the Federal Job Training Partnership Act of 1982.

(43) "Mounted Wildlife" means any hide, head or whole body of wildlife prepared by a licensed taxidermist for display.

(44) "Muzzleloader" is any single-barreled (shotguns may be double barreled) long gun meant to be fired from the shoulder and loaded from the muzzle with an open ignition system and open or peep sights.

(45) "On or within" means a straight line distance measured on a map.

(46) "One deer" means a buck, doe, or fawn deer.

(47) "One elk" means a bull, cow, or calf elk.

(48) "Open Ignition" is an ignition system where the percussion cap, or frizzen, or flint is visible and exposed to the weather at all times and is not capable of being closed or covered by any permanent piece of the weapon.

(49) "Partner" means a person in an association of two or more persons formed to carry on as co-owners for

(50) "Point-of-Sale" (POS) is a computerized licensing system available at locations that sell Oregon's hunting and angling licenses. Licenses and tags are generated and issued directly to customers from a POS machine at the time of sale.

(51) "Possession" means to have physical possession or to otherwise exercise dominion or control over any wildlife or parts thereof, and any person who counsels, aids or assists another person holding such wildlife is deemed equally in possession.

(52) "Postmark" means the date of mailing as stated in a mark applied by the U.S. Postal Service to a piece of mail. Office postal machine meter marks are not valid application deadline postmarks.

(53) "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may be destructive to agricultural crops, products and activities.

(54) "Protected wildlife" means "game mammals" as defined in OAR 635-045-0002(34) "game birds" as defined in OAR 635-045-0002(33), "furbearers" as defined in OAR 635-045-0002(32), "threatened and endangered species" as defined in OAR 635-100-0125, and "nongame wildlife protected" as defined in OAR 635-044-0130.

(55) "Pursue" means the act of trailing, tracking, or chasing wildlife in an attempt to locate, capture, catch, tree, or kill any game mammal or furbearer.

(56) "Raw pelt" means any pelt that has not been processed or converted to any usable form beyond initial cleaning, stretching, and drying.

(57) "Resident" is any person who has resided in Oregon for a period of at least six months immediately prior to the date of making application for a license or tag. Members of the armed forces assigned to permanent duty status in Oregon including spouses and dependent children, and foreign exchange students attending school in Oregon under a foreign student exchange program may purchase a resident license and tags. All other persons are nonresidents.

(58) "Resident juvenile" is any "Resident" of Oregon 14 through 17 years of age.

(59) "River" is that portion of a natural water body lying below the level of bankfull stage. Bankfull stage is the stage or elevation at which overflow of the natural banks of a stream or body of water begins to inundate the upland.

(60) "Rocky Mountain elk" is any live elk occurring east of the following described line: Beginning at the California line on Highway 97; north on Highway 97 to State Highway 26 at Madras; northwest on Highway 26 to east boundary of Santiam Unit; north along east boundary of Santiam Unit to the Columbia River.

(61) "Sabot" A carrier, bushing or device in which a projectile of a smaller caliber is centered so as to permit firing the projectile within a larger caliber weapon. Cloth, paper or felt patches used with round balls are not considered a sabot.

(62) "Shotgun" is a smoothbore firearm, designed for firing birdshot, and intended to be fired from the shoulder, with a barrel length of 18 inches or more, and with an overall length of 26 inches or more. Exception: Shotguns equipped with rifled slug barrels are considered shotguns when

used for hunting pronghorn antelope, black bear, cougar, deer, or elk when centerfire rifles or shotguns are legal weapons.

(63) "Sight bait" is exposed flesh bait within 15 feet of any leghold trap set for carnivores.

(64) "Spike deer" is a deer with spike (unbranched) antlers.

(65) "Spike-only bull elk" means a bull elk with at least one visible unbranched antler (brow tines are not considered an antler branch under spike-only regulations).

(66) "Stockholder" is a person who owns stock within a corporation as defined in OAR 635-045-0002(41)(b).

(67) "Tag" is a document authorizing the taking of a designated kind of mammal at a specified time and place.

(68) "Take" means to kill or obtain possession or control of any wildlife.

(69) "Three point plus elk" for the purposes of a bag limit definition, means a bull elk having 3 points or more on one antler including the brow tine.

(70) "Unbarbed broadhead" is a fixed position arrowhead where the rear edge of the blade(s) forms an angle with the arrow shaft to which it is attached of 90o or greater.

(71) "Unprotected Mammals and Birds" are European starling, house sparrow, rock pigeon and any mammal species for which there are no closed seasons or bag limits.

(72) "Valid certification permit" is a permit for the current season that has not become invalid after taking a season limit or illegal game bird.

(73) "Visible Antler" means a velvet or hardened antler that is visible above the hairline on the skullcap and is capable of being shed.

(74) "Wait period" means the length of time a successful controlled hunt applicant must wait before reapplying for the species for which he was successful in drawing.

(75) "Waste" means to allow any edible portion of any game mammal (except cougar) or game bird to be rendered unfit for human consumption, or, to fail to retrieve edible portions, except internal organs, of such game mammals or game birds from the field. Entrails, including the heart and liver, are not considered edible.

(76) "Waterfowl" means ducks, geese, mergansers and coots.

(77) "Weapon" is any device used to take or attempt to take wildlife.

(78) "Western Oregon" means all counties west of the summit of the Cascade Range except Klamath and Hood River counties.

(79) "Western Oregon deer" is any live deer except the Columbian white-tailed deer occurring west of the east boundaries of the Santiam, McKenzie, Dixon, Indigo, and Rogue units.

(80) "Wildlife" means fish, wild birds, amphibians, reptiles, wild mammals, and feral swine.

(81) "Wildlife" means for the purposes of harassment to relieve damage described in OAR 635-043-0096 through 635-043-0115, game mammals, game birds except migratory birds protected by Federal law, furbearing mammals and wildlife declared protected by the commission.

(82) "Wildlife" means for the purposes of scientific taking described in OAR 635-043-0023 through 635-043-0045, wild birds, wild mammals, amphibians and reptiles, including nests, eggs, or young of same.

(83) "Wildlife" means, for the purposes of the Wildlife Diversity Plan described in OAR 635-100-0001 through 635-100-0194, fish, shellfish, amphibians, reptiles, feral swine, wild mammals, wild birds, and animals living intertidally on the bottom as defined by ORS 506.011.

(84) "Wildlife unit" is a geographic area described in OAR 635-080-0000 through 635-080-0077.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 47-1989, f. & cert. ef. 7-25-89; FWC 104-1989, f. & cert. ef. 9-29-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 22-1990, f. & cert. ef. 3-21-90; FWC 17-1991, f. & cert. ef. 3-12-91; FWC 33-1991, f. & cert. ef. 3-25-91; FWC 50-1991, f. & cert. ef. 5-13-91; FWC 57-1991, f. & cert. ef. 6-24-91; FWC 9-1993, f. & cert. ef. 2-8-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 20-1995, f. & cert. ef. 3-6-95; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 53-1997, f. & cert. ef. 9-3-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 142-2005, f. & cert. ef. 12-16-05; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 52-2008, f. & cert. ef. 5-28-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 108-2009, f. & cert. ef. 9-8-09

## 635-100-0001

### Definition of Terms

As used in the *Wildlife Diversity Plan*:1

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(1) "Self-sustaining" means wildlife species that are naturally reproducing throughout their ranges with no dependency on artificial propagation to sustain natural production over time.

(2) "Endangered" means an animal threatened with extinction within all or a significant portion of its range.

(3) "Threatened" means an animal that could become endangered within the foreseeable future within all or a portion of its range.

(4) "Sensitive" refers to wildlife species, subspecies, or populations that are facing one or more threats to their populations, habitat quantity or habitat quality or that are subject to a decline in number of sufficient magnitude such that they may become eligible for listing on the state Threatened and Endangered Species List

(5) "Wildlife" means fish, shellfish, amphibians, reptiles, feral swine, wild mammals, wild birds, and animals living intertidally on the bottom as defined by ORS 506.011.

1 The *Nongame Wildlife Management Plan* was reviewed and updated as the *Wildlife Diversity Plan* and adopted by the commission on November 17, 1993. The *Wildlife Diversity Plan* was reviewed, updated, and adopted by the commission on January 22, 1999. As noted below in OAR 635-100-0005, only the policy portions of the *Wildlife Diversity Plan* are incorporated here as an administrative rule. Copies of the *Wildlife Diversity Plan* are available through the agency.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Stats. Implemented: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Hist.: FWC 11-1986, f. & ef. 4-4-86; FWC 75-1993, f. & cert. ef. 11-24-93; DFW 22-1998, f. & cert. ef. 3-13-98; DFW 4-1999, f. & cert. ef. 2-8-99; DFW 108-2009, f. & cert. ef. 9-8-09

## 635-100-0040

### Sensitive Species List

(1) For the purpose of prioritizing conservation actions to prevent species from becoming eligible for listing as threatened or endangered species, the category of sensitive species is established. "Sensitive" refers to wildlife species, subspecies, or populations that are facing one or more threats to their populations, habitat quantity or habitat quality or that are subject to a decline in number of sufficient magnitude such that they may become eligible for listing on the state Threatened and Endangered Species List. The sensitive species list shall be updated by the department every 5 years, distributed to state and federal resource agencies, and made available to any member of the public upon request.

(2) A wildlife species shall qualify for inclusion on the sensitive species list if:

(a) Its numbers are declining at a rate such that it may become eligible for listing as a threatened species; or

(b) Its habitat is threatened or declining in quantity or quality such that it may become eligible for listing as a threatened species.

(3) A wildlife species shall qualify for removal from the sensitive species list if:

(a) Its numbers are not or are no longer declining at a rate such that it may become eligible for listing as a threatened species; and

(b) Its habitat is not or is no longer threatened or declining in quantity or quality such that it may become eligible for listing as a threatened species.

(4) In making a determination under subsections (2) and (3) of this rule, the Department will consider the factors described in 635-100-0105 subsections (5) and (6).

(5) In addition to the 5-year review, the Department may add a species to or remove a species from the sensitive species list at any time based on new or additional information on species population status, habitat or threats.

(6) Any person may request that a species be included on or removed from the sensitive species list. Any request must be in writing, stating the reasons for the requested action and briefly outlining the status of the species and how its condition meets the criteria enumerated in this rule for inclusion or removal. The department shall review any such request, determine if the species qualifies for the requested action, and shall notify the person making the request of its decision within 90 days of receipt of the request.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

Hist.: FWC 96-1988, f. & cert. ef. 9-30-88; DFW 22-1998, f. & cert. ef. 3-13-98; DFW 108-2009, f. & cert. ef. 9-8-09

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**Rule Caption:** Amend Rules to expand the hunt area for Bighorn Sheep Hunt 571A.

**Adm. Order No.:** DFW 109-2009(Temp)

**Filed with Sec. of State:** 9-9-2009

**Certified to be Effective:** 9-9-09 thru 9-30-09

**Notice Publication Date:**

**Rules Amended:** 635-067-0030

**Subject:** Amend rule to expand the Poker Jim Bighorn Sheep hunt (Hunt #571A) to include all of the Hart Mountain hunt area.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-067-0030

### Controlled Bighorn Sheep Hunts

Notwithstanding the provisions of the 2009 Oregon Big Game Regulations, the open area described on page 40 for the Poker Jim Bighorn Sheep hunt (hunt number 571A) is expanded to include the Hart Mountain hunt area. The expanded hunt area will include that part of Hart Mountain National Antelope Refuge south of the refuge headquarters access road (Push- Frenchglen Rd).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0610; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. & ef. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 25-1990, f. & cert. ef. 3-21-90; FWC 21-1991, f. & cert. ef. 3-12-91; FWC 45-1992, f. & cert. ef. 7-15-92; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 99-2006(Temp), f. & cert. ef. 9-11-06 thru 9-30-06; Administrative correction 10-16-06; DFW 109-2009(Temp), f. & cert. ef. 9-9-09 thru 9-30-09

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**Rule Caption:** Retention of Cabezon Prohibited In the Oregon Ocean Boat and Estuary Boat Sport Fisheries.

**Adm. Order No.:** DFW 110-2009(Temp)

**Filed with Sec. of State:** 9-10-2009

**Certified to be Effective:** 9-13-09 thru 12-31-09

**Notice Publication Date:**

**Rules Amended:** 635-039-0090

**Subject:** This amended rule closes both the ocean boat and estuary boat sport fisheries to retention of cabezon effective 11:59 p.m. on Sunday, September 13, 2009. The 2009 statewide landing cap of 15.8 metric tons, adopted by the Oregon Fish and Wildlife Commission, has been attained.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-039-0090

### Inclusions and Modifications

(1) The **2009 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2009 Oregon Sport Fishing Regulations**.

(2) For the purposes of this rule, a "harvest target" is defined as the Oregon share of the regional recreational harvest guideline for yelloweye rockfish and canary rockfish that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

(a) The regional recreational harvest guidelines for these species in 2009 are specified in the Pacific Council Decisions or News documents dated June and November, 2008.

(b) Harvest targets for yelloweye rockfish and canary rockfish effective at the start of the Oregon sport fishery in 2009 are:

(A) Yelloweye rockfish, 2.5 metric tons.

(B) Canary rockfish, 16.0 metric tons.

(c) Harvest targets for yelloweye rockfish and canary rockfish may be revised inseason following consultation with Washington Department of Fish and Wildlife provided that:

(A) Regional recreational harvest guidelines for these species are not projected to be exceeded as a result of any inseason revisions to a harvest target or targets; and

(B) Inseason revisions to the harvest target or targets benefit the Oregon sport fishery.

(3) For the purposes of this rule, a "sport harvest cap" is defined as the amount that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

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(a) For 2009, the sport harvest cap for black rockfish is 440.8 metric tons.

(4) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and yellow (Sebastes chrysomelas); brown (S. auriculatus); calico (S. dalli); China (S. nebulosus); copper (S. caurinus); gopher (S. carnatus); grass (S. rastelliger); kelp (S. atrovirens); olive (S. serranoides); quillback (S. maliger); and treefish (S. sericeus).

(5) For the purposes of this rule a "sport landing cap" is defined as the total landings for a given species, or species group, that may be taken in a single calendar year by the ocean boat fishery. For 2009 the sport landing caps are:

- (a) Black rockfish and blue rockfish combined, 481.8 metric tons.
- (b) Other nearshore rockfish, 13.6 metric tons.
- (c) Cabezon, 15.8 metric tons.
- (d) Greenling, 5.2 metric tons.

(6) Effective Sunday, September 13, 2009 at 11:59 p.m. retention of cabezon, as identified in section (5)(c) above, is prohibited in the ocean boat and estuary boat fisheries. Angling for and retention of shore-based cabezon is permitted.

(7) In addition to the regulations for Marine Fish in the 2009 Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone in 2009:

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.

(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the 2009 Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or number). Retention of yelloweye rockfish and canary rockfish is prohibited.

(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).

(d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except Pacific cod, sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut north of Humbug Mountain. Persons must also consult the Pacific Council Decisions; Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996); and the annual Pacific Halibut Fishery Regulations as amended by Federal Regulations to determine all rules applicable to the taking of Pacific halibut.

(e) Harvest methods and other specifications for marine fish in subsections (7)(a), (7)(b) and (7)(c) including the following:

- (A) Minimum length for lingcod, 22 inches.
- (B) Minimum length for cabezon, 16 inches.
- (C) Minimum length for greenling, 10 inches.

(D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

(E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.

(f) Sport fisheries for species in subsections (7)(a), (7)(b) and (7)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except that ocean waters are closed for these species during April 1 through September 30, outside of the 40 fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 384 Vol. 71, No. 189, dated September 29, 2006. A 20 fathom, 25 fathom, or 30 fathom curve, as shown on **Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189**, dated September 29, 2006 may be implemented as the management line as in-season modifications necessitate.

(g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in **Title 50 Code of Federal Regulations Part 660 Section 390**. Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (7)(a), (7)(b) and (7)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (7)(a), (7)(b) and (7)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (7)(a), (7)(b) and (7)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.

(8) Razor clams may be taken by hand, shovel, or cylindrical gun or tube. The opening of the gun/tube must be either circular or elliptical with the circular gun/tube opening having a minimum outside diameter of 4

inches and the elliptical gun/tube opening having minimum outside diameter dimensions of 4 inches long and 3 inches wide.

[ED. NOTE: Tables referenced are available from the agency.]  
[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129  
Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 22-1994, f. 4-29-94, cert. ef. 5-2-94; FWC 29-1994(Temp), f. 5-20-94, cert. ef. 5-21-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 43-1994(Temp), f. & cert. ef. 7-19-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 26-1995, 3-29-95, cert. ef. 4-2-95; FWC 36-1995, f. 5-3-95, cert. ef. 5-5-95; FWC 43-1995(Temp), f. 5-26-95, cert. ef. 5-28-95; FWC 46-1995(Temp), f. & cert. ef. 6-2-95; FWC 58-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 28-1996(Temp), f. 5-24-96, cert. ef. 5-26-96; FWC 30-1996(Temp), f. 5-31-96, cert. ef. 6-2-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 68-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 114-2003(Temp), f. 11-18-03, cert. ef. 11-21-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 83-2004(Temp), f. 8-17-04, cert. ef. 8-18-04 thru 12-31-04; DFW 91-2004(Temp), f. 8-31-04, cert. ef. 9-2-04 thru 12-31-04; DFW 97-2004(Temp), f. 9-22-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 34-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 75-2005(Temp), f. 7-13-05, cert. ef. 7-16-05 thru 12-31-05; DFW 87-2005(Temp), f. 8-8-05, cert. ef. 8-11-05 thru 12-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 141-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 12-31-05; Administrative correction 1-19-06; DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06; DFW 65-2006(Temp), f. 7-21-06, cert. ef. 7-24-06 thru 12-31-06; DFW 105-2006(Temp), f. 9-21-06, cert. ef. 9-22-06 thru 12-31-06; DFW 134-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 10-2007, f. & cert. ef. 2-14-07; DFW 66-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 73-2008(Temp), f. 6-30-08, cert. ef. 7-7-08 thru 12-31-08; DFW 97-2008(Temp), f. 8-18-08, cert. ef. 8-21-08 thru 12-31-08; DFW 105-2008(Temp), f. 9-4-08, cert. ef. 9-7-08 thru 12-31-08; DFW 156-2008, f. 12-1-08, cert. ef. 1-1-09; DFW 7-2009(Temp), f. & cert. ef. 2-2-09 thru 7-31-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 110-2009(Temp), f. 9-10-09, cert. ef. 9-13-09 thru 12-31-09

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**Rule Caption:** Treaty Indian Fall Gill Net Fishery Extended In Columbia River Above Bonneville Dam.

**Adm. Order No.:** DFW 111-2009(Temp)

**Filed with Sec. of State:** 9-11-2009

**Certified to be Effective:** 9-13-09 thru 9-30-09

**Notice Publication Date:**

**Rules Amended:** 635-041-0075

**Rules Suspended:** 635-041-0075(T)

**Subject:** Amended rule extends the ongoing Treaty Indian gill net fishery in the Columbia River above Bonneville Dam (Zone 6). One 108 hour fishing period (4.5 days) was authorized from 6:00 a.m. Monday, September 14 through 6:00 p.m. Friday, September 18, 2009. Modifications are consistent with action taken September 10, 2009 by the Columbia River Compact agencies of Oregon and Washington in concert with the Columbia River Treaty Tribes.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-041-0075

### Fall Salmon Season

(1) Commercial sale of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Saturday, August 1, 2009 until further notice.

(a) Allowable sales include Chinook, coho, steelhead, sockeye, walleye, carp, shad, catfish, yellow perch and bass landed in mainstem platform hook and line and Yakama Nation Zone 6 tributary fisheries, and in the Yakama Nation fishery on the Washington shoreline from 600 feet below the fish ladder at the Bonneville Dam North shore powerhouse, downstream to Beacon Rock (bank fishing only). Fish may NOT be sold on USACE Property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(b) Gear is restricted to subsistence fishing gear: hoopnets, dipnets, and rod and reel with hook-and-line.

(2) Chinook, coho, steelhead, sockeye, walleye, carp, yellow perch, catfish, bass and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6 during the following periods:

- 6:00 a.m. Monday, August 24 through 6:00 p.m. Thursday, August 27, 2009 (84 hours);
- 6:00 a.m. Monday, August 31 through 6:00 p.m. Friday, September 4, 2009 (108 hours);
- 6:00 a.m. Tuesday, September 8 through 6:00 p.m. Saturday, September 12, 2009 (108 hours);
- 6:00 a.m. Monday, September 14 through 6:00 p.m. Friday, September 18, 2009 (108 hours);

# ADMINISTRATIVE RULES

(a) Allowable sales include Chinook, coho, steelhead, sockeye, wall-eye, carp, yellow perch, catfish, bass and shad.

(b) No minimum mesh size restriction is in effect through September 18, 2009.

(3) Closed areas, including the larger Spring Creek sanctuary described in OAR 635-041-0045 section (11), remain in effect.

(4) Sturgeon taken in the fisheries described in sections (1) and (2) above may not be sold. Sturgeon may not be retained in the Yakama fishery below Bonneville. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be retained for subsistence.

(5) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake/Little White Salmon River; and Big White Salmon River are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-10-90; FWC 98-1990(Temp), f. & cert. ef. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. & cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-9-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-2-92, cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. & cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 9-2-97, FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. & cert. ef. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. & cert. ef. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; FWC 80-1998(Temp), f. & cert. ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; FWC 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; FWC 62-1999(Temp), f. & cert. ef. 9-3-99 thru 9-11-99; FWC 65-1999(Temp), f. & cert. ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; FWC 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; FWC 72-1999(Temp), f. & cert. ef. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; FWC 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; FWC 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; FWC 61-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; FWC 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; FWC 87-2001(Temp), f. & cert. ef. 9-11-01 thru 9-15-01; FWC 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; FWC 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; FWC 100-2001(Temp), f. & cert. ef. 10-17-01 thru 12-31-01; FWC 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; FWC 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; FWC 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; FWC 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; FWC 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; FWC 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; FWC 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; FWC 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; FWC 97-2003(Temp), f. & cert. ef. 9-24-03 thru 12-31-03; FWC 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; FWC 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; FWC 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; FWC 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; FWC 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; FWC 104-2004(Temp), f. & cert. ef. 10-13-04 thru 12-31-04; FWC 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; FWC 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; FWC 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; FWC 71-2006(Temp), f. & cert. ef. 8-1-06 thru 12-31-06; FWC 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; FWC 94-2006(Temp), f. & cert. ef. 9-11-06 thru 12-31-06; FWC 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; FWC 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; FWC 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; FWC 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; FWC 77-2007(Temp), f. & cert. ef. 8-22-07

thru 12-31-07; DFW 88-2007(Temp), f. & cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. & cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. & cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. & cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. & cert. ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. & cert. ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 9-30-09

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**Rule Caption:** Fishing Days Authorized In Deep River Select Area Fishery Modified

**Adm. Order No.:** DFW 112-2009(Temp)

**Filed with Sec. of State:** 9-11-2009

**Certified to be Effective:** 9-13-09 thru 10-30-09

**Notice Publication Date:**

**Rules Amended:** 635-042-0180

**Rules Suspended:** 635-042-0180(T)

**Subject:** Amended rule reduces the number of days per week fishing is allowed in the fall commercial salmon Select Area fishery in Deep River from five to four.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-042-0180

### Deep River Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes from the US Coast Guard navigation marker #16 upstream to the town of Deep River through 12:00 midnight Saturday, September 5, 2009. Effective Sunday, September 6, 2009 salmon may be taken but sturgeon may not be retained.

(2) The fall fishing season is open:

(a) 7:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday nights to 9:00 a.m. the following morning (14 hours) from August 31 through September 12, 2009; and

(b) 7:00 p.m. on Monday, Tuesday, Wednesday, and Thursday nights to 9:00 a.m. the following morning (14 hours) from September 14 through October 30, 2009.

(3) Gill nets may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel.

(a) During the fall season, outlined above in sections (2)(a) and (2)(b) above, it is unlawful to use a gill net having a mesh size that is more than 6-inches.

(4) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) through 12:00 midnight Saturday, September 5, 2009 and no sturgeon may be retained effective 12:01 a.m. Sunday, September 6, 2009. During the fishing periods identified in sections (2)(a) and (2)(b) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. & cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. & cert. ef. 9-9-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. & cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. & cert. ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. & cert. ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 77-2006(Temp), f. & cert. ef. 8-8-06, cert. ef. 9-4-06 thru 12-31-06; DFW 103-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. & cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. & cert. ef. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 61-2007(Temp), f. & cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f.

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10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 23-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 4-30-09; DFW 35-2009(Temp), f. 4-7-09, cert. ef. 4-8-09 thru 4-30-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 10-31-09; DFW 112-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 10-30-09

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**Department of Forestry**  
**Chapter 629**

**Rule Caption:** Procedures for Contracts, Agreements and Renewals.

**Adm. Order No.:** DOF 4-2009

**Filed with Sec. of State:** 8-19-2009

**Certified to be Effective:** 9-21-09

**Notice Publication Date:** 5-1-2009

**Rules Amended:** 629-041-0100

**Subject:** The Oregon State Board of Forestry needs to amend OAR 629-041-0100, the Board's rule that governs the formation of contracts and agreements by the State Forester under ORS 477.406. The amendment will establish procedural rules for the competitive solicitation of agreements for the prevention and suppression of fire on forestland and other lands by adopting by reference by adopting by reference two divisions of the Attorney General's Model Public Contract Rules, OAR chapter 137, divisions 046 and 047 (2008).

Previously, the State Board of Forestry regarded these agreements as falling under the contracting authority of the Oregon Department of Administrative Services (DAS) under ORS 279A. 140 (1). In that case, the DAS contracting rules, OAR chapter 125, divisions 246 and 247, applied to competitive solicitations of the agreements. The board recently discovered, however, that the board and the State Forester have independent contracting authority under ORS 477.406 and ORS 279A.050(6)(L). Consequently, the board no longer automatically can use the DAS contracting rules, and now must adopt its own rules to specify procedures for competitive contracting or fire prevention and suppression services.

**Rules Coordinator:** Mary Schmelz—(503) 945-7202

**629-041-0100**

**Procedures for Contracts, Agreements and Renewals**

(1) Pursuant to ORS 477.406(2), all agreements entered into by the forester or by a forest protective association, with each other, with a federal or state agency, political subdivision, corporation, responsible organization or responsible landowner or group of landowners for the prevention and suppression of fire shall be negotiated in accordance with the requirements and limitations of ORS 477.406 to 477.412 and this rule.

(2) All negotiations for contracts or agreements pursuant to section (1) of this rule shall be:

(a) Limited to matters provided in ORS 477.406(1).

(b) Conducted by representatives authorized to act on behalf of their organization, where applicable, and that are knowledgeable in wildland fire protection systems or a relevant specialty addressed in the contract or agreement.

(c) Conducted in good faith with the intention of maintaining a complete and coordinated forest protection system for the State of Oregon that is effective in carrying out the policies of ORS Chapter 477 and is economically efficient.

(3) Upon completion of negotiations and agreement by the parties, the contract or agreement will be timely reviewed (though not necessarily prior to its effective date) for adherence to the requirements of relevant statutes and rules according to the following:

(a) The Board shall review any base level contract or agreement between the forester and a forest protective association.

(b) The State Forester or designated representative shall review:

(A) Any contract or agreement that is supplemental to an existing base level agreement between the forester and a forest protective association; or

(B) Any contract or agreement with any other governmental agency or cooperator that affects areas outside a forest protection district or more than one forest protection district.

(c) The district warden or designated representative shall review any contract or agreement with any other governmental agency or cooperator that affects lands only within the warden's jurisdiction.

(d) Notwithstanding this section, any other applicable provision of law requiring a different standard of review or approval shall still apply.

(4) Notwithstanding section (3) of this rule, the Board may, at any time it is aware that a contract or agreement is to be negotiated under this rule, require the contract or agreement to be approved by the Board before its becoming effective.

(5) Any contract or agreement negotiated in accordance with this rule shall include a provision allowing the timely and prospective correction of deficiencies that may be found as a result of the review required in section (3) of this rule, or termination of the contract or agreement.

(6) The State Forester may advertise to solicit bids or proposals for agreements or contracts with corporations, responsible organizations, responsible landowners or groups of landowners for the prevention and suppression of fire on forestland or on land other than forestland, or both. With the exception of judicial review procedures, the procedures specified in OAR chapter 137, divisions 046 and 047 (2008), including protest procedures, apply to solicitations for agreements or contracts with corporations, responsible organizations, responsible landowners, or groups of landowners for the prevention and suppression of fire on forestland or on land other than forestland, or both, but not to agreements or contracts with federal or state agencies, political subdivisions, or forest protective associations. Judicial review of a decision by the State Forester regarding a solicitation specified in this rule is governed by the Oregon Administrative Procedures Act, ORS Chapter 183. This section applies to solicitations issued on or after February 1, 2009. The amendments to this section shall become effective on September 21, 2009.

Stat. Auth.: ORS 526.016(4) & 526.041

Stats. Implemented: ORS 477.406

Hist.: DOF 3-2001, f. 3-14-01, cert. ef. 3-15-01; DOF 2-2009(Temp), f. & cert. ef. 3-25-09 thru 9-20-09; DOF 4-2009; f. 8-19-09 cert. ef. 9-21-09

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**Department of Human Services,**  
**Administrative Services Division and Director's Office**  
**Chapter 407**

**Rule Caption:** Department of Human Services Roles and Responsibilities During Oregon Health Authority Operational Transition Period.

**Adm. Order No.:** DHSD 6-2009(Temp)

**Filed with Sec. of State:** 9-14-2009

**Certified to be Effective:** 9-14-09 thru 3-12-10

**Notice Publication Date:**

**Rules Adopted:** 407-043-0010

**Subject:** Effective June 26, 2009, 2009 Or. Laws Chapter 595 (House Bill 2009) created the Oregon Health Authority (OHA) and transferred to OHA certain duties, functions, and powers of the Department of Human Services (Department) with respect to health and health care. House Bill 2009 authorized an operational transition period beginning June 26, 2009 and ending no later than June 30, 2011. These rules explain the roles and responsibilities of the Department and OHA concerning these transferred duties, functions, and powers during the operational transition period.

**Rules Coordinator:** Kym Gasper—(503) 945-6302

**407-043-0010**

**Oregon Health Authority Transition Period Roles and Responsibilities**

(1) Effective June 26, 2009, 2009 Or. Laws Chapter 595 (House Bill 2009) created the Oregon Health Authority and transferred certain duties, functions, and powers of the Department of Human Services (Department) with respect to health and health care to the Oregon Health Authority. House Bill 2009 also authorized an operational transition period beginning June 26, 2009 and ending no later than June 30, 2011. The transferred subject areas are generally described in Section 19(1)(a), 2009 Or. Laws Chapter 595 as including but not limited to:

(a) Developing the policies for and the provision of publicly funded medical care and medical assistance in Oregon;

(b) Ensuring the promotion and protection of public health and the licensing of health care facilities;

(c) Developing the policies for and the provision of mental health treatment and treatment for substance use disorders;

(d) Administering the Oregon Prescription Drug Program; and

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(e) Establishing responsibility for the Office for Oregon Health Policy and Research and all functions of the office.

(2) The transferred functions described in section (1)(a)-(e) above are generally carried out as currently described in Department rules by the Public Health Division, the Addictions and Mental Health Division, and the Division of Medical Assistance Programs.

(3) Operational transfer of any Department program, business transaction, judicial or administrative proceeding, or any other duty, function, or power transferred to the Oregon Health Authority may occur, in whole or in part, on the date specified by the Oregon Health Authority, but no later than June 30, 2011.

(4) In accordance with OAR 943-001-0010 to 943-001-0015, the Department shall continue to exercise all of the duties, functions, and powers relating to the transfer to the Oregon Health Authority, subject to the supervision and oversight of the Oregon Health Authority, until superseded by operational transfer, either in whole or in part, to the Oregon Health Authority as follows:

(a) All rules shall remain in effect and ongoing rule filing processes may continue.

(b) All program administration, policies, and procedures shall remain in effect and may continue to be developed and implemented.

(c) Any judicial or administrative action, proceeding, contested case hearing, administrative review matter, or new action, proceeding, or matter involving or relating to the Department's duties, functions, or powers transferred to the Oregon Health Authority shall continue under the Department.

(d) All procurements, contracts, grants, or other business transactions shall remain the Department's responsibility.

(e) Rights and obligations legally incurred under contracts, leases, and business transactions shall remain legally valid.

(f) Any taxes, assessments, fees, charges, or any payments due and payable to or reimbursable by the Department relating to the duties, functions, or powers transferred to the Oregon Health Authority shall continue to be paid to or reimbursed by the Department on behalf of the Oregon Health Authority.

(g) Any former statutorily required findings, determinations, or recommendations to be made by the Department shall remain the Department's responsibility.

(h) All filings, notices, or service documents that were formerly mailed, provided to, or served upon the Department relating to the duties, functions, or powers transferred to the Oregon Health Authority shall continue to be made, provided to, or served upon the Department on behalf of the Oregon Health Authority.

(A) Mailing or service of notices or documents on the Department shall be considered notice to the Oregon Health Authority. For example, any notice sent to the Department of Human Services Estate Administration Unit for purposes of ORS 113.145, 114.525, and 130.370 shall be considered notice to the Oregon Health Authority.

(B) If mailed, provided to, or served on the Oregon Health Authority, the filing, notice, or document shall be transmitted to the Department to respond or take such other actions as necessary to protect the state's interests.

(5) Any and all remaining duties, functions, or powers relating to the duties, functions, and powers transferred to the Oregon Health Authority that are not described in section (4) shall continue in effect or be exercised by the Department until superseded by operational transfer, either in whole or in part, to the Oregon Health Authority.

Stat. Auth.: ORS 409.050 & 2009 OL Ch 595 (09 HB 2009)  
Stats. Implemented: 2009 OL Ch 595 (09 HB 2009)  
Hist.: DHSD 6-2009(Temp). f. & cert. ef. 9-14-09 thru 3-12-10

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**Department of Human Services,  
Children, Adults and Families Division:  
Child Welfare Programs  
Chapter 413**

**Rule Caption:** Changing OARs affecting Child Welfare programs.

**Adm. Order No.:** CWP 10-2009(Temp)

**Filed with Sec. of State:** 9-1-2009

**Certified to be Effective:** 9-1-09 thru 12-28-09

**Notice Publication Date:**

**Rules Amended:** 413-010-0500, 413-030-0405, 413-030-0410, 413-030-0415, 413-030-0445, 413-030-0450, 413-090-0000, 413-090-0005, 413-090-0010

**Rules Suspended:** 413-010-0500(T), 413-090-0000(T), 413-090-0005(T), 413-090-0010(T)

**Subject:** OAR 413-010-0500, which was amended by temporary rule on July 1, 2009 and concerns contested case hearings about payments made in various child welfare programs, is being amended to clarify its language that a claimant has a right to a hearing for a reduction or termination of guardianship assistance benefits, and include the statutory requirement that a Department employee representative may not make legal arguments at a hearing, including which arguments are "legal arguments" and which are not.

OAR 413-030-0405 which concerns definitions applicable to OAR 413-030-0400 to 413-030-0455 is being amended to state a definition for "former foster child".

OAR 413-030-0410 which concerns the eligibility requirements for Independent Living Program services is being amended to state a "former foster child" (as defined under OAR 413-030-0405) is eligible to receive these services.

OAR 413-030-0415 which concerns the goals of the independent living program and OAR 413-030-0445 which concerns referrals for Independent Living Program services are being amended to replace the term "former foster care youth" with the new term "former foster child" as defined in OAR 413-030-0405.

OAR 413-030-0450, which concerns referrals for housing services programs is being amended to set forth the monthly limitation on housing subsidy payments effective September 1, 2009.

OAR 413-090-0000 — which was amended by temporary rule on July 1, 2009 and August 12, 2009 and concerns payments for family foster care, enhanced supervision, Chafee housing, independent living housing subsidy, and residential treatment — is being amended further to include Chafee housing and independent living housing subsidy payments.

OAR 413-090-0005 — which was amended by temporary rule on July 1, 2009 and August 12, 2009 and concerns definitions applicable to OAR 413-090-0000 to 413-090-0050 — is being amended further to include definitions for the terms "Chafee housing" and "independent living housing subsidy".

OAR 413-090-0010 — which was amended by temporary rule on July 1, 2009 and August 12, 2009 and concerns eligibility for payments — is being amended further to state that the shelter care rate for a child or young adult age 13 through 20 years old is a daily rate, state the daily rates for enhanced shelter care, and set forth the limitations of Chafee housing and independent living housing subsidy payments.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 413-010-0500

### Contested Case Hearings

(1) A claimant has the right to a contested case hearing under ORS 183 when the Department receives a timely and completed hearing request concerning the denial, reduction, or termination of payment of or for any of the following:

- The foster care base rate.
- Enhanced supervision.
- Personal care services.
- The cost of housing the child of a dependent minor.
- Title IV-E adoption assistance (OAR 413-130-0120).
- Guardianship assistance.

(2) When a payment to a foster parent or relative caregiver is a benefit to a child placed in that home by the Department, the child is the claimant in the contested case. The foster parent or relative caregiver may act on behalf of that child under these rules (OAR 413-010-0500 to 413-010-0535), requesting a contested case hearing for the child.

(3) These rules describe the policies that apply to contested cases about the issues described in section (1) of this rule.

(a) OAR 137-003-0501 to 137-003-0700 apply to these contested cases, except to the extent that rules in chapter 413 are permitted to and provide otherwise.

(b) Rules in chapter 461 do not apply to these contested cases unless a rule in chapter 413 expressly refers to them.

(c) The method described in OAR 137-003-0520(10) is used in computing any period of time prescribed in these rules.

(d) These rules supercede any conflicting statements in Child Welfare Policy I-A.5.2.1, "Contested Case Hearings".

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(4) The Department, subject to the approval of the Attorney General, has authorized its employees to represent the Department in these contested cases.

(5) A Department employee acting as the Department's representative may not make legal argument on behalf of the Department.

(a) "Legal argument" includes argument on:

(A) The jurisdiction of the Department to hear the contested case;

(B) The constitutionality of a statute or administrative rule or the application of a constitutional requirement to the Department; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of a motion, evidence, examination and cross-examination of a witness, or presentation of a factual argument on:

(A) The application of a statute or administrative rule to the facts in the contested case;

(B) Comparison of a prior Department action when handling a similar situation;

(C) The literal meaning of a statute or administrative rule directly applicable to an issue in the contested case;

(D) The admissibility of evidence; and

(E) The correctness of a procedure being followed in the contested case hearing.

(6) The Department may authorize an assistant attorney general to be its representative in these contested cases.

(7) These contested cases are not open to the public and are closed to nonparticipants, except nonparticipants may attend subject to the consent of each party and the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

Hist.: SOSCF 32-2001, f. 6-29-01 cert. ef. 7-1-01; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09

## 413-030-0405

### Definitions

(1) "Chafee Foster Care Independence Program (CFCIP)" means: a federally funded grant allocated to the State of Oregon Department of Human Services (Oregon DHS) for administration. This grant replaces the previously administered Title IV-E Independent Living Program grant. Services provided under the CFCIP will continue to be referred to as Independent Living Program (ILP) services.

(2) "Contractor" or "Service Provider" means: an entity with whom DHS-CAF has contracted to provide independent living services.

(3) "Federally Recognized Tribes in Oregon" means: Burns Paiute Tribe; Confederated Tribes of Coos; Lower Umpqua and Siuslaw; Confederated Tribes of Grand Ronde; Confederated Tribes of Siletz; Coquille Indian Tribe; Confederated Tribes of Umatilla; Confederated Tribes of Warm Springs; Cow Creek Band of Upper Umpqua; and Klamath Tribe.

(4) "DHS Foster Care" means: 24-hour substitute care for children placed away from their parents or guardians for whom the state agency has placement and care responsibility. This includes but is not limited to placements in foster family homes, relative care, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. It further covers ILP enrolled youth placed in the State's Independent Living Subsidy Program. A child is in foster care in accordance with this definition regardless of whether the foster care setting is receiving a payment from DHS.

(5) "Tribal Foster Care" means: 24-hour substitute care for children placed away from their parents or guardians for whom the Tribe has placement and care responsibility. This includes but is not limited to placements in foster family homes, relative care, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care setting is receiving a payment from the Tribe.

(6) "Former foster child" means a person under 21 years of age who was in substitute care at or after 16 years of age, including substitute care provided by Federally Recognized Tribes in Oregon, and has been in substitute care for at least 180 cumulative days.

(7) "ILP Desk" means: the central and administrative center, housed at Central Office, for administering the Independent Living Programs (ILP) which include Independent Living Skill Building (ILPBS), the Independent Living Subsidy Program (ILSP) and the Chafee Housing Program (ILP-CH).

(8) "Independent Living Subsidy Program (ILSP)" means: State of Oregon funded program (ORS 418.475) to assist foster care youth with housing services for their transition to independence.

(9) "Self Sufficiency" means: to demonstrate the knowledge, skills, and abilities to provide for one's self without reliance on public assistance programs.

(10) "Service Provider" or "Contractor" means: an entity with whom DHS-CAF has contracted to provide independent living services.

(11) "Permanency for Children (PFC)" means: the Permanency for Children office in the Department of Human Services' Children, Adults and Families program area.

Stat Auth: ORS 418.005

Stats. Implemented: ORS 418.475

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09

## 413-030-0410

### Eligibility for Services

(1) In general, the following youth are eligible for ILP services:

(a) A youth, fourteen (14) years of age and older who is currently in foster care with Oregon DHS or one of the Federally Recognized Tribes in Oregon;

(b) A former foster child; or

(c) A youth enrolled in a formal Oregon ILP which began providing services prior to the effective date of these rules (January 22, 2002), shall be allowed to continue to receive services until their plan for independence has been completed or until the youth reaches 21 years of age.

(2) The individual programs and services within these rules may have further eligibility requirements based on program limitations, funding restrictions, age appropriateness or youth's readiness. Eligibility Matrix [Matrix not included. See ED. NOTE.]

[The Matrix referenced is available from the agency.]

Stat Auth: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09

## 413-030-0415

### Goals of the Independent Living Program

(1) Assist foster care youth in the following ways:

(a) Obtaining personal and emotional support and promote healthy interactions with dedicated adults;

(b) Making the transition to self sufficiency;

(c) Receiving the education, training, and services necessary to obtain employment;

(d) Attaining academic and/or vocational education, and prepare for post-secondary training and education.

(2) Assist an eligible former foster child currently between the ages of 18 and 21 years old who has not reached 21 years of age with support and services.

Stat Auth: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09

## 413-030-0445

### Referrals for Independent Living Program Services (ILP)

(1) The following youth may be referred to the ILP program.

(a) Youth in foster care with Oregon DHS between the ages of 14 and 16 years of age may be considered for ILP services.

(b) Youth in foster care with Oregon DHS who have reached their 16th birthday shall be considered for services to achieve independence unless; the case plan or court order finds that it is not in the youth's best interest and that documentation in the youth's case file reflects the reasons for this decision and lists the individuals (i.e. youth, foster parents, youth's relatives, CASA, youth's attorney) involved in that decision. [Per federal case planning regulations: Section 475 of the Social Security Act; PL 96-272; and DHS Child Welfare Policy I-1.2, Narrative Recording].

(c) A former foster child who meets the eligibility criteria may request voluntary services from Oregon DHS by completing a Service Application (CF304).

(2) If a youth is considered appropriate and eligible for ILP services a referral for services will be made by DHS for a formal written Life Skills Assessment. Referral for ILP services are made to the local contracted provider for the county in which the youth resides. If an ILP Contractor is not available in the local area then the caseworker may contact the ILP Coordinator in Central Office for assistance in accessing other service providers.

(3) A Life Skills Assessment may include the following:

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(a) Assessment of the youth's skills gathered by interviews with the youth, caseworker, foster parent, biological parents and/or other significant adults, and

(b) Use of a formalized independent living assessment tool such as; Ansell-Casey Assessment or Daniel Memorial Assessment.

(c) Youth shall also be assessed for readiness of services, commitment to participate in services, and types of services necessary.

(d) The written life skills assessment will:

(A) Identify the strengths of the youth being assessed.

(B) Describe the youth's current skill needs in the following areas:

(i) Interactions and connectedness to dedicated adults who can assist in the personal and emotional support necessary to achieve independence;

(ii) Ability to make a successful transition to self sufficiency;

(iii) Educational and vocational interest and abilities;

(iv) Physical health and/or mental health; and

(v) Residential stability.

(C) Include the youth's signature indicating that the youth participated directly in the assessment.

(4) The Youth's Service Plan includes:

(a) A decision making meeting will be held between the youth, the ILP service provider, the youth's caseworker, the youth's foster parent and/or other significant adults, following completion of the youth's life skills assessment.

(A) The purpose of this decision making meeting is to create a service plan identifying what services are needed, which services are available by the ILP provider and what services may be obtained within the community.

(B) If the youth's needs cannot be met by the local service provider, or with community services, the caseworker will consult with the ILP Coordinator in Central Office and consider other service options.

(b) An outline of the services that will be offered, the needs the services intend to address, the anticipated time frame for when services will begin and end, and what responsibility each member of the decision making team will assume.

(c) Signatures of the participating team members acknowledging their participation and agreement with the plan; and

(d) A review of the plan within the first 90 days after it is established, and every 180 days thereafter.

(A) The purpose of the review is to ensure appropriate services are being provided for the youth and that the youth is engaged in services.

(5) A Youth's Service Plan will be considered completed when a youth has:

(a) Achieved self-sufficiency to the extent that there is no longer a need for services; or

(b) Made the voluntary and informed decision to no longer participate in services; or

(c) Made themselves unavailable for services for 60 days or more, unless the reason for the absence is known to the skills provider or caseworker and the absence is for the purpose of supporting the youths plan for independence.

(6) Post-Service Assessment. A post-service assessment will be made by the service provider, in conjunction with the decision making team, upon the completion of a Youth's Service Plan. The post-service assessment will include:

(a) The youth's successes and continued needs. This information may be gathered by interviews with the youth, caseworker, foster parent, biological parents and/or other significant adults, and may involve the use of a formal independent living assessment tool such as Ansell-Casey Assessment or Daniel Memorial Assessment.

(b) The youth's assessment and evaluation of the program and services delivered to them during their participation in ILP services. This information may be in the form of a verbal interview with the members of the decision making team, or through a formalized evaluation format provided by DHS or the service provider.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; SOSCF 8-2002, f. & cert. ef. 5-6-02; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09

## 413-030-0450

### Referrals for Housing Services Programs

(1) Youth are eligible for ILP Housing Services when they meet the following eligibility requirements:

(a) Chafee Housing (ILP-CH) services may be provided to youth who meet all of the program conditions outlined below in section (c) and who are:

(A) A former Oregon DHS or Tribal foster care recipient between the age of 18 and 21, who had care and custody terminated on or after the youth's eighteenth (18) birthday;

(B) Expected to have some form of employment throughout the youth's participation in the Chafee Housing Program, and;

(b) Independent Living Subsidy Program (ILSP) housing services may be provided to youth who meet the program conditions outlined below in section (c) and who:

(A) Are in the care and custody of Oregon DHS and at least 16 years of age;

(B) Have had at least one substitute care placement prior to applying for the ILSP;

(C) Have written permission to participate in the ILSP program from the juvenile court, if a ward of the court; or from a parent or legal guardian, if in the voluntary custody of DHS, and;

(D) Are able to pay all or a portion of the housing expenses and other support costs.

(c) Program Conditions require that the youth is:

(A) Enrolled and participating in an Independent Living "skills training" program;

(B) In need of room and board services to complete the youth's plan for independence and is willing to accept personal responsibility for making the transition from adolescence to adulthood;

(C) Involved in a program of education and employment, or a combination thereof, which amounts to full-time activity as specified below:

(i) If the youth has not graduated from high school or obtained a General Equivalency Degree (GED), the youth must be enrolled in high school, or GED classes seeking to earn a high school diploma or GED, and may be working part or full-time to accumulate at least 40 hours of combined school and work activities per week; or

(ii) If the youth has completed high school or obtained a GED, the youth may be involved in a program of post-secondary education, or vocational training, and be working part or full-time to accumulate at least 40 hours of combined school and work activities per week.

(2) Several Types of Assistance with Housing Services:

(a) Skills Training. Assistance for the youth in preparing or maintaining to live independently is obtained through "skills training" which is a required component of receiving housing services. Skills training may provide: assistance in searching for adequate, affordable, and safe housing for the youth; and/or preparation of personal budgets for the costs associated with accessing and maintaining housing, learning how to evaluate a safe residence, selecting roommates, filling out rental agreements, and learning to be a good renter or roommate.

(b) Financial Assistance. Effective September 1, 2009, a monthly housing services payment may be no greater than \$600 per month. The amount of the monthly housing assistance will be determined through completing the Budget Worksheet (CF77). Financial Assistance shall be limited as follows:

(A) Independent Living Subsidy Program assistance shall not exceed 12 months for a youth.

(B) Chafee Housing assistance shall not exceed a cumulative total amount of \$6,000 for a youth, up to 21 years of age.

(C) Housing funds shall not be expended to allow a youth to reside with their biological or legal parent(s).

(c) Payment Review. The amount of the housing payment will be reviewed on a quarterly basis, and more frequently when deemed appropriate. The youth is expected to bring receipts of monthly expenditures, income, and checking and saving account information to the review, in order to determine whether the youth's housing payment should be adjusted upward or downward. Failure of the youth to provide the above documents may be grounds for termination from the Housing Services Program. A youth who has been terminated from a Housing Services Program may not reapply for at least 30 days.

(d) Housing Services include on-going payments which may be made directly to youth for room and board (which may include rent, food, and utilities). A youth's housing services may be terminated if the youth demonstrates an unwillingness or inability to meet the requirements of the program or the written terms of the Housing Performance Agreement (CF 76) that they have signed.

(3) Appropriate Living Situations include, but are not limited to:

(a) Boarding houses, apartments, and shared housing.

(A) The residence shall meet the following minimum standards:

(i) Located to provide reasonable access to schools, places of employment, or necessary services to support the youth's plan for independence;

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(ii) Comply with applicable state and local zoning, fire, sanitary and safety regulations;

(b) Shared housing shall meet the following criteria:

(A) Each resident shall share equally in paying for rent, food, and other costs associated with maintaining the dwelling;

(B) Each resident shall not pose a risk to the youth's physical, mental, and emotional well-being, or demonstrate unlawful behavior.

(4) Enrollment Process for the Housing Services Program: The youth's caseworker, or the youth's ILP service provider will contact the ILP desk in central office to determine the availability of funds to finance the youth's room and board needs.

(a) Enrollment in Housing services is subject to available funding. A request may be denied on the basis of insufficient funds.

(b) Although a youth may be eligible for housing services, the services may be provided by an existing contracted service in the local area. Therefore, the youth may need to access the currently contracted housing services available. (These contracted service providers will be known to the ILP service provider and the ILP desk in Central Office.)

(5) Screening committee or decision meetings: will include the youth, their case worker, an ILP service provider, and other significant adults for the youth to consider the youth's request. The purpose of the decision meeting is to:

(a) Assess the youths need for housing services, the readiness of the youth for services, the services necessary to enhance the success for the youth, and the amount of funds necessary to supplement his/her income.

(b) To make a written recommendation for provision or denial of services to the ILP Coordinator.

(c) The ILP Coordinator may then authorize or deny the use of Housing funds.

(6) Denied access. If a youth is denied access to housing services, a youth is entitled to reapply for room and board services after addressing the concerns used in the decision for denial of services.

(7) Budgeting.

(a) Initial Budget. An initial monthly budget will be developed by the youth, the youth's service worker, ILP service provider, and other significant adults involved in the youth's life. The budget will be reviewed and adjusted accordingly. The purpose is to allow the youth to learn money management and accountability toward self sufficiency.

(b) Budget Items. The youth, the ILP service provider, and caseworker will complete the Budget Worksheet (CF77) which includes, but is not limited to Rent, Food, Utilities, Phone, Clothing, Laundry, and/or Transportation costs.

(c) Youth Contributions. The youth will contribute to the youth's support in accordance with the youth's Housing Services Performance Agreement (CF76) and signed Budget Worksheet (CF77).

[Publications: Publications referenced are available from the agency.]

Stat Auth: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; SOSCF 8-2002, f. & cert. ef. 5-6-02; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09

## 413-090-0000

### Purpose

These rules, OAR 413-090-0000 to 413-090-0050, describe the responsibilities of the Department for payment of costs on behalf of an eligible child or young adult, including payment to:

(1) A foster parent or relative caregiver for:

(a) The foster care base rate;

(b) Effective September 1, 2009, the cost of enhanced supervision;

(c) The cost of housing the child of a dependent minor, unless the dependent minor parent receives benefits under a program administered by the Department of Human Services under chapter 461 of the Oregon Administrative Rules; or

(d) The cost of family group home care.

(2) A provider of residential treatment services.

(3) An eligible child or young adult who is in the legal custody of the Department, living independently, and receiving an independent living housing subsidy.

(4) An individual eligible for a Chafee housing payment.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 20-2006(Temp), f. & cert. ef. 10-13-06 thru 4-10-07; CWP 5-2007, f. 3-30-07, cert. ef. 4-1-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 9-2009(Temp), f. & cert. ef. 8-12-09 thru 12-28-09; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09

## 413-090-0005

### Definitions

The following definitions apply to OAR 413-090-0000 to 413-090-0050:

(1) "Adoption assistance" means financial or medical assistance to adoptive families to assist them with costs associated with their adoptive child's needs. Financial benefits are funded by the Department's Adoption Assistance budget. Assistance can be in the form of cash, medical coverage, special payments, a combination of these, or "Agreement Only" as defined in OAR 413-130-0010(4).

(2) "BRS" means Behavior Rehabilitation Service, a Medicaid funded program that provides behavioral intervention, counseling, or skill building services in a professional, shelter, or residential (including therapeutic foster care formerly referred to as proctor care) placement setting.

(3) "CAF" means the Children, Adults and Families Division of the Department of Human Services.

(4) "Chafee housing" means a payment to assist in covering the costs of room and board made to an eligible individual between 18 and 20 years of age who was discharged from the care and custody of the Department or one of the federally recognized tribes on or after reaching 18 years of age.

(5) "Child" means a person under 18 years of age.

(6) "CANS screening" means Child and Adolescent Needs and Strengths screening, the process of integrating information on a child or young adult's strengths and needs and is designed to support case planning, service planning, and the supervision needs of the child or young adult.

(7) "Department" means the Department of Human Services, Child Welfare.

(8) "Dependent minor parent" means a child or young adult in the legal custody of the Department who is the parent of a child.

(9) "Director" means the person serving as the Director of the Department of Human Services.

(10) "District" means a geographic area of one or more counties served by the Department and managed by a District Manager.

(11) "Eligible child" means a child or young adult in the legal or physical custody of the Department who is receiving a substitute care service.

(12) "Enhanced supervision" means the additional support, direction, regulation, and guidance provided to a child or young adult.

(13) "Foster family group home" means a certified foster parent who has contracted with the Department to provide substitute care services.

(14) "Foster parent" means a person who operates a home that has been approved by Child Welfare to provide care for an unrelated child or young adult placed in the home by the Department.

(15) "Independent living housing subsidy" means a payment to assist in covering the cost of room, board, or other monthly expenses made to an eligible individual who is in the care and custody of the Department and living independently.

(16) "Precipitating event" means an observed ongoing change in a child or young adult's behavior or condition.

(17) "Provider" means a person approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.

(18) "Relative caregiver" means a person who operates a home that has been approved by Child Welfare to provide care for a related child or young adult who is placed in the home by the Department.

(19) "Sub-Acute Care" means psychiatric and mental health treatment under the direction of a psychiatrist provided as an alternative to hospitalization in a residential psychiatric treatment setting.

(20) "Young adult" means a person aged 18 through 20 years, who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 20-1999, f. 9-15-99, cert. ef. 9-20-99; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 20-2006(Temp), f. & cert. ef. 10-13-06 thru 4-10-07; CWP 5-2007, f. 3-30-07, cert. ef. 4-1-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09

## 413-090-0010

### Eligibility for Payments

(1) Family Foster Care.

(a) The Department reimburses a foster parent or relative caregiver a base rate on behalf of an eligible child or young adult in the Department's physical or legal custody who is placed by the Department in the foster parent or relative caregiver's home. Payment for the base rate is made on a

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monthly basis, or prorated for a portion of a month, after the month in which the care has been provided. The reimbursement period includes the day the child or young adult enters the home, but excludes the day the child or young adult leaves the home.

(b) Effective September 1, 2009, the Department provides payment of the base rate of \$639 per month for a child under six years old, \$728 per month for a child six through twelve years old, and \$823 per month for a child or young adult 13 through 20 years old.

(c) The base rate includes the following categories:

(A) Food — including the cost to cover a child or young adult's special or unique nutritional needs;

(B) Clothing — including purchase and replacement;

(C) Housing — including maintenance of household utilities, furnishings, and equipment;

(D) Daily supervision — including teaching and directing to ensure the child or young adult is attended to appropriate to his or her age and developmental level and to ensure safety;

(E) Personal incidentals — including personal care items, entertainment, reading materials, and miscellaneous items; and

(F) The cost of providing transportation — including local travel associated with expenditure for gas and oil, vehicle maintenance and repair, and transportation to and from extracurricular, child care, recreational, and cultural activities.

(2) Shelter Care. The Department reimburses a foster parent or relative caregiver a shelter care rate on behalf of an eligible child or young adult during the first 20 days of substitute care after the Department has obtained physical or legal custody of the child or young adult. The daily shelter care rate is \$24.60 for a child under six years old, \$28.00 for a child six through twelve years old, and \$31.60 for a child or young adult 13 through 20 years old.

(3) Enhanced Shelter Care. Effective September 1, 2009, the Department reimburses a foster parent or relative caregiver an enhanced shelter care rate on behalf of an eligible child or young adult during the first 20 days of substitute care in the first foster care or relative caregiver home after a child or young adult has resided in a residential treatment placement unless an enhanced supervision level of care has been determined. The daily enhanced shelter care rate is \$29.40 for a child under six years old, \$33.50 for a child six through twelve years old, and \$37.90 for a child or young adult 13 through 20 years old.

(4) Enhanced supervision. Payment to a foster parent or relative caregiver for enhanced supervision responsibilities on behalf of an eligible child or young adult is made when the CANS screening indicates the child meets one of three levels of care at an amount determined by the Department.

(a) If the child or young adult qualifies as Level 1 (moderate needs), the payment is \$212 per month.

(b) If the child or young adult qualifies as Level 2 (intermediate needs), the payment is \$414 per month.

(c) If the child or young adult qualifies as Level 3 (advanced needs), the payment is \$850 per month.

(5) The Department reimburses a foster family group home on behalf of an eligible child or young adult as provided in the signed contract between the Department and the foster parent or relative caregiver.

(6) Effective September 1, 2009, the Department reimburses a foster parent or relative caregiver for room and board (see subsection (1)(b) of this rule) for the child of a dependent minor parent when the dependent minor parent does not receive other public assistance for the dependent minor parent's child or have other means of financial support.

(7) Effective September 1, 2009, the Department reimburses an eligible individual a Chafee housing or an independent living housing subsidy payment up to a maximum of \$600 per month of eligibility.

(8) Residential Treatment. Payment by the Department to a residential treatment care provider on behalf of an eligible child or young adult is made as provided in the signed contract between the Department and the residential treatment provider.

(9) Payments prohibited.

(a) Payment cannot be made for two simultaneous 24 hour substitute care services.

(b) Neither payment nor utilization credit may be given for simultaneous contracted treatment services, such as day treatment and residential treatment.

(c) The Department will not authorize payment for the care of a child or young adult in a home or facility supported by public funds and maintained only as a secure facility for individuals under the jurisdiction of a juvenile court.

(d) Any exception to this rule must be approved in writing by the Director, or if for a Target Planning Child, by the CAF Target Planning and Consultation Committee. Exceptions will be considered only when federal funds will not be claimed.

(10) A payment by the Department under this rule to a foster parent or relative caregiver is inalienable by any assignment or transfer and exempt from execution, levy, attachment, garnishment, and other legal process under the laws of the state of Oregon.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 418.470, 418.625

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 2-1999, f. & cert. ef. 3-5-99; SOSCF 20-1999, f. 9-15-99, cert. ef. 9-20-99; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 20-2003(Temp), f. 1-31-03 thru 7-30-03; CWP 27-2003, f. & cert. ef. 7-31-03; CWP 34-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04; CWP 7-2004, f. & cert. ef. 4-1-04; CWP 20-2006(Temp), f. & cert. ef. 10-13-06 thru 4-10-07; CWP 5-2007, f. 3-30-07, cert. ef. 4-1-07; CWP 28-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 10-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 9-2009(Temp), f. & cert. ef. 8-12-09 thru 12-28-09; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09

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## Department of Human Services, Children, Adults and Families Division: Self-Sufficiency Programs Chapter 461

**Rule Caption:** Changing OARs affecting public assistance, medical assistance or food stamp clients.

**Adm. Order No.:** SSP 22-2009(Temp)

**Filed with Sec. of State:** 8-28-2009

**Certified to be Effective:** 8-28-09 thru 2-21-10

**Notice Publication Date:**

**Rules Amended:** 461-115-0030, 461-135-1125

**Subject:** OAR 461-115-0030 about how the Department determines the date a client requested program benefits is being amended to restate how the date of request is determined for an Oregon Health Plan – Standard (OHP-OPU) program reservation list applicant.

OAR 461-135-1125 about how the Department determines eligibility for and manages the Oregon Health Plan – Standard (OHP-OPU) program reservation list is being amended to remove the requirement that an individual selected to be considered for OHP-OPU program benefits submit an OHP 7210R Reservation List Application to qualify for OHP-OPU program benefits.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

### 461-115-0030

#### Date of Request

(1) For all programs covered by Chapter 461 of the Oregon Administrative Rules, the client or someone authorized to act on behalf of the client must contact the Department or use another appropriate method to request benefits (see OAR 461-115-0150). The request may be oral or in writing. The request starts the application process.

(2) The date of request is one of the following:

(a) In the EA, ERDC-BAS, GA, OSIP, REF, and TANF programs and for support service payments in the JOBS program authorized by OAR 461-190-0211, the date of request is the day the request for benefits is received by the Department.

(b) In the FS program, this section does not apply. See OAR 461-115-0040.

(c) In the GAM, MAA, MAF, OHP, OSIPM, REFM, and SAC programs, the date of request is determined as follows:

(A) For a new applicant,

(i) The day the request for medical benefits is received by a Department representative, except as described in subparagraphs (ii) and (iii) of this paragraph.

(ii) If the request for medical benefits is received by a Department representative no later than the next business day after medical services are received, the date of request is the day these medical services were received.

(iii) An applicant's request to be placed on or application for the OHP Standard Reservation List (see OAR 461-135-1125) does not establish a date of request for medical benefits.

(B) For a current recipient, the date of request is one of the following:

(i) The date the client reports a change requiring a redetermination of eligibility.

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(ii) The date the Department initiates a review, except that the automatic mailing of an application does not constitute a Department-initiated review.

(iii) The date the client establishes a date of request by contacting the Department orally or in writing or by submitting an application.

(d) In the SFPSS program:

(A) Except as provided in paragraph (B) of this subsection, the date of request is the day the client signs the program's Interim Assistance Agreement.

(B) The date of request for support service payments is the day the request for benefits is received by the Department.

Stat. Auth: ORS 409.050, 411.060, 411.070, 411.816, 412.014, 412.049, 414.042  
Stats. Implemented: ORS 411.060, 411.070, 411.816, 412.014, 412.049, 414.042  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 5-2000, f. 2-29-00, cert. ef. 3-1-00; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 12-2008(Temp), f. & cert. ef. 4-17-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 22-2009(Temp), f. & cert. ef. 8-28-09 thru 2-21-10

## 461-135-1125

### Reservation Lists and Eligibility; OHP-OPU

(1) The "OHP Standard Reservation List" means a list of individuals who may be considered for the OHP-OPU program as a new applicant at such times as the Department determines that new applicants may be added into the program. This list is used to manage enrollment of new applicants as defined by OAR 461-135-1102 into the program within the limits of program authority and funding.

(2) An "OHP Standard Reservation List Applicant" means an individual who has been selected randomly under section (6) of this rule and establishes a date of request (see OAR 461-115-0030) within 45 days from the date the Department mails notification that the individual's reservation number has been selected randomly.

(3) When the Department specifies that the OHP Standard Reservation List is open, an individual is placed on the OHP Standard Reservation List if all of the following requirements are met:

(a) The individual, or someone acting on behalf of the individual, may request placement on the OHP Standard Reservation List by calling the designated telephone number for the OHP Standard Reservation List or in writing. A written request must arrive through one of the following methods:

(A) By mail to the designated mailing address for the OHP Standard Reservation List.

(B) By fax or hand delivery to a local Department office that receives client applications for the Oregon Health Plan.

(C) By electronic submission from the OHP website or by e-mail to the OHP Standard Reservation List e-mail address.

(b) The full name, date of birth, and mailing address of each individual requesting placement on the OHP Standard Reservation List must be provided to the Department and received by the Department as described in subsection (a) of this section before the request is considered complete.

(c) If the address of an individual changes after the individual makes a request, the individual must provide an updated address to the Department using a method described in subsection (a) of this section. If the individual reports an address change to the Department in a way other than that outlined in subsection (a) of this section, the Department cannot guarantee the address change will be reflected in the reservation list, but will make reasonable efforts to incorporate that address change.

(4) The following procedures apply to the OHP Standard Reservation List:

(a) Individuals completing a request for placement on the OHP Standard Reservation List are assigned a reservation number. All members of an OHP filing group (see OAR 461-110-0400 for filing group composition) requesting placement on the OHP Standard Reservation List are assigned the same reservation number.

(b) The Department may request that individuals voluntarily provide their social security number (prior to the OHP 7210R Application). The Department may use the social security number for purposes of identification to help prevent duplicate reservations. The Department may not deny placement on the OHP Standard Reservation List because an individual does not provide a social security number.

(c) The Department sends confirmation to individuals who are placed on the OHP Standard Reservation List. If there is already a reservation

established, individuals who have received confirmation from the Department need not make an additional request unless the reservation was removed (see section (8) of this rule), already used, or withdrawn.

(5) Requesting placement on the OHP Standard Reservation List, receiving a reservation number, or being placed on the OHP Standard Reservation List does not constitute an application for OHP-OPU or any other medical program administered by the Department. Individuals placed or refused placement on the OHP Standard Reservation List are not evaluated for DHS medical program eligibility.

(6) At such times that the Department determines that it has the requisite authority and funding and that new applicants can be added to the OHP-OPU program, and after the Department determines the number of new applicants that can be added, a designated number of individuals on the OHP Standard Reservation List are selected randomly. Once an individual has been selected randomly, the reservation number assigned to that individual and its position on the list has been used and is no longer available.

(7) An OHP Standard Reservation List Applicant must file a Department application or amend a completed application (see OAR 461-115-0050) as a prerequisite of receiving OHP-OPU program benefits.

(8) When the Department determines that the OHP Standard Reservation List should be discontinued, all individuals currently on the list are removed except as provided in section (9) of this rule. If the Department establishes a new OHP Standard Reservation List, the Department determines when an individual may again request placement on the list according to sections (3) and (4) of this rule.

(9) The Department may opt to use the reservation number of an individual not selected randomly from a discontinued list to create a new OHP Standard Reservation List. To be added to the new OHP Standard Reservation List, the Department may require each individual not selected randomly from the discontinued OHP Standard Reservation List to request placement on the new OHP Standard Reservation List and be assigned a new reservation number.

(10) Nothing in this rule prevents any individual from applying for medical assistance at any time. However, new applicants as defined in OAR 461-135-1102 for OHP-OPU are managed by the OHP Standard Reservation List.

Stat. Auth.: ORS 409.050, 411.060, 414.042  
Stats. Implemented: ORS 409.010, 411.060, 414.042  
Hist.: SSP 2-2008(Temp), f. & cert. ef. 1-28-08 thru 6-30-08; SSP 12-2008(Temp), f. & cert. ef. 4-17-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 22-2009(Temp), f. & cert. ef. 8-28-09 thru 2-21-10

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**Rule Caption:** Changing OARs affecting public assistance, medical assistance or food stamp clients.

**Adm. Order No.:** SSP 23-2009(Temp)

**Filed with Sec. of State:** 8-28-2009

**Certified to be Effective:** 8-28-09 thru 1-28-10

**Notice Publication Date:**

**Rules Amended:** 461-115-0050

**Rules Suspended:** 461-115-0050(T)

**Subject:** OAR 461-115-0050 — which concerns when an application for program benefits in any of the Department's programs must be filed and which was amended by temporary rule on July 29, 2009 — is being amended to implement House Bill 2116 (2009 Regular Session) by stating that a new application is not required for many of the Department's medical programs when redetermining medical program eligibility and to remove the requirement that OHP Standard Reservation List applicants must apply for OHP Standard using only the OHP 7210R application.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

### 461-115-0050

#### When an Application Must Be Filed

(1) A client must file an application, or may amend a completed application, as a prerequisite to receiving benefits as follows:

(a) A client may apply for the TA-DVS program as provided in OAR 461-135-1220.

(b) In all programs other than the TA-DVS program:

(A) Except as provided otherwise in this rule, a client wishing to apply for program benefits must submit a complete application on a form approved by the Department.

(B) An application is complete if all of the following requirements are met:

# ADMINISTRATIVE RULES

(i) All information necessary to determine the individual's eligibility and benefit amount is provided on the application for each individual in the filing group.

(ii) The applicant, even if homeless, provides a mailing address.

(iii) The application is signed. An individual required but unable to sign the application may sign with a mark, witnessed by another individual.

(iv) The application is received by the Department, except an electronic application (see OAR 461-001-0000) meets the requirements of this paragraph only when submitted to and received by the Department with an electronic signature.

(2) A new application is not required in the following situations:

(a) In the Food Stamp program, when a single application can be used both to determine a client is ineligible in the month of application and to determine the client is eligible the next month. This can be done when:

(A) Anticipated changes make the *filing group* (see OAR 461-110-0370) eligible the second month; or

(B) The *filing group* provides verification between 30 and 60 days following the filing date (see OAR 461-115-0040), under OAR 461-180-0080.

(b) In all programs except the Food Stamp program, when a single application can be used both to determine a client is ineligible on the *date of request* (see OAR 461-115-0030) and to determine the client is eligible when anticipated changes make the filing group eligible within 45 days from the date of request.

(c) When the case is closed and reopened during the same calendar month.

(d) When benefits were suspended for one month because of the level of income, and the case is reopened the month following the month of suspension.

(e) When reinstating medical benefits for a pregnant woman covered by OAR 461-135-0950.

(f) When the Department determines a child less than 19 years of age with a *date of request* from July 1, 2009 through December 31, 2009 is not eligible for EXT, MAA, MAF, OHP, OSIPM, QMB, or SAC program benefits for a reason other than failure to complete the application requirements under OAR 461-115-0020, and the Department chooses to redetermine the child's eligibility for EXT, MAA, MAF, OHP, OSIPM, QMB, and SAC program benefits under the administrative rules in effect on October 1, 2009 and January 1, 2010.

(3) When a client establishes a new *date of request* (see OAR 461-115-0030) prior to the end of the month following the month of case closure, unless the Department determines a new application is required, a new application is not required in the following situations:

(a) In the OSIPM program, when the client's case closed due to failure to make a liability payment required under OAR 461-160-0610.

(b) In the OSIPM-EPD program, when the client's case closed due to failure to make a participant fee payment required under OAR 461-160-0800.

(4) A new application is required to add a newborn child to a *benefit group* (see OAR 461-110-0750) according to the following requirements:

(a) For the REF and TANF programs:

(A) A new application is not required if the child is listed on the application as "unborn" and there is sufficient information about the child to establish its eligibility.

(B) A new application is required if the child is not included on the application as "unborn."

(b) In the EXT, MAA, MAF, OHP, and REFM programs, no additional application is required to add the child to the *benefit group* of the child's mother. The child may be added to a *benefit group* other than the *benefit group* of the child's mother if eligibility can be determined without submission of a new application.

(c) In the ERDC and FS programs, an application is not required to add the child to the *benefit group*.

(d) In all programs other than ERDC, EXT, FS, MAA, MAF, OHP, REF, REFM, and TANF, an application is required.

(5) A new application is required to add an individual, other than a newborn child, to a *benefit group* according to the following requirements:

(a) In the ERDC and FS programs, a new application is not required.

(b) In the EXT, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs, an individual may be added by amending a current application if the information is sufficient to determine eligibility; otherwise a new application is required.

(c) In all programs other than the ERDC, EXT, FS, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs, a new application is required.

(6) A client whose TANF grant is closing may request ERDC orally or in writing.

(7) Except for an applicant for the FS program, a client may change between programs administered by the Department using the current application if the following conditions are met:

(a) The client makes an oral or written request for the change.

(b) The Department has sufficient evidence to determine eligibility and benefit level for the new program without a new application.

(c) The program change can be effected while the client is eligible for the first program.

(8) In the EXT, MAA, MAF, OHP, OSIP, OSIPM, and QMB programs, a new application is not required to redetermine eligibility if the following conditions are met:

(a) The client is currently receiving benefits from one of these programs; and

(b) The Department has sufficient evidence to redetermine eligibility for the same program or determine eligibility for the new program without a new application or by amending the current application.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.014, 412.049, 414.042

Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.816, 412.014, 412.049, 414.042, 2009 Or. Laws ch. 867

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 3-1991(Temp), f. & cert. ef. 1-17-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 27-1996, f. 6-27-1996, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; AFS 21-2001(Temp), f. & cert. ef. 10-1-01 thru 12-31-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 2-2008(Temp), f. & cert. ef. 1-28-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 17-2009(Temp), f. 7-29-09, cert. ef. 8-1-09 thru 1-28-10; SSP 22-2009(Temp), f. & cert. ef. 8-28-09 thru 1-28-10

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**Rule Caption:** Changing OARs affecting public assistance, medical assistance or food stamp clients.

**Adm. Order No.:** SSP 24-2009

**Filed with Sec. of State:** 8-31-2009

**Certified to be Effective:** 8-31-09

**Notice Publication Date:** 8-1-2009

**Rules Adopted:** 461-145-0143

**Rules Amended:** 461-145-0550

**Subject:** OAR 461-145-0143 about treatment of the \$250 economic recovery payments in Chapter 461 program eligibility determinations is being adopted to state that the payments are treated as excluded income in the month of receipt and an excluded resource in the month of receipt and for the following nine months. This amendment makes permanent a temporary rule adopted on March 3, 2009.

OAR 461-145-0550 about the treatment of unemployment compensation benefits in Chapter 461 program eligibility determinations is being amended to state that the additional \$25 benefit authorized in the American Recovery and Reinvestment Act of 2009 is excluded from countable income in all programs except for the Employment Related Day Care and Food Stamp programs. This amendment makes permanent a temporary rule change adopted March 3, 2009.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 461-145-0143

### Economic Recovery Payment

A \$250 economic recovery payment authorized by the American Recovery and Reinvestment Act of 2009 is excluded income in the month of receipt and an excluded resource in the month of receipt and for the following nine months.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 412.049 & 414.042

Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 412.049 & 414.042

Hist.: SSP 3-2009(Temp), f. & cert. ef. 3-3-09 thru 8-30-09; SSP 24-2009, f. & cert. ef. 8-31-09

## 461-145-0550

### Unemployment Compensation Benefit

In all programs covered by Chapter 461 of the Oregon Administrative Rules, unemployment compensation benefits are treated as follows:

# ADMINISTRATIVE RULES

(1) Retroactive payments are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

(2) Disaster Unemployment Assistance is treated as provided in OAR 461-145-0100.

(3) In all programs except the ERDC and FS programs, the \$25 supplemental payment authorized by the American Recovery and Reinvestment Act of 2009 is excluded from countable (see OAR 461-001-0000) income.

(4) All payments not covered under sections (1) to (3) of this rule are counted as unearned income.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100  
Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-1991(Temp), f. & cert. ef. 1-2-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 9-1997, f. & cert. ef. 7-1-97; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 3-2009(Temp), f. & cert. ef. 3-3-09 thru 8-30-09; SSP 24-2009, f. & cert. ef. 8-31-09

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**Rule Caption:** Changing OARs affecting public assistance, medical assistance or food stamp clients.

**Adm. Order No.:** SSP 25-2009(Temp)

**Filed with Sec. of State:** 9-1-2009

**Certified to be Effective:** 9-1-09 thru 2-28-10

**Notice Publication Date:**

**Rules Amended:** 461-145-0143

**Subject:** OAR 461-145-0143 about how the Department treats federal economic recovery payments when calculating a client's assets is being amended to state the monthly exclusion from earned income based on the status of a client's federal economic recovery payment for clients of the Department's programs. This change complies with recent federal legislation (The American Recovery and Reinvestment Act of 2009, Section 5001, Pub. L. 111-5) that provides the Department with enhanced federal matching funds for its Medicaid programs.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 461-145-0143

### Economic Recovery Payment

The Department treats an economic recovery payment authorized by the American Recovery and Reinvestment Act of 2009 as follows:

(1) The \$250 payment is excluded income in the month of receipt and an excluded resource in the month of receipt and for the following nine months.

(2) In the MAA, MAF, OHP, OSIPM, and QMB programs:

(a) For a client who has not received the payment described in section (1) of this rule, \$100 is excluded from earned income (see OAR 461-145-0120) each month.

(b) For a client who has received the payment described in section (1) of this rule, \$38 is excluded from earned income each month.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 412.049 & 414.042  
Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 412.049, 414.042  
Hist.: SSP 3-2009(Temp), f. & cert. ef. 3-3-09 thru 8-30-09; SSP 24-2009, f. & cert. ef. 8-31-09; SSP 25-2009(Temp), f. & cert. ef. 9-1-09 thru 2-28-10

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**Rule Caption:** Changing OARs affecting public assistance, medical assistance or food stamp clients.

**Adm. Order No.:** SSP 26-2009(Temp)

**Filed with Sec. of State:** 9-1-2009

**Certified to be Effective:** 9-1-09 thru 1-25-10

**Notice Publication Date:**

**Rules Suspended:** 461-145-0330(T), 461-145-0380(T)

**Subject:** OAR 461-145-0330 how the Department treats proceeds of loans, loan repayments, and interest earned by a lender and OAR 461-145-0380 about how the Department treats pension and retirement plans when determining a client's eligibility are being suspended to rescind the amended July 29, 2009 temporary versions of these rules and restore the underlying permanent versions of these rules. The suspension of the July 29, 2009 changes complies with the most recent federal Center for Medicare and Medicaid Services interpretation of recent federal legislation (The American Recovery and Reinvestment Act of 2009, Section 5001 (Pub. L. 111-5)) that pro-

vides the Department with enhanced federal matching funds for its Medicaid programs.

OAR 461-145-0330 is being suspended to no longer state that a loan made by a married client receiving long term care services in the Oregon Supplemental Income Program Medical (OSIPM) program that exceeds the resource allowance of the client's spouse is not counted as a resource.

OAR 461-145-0380 is being suspended for the Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiary (QMB) programs to no longer state that certain annuities are considered pension and retirement plans, and to restore the requirement (in order for the equity value of the pension or retirement plan to be excluded as a resource) that an individual eligible for periodic or monthly payments under the terms of certain pension and retirement plans must select the payment option that provides for payments commencing on the earliest possible date with payments completed within the individuals actuarial life expectancy.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

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## Department of Human Services, Division of Medical Assistance Programs Chapter 410

**Rule Caption:** Date Error Correction for Hospital Tax Rate.

**Adm. Order No.:** DMAP 27-2009

**Filed with Sec. of State:** 9-1-2009

**Certified to be Effective:** 9-1-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 410-050-0861

**Rules Repealed:** 410-050-0861(T)

**Subject:** The hospital tax rate rule, OAR 410-050-0861, is being amended to correct a clerical error made during the July 1, 2009 permanent rulemaking filing. A clerical error was made during that filing which created ambiguity for which tax rate applies for the period of July 1, 2009 to July 30, 2009. This rule is being filed, retroactive to July 1, 2009, to correct the clerical error and remove the ambiguity by clarifying that the .63 percent tax rate applied during the January 1, 2008 to June 30, 2009 time frame. The unexpired temporary rule filed on July 15, 2009 is being repealed with this filing.

**Rules Coordinator:** Jennifer Bittel—(503) 947-5250

## 410-050-0861

### Tax Rate

The tax rate for the period beginning January 1, 2005 and ending June 30, 2006 is .68 percent. The tax rate for the period beginning July 1, 2006 and ending December 31, 2007 is .82 percent. The tax rate for the period beginning January 1, 2008 and ending June 30, 2009 is .63 percent. The tax rate for the period of January 1, 2008 through June 30, 2009 does not apply to the period beginning July 1, 2009. The tax rate for the period beginning July 1, 2009 is .15 percent.

Stat. Auth.: ORS 409.050, 410.070 & 411.060  
Stats. Implemented: ORS 409.750 & 2003 OL Ch. 736 § 2 & 3  
Hist.: OMAP 28-2005(Temp), f. & cert. ef. 5-10-05 thru 11-5-05; OMAP 34-2005, f. 7-8-05, cert. ef. 7-11-05; OMAP 14-2006, f. 6-1-06, cert. ef. 7-1-06; DMAP 29-2007, f. 12-31-07, cert. ef. 1-1-08; DMAP 3-2008, f. & cert. ef. 1-25-08; DMAP 24-2009, f. & cert. ef. 7-1-09; DMAP 25-2009(Temp), f. & cert. ef. 7-15-09 thru 1-10-10; DMAP 27-2009, f. & cert. ef. 9-1-09

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**Rule Caption:** FCHP Non-contracted Hospital reimbursement rate methodology change.

**Adm. Order No.:** DMAP 28-2009(Temp)

**Filed with Sec. of State:** 9-11-2009

**Certified to be Effective:** 10-1-09 thru 3-25-10

**Notice Publication Date:**

**Rules Amended:** 410-120-1295

**Subject:** The **General Rules Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to clients. DMAP temporarily amended OAR 410-120-1295 to reference the reimbursement methodology changes indicated in HB 3259 (2009 Legislative session), effective for services

# ADMINISTRATIVE RULES

rendered on or after October 1, 2009. This rule is necessary to apply the formula established by the reimbursement methodology in ORS 414.743 and are referenced in rule to give correct and appropriate information to hospitals and managed care organizations when applying the formula to claims for reimbursement for services rendered to medical assistance clients. The statute is based upon the budget period that coordinates with the managed care and DMAP contracts. The effective date of the contracts coincides with the effective date of the reimbursement rate documents. DMAP intends to permanently amend this rule on or after January 1, 2009.

**Rules Coordinator:** Darlene Nelson—(503) 945-6927

## 410-120-1295

### Non-Participating Provider

(1) For purposes of this rule, a Provider enrolled with the Division of Medical Assistance Programs (DMAP) that does not have a contract with an DMAP-contracted Prepaid Health Plan (PHP) is referred to as a Non-Participating Provider.

(2) For covered services that are subject to reimbursement from the PHP, a Non-Participating Provider, other than a hospital governed by (3) below, must accept from the DMAP-contracted PHP, as payment in full, the amount that the provider would be paid from DMAP if the client was fee-for-service (FFS).

(3) For covered services provided on and after January 1, 2009, the DMAP-contracted Fully Capitated Health Plan (FCHP) that does not have a contract with a Hospital, is required to reimburse, and Hospitals are required to accept as payment in full, the following reimbursement:

(a) The FCHP will reimburse a non-participating Type A and Type B Hospital fully for the cost of covered services based on the cost-to-charge ratio used for each hospital in setting the capitation rates paid to the FCHP for the contract period (ORS 414.727);

(b) The FCHP will reimburse inpatient and outpatient services in all other non-participating hospitals, not designated as a rural access or Type A and Type B Hospital, two percentage points less than the percentage of Medicare costs used by the Department in calculating the base hospital capitation payment to FCHP's, excluding any supplemental payments. Emergency services must be consistent with 1932(b)(2) of the Social Security Act.

(4) The percentage of Medicare costs used by the Department in calculating the base hospital capitation payment to the FCHP are calculated by the Department's actuarial unit. The FCHP Non-Contracted DRG Hospital Reimbursement Rates dated October 1, 2009 are on the Department's Web site at: [www.dhs.state.or.us/policy/healthplan/guides/ohp/main.html](http://www.dhs.state.or.us/policy/healthplan/guides/ohp/main.html), archived data is available on request from DMAP.

(5) A non-participating hospital must notify the FCHP within 2 business days of an FCHP patient admission when the FCHP is the primary payer. Failure to notify does not, in and of itself, result in denial for payment. The FCHP is required to review the hospital claim for:

(a) Medical appropriateness;

(b) Compliance with emergency admission or prior authorization policies;

(c) Member's benefit package;

(d) The FCHP contract and DMAP Administrative Rules.

(6) After notification from the non-participating hospital, the FCHP may:

(a) Arrange for a transfer to a contracted facility, if the patient is medically stable and the FCHP has secured another facility to accept the patient;

(b) Perform concurrent review; and/or

(c) Perform case management activities.

(6) In the event of a disagreement between the FCHP and Hospital, the provider may appeal the decision by asking for an administrative review as specified in OAR 410-120-1580.

Stat. Auth.: ORS 409.050, 409.010, 409.110 & 414.065

Stats. Implemented: ORS 414.025, 414.065, 414.705, 414.743

Hist.: OMAP 10-2001, f. 3-30-01, cert. ef. 4-1-01; OMAP 22-2004, f. & cert. ef. 3-22-04; OMAP 23-2004(Temp), f. & cert. ef. 3-23-04 thru 8-15-04; OMAP 33-2004, f. 5-26-04, cert. ef. 6-1-04; OMAP 75-2004(Temp), f. 9-30-04, cert. ef. 10-1-04 thru 3-15-05; OMAP 4-2005(Temp), f. & cert. ef. 2-9-05 thru 7-1-05; OMAP 33-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 35-2005, f. 7-21-05, cert. ef. 7-22-05; OMAP 49-2005(Temp), f. 9-15-05, cert. ef. 10-1-05 thru 3-15-06; OMAP 63-2005, f. 11-29-05, cert. ef. 1-1-06; OMAP 66-2005(Temp), f. 12-13-05, cert. ef. 1-1-06 thru 6-28-06; OMAP 72-2005(Temp), f. 12-29-05, cert. ef. 1-1-06 thru 6-28-06; OMAP 28-2006, f. 6-22-06, cert. ef. 6-23-06; OMAP 42-2006(Temp), f. 12-15-06, cert. ef. 1-1-07 thru 6-29-07; DMAP 2-2007, f. & cert. ef. 4-5-07; DMAP 24-2007, f. 12-11-07 cert. ef. 1-1-08; DMAP 28-2009(Temp), f. 9-11-09, cert. ef. 10-1-09 thru 3-25-10

**Rule Caption:** Pilot project for prenatal coverage for CAWEM women; additional counties to participate.

**Adm. Order No.:** DMAP 29-2009(Temp)

**Filed with Sec. of State:** 9-15-2009

**Certified to be Effective:** 10-1-09 thru 3-25-10

**Notice Publication Date:**

**Rules Amended:** 410-120-0030

**Subject:** The **General Rules Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to clients. DMAP temporarily amended 410-120-0030, effective October 1, 2009 to add additional counties to participate in the pilot project implemented April 1, 2008. Subject to the Centers for Medicare and Medicaid Services (CMS) approval, DMAP added Benton, Clackamas, Hood River, Jackson and Lincoln Counties providing prenatal care during pregnancy and labor and delivery services for CAWEM women. Early prenatal care positively influences healthy outcomes for both mother and child to mitigate adverse outcomes of high-risk pregnancies and is an accepted standard of care. Lack of access to prenatal care may result in increased risk at birth and in infancy for children, and may result in increased costs of medical care to the state. This pilot is operated under an amendment to the Children's Health Insurance Program (CHIP) formerly known as Oregon's State Children's Health Insurance Program (SCHIP) plan. Oregon anticipates receiving federal approval for the pilot project on or before October 1, 2009. Text within this rule specifies effective dates for each county. Temporary rulemaking permits the provision of prenatal care and labor and delivery services under the pilot project at the earliest available opportunity.

**Rules Coordinator:** Darlene Nelson—(503) 945-6927

## 410-120-0030

### Children's Health Insurance Program (CHIP)

(1) The Children's Health Insurance Program (CHIP) is a federal non-entitlement program for children under 19 years of age that provides health coverage for uninsured, low-income children who are ineligible for Medicaid and meet the CHIP eligibility requirements. The CHIP program is administered by the Department of Human Services (DHS) in accordance with the Oregon Health Plan waiver and the CHIP state plan. The General Rules (OAR 410-120-0000 et. seq.) and Oregon Health Plan Rules (OAR 410-141-0000 et. seq.) applicable to the Medicaid program are also applicable to the DHS CHIP program.

(2) Eligibility criteria, including but not limited to income methodologies and citizenship requirements for medical assistance applicable to children under the age of 19 years, are established in OAR Chapter 461 through the program acronym OHP-CHIP.

(3) Benefit package of covered services: Children determined eligible for CHIP receive the same OHP Plus benefits as covered under Medicaid categorically needy program. (For benefits refer to 410-120-1210).

(4) CHIP Pilot project — Prenatal coverage for CAWEM under CHIP:

(a) Notwithstanding subsections (2) and (3) of this rule, CAWEM pregnant women residing in Multnomah, Deschutes, Benton, Clackamas, Hood River, Jackson and Lincoln Counties during pregnancy who participate in the CHIP pilot project will receive expanded medical services (OHP Plus benefit package, as limited under subsection (d) of this subsection) to provide prenatal care for the unborn child and labor and delivery services through this pilot program;

(b) This population is exempt from managed care enrollment. The preferred service delivery system will be Primary Care Management (PCM). Fee-For-Service (FFS) enrollment will be available by exception for continuity of care or other DHS-approved reasons that could justify disenrollment from a PCM under OAR 410-141-0085;

(c) Pilot project services continue through labor and delivery. The day after pregnancy ends, eligibility for medical services is based on eligibility categories established in OAR chapter 461;

(d) The following services are not covered for the pilot project:

(A) Postpartum care beyond the global payment;

(B) Sterilization;

(C) Abortion;

(D) Death with dignity services;

(E) Hospice.

Stat. Auth.: ORS 409.010, 409.110, 409.050

Stats. Implemented: ORS 414.065

# ADMINISTRATIVE RULES

Hist.: DMAP 7-2008(Temp), f. 3-17-08 & cert. ef. 4-1-08 thru 9-15-08; DMAP 14-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 29-2009(Temp), f. 9-15-09, cert. ef. 10-1-09 thru 3-25-10

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**Rule Caption:** October 09 technical changes to the January 1, 2009-December 31, 2010 Health Services Commission's Prioritized List of Health Services.

**Adm. Order No.:** DMAP 30-2009(Temp)

**Filed with Sec. of State:** 9-15-2009

**Certified to be Effective:** 10-1-09 thru 3-29-10

**Notice Publication Date:**

**Rules Amended:** 410-141-0520

**Subject:** The Oregon Health Plan Program administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to clients. DMAP temporarily amended 410-141-0520, referencing the January 1, 2009-December 31, 2010 Oregon Health Services Commission's Prioritized List of Health Services that reflect interim modifications and technical changes made, subject to Centers for Medicare and Medicaid Services (CMS) approval, and effective October 1, 2009. The October 1, 2009 interim modifications and technical changes include application of 2009 national code to the HSC lines and HSC guideline refinements.

**Rules Coordinator:** Darlene Nelson—(503) 945-6927

## 410-141-0520

### Prioritized List of Health Services

(1) The Prioritized List of Health Services (Prioritized List) is the Oregon Health Services Commission's (HSC) listing of physical health services with "expanded definitions" of Preventive Services and the HSC's practice guidelines, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HSC. The HSC maintains the most current list on the HSC website: [www.oregon.gov/DHS/healthplan/priorlist/main](http://www.oregon.gov/DHS/healthplan/priorlist/main), or, for a hardcopy contact the Office for Oregon Health Policy and Research. Effective January 1, 2009, this rule incorporates by reference the CMS approved Biennial January 1, 2009-December 31, 2010 Prioritized List, including technical revisions and interim modifications effective April 1, 2009 and October 1, 2009, which includes expanded definitions, practice guidelines and condition treatment pairs funded through line 503.

(2) Certain Mental Health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Fully Capitated Health Plan (FCHP) or Physician Care Organization (PCO). These codes are identified on their own Mental Health (MH) section of the appropriate lines on the Prioritized List of Health Services.

(3) Chemical dependency (CD) services are covered for eligible OHP clients when provided by an FCHP, PCO, or by a provider who has a letter of approval from the Office of Addictions and Mental Health Division and approval to bill Medicaid for CD services.

Stat. Auth.: SB 163 (2007), 2007 OL Ch. 798, ORS 409.010 & 409.050  
Stats. Implemented: ORS 414.065, 414.727, 414.050, 414.010, 192.518 - 192.526  
Hist.: HR 7-1994, f. & cert. ef. 2-1-94; OMAP 33-1998, f. & cert. ef. 9-1-98; OMAP 40-1998(Temp), f. & cert. ef. 10-1-98 thru 3-1-99; OMAP 48-1998(Temp), f. & cert. ef. 12-1-98 thru 5-1-99; OMAP 21-1999, f. & cert. ef. 4-1-99; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 9-2000(Temp), f. & cert. ef. 4-27-00 thru 9-26-00; OMAP 13-2000, f. & cert. ef. 9-12-00; OMAP 14-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 10-1-00 thru 3-30-01; OMAP 40-2000, f. 11-17-00, cert. ef. 11-20-00; OMAP 22-2001(Temp), f. 3-30-01, cert. ef. 4-1-01 thru 9-1-01; OMAP 28-2001, f. & cert. ef. 8-10-01; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 18-2002, f. 4-15-02, cert. ef. 5-1-02; OMAP 64-2002, f. & cert. ef. f. & cert. ef. 10-2-02; OMAP 65-2002(Temp), f. & cert. ef. 10-2-02 thru 3-15-04; OMAP 88-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 14-2003, f. 2-28-03, cert. ef. 3-1-03; OMAP 30-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 79-2003(Temp), f. & cert. ef. 10-2-03 thru 3-15-04; OMAP 81-2003(Temp), f. & cert. ef. 10-23-03 thru 3-15-04; OMAP 94-2003, f. 12-31-03 cert. ef. 1-1-04; OMAP 17-2004(Temp), f. 3-15-04 cert. ef. 4-1-04 thru 9-15-04; OMAP 28-2004, f. 4-22-04 cert. ef. 5-1-04; OMAP 48-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 51-2004, f. 9-9-04, cert. ef. 10-1-04; OMAP 68-2004(Temp), f. 9-14-04, cert. ef. 10-1-04 thru 3-15-05; OMAP 83-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 54-2005(Temp), f. & cert. ef. 10-14-05 thru 4-1-06; OMAP 62-2005, f. 11-29-05, cert. ef. 12-1-05; OMAP 71-2005, f. 12-21-05, cert. ef. 1-1-06; OMAP 6-2006, f. 3-22-06, cert. ef. 4-1-06; OMAP 46-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 14-2007(Temp), f. & cert. ef. 10-1-07 thru 3-28-08; DMAP 28-2007(Temp), f. & cert. ef. 12-20-07 thru 3-28-08; DMAP 8-2008, f. & cert. ef. 3-27-08; DMAP 10-2008(Temp), f. & cert. ef. 4-1-08 thru 9-15-08; DMAP 23-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 31-2008(Temp), f. & cert. ef. 10-1-08 thru 3-29-09; DMAP 40-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 4-2009(Temp), f. & cert. ef. 1-30-09 thru 6-25-09; DMAP 6-2009(Temp), f. 3-26-09, cert. ef. 4-1-09 thru 9-25-09; DMAP 8-2009(Temp), f. & cert. ef. 4-17-09 thru 9-25-09; DMAP 26-2009, f. 8-3-09, cert. ef. 8-5-09; DMAP 30-2009(Temp), f. 9-15-09, cert. ef. 10-1-09 thru 3-29-10

## Department of Human Services, Public Health Division Chapter 333

**Rule Caption:** New disease reporting requirements for pandemic influenza A (H1N1)

**Adm. Order No.:** PH 8-2009(Temp)

**Filed with Sec. of State:** 9-1-2009

**Certified to be Effective:** 9-1-09 thru 2-26-10

**Notice Publication Date:**

**Rules Amended:** 333-018-0015

**Subject:** The Department of Human Services, Public Health Division is temporarily amending Oregon Administrative Rule 333-018-0015 related to disease reporting to specifically require the reporting, by reportable disease reporters, laboratory-confirmed influenza resulting in or associated with hospitalization or death.

This temporary amendment is needed because the state is in the midst of an epidemic concerning pandemic influenza, and in order to have the information necessary to investigate and control the disease, the Public Health Division must have accurate numbers of individuals diagnosed with the disease.

**Rules Coordinator:** Brittany Sande—(971) 673-1291

## 333-018-0015

### What Is to Be Reported and When

(1) Health care providers shall report all cases or suspected cases of the diseases, infections, microorganisms, and conditions specified below. The timing of health care provider reports is specified to reflect the severity of the illness or condition and the potential value of rapid intervention by public health agencies.

(2) When local public health authorities cannot be reached within the specified time limits, reports shall be made directly to DHS, which shall maintain an around-the-clock public health consultation service.

(3) Licensed laboratories shall report all test results indicative of and specific for the diseases, infections, microorganisms, and conditions specified below. Such tests include but are not limited to: microbiological culture, isolation, or identification; assays for specific antibodies; and identification of specific antigens, toxins, or nucleic acid sequences.

(4) Reportable diseases, infections, microorganisms, and conditions, and the time frames within which they must be reported are as follows:

(a) Immediately, day or night: *Bacillus anthracis* (anthrax); *Clostridium botulinum* (botulism); *Corynebacterium diphtheriae* (diphtheria); Severe Acute Respiratory Syndrome (SARS) and infection by SARS-coronavirus; *Yersinia pestis* (plague); intoxication caused by marine microorganisms or their byproducts (for example, paralytic shellfish poisoning, domoic acid intoxication, ciguatera, scombroid); any known or suspected common-source outbreaks; any uncommon illness of potential public health significance.

(b) Within 24 hours (including weekends and holidays): *Haemophilus influenzae* (any invasive disease; for laboratories, any isolation or identification from a normally sterile site); measles (rubeola); *Neisseria meningitidis* (any invasive disease; for laboratories, any isolation or identification from a normally sterile site); pesticide poisoning; poliomyelitis; rabies (human or animal); rubella; and *Vibrio* (all species).

(c) Within one local public health authority working day: *Bordetella pertussis* (pertussis); *Borrelia* (relapsing fever, Lyme disease); *Brucella* (brucellosis); *Campylobacter* (campylobacteriosis); *Chlamydia* (*Chlamydia psittaci* (psittacosis); *Chlamydia trachomatis* (chlamydia; lymphogranuloma venereum); *Clostridium tetani* (tetanus); *Coxiella burnetii* (Q fever); Creutzfeldt-Jakob disease and other transmissible spongiform encephalopathies; *Cryptosporidium* (cryptosporidiosis); *Cyclospora cayentanensis* (cyclosporiasis); *Escherichia coli* (Shiga-toxicogenic, including *E. coli* O157 and other serogroups); *Francisella tularensis* (tularemia); *Giardia* (giardiasis); *Haemophilus ducreyi* (chancroid); hantavirus; hepatitis A; hepatitis B (acute or chronic infection); hepatitis C; hepatitis D (delta); HIV infection (does not apply to anonymous testing) and AIDS; laboratory-confirmed influenza resulting in or associated with hospitalization or death; *Legionella* (legionellosis); *Leptospira* (leptospirosis); *Listeria monocytogenes* (listeriosis); mumps; *Mycobacterium tuberculosis* and *M. bovis* (tuberculosis); *Neisseria gonorrhoeae* (gonococcal infections); pelvic inflammatory disease (acute, non-gonococcal); *Plasmodium* (malaria); *Rickettsia* (all species: Rocky Mountain spotted fever, typhus, others); *Salmonella* (salmonellosis, including typhoid); *Shigella* (shigellosis); *Taenia solium* (including cysticercosis and undifferentiated *Taenia* infec-

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tions); *Treponema pallidum* (syphilis); *Trichinella* (trichinosis); *Yersinia* (other than *pestis*); any infection that is typically arthropod vector-borne (for example: Western equine encephalitis, Eastern equine encephalitis, St. Louis encephalitis, dengue, West Nile fever, yellow fever, California encephalitis, ehrlichiosis, babesiosis, Kyasanur Forest disease, Colorado tick fever, etc.); human bites by any other mammal; and hemolytic uremic syndrome.

(d) Within seven days: suspected lead poisoning (for laboratories; this includes all blood lead tests performed on persons with suspected lead poisoning).

(5) Licensed laboratories shall report, within seven days, the results of all tests of CD4+ T-lymphocyte absolute counts and the percent of total lymphocytes that are CD4 positive, and HIV nucleic acid (viral load) tests.

Stat. Auth.: ORS 433.004, 433.006  
Stats. Implemented: ORS 431.110, 432.060, 433.001, 433.004, 433.006, 433.012, 433.110, 433.019, 433.130, 437.010-437.990, 616.745, 624.080  
Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 20-1985(Temp), f. & ef. 9-30-85; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 15-1988, f. 7-11-88, cert. ef. 9-1-88; HD 13-1990(Temp), f. 5-25-90, cert. ef. 8-1-90; HD 5-1991, f. 3-29-91, cert. ef. 4-1-91; HD 10-1991, f. & cert. ef. 7-23-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 29-1994, f. & cert. ef. 12-2-94; OHD 22-2001, f. & cert. ef. 10-19-01; OHD 3-2002, f. & cert. ef. 3-4-02; PH 11-2005, f. 6-30-05, cert. ef. 7-5-05; PH 7-2006, f. & cert. ef. 4-17-06; PH 13-2006(Temp), f. 6-27-06, cert. ef. 7-1-06 thru 12-27-06; PH 19-2006, f. & cert. ef. 9-13-06; PH 11-2007(Temp), f. & cert. ef. 8-22-07 thru 2-18-08; PH 13-2007, f. & cert. ef. 11-7-07; PH 8-2009(Temp), f. & cert. ef. 9-1-09 thru 2-26-10

## Department of Justice Chapter 137

**Rule Caption:** Updating fees for public records to reflect legislatively-approved billing rates for 2009–2011.

**Adm. Order No.:** DOJ 11-2009

**Filed with Sec. of State:** 9-8-2009

**Certified to be Effective:** 9-8-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 137-008-0010, 137-008-0020

**Subject:** The Department of Justice's 2009–2011 legislatively-approved budget increased the allowable hourly rates for services, except the rate for law clerk services, which was decreased. These amendments reflect those changes.

**Rules Coordinator:** Carol Riches—(503) 947-4700

### 137-008-0010

#### Fees for Public Records and Publications

(1)(a) The Department of Justice may charge a fee reasonably calculated to reimburse the department for costs of providing and conveying copies of public records. The department shall charge 25¢ per page for the first 20 pages and 15¢ per page thereafter for black and white copies and 70¢ per page for the first 20 pages and 60¢ per page thereafter for color copies to recover the costs of photocopying and normal and reasonable staff time to locate, separate, photocopy and return document(s) to file and to prepare/mail public record(s) to requestors. If, for operational or other reasons, the Department uses the services of an outside facility or contractor to photocopy requested records, the department shall charge the actual costs incurred.

(b) "Page" refers to the number of copies produced, either 8 1/2 x 11 or 8 1/2 x 14. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff concludes that it would be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy consists of two pages. Because of the increased staff time involved in double-sided copying, there is no reduction in the per page fee.

(c) "Normal and reasonable" staff time is 10 minutes or less per request.

(2) Additional charges for staff time may be made when responding to record requests that require more than the "normal and reasonable" time for responding to routine record requests. Staff time shall be charged at the department's hourly billing rate, by position, as follows:

- Assistant Attorney General; \$137/hr;
- Alternative Dispute Resolution Coordinator; \$93/hr;
- Investigator; \$108/hr;
- Paralegal; \$77/hr;
- Law Clerk; \$39/hr;
- General Clerical; \$45/hr;
- These charges are for staff time in excess of 10 minutes spent locating, compiling, sorting and reviewing records to prepare them for inspection, as well as all time required to segregate or redact exempt infor-

mation or to supervise inspection of documents. The Department shall not charge for time spent by Assistant Attorneys General in determining the application of the provisions of ORS 192.410 to 192.505.

(3) The Department shall notify a requestor of the estimated costs of making records available for inspection or providing copies of records to the requestor. If the estimated costs exceed \$25, the Department shall provide written notice and shall not act further to respond to the request unless and until the requestor confirms that the requestor wants the Department to proceed with making the public records available. All estimated fees and charges must be paid before public records will be made available for inspection or copies provided.

(4) The Department may charge a fee reasonably calculated to reimburse the department for costs of department publications, Oregon District Attorneys Association publications prepared by the Department and other Department materials intended for distribution. A listing of such available publications and materials shall be maintained by the Department librarian. The Department shall charge the following for its regular publications:

- Attorney General's Public Law Conference Papers; \$65;
- Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure Under the APA; \$65;
- Attorney General's Public Contracts Manual; \$65;
- Attorney General's Public Records and Meetings Manual; \$25;
- Attorney General Opinions:
  - Bound Volumes; Volume 20 (1940-42) through Volume 49 (1997-2001) including 2-volume index; \$921;
  - Future Bound Volumes; \$70;
  - Slip Opinion Service (yearly); \$60;
  - Letters of Advice Index, 1969 — 83; \$20;
  - Letters of Advice Index, 1983 — 88; \$40;
  - Letters of Advice Index, 1988 — 93; \$40;
  - Future Letters of Advice Indices; \$40.
- Core Mediation Training Manual; \$95.

Stat. Auth.: ORS 192.430(2) & 192.440(3)  
Stats. Implemented: ORS 192.440(3)  
Hist.: JD 1-1982, f. & ef. 1-7-82; JD 1-1983(Temp), f. & ef. 5-3-83; JD 7-1983, f. & ef. 11-2-83; JD 4-1984(Temp), f. & ef. 11-7-84; JD 1-1985, f. & ef. 1-23-85; JD 3-1986, f. & ef. 1-27-86; JD 2-1990, f. & cert. ef. 2-14-90; JD 6-1994, f. 10-31-94, cert. ef. 11-1-94; JD 1-1998, f. & cert. ef. 2-4-98; DOJ 9-1999, f. & cert. ef. 12-8-99; DOJ 11-2001, f. & cert. ef. 12-10-01; DOJ 16-2003, f. & cert. ef. 12-9-03; DOJ 18-2003(Temp), f. & cert. ef. 12-10-03 thru 6-1-04; DOJ 13-2004(Temp), f. & cert. ef. 11-1-04 thru 1-31-05; DOJ 1-2005, f. & cert. ef. 1-13-05; DOJ 2-2005, f. & cert. ef. 2-1-05; DOJ 15-2005(Temp), f. & cert. ef. 11-2-05 thru 4-29-06; DOJ 21-2005, f. 12-27-05, cert. ef. 1-1-06; DOJ 8-2008, f. 4-29-08, cert. ef. 5-1-08; DOJ 11-2009, f. & cert. ef. 9-8-09

### 137-008-0020

#### Fees for Electronic Reproduction of Records

(1) The Department of Justice shall charge \$45 per hour, with a \$15.00 minimum, for the staff time required to fill public record requests that require electronic reproduction. Charges include time spent locating, downloading, formatting, copying, scanning, and transferring records to media.

(2) The department will provide reproduction media at the following rates:

- DVDs or CDs: \$1/ea.
- Video Cassettes, 2 hours: \$6/ea.
- Audio Cassettes: \$2/ea.

(3) Due to the threat of computer viruses, the department will not permit requestors to provide flash drives or other electronic media for electronic reproduction of computer records.

Stat. Auth.: ORS 192.430(2) & 192.440(3)  
Stats. Implemented: ORS 192.440(3)  
Hist.: JD 6-1994, f. 10-31-94, cert. ef. 11-1-94; JD 1-1998, f. & cert. ef. 2-4-98; DOJ 8-2008, f. 4-29-08, cert. ef. 5-1-08; DOJ 11-2009, f. & cert. ef. 9-8-09

## Department of Public Safety Standards and Training Chapter 259

**Rule Caption:** Adopts Minimum Standards for Training DOC Correctional Officers and Amends Supervision and Middle Management Training.

**Adm. Order No.:** DPSST 8-2009(Temp)

**Filed with Sec. of State:** 9-15-2009

**Certified to be Effective:** 9-15-09 thru 3-1-10

**Notice Publication Date:**

**Rules Amended:** 259-008-0025

**Subject:** During the 2009 legislative session, the Oregon Legislature enacted legislation requiring the Department of Corrections (DOC) to provide training for basic certification of corrections officers

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employed by DOC. The proposed rule language will adopt, by rule, the minimum training standards for the basic certification of corrections officers who are employed by DOC.

The Department's Leadership program was eliminated due to budget cuts in the 2009-2011 biennium. The Department is amending its rule to eliminate the reference to the "prescribed course" the Department was previously conducting and include the current course requirements for meeting Supervision and Middle Management certification in Form F-21 (Application for Recognition of Supervision Training) and Form F-22 (Application for Recognition of Middle Management Training).

**Rules Coordinator:** Bonnie Narvaez—(503) 378-2431

### 259-008-0025

#### Minimum Standards for Training

(1) Basic Course:

(a) Except as provided in 259-008-0035, all law enforcement officers, telecommunicators, and emergency medical dispatchers must satisfactorily complete the prescribed Basic Course, including the field training portion. The Basic Course and field training portion must be completed within twelve months from the date of employment by corrections officers and within 18 months by police officers, parole and probation officers, telecommunicators, and emergency medical dispatchers.

(b) The field training program shall be conducted under the supervision of the employing department. When the field training manual is properly completed, the sign-off pages of the field training manual must be forwarded to the Department. Upon the approval of the Department, the employee shall receive credit toward basic certification.

(c) Effective July 1, 2007, all police officers must satisfactorily complete the Department's physical fitness standard. The Department's physical standard is:

(A) Successful completion of the OR-PAT at 5:30 (five minutes and thirty seconds) when tested upon entry at the Basic Police Course; or

(B) Successful completion of the OR-PAT at 5:30 (five minutes and thirty seconds) when tested prior to graduation from the Basic Police Course.

(d) Law enforcement officers who have previously completed the Basic Course, but have not been employed as a law enforcement officer as defined in ORS 181.610, subsections (5), (13) and (14), and OAR 259-008-0005, subsections (7), (19), (23), and (24), during the last five (5) years or more, must satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon a finding that the applicant has current knowledge and skills to perform as an officer.

(e) Telecommunicators and emergency medical dispatchers who have previously completed the Basic Course, but have not been employed as a telecommunicator or EMD, as described in ORS 181.610(9) and (18) and 259-008-0005(14) and (32), and (24), during the last five (5) years or more, must satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon finding that a Telecommunicator has current knowledge and skills to perform as a Telecommunicator. There is no waiver available for an emergency medical dispatcher.

(f) Previously employed telecommunicators may challenge the Basic Telecommunications Course based on the following criteria:

(A) The department head of the applicant's employing agency shall submit the "challenge request" within the time limits set forth in the Oregon Revised Statutes and Oregon Administrative Rules.

(B) The applicant must provide proof of successful completion of prior equivalent training.

(C) The applicant must provide documentation of the course content with hour and subject breakdown.

(D) The applicant must obtain a minimum passing score on all written examinations for the course.

(E) The applicant must demonstrate performance at the minimum acceptable level for the course.

(F) Failure of written examination or demonstrated performance shall require attendance of the course challenged.

(G) The applicant will only be given one opportunity to challenge a course.

(g) Previously employed police officers, corrections officers and parole and probation officers who are required to attend the Basic Course may not challenge the Basic Course.

(h) All law enforcement officers who have previously completed the Basic Course, but have not been employed as a law enforcement officer as described in ORS 181.610(5), (13) and (14), and OAR 259-008-0005(7), (19), (23) and (24) over two and one-half (2-1/2) but less than five (5) years must complete a Career Officer Development Course if returning to the same discipline. This requirement may be waived after a staff determination that the applicant has demonstrated the knowledge and skills required for satisfactory completion of a Career Officer Development Course.

(i) Corrections and police officers who have not completed the Basic Course must begin training within 90 days of their initial date of employment.

(A) A police officer must begin training at an academy operated by the Department.

(B) A corrections officer who is employed by Oregon Department of Corrections (hereinafter referred to as DOC) during the period July 1, 2009 through January 1, 2014 must begin DOC Basic Corrections Course (hereinafter referred to as DOC BCC) training provided by DOC as described in section (6) of this rule.

(C) A corrections officer who is not employed by DOC must begin training at an academy operated by the Department.

(D) A 30-day extension of this time period shall be granted by the Board or its designee upon receipt of a written statement of the reasons for the delay from the officer's employer. Any delays caused by the inability of the Department to provide basic training for any reason, shall not be counted as part of the periods set forth above (refer to ORS 181.665 and 181.652).

(j) Law enforcement officers who have previously completed a basic training course out of state while employed by a law enforcement unit, or public or private safety agency, may, upon proper documentation of such training and with approval of the Department, satisfy the requirements of this section by successfully completing a prescribed Career Officer Development Course or other appropriate course of instruction.

(k) The basic course for police officers must include:

(A) Training on the law, theory, policies and practices related to vehicle pursuit driving;

(B) Vehicle pursuit training exercises, subject to the availability of funding; and

(C) A minimum of 24 hours of training in the recognition of mental illnesses utilizing a crisis intervention training model.

(2) Career Officer Development Course:

(a) All law enforcement officers who have not been employed as such for between two and one half (2-1/2) and five (5) years, must satisfactorily complete a Career Officer Development Course approved by the Department.

(b) A law enforcement officer assigned to a Career Officer Development Course must also complete the Board's field training program under the supervision of the employing department and submit to the Department a properly completed Field Training Manual. The Department may waive the Field Training Manual requirement upon demonstration by the employing agency that it is not necessary. See 259-008-0025(1)(b).

(A) A law enforcement officer who fails to achieve a minimum passing test score after completing a Career Officer Development Course will be given one opportunity to remediate through self-study and re-test within 60 days of the initial date of failure.

(B) A law enforcement officer who fails to achieve a minimum passing test score after re-testing will have been determined to have failed academically and will be required to attend the next available Basic Course.

(C) A law enforcement officer who is scheduled to complete a distance learning COD Course must achieve a minimum passing test score within the timeframe set by the Department. Failure to successfully complete a distance COD Course within the timeframe set by the Department will require an officer to attend the next available COD Course.

(c) The Department may also require successful completion of additional specified courses or remedial training.

(3) Supervision Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a first-level supervisory position must satisfactorily complete Supervision training that complies with the requirements outlined in DPSST Form F-21. The required training must be completed within 12 months after initial promotion, appointment, or transfer to such position. This section applies whether the individual is promoted or transferred from within a department, or is appointed from an outside department, without having completed the required Supervision training within the preceding five (5) years.

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(4) Middle Management Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a middle management position must satisfactorily complete Middle Management training that complies with the requirements outlined in DPSST Form F-22. The required training must be completed within 12 months after initial promotion, appointment, or transfer to such position. This section applies whether the individual is promoted or transferred to a middle management position within a department, or employed from outside a department and appointed to a middle manager position without having completed the required middle management training within the preceding five (5) years.

(5) Specialized Courses:

(a) Specialized courses are optional and may be presented at the Academy or regionally. The curriculum is generally selected because of relevancy to current trends and needs in police, corrections, parole and probation, telecommunications, and emergency medical dispatch fields, at the local or statewide level.

(b) Specialized courses may be developed and presented by individual departments of the criminal justice system, local training districts, a college, the Department, or other interested persons. The staff may be available to provide assistance when resources are not available in the local region.

(c) Police officers, including certified reserve officers, must be trained on how to investigate and report cases of missing children and adults.

(A) The above mandated training is subject to the availability of funds.

(B) Federal training programs must be offered to police officers, including certified reserve officers, when they are made available at no cost to the state.

(6) The DOC Basic Corrections Course.

Course Requirements

(a) Except as provided in 259-008-0035, all corrections officers hired by the Oregon Department of Corrections (hereinafter referred to as DOC) on or after July 1, 2009, but prior to January 1, 2014, must satisfactorily complete the DOC Basic Corrections Course (hereinafter referred to as DOC BCC), including the field training portion. The DOC BCC and field training portion must be completed within twelve months from the date of employment by a corrections officer.

(b) Prior to attending a DOC BCC, a corrections officer hired by DOC on or after July 1, 2009, but prior to January 1, 2014, must:

(A) Meet the minimum standards for employment as a law enforcement officer contained in OAR 259-008-0010;

(B) Meet the background investigation requirements for a law enforcement officer contained in OAR 259-008-0015; and

(C) Meet the minimum standards for training contained in this section.

(c) The DOC BCC must conform to the content and standard approved by the Board. The DOC BCC must include, but is not limited to:

(A) Minimum training standards for the basic certification of corrections officer employed by DOC. The minimum training developed by DOC must be adopted by the Board and must meet or exceed the minimum training standards for the basic certification of corrections officers employed by a law enforcement unit other than DOC.

(B) Minimum Course Hours. The DOC BCC must include, at a minimum, the following:

(i) 24 hours in Law;

(ii) 38 hours in Human Behavior,

(iii) 36 hours in Security;

(iv) 82 hours in General Skills.

(v) Administrative time is not included within the hours identified above.

(C) Attendance Standards. Attendance rosters must be kept and copies of these rosters must be submitted to the Department at the conclusion of a student's training, or when requested by the Department. To successfully complete the DOC BCC, a student may not miss more than 10% of the DOC BCC.

(D) Notwithstanding (C) above, successful completion of the DOC BCC requires 100% attendance at the following mandatory classes:

(i) ORPAT

(ii) Defensive Tactics/Reality Based Training

(iii) Firearms

(iv) Medical Escorts/Restraints

(v) Contraband/Searches

(vi) Report Writing

(E) Conduct. An individual attending a DOC BCC is expected to uphold the minimum moral fitness standards for Oregon public safety officers during their training. DOC will document the date, type, and disposition of any student misconduct relating to the minimum standards for correctional officers. These include but are not limited to the following Zero Tolerance Offenses:

(i) Any unlawful act;

(ii) Dishonesty, lying or attempting to conceal violations;

(iii) Cheating;

(iv) Harassment;

(v) Alcohol possession or use at the training venue.

(F) Course Curriculum.

(i) The DOC BCC will be based on the critical and essential job tasks identified in the most current Job Task Analysis for corrections officers provided to DOC by the Department.

(ii) The DOC BCC will incorporate the most current conceptual performance objectives provided to DOC by the Department.

(iii) The DOC BCC will incorporate curriculum updates provided to DOC by the Department, when those updates address the critical and essential job tasks or conceptual performance objectives referenced above.

Testing Requirements

(G) Academic Testing. Academic testing will consist of written test questions that are valid, create reasonable academic rigor, and require students to demonstrate knowledge and application of the essential tasks identified within the DOC BCC curriculum. DOC must administer examinations and maintain a file of examinations conducted.

(i) Academic Testing Passing Score. Except as provided below, to successfully complete the DOC BCC, students must achieve a minimum score of 75% on each academic test. If a student does not attain a 75% score, and DOC retains the student as an employee in a certifiable position, DOC must remediate the student. After remediation, a student will be allowed one opportunity to re-test and achieve a minimum score of 75%.

(ii) Students must attain a score of 100% on all academic test questions on Use of Force topics.

(iii) If a student fails to attain a 100% score on Use of Force topics, and DOC retains the student as an employee in a certifiable position, DOC must remediate the student. Remediation must include the student completing the DPSST Use of Force Remediation form to demonstrate understanding of each topic missed.

(H) Skills Testing. Skills testing will consist of evaluations documented by use of Skills Sheets during which students must demonstrate competence and achieve a "pass" score in each skill tested.

(I) Test Security and Integrity.

(i) DOC must develop and strictly enforce measures to ensure the security of test questions and integrity of all testing processes.

(ii) DOC must randomize the order of test questions and must develop a sufficient bank of test questions to ensure that students who fail to achieve a passing score and are remediated are given a randomized test that includes some questions that are different than those in the test the student originally failed.

Instructor Requirements

(J) Instructor Qualifications. All instructors for the DOC BCC must meet or exceed the Instructor Certification standards for instructors at DPSST Basic courses and must be currently certified by the Department in the categories instructed.

Documentation Requirements

(K) Required documentation for the DOC BCC must include, but is not limited to:

(i) Name, DPSST number and employing institution of each student;

(ii) Topics;

(iii) Number of training hours per topic;

(iv) Name, DPSST number, and topics taught for all instructors utilized;

(v) Total hours attended per student;

(vi) Any student absences;

(vii) Any remediation of training;

(viii) Any instructor notes or observations relating to any students' performance during the training; and

(ix) All academic and skills testing for each student. Certification Requirements

(L) Officer Certification. The applicant must meet the minimum standards for certification as a corrections officer contained in OAR 259-008-0060. DOC must submit the following documents at the time Basic certification is requested:

(i) F-7 (Application for Certification);

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- (ii) F-6 (Course Roster) for DOC BCC including the number of hours and the final cumulative score;
- (iii) F-6 (Course Roster) for DOC Advanced Corrections Course with attached itemized list of classes attended;
- (iv) Proof of current First Aid/CPR;
- (v) F-11 (Criminal Justice Code of Ethics); and
- (vi) FTO Manual Completion Report.

(7) Waiver. A person requesting a waiver of any course requirements is required to submit to the Department any supporting documents or pertinent expert testimony and evaluation requested. Any expense associated with providing such documentation, testimony or evaluation shall be borne by the person requesting the waiver or the requesting agency.

Stat. Auth.: ORS 181.640  
Stats. Implemented: ORS 181.640  
Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1982, f. & ef. 7-2-82; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0030, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 5-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 13-2001(Temp), f. & cert. ef. 10-26-01 thru 4-10-02; BPSST 2-2002, f. & cert. ef. 2-6-02; BPSST 8-2002, f. & cert. ef. 4-3-02; BPSST 15-2002, f. & cert. ef. 7-5-02; DPSST 14-2003, f. & cert. ef. 12-22-03; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 3-2007, f. & cert. ef. 1-12-06; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 9-2008, f. & cert. ef. 7-15-08; DPSST 14-2008, f. & cert. ef. 10-15-08; DPSST 3-2009, f. & cert. ef. 4-8-09; DPSST 8-2009(Temp), f. & cert. ef. 9-15-09 thru 3-1-10

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**Rule Caption:** Clarifies Minimum Standards for Polygraph Examiners.

**Adm. Order No.:** DPSST 9-2009  
**Filed with Sec. of State:** 9-15-2009  
**Certified to be Effective:** 9-15-09  
**Notice Publication Date:** 1-1-2009  
**Rules Amended:** 259-020-0025

**Subject:** Additional housekeeping change for clarity.  
**Rules Coordinator:** Bonnie Narvaez—(503) 378-2431

## 259-020-0025

### Expiration and Renewal of Licenses

(1) Each polygraph examiner's license issued by the Department will be issued for a period of one year. The Department may renew the license of a polygraph examiner, unless such license has been suspended or revoked, upon compliance by the person with such conditions as the Department may prescribe.

(2) A person whose polygraph examiner's license has expired may obtain a renewal license without examination within two years after the date of the expiration of such license by:

- (a) Submitting an application for renewal;
- (b) Payment of the required fee; and
- (c) Documentation that the required total number of training hours for the period of time of the expiration of the license has been met, as mandated in OAR 259-020-0025(4).

(3) In addition to the renewal requirements of section (2), a person whose polygraph examiner's license has expired for a period of more than two years may obtain a renewal license by:

(a) Verifying that the individual has the current knowledge, skills and abilities to perform the duties of a polygraph examiner or polygraph examiner trainee; and

(b) Meeting any additional requirements recommended by the Polygraph Licensing Advisory Committee and approved by the Department. Additional requirements may include, but are not limited to:

- (A) Attending additional training;
- (B) Submitting examinations to other licensed general polygraph examiners for review; and
- (c) Successfully completing a written polygraph examination test.

(4) Every two (2) years from the date of issue, all persons licensed under the Act must successfully complete a minimum of thirty (30) hours of Department approved training specifically related to the field of polygraphy. Department approved training in this field includes but is not limited to seminars sponsored by regional and national polygraph associations.

(a) All persons licensed under this Act must document satisfactory completion of this training to the Department. Documentation must include but is not limited to a certificate or letter of completion.

(b) Failure to comply with this section will result in the Department's refusal to reissue a license. This requirement becomes effective 01-01-97.

(c) A license may be reissued upon written application and receipt by the Department of evidence that the conditions which caused the denial have been corrected to the satisfaction of the Department.

Stat. Auth.: ORS 703.230  
Stats. Implemented: ORS 703.230  
Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99; BPSST 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 9-2009, f. & cert. ef. 9-15-09

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## Department of Transportation, Driver and Motor Vehicle Services Division Chapter 735

**Rule Caption:** Compliance with U.S. Standards for Vehicle Safety and Emissions.

**Adm. Order No.:** DMV 13-2009  
**Filed with Sec. of State:** 8-24-2009  
**Certified to be Effective:** 8-24-09  
**Notice Publication Date:** 7-1-2009  
**Rules Amended:** 735-022-0090

**Subject:** DMV has seen an increase in the number of applications to title and register motorcycles and mopeds that are manufactured abroad and imported to the United States for sale. DMV has determined that a number of these vehicles do not comply with federal vehicle standards.

Vehicles that are not manufactured to comply with federal vehicle safety and emissions standards are not eligible to receive Oregon title and registration. DMV believes that some manufacturers or distributors of imported vehicles are falsifying the Manufacturers Certificate of Origin (MCO) by including a statement that the vehicle complies with federal vehicle standards, when in fact the vehicle does not comply. Purchasers of these non-compliant vehicles are then able to obtain title and registration which allows them to be used on Oregon highways in violation of state and federal law. This alarming trend could put vehicle consumers and other users of the road at risk of personal injury and contribute to air pollution and greenhouse gas emissions.

In order to keep these non-compliant vehicles off Oregon roads, DMV has adopted a policy which includes new procedures for verifying proof of compliance with federal vehicle standards. The policy, which became effective May 1, 2009, specifies that before issuing title and registration DMV will conduct visual inspections of some vehicles. To implement this policy, DMV has amended OAR 735-022-0090 (Proof of Compliance with Federal Vehicle Standards) to clarify that DMV will not issue title and registration if DMV has reason to believe the vehicle is non-compliant. DMV will apply this rule amendment retroactively to May 1, 2009, the effective date of the policy.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 735-022-0090

### Proof of Compliance with Federal Vehicle Standards

(1) Proof of compliance with federal vehicle standards is required when DMV is not satisfied, based on the ownership documents, that the vehicle complies with federal vehicle standards, DMV has reason to believe the vehicle does not comply, or DMV receives an application for Oregon title and the application is submitted with an ownership document issued by:

- (a) A jurisdiction outside of the U.S.;
- (b) The U.S. military; or
- (c) A person other than a U.S. authorized distributor for the vehicle listed on the manufacturer's certificate of origin (MCO).

(2) DMV may accept the following as proof that a vehicle complies with federal vehicle standards:

(a) For a vehicle imported by the U.S. military or military personnel, a written notice or form issued by the U.S. military that indicates the vehicle meets federal vehicle standards;

(b) A Dealer Certification of Compliance with Federal Emission and Safety Standards (DMV Form 7290), completed by an Oregon vehicle dealer with a current valid vehicle dealer certificate;

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(c) An original letter from the manufacturer or U.S. authorized distributor that includes the VIN and that states that the vehicle meets EPA standards and can be modified to meet federal safety equipment standards. The letter must be accompanied by a Certification of Compliance with Federal Emission and Safety Standards (DMV Form 7286); or

(d) For a vehicle with an ownership document issued outside of the U.S., a U.S. Customs form that contains all of the following:

(A) A vehicle description that includes the year model, make and VIN; and

(B) Written approval from U.S. Customs indicating that the vehicle complies with federal vehicle standards. For example, a form issued by U.S. Customs with an approval stamp or the signature of an authorized U.S. Customs agent.

(3) Proof of compliance with federal vehicle standards is not required if:

(a) The vehicle is or has been titled or registered in the U.S.;

(b) The MCO submitted to DMV indicates the vehicle was manufactured for use in the U.S.; or

(c) DMV receives an original statement from the manufacturer that indicates the vehicle complies with federal vehicle standards.

(4) Notwithstanding sections (2) and (3) of this rule, DMV may refuse to issue title and registration if DMV has reason to believe the vehicle does not meet federal vehicle standards.

(5) This rule shall be applied retroactively to May 1, 2009.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045

Other Authority: 40 CFR Part 52, subpart MM and 49 CFR Part 571

Stats. Implemented: ORS 803.045

Hist.: MV 6-1986, f. 3-13-86, ef. 3-17-86; MV 3-1988, f. & cert. ef. 2-2-88; Administrative Renumbering 3-1988, Renumbered from 735-090-0560; DMV 16-2006, f. & cert. ef. 11-17-06; DMV 13-2009, f. & cert. ef. 8-24-09

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**Rule Caption:** Determination of Ownership for Financial Responsibility Purposes.

**Adm. Order No.:** DMV 14-2009

**Filed with Sec. of State:** 8-24-2009

**Certified to be Effective:** 8-24-09

**Notice Publication Date:** 7-1-2009

**Rules Amended:** 735-050-0000

**Subject:** OAR 735-050-0000 establishes when a person is considered an owner of a vehicle for the requirements of the financial responsibility laws, ORS Chapter 806 (financial responsibility). DMV amended OAR 735-050-0000 effective January 1, 2008 to implement Oregon Laws 2007, chapter 99, related to domestic partnerships. In amending the rule, DMV inadvertently changed language in Section (5) to eliminate an exemption from financial responsibility for persons listed as joint owners of a vehicle who do not live together, for example a parent and a child who attends college. DMV has amended OAR 735-050-0000(5) to clarify that an exemption from financial responsibility is available to persons who are not married or in a domestic partnership and do not live together.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 735-050-0000

### Determination of Ownership

(1) Any person whose name appears as an owner on the vehicle registration will be considered an owner for the requirements of the financial responsibility laws (financial responsibility), ORS Chapter 806, unless exempted under sections (3) through (5) of this rule. Unless otherwise provided, any person seeking an exemption under this rule must furnish the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) with:

(a) A signed affidavit setting forth the reasons the person should not be considered an owner for purposes of financial responsibility; and

(b) An affidavit signed by the person who has the primary ownership interest in the vehicle explaining why he or she should be considered the owner for purposes of financial responsibility. This affidavit may be waived if DMV determines it is unfeasible to obtain the affidavit.

(2) Where the owners are married or in a domestic partnership and living together, both are considered owners.

(3) Where the owners are married or in a domestic partnership and living apart, an owner may be exempted from the requirements of financial responsibility by providing proof there has been a complete relinquishment of the vehicle by such owner to the other owner. Proof includes, but is not

limited to, a separation agreement showing the date ownership of the vehicle was relinquished, or the affidavits described in section (1) of this rule.

(4) Where the marriage or domestic partnership of joint owners of a vehicle is dissolved it is the responsibility of the owner who obtains possession of the vehicle through a dissolution decree to transfer the title by presenting an application for transfer of title and a copy of the dissolution decree to DMV. If the owner awarded ownership of the vehicle by decree fails to transfer the title and is involved in an uninsured accident, the other owner may be exempted from the requirements of financial responsibility if proof is provided to DMV that his or her ownership interest has been extinguished by a dissolution decree. The person must present an affidavit that he or she no longer has possession or use of the vehicle and a copy of the dissolution decree to DMV.

(5) Where the owners are not married and not in a domestic partnership, an owner may be exempted from the requirements of financial responsibility when DMV determines the person does not have the right to immediate possession and use of the vehicle. DMV may consider the following as proof of the right to immediate possession and use:

(a) Documentation one owner has paid or is paying all or a substantial part of the purchase price of the vehicle;

(b) Documentation one owner has paid the major portion of the vehicle's maintenance and operation costs; and

(c) Documentation or an affidavit showing one owner uses the vehicle the greater amount of time.

(6) When an owner transfers his or her interest in a vehicle by sale or otherwise (transferor), and transfers possession of the vehicle to the new owner (transferee), the transferor is considered the owner for purposes of financial responsibility unless:

(a) An application for transfer of title has been presented to DMV; or

(b) The transferor provides proof satisfactory to DMV that his or her interest in the vehicle has been transferred and showing that the transferee has the right to immediate possession and use of the vehicle. Such proof includes, but is not limited to, a written purchase agreement or bill of sale signed by the transferee or the affidavits described in section (1) of this rule.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 806.010 & Sec. 3, Ch. 99, OL 2007

Stats. Implemented: ORS 806.010

Hist.: MV 32, f. 10-5-66; MV 36, f. 11-22-67; Administrative Renumbering 3-1988, Renumbered from 735-033-0015; DMV 5-2008, f. & cert. ef. 2-4-08; DMV 14-2009, f. & cert. ef. 8-24-09

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**Rule Caption:** Consular corps registration plates and group registration plates.

**Adm. Order No.:** DMV 15-2009(Temp)

**Filed with Sec. of State:** 8-24-2009

**Certified to be Effective:** 8-24-09 thru 2-17-10

**Notice Publication Date:**

**Rules Adopted:** 735-040-0098

**Rules Amended:** 735-040-0097, 735-046-0010, 735-046-0050

**Subject:** This temporary rulemaking implements legislation enacted by the 2009 Legislative Assembly.

Section 2 of chapter 621, OL 2009 requires DMV to issue consular corps registration plates to a resident of Oregon who has been duly appointed by a foreign country as an honorary consular officer to the United States, pursuant to the Vienna Convention on Consular Relations. The legislation directs DMV to establish what it will accept as proof that a person is appointed as an honorary consul and is acting in that capacity. The temporary amendment of OAR 735-046-0010 and 735-046-0050 adds new provisions to DMV's custom plate rules to implement the requirements of section 2 chapter 621, Oregon Laws 2009. Additional amendments add procedures and requirements concerning the issuance of consular corps plates.

ORS 805.205 requires DMV to collect a surcharge amount (determined by DMV) for each non-profit group plate issued. Section 3 of chapter 621, Oregon Laws 2009, amends ORS 805.205 to require DMV to adopt by rule the surcharge amount. DMV's adoption of 735-040-0098 establishes this surcharge. The temporary amendment of 735-040-0097 requires a non-profit group applying for a group plate to specify the surcharge amount the group is requesting that DMV collect per plate upon issuance of that group's plates.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

# ADMINISTRATIVE RULES

## 735-040-0097

### Application, Approval, Renewal and Issuance Process for Non-Profit Groups

(1) A non-profit group that is qualified to apply for group plates under OAR 735-040-0040 and 735-040-0061 must submit the following to DMV:

(a) A completed and signed Application for Approval of Group Plates for Institutions of Higher Education and Non-Profit Groups (DMV Form 735-7076);

(b) A \$10,000 application fee at the time of application. This fee is in addition to any other fee required by law or rule;

(c) Fees to cover DMV's anticipated administrative expenses related to the design and production of the non-profit group plates requested. At the time of application, DMV will estimate the costs, including but not limited to computer programming costs, plate design costs, color costs and vendor set-up fees, which must be paid prior to approval of the application;

(d) The written documentation required under OAR 735-040-0061, and a copy of the group's bylaws and articles of incorporation;

(e) The names and addresses of the group's current directors or officers and the name, address and phone number of the group's authorized representative. The authorized representative is the person authorized to apply for non-profit group plates on behalf of the group and is the contact person for DMV on any matter related to the group plates;

(f) The word(s) or initials the group is requesting for use on the plate to identify the group. DMV must approve and authorize any request before it will be used on a non-profit group plate;

(g) A certification or other evidence as may be required by DMV that the group has the authority to use the requested word(s), or initials on a registration plate;

(h) The surcharge amount the group is requesting that DMV collect per plate for each year of the registration period upon issuance of the group's plate. The surcharge may not be less than \$2.50 per plate or more than \$16 per plate.

(i) Specific information as to where surcharge amounts collected from the sale of group plates should be deposited. If no account is specified by the time moneys collected from the sale of the group's plates are distributed by DMV, the moneys will be deposited to the Passenger Rail Transportation Account as provided by law.

(2) In addition to the requirements described in section (1) of this rule, the group must provide an estimate of the number of plates it will sell during the next 12 months.

(3) DMV may at any time request from the authorized representative further information or documentation necessary to determine if the non-profit group is eligible for group plates. DMV may refuse to approve the issuance of group plates, or may withdraw approval previously granted if DMV determines:

(a) The group is not eligible;

(b) The word(s), or initials used or proposed to be used to name or describe the group contain an expression of political opinion or religious belief, contrary to ORS 805.205; or

(c) The authorized representative fails to provide information or documentation as requested by DMV.

(4) DMV will contact the authorized representative:

(a) At the time the application is approved or denied;

(b) When additional information or documentation is required or consultation is necessary; or

(c) If DMV proposes to withdraw its approval to issue plates for the group.

(5) Once plates are approved the authorized representative must file an annual statement with DMV showing the group continues to be eligible for non-profit group plates. The statement must:

(a) Be on a form provided by DMV or that is acceptable to DMV;

(b) Include a statement that the group continues to meet the requirements described in OAR 735-040-0061;

(c) Include the names and addresses of the current group directors, or officers and the group's authorized representative;

(d) Certify the group continues to be registered with the IRS as a 501(c)(3) non-profit corporation or foundation; and

(e) Provide an estimate of the number of plates the group expects to sell during the next 12 months.

(6) The group must immediately notify DMV anytime:

(a) There is a change in the name or address of the group's authorized representative; or

(b) The group is dissolved, is no longer a tax-exempt 501(c)(3) organization or is otherwise no longer qualified for non-profit group plates under OAR 735-040-0061.

Stat. Auth.: ORS 184.616; 184.619, 802.010, 805.205 & 805.206

Stats. Implemented: ORS 805.205 & 805.206

Hist.: DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95; DMV 29-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; DMV 14-2004, f. & cert. ef. 6-24-04; DMV 15-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 735-040-0098

### Non-profit Group Plate Surcharge

In addition to any other fee authorized by law, DMV will collect a surcharge of \$2.50 per plate for each year of the registration period upon issuance of a non-profit group plate.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.205

Stats. Implemented: ORS 805.205

Hist.: DMV 15-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 735-046-0010

### Custom Plates: Application and Standards

(1) A person who wishes to obtain custom plates must submit an application for custom plates and all applicable fees to DMV. Custom plate choices:

(a) May not be reserved in advance of application and payment of required fees; and

(b) Are approved and assigned by DMV on a first-come, first-served basis. When two or more applications requesting an identical plate choice are received, DMV will consider for approval the first one received with the required fees, without regard to whether the first application received is an original application for a custom plate or an application for renewal of a custom plate that has been expired for more than 30 days. "Application," as used in this subsection, may include application by phone, provided DMV is in possession of the required fees.

(2) Except as provided for in OAR 735-046-0020, an applicant for custom plates must qualify for Oregon title and registration for the vehicle listed on the custom plate application.

(3) A custom plate choice is assigned to a vehicle at the time the plate is issued by DMV.

(4) A custom plate choice must:

(a) Be compatible with DMV's computer system;

(b) Not be identical to any plate configuration reserved for:

(A) Qualified Congressional Medal of Honor recipients;

(B) Current Oregon office holders;

(C) An Honorary Consul as defined under Oregon Laws 2009, chapter 621; or

(D) The Governor, unless the custom plate is being issued under the provisions of OAR 735-046-0050;

(c) Not begin with the letters CMH, MOH, ORE, SEN, REP, USS, or USR and be followed by numbers;

(d) Be alphabetic or numeric characters, or alphanumeric characters.

A plate choice may not include punctuation or symbols other than a dash or space;

(e) Include at least one alphabetic or numeric character;

(f) Be limited to no more than six alphabetic characters, numeric characters, spaces or dashes, except that a seventh character may be a space or dash;

(g) Except as provided in section (5) of this rule, not be identical to any other plate configuration in current use. The use of a space or a dash within a plate choice is not considered when determining whether the plate is identical to another plate configuration.

(5) In addition to other provisions of this rule, all of the following apply to approval of a plate choice that is identical to a plate configuration that is in current use:

(a) DMV may approve a plate choice that conflicts with a plate configuration currently in use for motor vehicles registered under ORS 803.420(1) (i.e., passenger plated vehicles) if:

(A) The specific plate configuration requested has previously been issued and is not still in inventory or reserved for future issuance;

(B) The previously issued plates bearing the plate choice are surrendered to DMV with the custom plate request, or are no longer in circulation. If there is any question about such plates being in circulation, it is the applicant's responsibility to satisfy DMV that the plates have been destroyed, surrendered to DMV or another jurisdiction, or are not available for use on a vehicle; and

(C) The plate choice is to be assigned to a vehicle that qualifies for registration under ORS 803.420(1).

(b) For motor vehicles other than those registered under ORS 803.420(1), specifically, vehicles that are not passenger plated vehicles, DMV may approve a plate choice that is identical to a plate configuration that is in current use if:

# ADMINISTRATIVE RULES

(A) The vehicle to which the custom plates are to be issued is of a different type than the vehicle to which the plates bearing the identical plate configuration are in current use or could be issued. For example, a plate choice that is identical to a disabled veteran plate configuration (for example D00001) will not be assigned to a custom plate issued to either a passenger vehicle or motor home. A plate choice that is identical to a motor home plate configuration (for example H00001) will not be assigned to a custom plate issued to a motor home but can be assigned to a custom plate issued to a passenger vehicle;

(B) The plate choice requested is not currently assigned to a registration plate; and

(C) The plate choice requested will not be assigned to a future plate series.

(6) DMV will not approve a custom plate choice, including plate choices that would do so by means of foreign or slang words or phrases, by use of phonetic, numeric or reverse spelling, or by being viewed in mirror image, that:

(a) Would have the effect of alarming, threatening, offending or misleading a reasonable person. Such choices may include, but are not limited to, combinations of letters, numbers or both that:

(A) Refer to intimate bodily parts or to sexual or excretory acts or functions;

(B) Refer in an alarming or offensive manner to a person or class of persons on the basis of race, color, gender, ethnic heritage, national origin, or other characteristic;

(C) Suggest that the vehicle to which the custom plate is issued is an official vehicle of a public agency or official, when it is in fact not such a vehicle; or

(D) Refer to illegal acts.

(b) Refer to alcoholic beverages, or controlled substances or paraphernalia used in the consumption thereof by combinations of letters, numbers or both.

(7) DMV may use any reliable lexicological source to determine the meaning of any word, symbol or phrase.

(8) When reviewing a plate choice for approval, DMV need not consider the applicant's subjective intent or declared meaning.

(9) DMV will approve the transfer of registration plates that are not from a current issue of plates as custom plates under the provisions of ORS 805.242. All of the following apply to such a transfer:

(a) For vehicles that require two registration plates, the applicant must have two registration plates available for transfer to the vehicle;

(b) The registration plates being transferred must not be so old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes of identification;

(c) The registration plates being transferred must be from a series in current use;

(d) The registration plates may only be transferred to a vehicle type that is otherwise eligible for custom plates; and

(e) The registration plates may only be transferred to a vehicle of the same registration type to which they were originally issued (e.g., passenger vehicle to passenger vehicle).

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200, 805.205 & 805.220

Stats. Implemented: ORS 803.420, 803.535, 805.103, 805.200, 805.220, 805.240, 805.242 & 805.250

Hist.: MV 25-1988, f. & cert. ef. 10-3-88; MV 48-1989, f. & cert. ef. 11-16-89; DMV 9-1994, f. & cert. ef. 9-30-94; DMV 8-1997, f. & cert. ef. 10-16-97; DMV 23-2007(Temp), f. 12-24-07, cert. ef. 1-1-08 thru 6-27-08; DMV 15-2008, f. & cert. ef. 6-23-08; DMV 22-2008, f. & cert. ef. 9-11-08; DMV 15-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 735-046-0050

### Congressional Medal of Honor, Elected Official and Consular Corps Plates

(1) Requirements and Qualifications. In addition to all other requirements for registration, an applicant for Congressional Medal of Honor plates, elected official plates or consular corps plates must submit to DMV an application for registration and all applicable fees, including any fee required for the custom plate requested. At the time of application, the applicant must be the registered owner of the vehicle listed on the application and:

(a) For Congressional Medal of Honor recipients, meet the qualifications for issuance of Congressional Medal of Honor plates under ORS 805.103 and this rule;

(b) For elected officials, meet the qualifications of ORS 805.220, and hold the office specified on the application. DMV may contact the Secretary of State to verify compliance with this subsection;

(c) For consular corps plates, provide proof to DMV that the applicant is appointed by a foreign government as an honorary consul and is acting

in that capacity. Proof under this subsection is a copy of the applicant's current Consular Identification Card issued by the U.S. Department of State, Office of Protocol.

(2) Elected official plates are assigned to a specific vehicle and — if requested by the applicant — are issued in addition to the regular registration plates issued to the vehicle. The fee for an elected official plate issued in addition to a regular series plate is the plate manufacturing fee established under ORS 803.570. Elected official plates may be transferred to another vehicle if:

(a) The vehicle to which the plates are to be transferred is registered in the name of the elected official who qualifies for the particular plate configuration; and

(b) The applicant submits to DMV a completed application that identifies the vehicle to which the elected official plates are to be assigned.

(3) Consular corps plates are assigned to a specific vehicle and may only be transferred to another vehicle under section (4) of this rule.

(4) Plate Transfer. In addition to all other requirements for transferring registration plates, an applicant for a plate transfer must submit to DMV a completed, signed application to transfer registration plates and all applicable fees. At the time of transfer, the applicant must be the registered owner of the vehicle listed on the application. There is no plate transfer fee for elected official plates.

(5) Plate Configurations. The following plate configurations are reserved as specified:

(a) For Congressional Medal of Honor recipients: Except as provided in paragraph (B) of this subsection, the applicant may choose the letter combination "MOH" or "CMH," which will be followed by a single number from 1 to 9, to be designated by DMV;

(A) A total of 18 pairs of Congressional Medal of Honor plates are reserved for issuance to qualified Congressional Medal of Honor recipients.

(B) When a Congressional Medal of Honor plate configuration is issued, it will be removed from the list of available plates and will not be issued again. For example, after plate configuration "CMH 1" is issued, that configuration is no longer available. The next qualified applicant is issued the next available plate number in numeric order.

(b) For elected officials:

(A) Governor: "GOVERNOR 1";

(B) Secretary of State: "SECRETARY OF STATE 2";

(C) State Treasurer: "STATE TREASURER 3";

(D) President of the Senate: "PRESIDENT OF THE SENATE 4";

(E) President pro tempore of the Senate: "SENATE PRESIDENT PRO TEMPORE 4A";

(F) Speaker of the House of Representatives: "SPEAKER OF THE HOUSE OF REPRESENTATIVES 5";

(G) Speaker pro tempore of the House: "SPEAKER OF THE HOUSE PRO TEMPORE 5A";

(H) State Senators: "STATE SENATOR" followed by the applicable Senate district number;

(I) State Representatives: "STATE REP." followed by the applicable House district number;

(J) U.S. Senator: "U.S. SENATOR" followed by the number 1 or 2, depending on seniority;

(K) U.S. Representative: "U.S. REP." followed by the House District number; and

(c) For consular corps plates: "OFFICIAL CONSULAR CORPS" followed by a number assigned by DMV.

(6) In addition to the elected official plate for the Governor under subsection (3)(b) of this rule, DMV will issue regular series plates to the Governor upon request from the Governor's office. The fee for a regular series plate issued under this section is the plate manufacturing fee established under ORS 803.570.

(7) The plates must be removed from the vehicle to which they are assigned when the person no longer qualifies for elected official plates or consular corps plates because the term of office or appointment expires, or the person otherwise ceases to act in the official capacity required to qualify for the plates. After removing the plates from the vehicle, the person may surrender the plates to DMV or retain the plates as a souvenir.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200, 805.205 & 805.220

Stats. Implemented: ORS 803.420, 803.530, 803.535, 805.103, 805.200, 805.220, 805.240, 805.242 & 805.250

Hist.: MV 25-1988, f. & cert. ef. 10-3-88; MV 13-1992, f. & cert. ef. 10-16-92; DMV 23-2007(Temp), f. 12-24-07, cert. ef. 1-1-08 thru 6-27-08; DMV 15-2008, f. & cert. ef. 6-23-08; DMV 22-2008, f. & cert. ef. 9-11-08; DMV 15-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

# ADMINISTRATIVE RULES

## Department of Transportation, Public Transit Division Chapter 732

**Rule Caption:** Implementation of legislation which adds General Fund to the Special Transportation Program.

**Adm. Order No.:** PTD 1-2009(Temp)

**Filed with Sec. of State:** 8-24-2009

**Certified to be Effective:** 8-24-09 thru 2-17-10

**Notice Publication Date:**

**Rules Adopted:** 732-030-0005, 732-030-0010, 732-030-0015, 732-030-0020, 732-030-0025, 732-030-0030, 732-030-0035

**Rules Amended:** 732-005-0000, 732-005-0010, 732-005-0016, 732-005-0021, 732-005-0027, 732-005-0031, 732-005-0036, 732-005-0046, 732-005-0051, 732-005-0056, 732-005-0061, 732-005-0066, 732-005-0076, 732-005-0081

**Subject:** ORS 391.810 requires the Public Transit Division to adopt rules necessary for the administration an implementation of the Special Transportation Fund. Section 31(3) of chapter 910 OL 2009, which allocates \$10 million of general fund to the Public Transit Division, directs the division to offer funds for operating grants to communities to provide transit services for seniors and people with disabilities. This temporary rulemaking will allow the division to distribute general funds in an expeditious manner. The rules will allow the division to allocate the funds, engage an application and review process, execute agreements and distribute funds.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

### 732-005-0000

#### Purpose of Rule

(1) The rules in Chapter 732, Divisions 5, 10 and 20 establish the procedures and requirements of the Public Transit Division for the administration of the Special Transportation Fund (STF) for the Elderly and Disabled.

(2) The rules in Chapter 732, Divisions 5 and 30 establish the procedures and requirements of the Public Transit Division for the administration of the Special Transportation Operating (STO) Grants Program.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1990, f. & cert. ef. 5-31-90; PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

### 732-005-0010

#### Definitions

The following definitions apply to rules in chapter 732 divisions 5, 10, 20 and 30:

(1) "Administration" means the essential activities incurred by the STF Agency: receiving, disbursing and accounting for STF moneys.

(2) "Administrative Allotment" means a fixed amount, disbursed annually to a STF Agency, for Administration.

(3) "Advisory Committee" means a committee appointed by a STF Agency to advise and assist the STF Agency in carrying out the purposes of the Special Transportation Fund.

(4) "Capital equipment" means tangible property having a useful life of more than one year and with an acquisition cost of more than \$5,000. Examples include and are not limited to: vehicles, buildings, and passenger shelters. Aggregated purchases, e.g., groups of computers and communication equipment purchased as a single procurement, even if delivered and paid for individually, are treated as capital if the total cost exceeds \$5,000.

(5) "Coordination" means working cooperatively with Providers and other individuals and agencies representing people unable to drive, low-income, Elderly and People with Disabilities, to more effectively apply funding and other resources to meet common transportation needs. Coordination actions may reduce duplication of service, reduce cost, increase service levels or make services more widely available in a community.

(6) "Disabled", also "People with Disabilities" or "Individual with Disabilities" means a person or persons who, by reason of illness, injury, advanced age, congenital malfunction, or other permanent or temporary incapacity, have a physical or mental impairment that substantially limits one or more of their major life activities. This definition does not include substance abuse disorders resulting from the current illegal use of drugs.

(7) "Discretionary Account" means a Special Transportation Fund account for distribution of the remaining cigarette tax receipts and other

revenues contributed to the STF set aside following distribution of the Formula Allocation, Minimum Allocation and Administrative Allotment.

(8) "Discretionary Grant" means a grant award from the Discretionary Program.

(9) "Discretionary Program" means a program financed by the Discretionary Account that may be offered by the Division to support Projects benefiting the Elderly and People with Disabilities.

(10) "District" means a mass transit district organized under ORS 267.010 to 267.390 or a transportation district organized under ORS 267.510 to 267.650.

(11) "Division" means the Oregon Department of Transportation, Public Transit Division.

(12) "Elderly" also "Seniors" means individuals who are 60 years of age or older.

(13) "Formula Allocation" means an amount of STF moneys made available to a STF Agency on the basis of the STF Agency's share of resident population in proportion to the population of the state as a whole.

(14) "Formula Program" means the program of regular distribution of STF moneys from the Division to the STF Agencies that is composed of the Formula and Minimum Allocations, plus the Administrative Allotment.

(15) "Incidental Use" means a use of a Project that is not the primary purpose of the Project.

(16) "Indian Tribe" means a federally recognized Indian Tribe in Oregon that has members residing on a reservation or tribal trust lands in Oregon.

(17) "Minimum Allocation" means a minimum annual amount for which each STF Agency will be eligible, composed of the Formula Allocation moneys plus moneys from the Discretionary Account sufficient to equal the Minimum Allocation.

(18) "Operations" means provision of transportation services.

(19) "Operating Expense" means the costs associated with the provision of transportation services. Operating Expense does not include expense associated with procuring or leasing capital equipment. Common Operating Expenses include, and are not limited to: personnel, insurance, utilities, vehicle and facility maintenance, professional and technical services, security, fuel and tires, purchased transportation services, personnel training, communication and technology maintenance, marketing/public information, and planning integral to the provision of transit services.

(20) "Oregon Transportation Commission" means a commission established under ORS 184.612.

(21) "Project" means a Public Transportation System or Service, a Capital Item or any associated activity including, but not limited to, planning and needs assessment, training, and research and that falls within the purposes defined in OAR 732-005-0016.

(22) "Provider" means a city, county, district, Indian tribe, or any other person or agency, whether public or private, that maintains, operates, or sponsors vehicles and facilities for Public Transportation Services for profit or on a nonprofit or voluntary basis.

(23) "Public Transportation Services" means any form of passenger transportation by car, bus, rail or other conveyance, either publicly or privately owned, which provides service to the general public (not including charter or sightseeing or exclusive school bus) on a regular and continuing basis. Such transportation may include services designed to meet the needs of a specific user group, including for the Elderly and People with Disabilities, and for purposes such as health care, shopping, education, employment, public services, personal business or recreation.

(24) "Recipient" means a city, county, transportation district, mass transit district, county service district, Indian tribe, public or private nonprofit corporation, or other person or agency, that is in receipt of STF moneys to finance in whole or part a Project for the elderly and people with disabilities.

(25) "Representative of Disabled Persons" means an individual who is familiar with the needs of People with Disabilities and is knowledgeable or aware of the transportation needs of People with Disabilities.

(26) "Representative of Elderly Persons" means an individual who is familiar with the needs of the Elderly and is knowledgeable or aware of the transportation needs of the Elderly.

(27) "Special Transportation Fund for Elderly and Disabled" also "STF" means moneys generated by a tax on cigarettes, or from other sources, appropriated to the Division for distribution to STF Agencies for the purpose of financing and improving transportation programs and services for the Elderly and People with Disabilities.

(28) "Special Transportation Fund Operating Grants" also "STO Grants" means moneys appropriated from the Oregon General Fund to the Division for distribution to STF Agencies for the purpose of financing

# ADMINISTRATIVE RULES

Operating Expenses that provide access to Transportation Systems and Services for Seniors and Individuals with Disabilities.

(29) "STF Agency" means the mass transit district, transportation district, county in which no part of a mass transit or transportation district is located or Indian tribe that is eligible to receive STF and STO moneys directly from the Division.

(30) "STF Plan" means a plan developed by the STF Agency to guide the investment of STF moneys over at least a three year period.

(31) "STF Program" means a set of policies and procedures that guide the expenditure of STF moneys to benefit transportation services for the Elderly and People with Disabilities.

(32) "Transportation Service" means a project that provides rides or improves access to rides for seniors and individuals with disabilities.

(33) "Transportation System" means one or more transit services that are operated in coordination with each other, and when viewed as a whole, offers access to Transportation Service appropriate to the individual.

(34) "User of Transportation Services" means a person who is Elderly or a Person with Disabilities and who makes use of transportation programs and services for the Elderly and People with Disabilities financed in whole or part with STF moneys.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1990 f. & cert. ef. 5-31-90; PTD 1-2004(Temp), f. & cert. ef. 7-15-04 thru 1-10-05; PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0016

### Purpose and Use of the STF and STO Moneys

(1) The STF and STO funds are intended to provide a flexible, coordinated, reliable and continuing source of revenue in support of Transportation Systems and Services that provide transportation for the Elderly and People with Disabilities.

(2) STF and STO moneys may be used for the following purposes:

(a) Maintenance of existing Transportation Systems and Services for the Elderly and People with Disabilities.

(b) Expansion of such Systems and Services.

(c) Creation of new Systems and Services.

(d) Planning for, and development of, access to transportation for the Elderly and People with Disabilities who are not currently served by transportation programs and services.

(3) The STF and STO moneys may be used as matching funds for state and federal programs also providing transportation programs and services to the Elderly and People with Disabilities.

(4) Use of STO moneys is limited to Operations Expense; Capital equipment is not eligible.

(5) When funded by STF and STO moneys:

(a) Projects will comply with the requirements of USDOT Federal Transit Administration regulations, 49 CFR Part 37 Transportation Services for Individuals with Disabilities (Americans with Disabilities Act) section 37.3, as applicable to the specific Project and Provider.

(b) Projects financed in whole or part with STF and STO moneys will be coordinated with other transportation programs and services to the maximum extent feasible.

(6) Excepting in the case of a uniform budget reduction, STF and STO moneys will not be used to supplant moneys currently appropriated by STF Agencies for transportation projects benefiting the Elderly and People with Disabilities.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1990, f. & cert. ef. 5-31-90; Renumbered from 732-005-0060(3)(a-d); PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0021

### Administration by the Public Transit Division

(1) The Division will conduct the necessary activities to manage the STF and STO Grant Fund programs.

(2) Activities conducted by the Division include, and are not limited to, distribution of funds, application and review processes, agreement procedures, program oversight, protests, statewide planning and research, training and technical assistance.

(3) STF and STO moneys will be accounted for separately.

(4) After payment of the state administrative costs of the program, the Division will make available STO moneys annually to STF Agencies.

(a) The distribution will be determined by the Division.

(b) Each STF Agency that applies will receive at least \$15,000.

(c) STO moneys will be claimed by STF Agencies through an application submitted to the Division during the STO grant application period defined by the Division. Failure to apply will result in forfeiture of the available funds.

(5) After payment of the state administrative costs of the program, the Division will make available moneys from the STF:

(a) Three-fourths of STF moneys will be made available annually to STF Agencies on the basis of population distribution. This will be known as the Formula Allocation; and

(b) Of the remaining one-fourth of STF moneys:

(A) An Administrative Allotment of \$2,000 will be made available annually to each STF Agency:

(i) The annual Administrative Allotment of \$2000 is intended to defray the STF Agency's cost of Administration of their STF program: receiving, disbursing and accounting for their STF moneys.

(ii) The STF Agency will not use moneys from the STF Formula Allocation to defray administrative costs.

(iii) Additional costs of developing and managing the STF program including, and not limited to, planning, advisory committee management, contract management, and technical assistance, are not defined as Administration, and may be supported by moneys from the Formula Allocation.

(iv) The STF Agency may finance the cost of administration of STF discretionary grants awarded in accordance with OAR 732-020-0030 with funds from the grant award.

(B) A Minimum Allocation will be made available annually as a supplement to the moneys made available based on population.

(i) Each STF Agency will have no less than the minimum allocation made available, irrespective of population, under the STF Formula Program. This Minimum Allocation, when combined with formula moneys, will be defined by the Oregon Transportation Commission;

(ii) The Minimum Allocation will equal at least \$15,000; and

(iii) The Minimum Allocation will be based on factors defined by the Division related to the cost of providing transportation services and programs by the STF Agencies with the least population.

(C) Any remaining moneys will be set aside to a Discretionary Account. The Discretionary Account is intended to provide a flexible resource for addressing the transportation needs of the Elderly and People with Disabilities in accordance with OAR 732-005-0016. Discretionary Account moneys may be used for:

(i) A Discretionary Program to award Discretionary Grants in accordance with OAR 732-020-0005 through 732-020-0045; or

(ii) Projects of statewide importance identified and implemented by the Division.

(iii) Discretionary Grants and Projects of statewide importance will be approved by the Oregon Transportation Commission.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1990, f. & cert. ef. 5-31-90; Renumbered from 732-005-0015(1); PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0027

### STF Agencies Eligible for STF and STO Moneys

(1) After payment of the state's administrative costs of the program, the Division will make available moneys from the STF. STF moneys may be distributed to the following:

(a) To Districts where they exist;

(b) To counties where no Districts exist; and

(c) To federally recognized Indian Tribes in Oregon.

(d) If two or more Districts are located in one county, the moneys will be distributed to the Mass Transit District. If there is no Mass Transit District located in the county, then the moneys will be distributed to the Transportation District with highest population.

(2) Districts, Indian Tribes and counties receiving STF and STO moneys are known as STF Agencies.

(3) Withdrawal from Eligibility: STF Agencies eligible to receive STF and STO moneys may voluntarily withdraw from eligibility:

(a) A STF Agency intending to withdraw its eligibility will notify the Division of the decision to withdraw and the reason for withdrawal;

(b) A STF Agency may rescind its withdrawal at any time; and

(c) After a three-year period, the STF Agency that has withdrawn from eligibility will not be included in the population-based distribution of STF and STO moneys in accordance with OAR 732-010-0010:

# ADMINISTRATIVE RULES

(A) The population of the Indian Tribe that has withdrawn from eligibility will be included in the resident population of Districts and counties; and

(B) The population of a District or county that has withdrawn from eligibility will be included in the population of another STF Agency identified by the Division.

(4) Failure to apply for Formula Program and STO moneys for three or more consecutive years will be considered withdrawal from eligibility to receive STF and STO Funds.

(5) Accumulation of Formula Program moneys allocated to a STF Agency that has withdrawn will:

(a) Not exceed the total of three consecutive years dating from the year of withdrawal, or from the first year of failure to apply for Formula Program moneys;

(b) The Administrative Allotment will not accumulate;

(c) The STF Agency that rescinds its withdrawal may receive up to three years of accumulated Formula Program moneys;

(d) The STF Agency that rescinds its withdrawal is eligible to receive one year of Administrative Allotment for the year of application; and,

(e) STO moneys will not accumulate.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1990, f. & cert. ef. 5-31-90; Renumbered from 732-005-0015(1)(a-c); PTD 1-2004(Temp), f. & cert. ef. 7-15-04 thru 1-10-05; PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0031

### Advisory Committee Requirements

(1) The STF Agency will appoint an Advisory Committee.

(2) The purpose of the Advisory Committee is to advise and assist the STF Agency in carrying out the purposes of the STF and STO.

(3) The Advisory Committee will:

(a) Advise the STF Agency regarding the opportunities to coordinate STF and STO moneys and STF- and STO-funded Projects with other transportation programs and services to avoid duplication and gaps in service;

(b) Review the proposed distribution of Formula Program moneys and make recommendations to the STF Agency;

(c) Review STO and Discretionary Grant proposals and make recommendations to the STF Agency;

(d) Adhere to Oregon Public Meetings laws, as applicable;

(e) Meet a minimum of two times per year, or a sufficient number of times so as to advise the STF Agency in carrying out the purposes of the STF and STO Programs;

(f) Participate in developing in the STF Plan that will be used to perform the activities described in this section; and

(g) Be guided by written bylaws that may include, but are not limited to, committee membership criteria, terms of office for the committee members, procedures of the committee, meeting schedule and other operating and decision-making procedures.

(4) To perform the activities described in subsections (3)(a) through (c) of this rule, the Advisory Committee will review the Projects proposed for funding by Formula Program and Discretionary Program moneys, including the proposed Recipient, Project purpose, intended User of Transportation Services, and the proposed funding level.

(5) The Advisory Committee may recommend to the STF Agency any changes to the proposed distribution of Formula Program moneys or Discretionary Grant applications it considers necessary.

(6) The terms of office for the Advisory Committee members are at the discretion of the STF Agency.

(7) The Division will be notified by the STF Agency of changes in the Advisory Committee membership.

(8) Copies of Advisory Committee bylaws, minutes and meeting notices will be made available to the Division, upon reasonable notice.

(9) Indian Tribes:

(a) The Advisory Committee of a STF Agency that is an Indian Tribe will be composed of at least three members; and

(b) To be qualified to serve on an Advisory Committee of an Indian Tribe, an individual must be able to represent the transportation needs of the Elderly and People with Disabilities served by the Indian Tribe.

(10) Districts and Counties: The Advisory Committee of a District or county will be composed of at least five members, of which a majority will meet the qualifications of paragraphs (11)(c)(A) through (D) of this rule.

(11) To be qualified to serve on the Advisory Committee for a STF Agency that is a District or county, an individual will:

(a) Reside in the District or county;

(b) Be knowledgeable about the transportation needs of the Elderly and People with Disabilities; and

(c) Be a person who:

(A) Is Elderly or a person with a disability and is a User of Transportation Services in the District or county;

(B) Is Elderly or is a person with a disability and who lives in an area of the District or county where there are no Public Transportation Services;

(C) Is Representative of Elderly persons residing in the District or county;

(D) Is Representative of People with Disabilities residing in the District or county; or

(E) Represents a Provider of services to the Elderly or People with Disabilities residing in the District or county.

(d) The STF Agency will consider geographic diversity and balance of the membership qualifications identified in paragraphs (11)(c)(A) through (E) of this rule when appointing STF Advisory Committee members.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1986, f. & ef. 1-10-86; PTD 1-1990, f. & cert. ef. 5-31-90; Renumbered from 732-005-0065; PTD 1-2004(Temp), f. & cert. ef. 7-15-04 thru 1-10-05; PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0036

### Accounting Requirements

(1) The STF Agency will receive and disburse STF and STO moneys from a separate governmental fund. Any money realized as a result of interest accrued will be added to the moneys and will be reported to the Division.

(2) Record Retention:

(a) The STF Agency will maintain all financial records for at least three years after the Division's final disbursement for the fiscal year; and

(b) The STF Agency will maintain all records relating to Capital Items for three years after disposition.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1990, f. & cert. ef. 5-31-90; Renumbered from 732-005-0070; PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0046

### Audit Requirements

(1) STF and STO moneys will be specifically and individually addressed in the STF Agency's annual audit. If requested by the Division, the STF Agency will provide the Division with a copy of the audit report.

(2) The Division may request additional information including, but not limited to, audits of specific Projects.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1990, f. & cert. ef. 5-31-90; Renumbered from 732-005-0080; PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0051

### Reporting Requirements

(1) The purpose of reporting is to:

(a) Ensure that STF and STO moneys are being used for the purpose of financing and improving transportation programs for the Elderly and People with Disabilities;

(b) Measure the effects of the program; and

(c) Provide information to the Oregon State Legislature.

(2) The STF Agency will prepare, or require its Recipients to prepare, a quarterly report to the Division. The STF Agency will approve and sign reports prepared by Recipients prior to submission to the Division:

(a) For Projects funded by the Formula Program, a report form, provided by the Division, will be completed for each Recipient on the List of Projects;

(b) For Projects funded by STO Grant Funds, a report form, provided by the Division, will be completed for each recipient on the List of Projects

(c) A STF Agency may require additional reporting information from its Recipients;

(d) Reports will be due within 45 days following the end of a quarter. The fourth quarter report may be a preliminary report, subject to adjustment after completion of the STF Agency's audit.

(3) Failure to submit the required reports may result in withholding of Formula and STO Funds:

# ADMINISTRATIVE RULES

(a) The Division may withhold Formula and STO Funds if reports have not been submitted for a period of three consecutive quarters; and

(b) A STF Agency may negotiate an alternate reporting schedule with the Division.

(4) For Projects funded by the Discretionary Program, a report form will be provided by the Division:

(a) The report is required for payment of Discretionary Grant moneys;

(b) The Division may identify alternate dates for reporting; and

(c) Recipients of Capital Items will report regularly during the period of useful life of the Capital Item.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1990, f. & cert. ef. 5-31-90; Renumbered from 732-005-0085; PTD 1-2004(Temp), f. & cert. ef. 7-15-04 thru 1-10-05; PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0056

### Withholding of Funds from a STF Agency

(1) The Division may withhold payment of STF and STO moneys if:

(a) The funds are not being used in accordance with these rules;

(b) All required reporting has not been submitted; or

(c) There are any unresolved audit findings relating to the moneys.

(2) If an audit or a review of the agreement finds that STF and STO moneys were used improperly, the STF Agency will repay the STF that portion used improperly.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-1986, f. & ef. 1-10-86; PTD 1-1987, f. & ef. 11-24-87; PTD 1-1989(Temp), f. & cert. ef. 12-29-89; PTD 1-1990, f. & cert. ef. 5-31-90; Renumbered from 732-005-0050; PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0061

### Management of Agreements

(1) The Division will enter into agreements with a STF Agency after approval of the STF Agency's application for STF and STO moneys.

(a) The agreement will include:

(A) A description of the use of the STF or STO moneys. The description of an STO funded project must clearly indicate that the project meets the definition of an Operations Expense;

(B) A beginning and end date;

(C) Termination and suspension clauses;

(D) Other applicable requirements of these rules; and

(E) Sanctions for failure to comply with the requirements of the agreement, including and not limited to, withholding and repayment of funds for cause.

(b) Inspection of records and Projects:

(A) An STF Agency, and any organization acting on the STF Agency's behalf, will permit the Division, the Secretary of State of the State of Oregon, or their authorized representatives, upon reasonable notice, access to all data and records relating to the STF and STO moneys.

(B) The Division, the Secretary of State of the State of Oregon, or their authorized representatives, upon reasonable notice, may inspect the Projects financed with STF moneys including, but not limited to, the financial records, physical premises and Capital Items used to deliver Public Transportation Services.

(2) The STF Agency will enter into written agreements with Recipients for Projects financed with STO funds, Formula Program and Discretionary Program moneys.

(a) The form of the agreement will include:

(A) A statement of work to be performed in consideration of the moneys; for STO moneys, the statement of work will include a detailed description of the project sufficient to ensure the project meets the definition of Operations :

(B) A beginning and end date;

(C) Termination and suspension clauses;

(D) Other applicable requirements of OAR 732-005-0000 through 732-030-0035; and

(E) Sanctions associated with failure to perform, including but not limited to, withholding and repayment of funds for cause.

(F) The STF Agency may impose additional requirements under its own authority.

(b) The STF Agency will submit copies of Recipient agreements to the Division.

(c) The STF Agency will monitor the performance of the agreement on a regular basis, and will take action when the terms and conditions of the agreement are not being met.

(d) Recipients, and any organization acting on the Recipient's behalf, will permit the STF Agency, the Division, the Secretary of State of the State of Oregon, or their authorized representatives, upon reasonable notice, access to all data and records relating to the transportation system supported in whole or part by the STF, and will allow inspection of the Projects supported in whole or part by the STF including, but not limited to, the physical premises and Capital Items used to deliver transportation services.

(e) The Division may terminate or suspend an agreement between itself and a STF Agency, and may require repayment of funds, if the STF Agency fails to take action against a Recipient failing to comply with OAR 732-005-0000 through 732-030-0035.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0066

### STF Agency Joint Management of the STF and STO Programs

(1) Two or more STF agencies may jointly manage their STF and STO Programs. Joint Management means two or more STF Agencies joining together to manage their STF and STO Programs by consultation and acting independently, or by jointly managing the functions of the STF program.

(a) Joint management through consultation does not require an agreement between the parties.

(b) Joint management of the functions including, and not limited to, pooling STF and STO moneys and jointly allocating funds to Projects, requires an agreement between the STF Agencies.

(2) When two or more STF Agencies jointly manage the functions of the STF and STO programs, they will:

(a) Designate a lead STF Agency who will perform all of the functions of the program as defined in this rule;

(b) Ensure that the Advisory Committee appointed by the lead STF Agency is representative of each of the participating STF Agencies; and

(c) Meet together for consultation and review of the jointly managed STF and STO funded Program at least once per year.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-005-0076

### Recipient Qualifications

(1) To be eligible to receive STF and STO moneys for a Project, a Recipient will meet, or have the capacity to meet, the following qualifications, as applicable to the type of Project being funded. A Recipient will:

(a) Be an entity eligible to enter into agreements;

(b) Have the legal, managerial and operational capacity to perform the Project;

(c) Not be debarred or suspended from federal grants;

(d) Maintain compliance with federal, state and local laws and regulations including, and not limited to, those pertaining to passenger transportation, civil rights, labor, insurance, safety and health, as applicable;

(e) Comply with the laws or rules of this program;

(f) Properly use STF and STO moneys; and

(g) Perform the Project in a safe, prudent and timely manner.

(h) If a Recipient is identified as ineligible to receive other funds offered by the state or federal government resulting from a failure to meet the criteria identified in subsection (a) through (g) of this section, the Recipient may be ineligible to receive STF and STO moneys.

(2) A STF Agency may require additional eligibility qualifications of Recipients as necessary to implement its STF and STO funded Program.

(3) The Division may require additional eligibility qualifications of Recipients as necessary to implement the Discretionary Program.

(4) The STF Agency will confirm the eligibility of a Recipient prior to awarding STF moneys and entering into an agreement.

(5) The STF Agency will ensure that Recipients maintain eligibility while receiving STF moneys.

(6) A Recipient found by the STF Agency or Division to be ineligible may be required to repay moneys received during the period of ineligibility.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

# ADMINISTRATIVE RULES

## 732-005-0081

### STF Plan

(1) A STF Agency will develop, adopt, and regularly update a written STF Plan:

(a) The purpose of the STF Plan is to set out the long term vision for public transportation in the STF Agency's service area, and guide investment of STF and STO moneys to maximize benefit to the Elderly and People with Disabilities within that area.

(b) The STF Agency will adopt its first plan no later than June 30, 2007.

(c) The STF Plan will:

(A) Cover at least a three year period;

(B) Counties will consider the transportation needs of the Elderly and People with Disabilities residing within the county;

(C) Districts will consider the transportation needs of the Elderly and People with Disabilities residing in the in-district and out-of-district areas of the county(ies); and

(D) Indian Tribes will consider the needs of tribal members and other Elderly and People with Disabilities served by the tribe and residing in the area served by the tribe.

(2) The STF Plan shall include, and is not limited to, the following types of information:

(a) Inventory of transportation services and capital resources currently available for the Elderly and People with Disabilities, without regard to how they are funded;

(b) Identify current and forecast county and tribal population and demographics;

(c) Inventory of current and future needs for transportation services and programs. The inventory may include, and is not limited to, changes in employment opportunities, housing, access to medical services, and special issues affecting access to public transportation services for the Elderly and People with Disabilities;

(d) Identify unmet needs related to the Transportation System and Services;

(e) Identify opportunities to coordinate transportation services within the county, District, or tribal area and with other agencies and areas to improve efficiency and effectiveness of service; and

(f) Identify time-based, quantified goals, benchmarks, and performance measures to assess the progress of Recipients in achieving the STF Agency's vision over time.

(3) STF Agencies may join together, and with other agencies serving the Elderly and People with Disabilities, for mutual benefit to meet these requirements.

(4) Prior to adopting a STF Plan, the STF Agency will consult with the STF Advisory Committee and the public. The purpose of this consultation is to ensure that the Elderly and People with Disabilities, representatives of the Elderly and People with Disabilities, transportation Providers, and other interested parties have the opportunity to review and comment on the proposed plan.

(5) A STF Agency will review its STF Plan at least biennially, and update it to reflect changes in the service area, demographics, funding levels, service availability or other factors, as needed.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 2-2004, f. 12-16-04, cert. ef. 1-1-05; PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-030-0005

### STO Program

(1) Revenues from the STO Program are made available annually.

(2) STF Agencies may apply for STO funds during an application period defined by the division.

(3) STO funds are paid to the STF Agency upon approval of its application and submission of reports required by OAR 732-005-0051.

(4) In order to be eligible to receive STO moneys, the STF Agency must have Projects eligible for funding, as specified by OAR 732-005-0016(4).

(5) The amount of STO money awarded to each STF Agency will be determined by the sum of the costs for the projects approved by the Division, and will not exceed the amount of STO moneys for which each STF Agency is eligible.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-030-0010

### Fund Distribution

(1) The Division will distribute STO moneys regularly, and at least quarterly.

(2) Each January, prior to the beginning of each state biennium, the Division will estimate the STO moneys to be distributed during the next biennium. The estimate will include the reconciliation of STO receipts from prior years and funds unclaimed by STF Agencies.

(3) Moneys will be made available to each STF Agency on the basis of formula distribution defined by the Division.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-030-0015

### Application Procedures for STO Moneys

(1) The Division will inform each STF Agency of the amount of STO moneys for which they are eligible.

(2) To apply for STO moneys, the STF Agency will submit a completed application on forms supplied by the Division.

(3) The information required in the application will be sufficient to ensure that the requirements of these rules are met.

(4) An authorized official of the STF Agency will sign the application.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-030-0020

### Application Review

(1) The Division will review and approve STO fund applications:

(a) The Division will consider material submitted in the application as the basis for application approval; and

(b) The Division may ask for further information or clarification.

(2) The Division may disapprove the application and, if disapproved, will inform the STF Agency of the reason for disapproval.

(a) Reasons for disapproval may include, and are not limited to, the following:

(A) No Advisory Committee or improper membership;

(B) Advisory Committee failure to meet and confer;

(C) STF Agency failure to confer with the Advisory Committee;

(D) A Recipient that is ineligible;

(E) The use of STO moneys to supplant the STF Agency's local appropriation currently used to provide transportation services benefiting the Elderly and People with Disabilities; and

(G) Proposed Projects are not eligible for funding.

(b) Disapproved formula program applications may be improved and resubmitted by the STF Agency.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-030-0025

### Submission of Amended STO Applications

(1) The STF Agency may amend their application at any time by filing an amended application with the Division.

(2) The STF Agency will retain authority over costs and allocations within its jurisdiction and may shift funds among Recipients and Projects identified in the executed agreement between the Division and STF Agency as necessary for the desired services.

(3) The STF Agency will submit an amended application if the number of Recipients or Projects changes.

(4) Changes in the distribution of funds among already approved Recipients and Projects do not require Division approval. The STF Agency will notify the Division of any changes.

(5) Changes in the Advisory Committee do not require an amended application.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

## 732-030-0030

### Disbursement of STO Moneys

(1) Upon approval of the application for the STO moneys, the Division will enter into an agreement with the STF Agency.

(2) After the agreement is signed by both parties, the Division will disburse the moneys.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

# ADMINISTRATIVE RULES

## 732-030-0035

### STF Agency's Distribution of STO Moneys

(1) The STF Agency will determine the purposes for which the STO moneys will be used, in accordance with their STF Plan.

(2) The STF Agency may use procedures of its choice to distribute STO moneys.

(3) The STF Agency that is a District is responsible for funding Projects benefiting the Elderly and People with Disabilities both within its boundaries and outside them in the surrounding county(ies).

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800 - 391.830, Ch 910 OL 2009

Hist.: PTD 1-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10

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### Education and Workforce Policy Advisor, Office of Education and Workforce Policy Chapter 151

**Rule Caption:** Repeal OARs in Division 20 regarding the Administration of Statewide and Local Workforce Investment Systems.

**Adm. Order No.:** EWP 2-2009

**Filed with Sec. of State:** 9-8-2009

**Certified to be Effective:** 9-8-09

**Notice Publication Date:** 7-1-2009

**Rules Repealed:** 151-020-0020, 151-020-0030, 151-020-0042, 151-020-0090, 151-020-0120

**Subject:** The Office of Education and Workforce Policy is repealing five administrative rules for Division 20 because they are not in alignment with current statewide efforts to implement workforce integration services to Oregonians.

**Rules Coordinator:** Margie Lowe—(503) 986-6528

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### Land Conservation and Development Department Chapter 660

**Rule Caption:** Implements HB 3225 and makes certain adjustments to Measure 49 (2007).

**Adm. Order No.:** LCDD 3-2009(Temp)

**Filed with Sec. of State:** 8-18-2009

**Certified to be Effective:** 8-18-09 thru 2-14-10

**Notice Publication Date:**

**Rules Adopted:** 660-041-0095

**Rules Amended:** 660-041-0000, 660-041-0010, 660-041-0020, 660-041-0080

**Subject:** The proposed temporary rules would be codified in Division 41, under Oregon Administrative Rules (OAR) chapter 660 and would facilitate additional review under HB 3225 and Measure 49 (M49) for about 400 Measure 37 (M37) claims. Division 41 was adopted in 2004 in order to implement 2004 Ballot Measure 37.

HB 3225 enables categories of otherwise ineligible M37 claimants to make M49 elections, and revises certain criteria that were the cause for denial for other categories of claimants, while also requiring affected claimants to pay a \$175 fee to help defray the costs of further processing their claims. These claims will be completed during the timeframe between July 1, 2010 and (no later than) December 31, 2010.

**Rules Coordinator:** Bryan Cruz Gonzalez—(503) 373-0050

## 660-041-0000

### Purpose and Applicability

(1) The purpose of OAR 660-041-0000 to 660-041-0150 is to implement Chapter 424, Oregon Laws 2007 (2007 Oregon Ballot Measure 49) by establishing procedures for Supplemental Review of Measure 37 Claims. These rules also contain requirements for notice of applications and decisions regarding Measure 37 Permits, and clarify when a DLCD Measure 37 Waiver was required in addition to a waiver from a city or county. Finally, these rules also explain the effect of Measure 49 on DLCD Measure 37 Waivers.

(2) OAR 660-041-0010 applies to all Claims, Measure 37 Permits and DLCD Measure 37 Waivers that are subject to OAR 660-041-0020 to 660-041-0160, as well as to the Supplemental Review of Measure 37 Claims under OAR 660-041-0080 to 660-041-0160.

(3) OAR 660-041-0020 applies only to Claims that were received by DAS after December 4, 2006 and before December 6, 2007, and that are based on one or more DLCD Regulations and that are not described in section 3 of Chapter --, Oregon Laws 2009.

(4) OAR 660-041-0030 applies to applications for and decisions on a Measure 37 Permit filed or made on or after February 20, 2007.

(5) OAR 660-041-0040 to 660-041-0070 apply to all DLCD Measure 37 Waivers.

(6) OAR 660-041-0080 to 660-041-0160 apply to the Supplemental Review of a Claim by DLCD.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424

Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424

Hist.: LCDD 10-2006(Temp), f. 12-1-06, cert. ef. 12-4-06 thru 6-2-07; LCDD 1-2007, f. 2-5-07, cert. ef. 2-9-07; LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08; LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 3-2009(Temp), f. & cert. ef. 8-18-09 thru 2-14-10

## 660-041-0010

### Definitions

The following definitions apply to OAR 660-041-0000 to 660-041-0160:

(1) "Agency" has the meaning provided by ORS 183.310.

(2) "Claim" means a written demand for compensation under ORS 197.352 (2005) that was filed with the State of Oregon before December 6, 2007. If the Claim was filed with the State of Oregon after June 28, 2007, it qualifies as a Claim only if a corresponding Claim for the Measure 37 Claim Property was filed prior to that date with the city or county with land use jurisdiction over the Measure 37 Claim Property.

(3) "Claimant" means a person who submitted a Claim.

(4) "DAS" means the Department of Administrative Services.

(5) "DLCD" means the Department of Land Conservation and Development.

(6) "DLCD Measure 37 Waiver" means a decision by LCDC or DLCD that was made before December 6, 2007 under ORS 197.352 (2005) to modify, remove or not apply one or more DLCD Regulations to allow a Claimant to use the Measure 37 Claim Property for a use that was permitted when the Claimant acquired the Measure 37 Claim Property.

(7) "DLCD Regulation" means a Land Use Regulation that is also a state statute codified in ORS chapter 92, 195, 197, 215 or 227, a Statewide Planning Goal, or an LCDC rule. An "Existing DLCD Regulation" means a DLCD Regulation that was enacted by the State of Oregon or adopted by LCDC with an effective date prior to December 2, 2004. A "New DLCD Regulation" means a DLCD Regulation that was enacted by the State of Oregon or adopted by LCDC with an effective date of on or after December 2, 2004.

(8) "Elected" means signed and filed the form provided by DLCD with a box checked.

(9) "Land Use Application" means an application for a "land use decision," a "limited land use decision," or an "expedited land division," as those terms are defined by ORS 197.015 and 197.360, or an application for a permit or zone change under ORS 227.160 to 227.187 or under 215.402 to 215.437.

(10) "Land Use Regulation" has the meaning provided by ORS 197.352(11) (2005).

(11) "LCDC" means the Land Conservation and Development Commission.

(12) "Measure 37 Claim Property" means the private real property described in a Measure 37 Claim.

(13) "Measure 37 Permit" means a final decision by a city, a county, or by Metro to authorize the development, division or other use of Measure 37 Claim Property pursuant to a Measure 37 Waiver. A Measure 37 Permit may be a land use decision, a limited land use decision, an expedited land use decision, a permit (as that term is defined in ORS 215.402 and 227.160), a zone change, or a comprehensive plan amendment. A Measure 37 Permit also includes a final decision by a city, a county, or by Metro that a person has a vested right to complete or continue a use based on a Measure 37 Waiver.

(14) "Measure 37 Waiver" means a decision by a city, a county, Metro or the State of Oregon that was made before December 6, 2007 under ORS 197.352 (2005) to modify, remove or not apply one or more Land Use Regulations to allow a Claimant to use the Measure 37 Claim Property for a use that was permitted when the Claimant acquired the Measure 37 Claim Property.

(15) "Measure 49" means Chapter 424, Oregon Laws 2007.

# ADMINISTRATIVE RULES

(16) "Measure 49 Authorization" means a final order and authorization issued by the department under Measure 49 that authorizes a claimant to seek local approval of one or more home sites.

(17) "Supplemental Information" means information needed by DLCD, under section 8(3) of Measure 49, to proceed with the Supplemental Review of a Claim.

(18) "Supplemental Review" means review by DLCD of a Claim under either section 6 or section 7 of Measure 49 and, when applicable, sections 2 through 5a or Section 13 of Chapter ---, Oregon Laws 2009.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424  
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424  
Hist.: LCDD 10-2006(Temp), f. 12-1-06, cert. ef. 12-4-06 thru 6-2-07; LCDD 1-2007, f. 2-5-07, cert. ef. 2-9-07; LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08; LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 1-2009, f. & cert. ef. 4-2-09; LCDD 3-2009(Temp), f. & cert. ef. 8-18-09 thru 2-14-10

## 660-041-0020

### Contents of a Measure 37 Claim Based on a DLCD Regulation

(1) Unless otherwise described in section 3 of Chapter --, Oregon Laws 2009, when a Claim was received by DAS after December 4, 2006 and was based on one or more Existing DLCD Regulations, then the Claim must:

(a) Demonstrate that a city, county, Metro, or an Agency applied one or more Existing DLCD Regulations, or applied one or more city, county or Metro land use regulations that implement Existing DLCD Regulations, as approval criteria to an application submitted by the Claimant; and

(b) Include one of the following:

(A) A copy of the final written decision by a city, a county, or Metro on a Land Use Application that included the Measure 37 Claim Property and that requested authorization for the specific use that the Claim is based on, in which the city, county, or Metro determined that one or more Existing DLCD Regulations or city, county or Metro Land Use Regulations that implement Existing DLCD Regulations were approval criteria for the decision; or

(B) A copy of the final written action by an Agency on a complete application to the Agency, in which the Agency determined that one or more Existing DLCD Regulations were approval criteria for the application.

(2) Unless otherwise described in section 3 of Chapter --, Oregon Laws 2009, when a Claim was based on one or more New DLCD Regulations, then the Claim must:

(a) Have been received by DAS within two years of:

(A) The effective date of the New DLCD Regulation; or

(B) Within two years of the date the Claimant submitted a Land Use Application in which the Land Use Regulations were approval criteria, whichever was later; and

(b) If the Claim was submitted more than two years after the effective date of the New DLCD Regulation, the Claim must include a copy of the final written decision by a city, a county, or Metro on a Land Use Application that includes the Measure 37 Claim Property and that requested authorization for the specific use that the Claim was based on, in which the city, county, or Metro determined that the New DLCD Regulation or city or county or Metro Land Use Regulation that implemented the New DLCD Regulation were approval criteria for the decision.

(3) Unless otherwise described in section 3 of Chapter --, Oregon Laws 2009, when a Claim was based on both Existing and New DLCD Regulations, the requirements of section (1) of this rule must be met with respect to the Existing DLCD Regulation, and the requirements of section (2) of this rule must be met with respect to the New DLCD Regulation.

(4) A DLCD Regulation was applied as an approval criterion for purposes of this rule and ORS 197.352(5) (2005) when a city, county or Metro made a final written decision on a Land Use Application, or when an Agency took final written action on an application to that Agency, and that final written decision or final written action denied the application or conditioned the approval of the application on the basis (in whole or in part) of the DLCD Regulation.

(5) This rule applies only to Claims that were received by DAS after December 4, 2006, and that were based on one or more DLCD Regulations, and that are not described in section 3 of Chapter --, Oregon Laws 2009.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424  
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424  
Hist.: LCDD 10-2006(Temp), f. 12-1-06, cert. ef. 12-4-06 thru 6-2-07; LCDD 1-2007, f. 2-5-07, cert. ef. 2-9-07; LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 3-2009(Temp), f. & cert. ef. 8-18-09 thru 2-14-10

## 660-041-0080

### Supplemental Information for Supplemental Review of Measure 37 Claims under Measure 49 and Fee under Chapter ---, Oregon Laws 2009

(1) If the record for the Claim does not include the information needed for DLCD to proceed with the Supplemental Review of the Claim, DLCD will request Supplemental Information from a Claimant or the Claimant's authorized agent.

(2) If the Claim is described in sections 2 through 5a or Section 13 of Chapter --, Oregon Laws 2009 a Claimant or Claimant's authorized agent must submit a \$175 fee to DLCD. DLCD will request the fee from a Claimant or the Claimant's authorized agent.

(3) Supplemental Information or a \$175 fee requested by DLCD must be filed with DLCD within fifty-six (56) days of the date the request is sent and must be filed in the manner described in OAR 660-041-0100.

(4) For good cause shown, DLCD may extend the period for filing Supplemental Information or a \$175 fee beyond fifty-six (56) days.

(5) If DLCD fails to issue a final order on a Claim described in sections 2 through 5a, or Section 13 of Chapter --, Oregon Laws 2009 by December 31, 2010, DLCD shall refund any \$175 fee submitted for that Claim.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424  
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424  
Hist.: LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 3-2009(Temp), f. & cert. ef. 8-18-09 thru 2-14-10

## 660-041-0095

### Procedures for Initiating Supplemental Review of Claims Described in Sections 2 through 5a or Section 13 of Chapter --, Oregon Laws 2009

(1) If a Claim is described in sections 2 through 5a of Chapter --, Oregon Laws 2009 and the Claimant did not Elect under section 8, chapter 424, Oregon Laws 2007 to pursue compensation under either section 6, Chapter 424, Oregon Laws 2007 or section 7, Chapter 424, Oregon Laws 2007, the Claimant may proceed under section 6, Chapter 424, Oregon Laws 2007 and Chapter --, Oregon Laws 2009, by filing the form provided by DLCD on or before December 31, 2009.

(2) DLCD will mail notices and forms to any Claimant that is the subject of this rule on or before October 31, 2009. A Claimant that makes an election under this rule must also submit the \$175 fee required by section 18 of Chapter --, Oregon Laws 2009.

(3) Once DLCD receives the Election and \$175 fee, DLCD will proceed with Supplemental Review of the Claim as described in 660-041-0090.

(4) For good cause shown, DLCD may extend any time period under this rule to the extent permitted by Chapter--, Oregon Laws 2009.

Stat. Auth.: ORS 197.040 & 2009 HB 3225  
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424  
Hist.: LCDD 3-2009(Temp), f. & cert. ef. 8-18-09 thru 2-14-10

## Oregon Business Development Department Chapter 123

**Rule Caption:** This rule covers Tourism Grant awards.

**Adm. Order No.:** EDD 5-2009

**Filed with Sec. of State:** 8-31-2009

**Certified to be Effective:** 9-1-09

**Notice Publication Date:** 8-1-2009

**Rules Repealed:** 123-062-0000, 123-062-0010, 123-062-0020, 123-062-0030, 123-062-0040, 123-062-0050, 123-062-0060, 123-062-0070, 123-062-0080

**Subject:** This rule set is no longer administrated through this agency.

**Rules Coordinator:** Janelle Lacefield—(503) 986-0036

**Rule Caption:** Rules define Community Facilities.

**Adm. Order No.:** EDD 6-2009

**Filed with Sec. of State:** 8-31-2009

**Certified to be Effective:** 9-1-09

**Notice Publication Date:** 8-1-2009

**Rules Repealed:** 123-075-0000

**Subject:** This rule is an unnecessary rule set. It is not needed, because it has no authority and is not being used.

**Rules Coordinator:** Janelle Lacefield—(503) 986-0036

# ADMINISTRATIVE RULES

**Rule Caption:** Clarifies Safe Drinking Water Revolving Loan Fund Program.

**Adm. Order No.:** EDD 7-2009

**Filed with Sec. of State:** 8-31-2009

**Certified to be Effective:** 9-1-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 123-049-0005, 123-049-0010, 123-049-0020, 123-049-0030, 123-049-0050, 123-049-0060

**Subject:** The American Recovery and Reinvestment Act (ARRA) of 2009 allocates \$28,515,000 in economic recovery funds through the safe Drinking Water Revolving Loan Fund Program (Program) to the State of Oregon. The Act stipulates specific timelines for and use of the funds requiring amendment of the Program's Program Guidelines and Applicant's Handbook.

**Rules Coordinator:** Janelle Lacefield—(503) 986-0036

## 123-049-0005

### Purpose, Scope and Incorporated Documents

(1) This division of administrative rules implements a federally funded state revolving fund to provide financing to community and nonprofit non-community drinking water systems for planning, design, construction or improvement of drinking water facilities or systems needed to maintain or achieve compliance with drinking water standards and to further public health protection goals of the federal Safe Drinking Water Act Amendments of 1996 P.L. 104-182 and this state's Drinking Water Quality Act.

(2) In accordance with ORS 285A.213, this division of administrative rules governs the administration of the moneys awarded through this Safe Drinking Water Revolving Loan Fund by the Economic and Community Development Department in cooperation with the State of Oregon's Health Services of the Oregon Department of Human Services, but not activities of Health Services itself.

(3) "SAFE DRINKING WATER IN OREGON: Program Guidelines & Applicant's Handbook for the Federally Funded Safe Drinking Water Revolving Loan Fund & Drinking Water Protection Fund" (July 2009), including but not limited to its appendices, is:

(a) The principal source of information on this program, as prepared by the department;

(b) Available by contacting any of the department's regionally assigned staff;

(c) Incorporated into and adopted as part of this division of administrative rules, by reference;

(d) Subject to the same definitions as used in this division of administrative rules; and

(e) Provides guidance specific to assistance for economic stimulus funding authorized by the American Recovery and Reinvestment Act of 2009 and allocated through the Safe Drinking Water Revolving Loan Fund Program.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 6-1999, f. & cert. ef. 8-26-99; EDD 11-2000(Temp), f. 7-20-00, cert. ef. 7-20-00 thru 1-16-01; EDD 1-2001, f. 1-11-01, cert. ef. 1-12-01; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08; EDD 2-2009(Temp), f. & cert. ef. 3-6-09 thru 9-1-09; EDD 7-2009, f. 8-31-09 cert. ef. 9-1-09

## 123-049-0010

### Definitions

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001. As used in this division of administrative rules, unless the context clearly indicates otherwise:

(1) "Act" means the Safe Drinking Water Act Amendments of 1996, Public Law 104-182, and any subsequent amendments.

(2) "Applicant" means a community or nonprofit non-community water system that is applying for a loan from the Fund.

(3) "Community water system" means a public water system, other than one owned by an agency of the federal government, that:

(a) Has 15 or more service connections used by year-round residents;

or

(b) Regularly serves 25 or more year-round residents.

(4) "Contract" means a legally binding agreement between the department and recipient that sets out the terms and conditions for award of project funds.

(5) "Department" means the State of Oregon's Economic and Community Development Department as (re)organized under ORS 285A.070.

(6) "Fund" means the Safe Drinking Water Revolving Loan Fund, which is the financing program managed by the Department under this division of administrative rules to pay for infrastructure improvements to eligible public water systems, and which includes moneys originating directly from federal capitalization grants (apart from set-asides), this state's match of such grants, program loan repayments, interest earnings and any additional funds provided by this state.

(7) "Intended Use Plan" the description of how the state intends to use moneys awarded and loaned from the fund to meet the objectives of the Act, as annually prepared by Health Services pursuant to USEPA guidelines.

(8) "Nonprofit non-community water system" means a public water system that:

(a) Is not a community water system;

(b) Regularly serves at least 25 people, even if they are not year-around residents; and

(c) Is recognized under Oregon law as a nonprofit corporation.

(9) "Project" means facility design construction activities or related/preceding tasks identified in the contract and loan agreement for which the recipient may expend, obligate or commit funds to address a drinking water problem or a documented health hazard.

(10) "Project priority list" means the comprehensive priority list of potential, eligible activities, as developed under the Intended Use Plan in response to letters of interest from community and nonprofit non-community water systems.

(11) A "public water system" means a system or infrastructure for the provision to the public of water for human consumption through pipe or other constructed conveyances, regardless of ownership, including but not limited to facilities for source of supply, filtration, treatment, storage, transmission or metering of that water.

(13) "USEPA" means the Environmental Protection Agency of the United States federal government.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 6-1999, f. & cert. ef. 8-26-99; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08; EDD 7-2009, f. 8-31-09 cert. ef. 9-1-09

## 123-049-0020

### Eligible Applicants and Activities

(1) All community water systems and nonprofit non-community water systems are eligible to apply for fund financing except those determined to be ineligible by the department because of prior nonperformance.

(2) Eligible and ineligible activities are defined in the Act and in USEPA's Drinking Water State Revolving Fund Program Guidelines, EPA 816-R-97-005 (February 1997), as well as subsequent revisions or editions of such guidelines.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 6-1999, f. & cert. ef. 8-26-99; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08; EDD 7-2009, f. 8-31-09 cert. ef. 9-1-09

## 123-049-0030

### Program Information

(1) The department shall prepare program guidelines, application forms and other supplementary program information to help eligible applicants seek financing and prepare financing applications for the fund.

(2) Program guidelines as prepared under section (1) of this rule shall include an explanation of project eligibility, the project priority list, the Intended Use Plan, disadvantaged communities, types of financial assistance, loan rates and terms, borrowing limits, public notification process, contract administration, federal crosscutting requirements and environmental review process.

(3) In addition to this division of administrative rules, the department shall administer the fund in compliance with the requirements of the Act, as amended, and the Act's applicable rules, guidelines and requirements from USEPA.

(4) For purposes of land use coordination, any project activity paid for with financing from the Fund shall comply with the applicable requirements of division 8 of this chapter of administrative rules and OAR chapter 660.

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 6-1999, f. & cert. ef. 8-26-99; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08; EDD 2-2009(Temp), f. & cert. ef. 3-6-09 thru 9-1-09; EDD 7-2009, f. 8-31-09 cert. ef. 9-1-09

# ADMINISTRATIVE RULES

123-049-0050

## Private Ownership and Regulation of Subsidies for Public Benefit

(1) Only if a privately owned public water system is regulated under the jurisdiction of the State of Oregon Public Utility Commission (PUC) may it enjoy the benefits of a “disadvantaged community,” pursuant to section 1452(d) of the Act, in receiving financial assistance through the fund, including but not limited to principal forgiveness.

(2) The amount of subsidy shall not be treated as equity, but rather in all cases as a contingent liability on the balance sheet of the public water system receiving the financing and on the balance sheet of any entity that acquires that system or the assets financed by the Fund.

(3) If a water system is sold that was awarded subsidy by the fund, the value of the subsidy shall be effectively excluded from the purchase price, consistent with section (2) of this rule, such that the benefit of the principal forgiveness continues to accrue to the ratepayers or users of the system rather than to the seller. (This section also applies to the sale or lease of system assets financed by the loan, and it pertains but is not limited to the privatization of a publicly owned system.)

(4) If section (2) or (3) of this rule is violated, then the water system shall repay the full amount of the subsidy into the fund. The department shall determine the schedule of such repayment, as it deems appropriate under the circumstances.

(5) The Oregon Public Utility Commission (PUC) has full authority to enforce the effects of this rule through applicable regulation of an affected water system.

(6) For non-PUC regulated privately-owned public water systems receiving financial assistance through the Fund under OAR 123-049-0005(3)(e), including but not limited to principle forgiveness, the amount of subsidy shall not be treated as equity, but rather in all cases as a contingent liability on the balance sheet of the public water system receiving the financing and on the balance sheet of any entity that acquires that system or the assets financed by the Fund. If the water system is sold that was awarded subsidy by the Fund, the value of the subsidy shall be effectively excluded from the purchase price, such that the benefit of the subsidy continues to accrue to the ratepayers or users of the system rather than to the seller. (This section also applies to the sale or lease of system assets financed by the Fund, and it pertains but is not limited to the privatization of a publicly owned system.) If this rule is violated, then the water system shall repay the full amount of the subsidy into the Fund. The department shall determine the schedule of such repayment, as it deems appropriate under the circumstances.

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 11-2000(Temp), f. 7-20-00, cert. ef. 7-20-00 thru 1-16-01; EDD 1-2001, f. 1-11-01, cert. ef. 1-12-01; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08; EDD 2-2009(Temp), f. & cert. ef. 3-6-09 thru 9-1-09; EDD 7-2009, f. 8-31-09 cert. ef. 9-1-09

123-049-0060

## Drinking Water Protection Fund

(1) For purposes of implementing section 1452(k)(1) of the Act, the department shall administer loans and grants to public water systems for protecting surface and underground sources of drinking water, in order to solve or prevent health problems before the water is collected or treated by the system.

(2) The moneys for these loans and grants are derived from the “local assistance” set-aside of the federal capitalization grant, such that unused amounts will be transferred to the fund, and repayments shall be either added to the fund or placed in a dedicated account for further lending under this rule.

(3) The loans and grants under this rule are distinct from the fund. Relevant provisions of this division of administrative rules, however, shall apply to the administration of such loans and grants

(4) For purposes of this rule, administration includes underwriting assessments, loan awards, grant awards, contract execution, disbursements, loan repayments and so forth.

(5) Health Services (Oregon Department of Human Services) and the Oregon Department of Environmental Quality shall handle determinations of eligibility, prioritization of loan and grant recipients and related duties.

(6) More specific guidelines for the loans and grants under this rule are available and included in the document incorporated by reference in OAR 123-049-0005(3).

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08; EDD 7-2009, f. 8-31-09 cert. ef. 9-1-09

## Oregon Department of Education Chapter 581

**Rule Caption:** Modifies graduation requirements for certain high school students.

**Adm. Order No.:** ODE 10-2009(Temp)

**Filed with Sec. of State:** 9-1-2009

**Certified to be Effective:** 9-1-09 thru 2-28-10

**Notice Publication Date:**

**Rules Amended:** 581-022-0615

**Subject:** In August 2009, the State Board of Education voted to delay the timeline for portions of the Essential Skills graduation requirement. This change will impact the graduation requirements for this year’s sophomores. In order to give official notice of this change to districts and students before the start of the 2009-10 school year, the State Board of Education adopted revisions to OAR 581-022-0615 as a temporary rule.

**Rules Coordinator:** Diane Roth—(503) 947-5791

**581-022-0615**

### Assessment of Essential Skills

(1) Definitions. As used in this rule:

(a) “Assessment option” means an assessment approved to assess proficiency in the Essential Skills for the purpose of earning a high school diploma or a modified diploma.

(b) “Essential Skills” means process skills that cross academic disciplines and are embedded in the content standards. The skills are not content specific and can be applied in a variety of courses, subjects, and settings.

(c) “Local performance assessment” means a standardized measure (e.g., activity, exercise, problem, or work sample scored using an official state scoring guide), embedded in the school districts’ and public charter schools’ curriculum that evaluates the application of students’ knowledge and skills.

(d) “Official state scoring guide” means an evaluation tool designed for scoring student work that includes specific, consistent assessment criteria for student performance and a 1-6 point scale to help rate student work. It is used by Oregon teachers to evaluate student work samples.

(e) “Student-initiated test impropriety” means student conduct that:

(A) Is inconsistent with:

(i) The Test Administration Manual; or

(ii) Accompanying guidelines; or

(B) Results in a score that is invalid.

(f) “Work sample” means a representative sample of individual student work (e.g., research papers, statistical experiments, speaking presentations, theatrical performances, work experience) that may cover one or more content areas and therefore may be scored using one or more official state scoring guide(s). At the high school level, a work sample can be used to fulfill both the local performance assessment requirement described in Section 2 of this rule and the Essential Skills requirement described in Sections 3 of this rule.

(2) School districts and public charter schools that offer grades 3 through 8 or high school shall administer local performance assessments for students in grades 3 through 8 and at least once in high school. For each skill area listed in Section 17 of this rule, the assessments shall consist of:

(a) One work sample per grade scored using official state scoring guides; or

(b) Comparable measures adopted by the district.

(3) School districts and public charter schools shall require high school students to demonstrate proficiency in the Essential Skills using assessment options that are approved by the State Board of Education for the purpose of student eligibility for:

(a) The high school diploma as established in OAR 581-022-1130; or

(b) The modified diploma as established in OAR 581-022-1134.

(4) Pursuant to ORS 339.115 and 339.505, school districts and public charter schools shall provide any eligible student with instruction in and multiple assessment opportunities to demonstrate proficiency in the Essential Skills for the purpose of achieving the high school diploma or the modified diploma.

(5) To be eligible to receive a high school diploma or a modified diploma:

(a) For students graduating on or after September 1, 2011 and prior to September 1, 2012, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skill listed in Section 16(a) of this rule:

# ADMINISTRATIVE RULES

(A) Read and comprehend a variety of text.  
(b) For students graduating on or after September 1, 2012 and prior to September 1, 2013, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in Sections 16(a)–(b) of this rule:

- (A) Read and comprehend a variety of text; and
- (B) Write clearly and accurately.

(c) For students graduating on or after September 1, 2013 and prior to September 1, 2014, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in Section 16(a)–(c) of this rule:

- (A) Read and comprehend a variety of text;
- (B) Write clearly and accurately; and
- (C) Apply mathematics in a variety of settings.

(d) For students graduating on or after September 1, 2014, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in Section 16(a)–(c) of this rule and any additional Essential Skills for which:

(A) The State Board of Education has adopted the determination to phase in for inclusion in the high school diploma and modified diploma requirements; and

(B) The State Board of Education has adopted assessment options by March 1 of the student's 8th grade year.

(e) School districts and public charter schools may require students to demonstrate proficiency in additional Essential Skills beyond the minimum requirements described in Section 5(a)–(d) of this rule.

(6) The Superintendent of Public Instruction shall establish an Assessment of Essential Skills Review Panel (AESRP) to make recommendations on:

(a) The phasing in of Essential Skills for inclusion in the high school diploma and the modified diploma requirements;

(b) Criteria for local assessment options;

(c) The adoption of assessment options to measure students' proficiency in the approved Essential Skills for the purpose of the high school diploma or the modified diploma; and

(d) The achievement standards used to determine student eligibility for the high school diploma or the modified diploma.

(7) The AESRP shall work toward the goal of a system with a high degree of technical adequacy and equivalent rigor between assessment options as practicable.

(8) The AESRP shall base its recommendations on evidence provided by:

- (a) School districts;
- (b) Research organizations; and
- (c) Other experts.
- (9) The AESRP shall consist of assessment experts from:

(a) School districts, including but not limited to:

- (A) Superintendents;
- (B) Principals;
- (C) Curriculum Directors;
- (D) Educators;
- (E) Special education educators; and
- (F) English Language Learners (ELL) educators;

(b) Post-secondary education institutions; and

(c) Business partners who have expertise in:

- (A) Assessment design;
- (B) Assessment administration; or
- (C) Use of assessments

(10) The State Board of Education shall make the determination to adopt the AESRP's recommended criteria for local assessment options, assessment options, and achievement standards for the purpose of conferring high school diplomas and modified diplomas. The determination of the State Board of Education will be final and not subject to appeal.

(11) The ODE shall issue the State Board of Education's intentions regarding the AESRP's recommendations by December 15 of each year and formal notice of the State Board of Education's final determination regarding the AESRP's recommendations by March 1 of each year as an addendum to the Test Administration Manual, which the ODE shall issue by August 1 of each year.

(12) School districts and public charter schools shall adhere to the requirements set forth in the Test Administration Manual to:

- (a) Administer;
- (b) Score;
- (c) Manage; and

(d) Document the district and school assessments of students' proficiency in the Essential Skills required to receive a high school diploma or a modified diploma.

(13) School districts and public charter schools shall establish conduct and discipline policies addressing student-initiated test impropriety.

(14) School districts and public charter schools shall allow students to use assessment options and achievement standards adopted in a student's ninth through twelfth grade years as follows:

(a) Students may demonstrate proficiency in the Essential Skills using assessment options adopted in their ninth through twelfth grade years.

(b) Students may use achievement standards adopted in their 9th through 12th grade years that are equal to or lower than the achievement standards approved as of March 1 of the students' 8th grade year.

(15) The ODE shall publish the subset of Essential Skills assessment options and the associated performance levels which may be used by each of Oregon's post-secondary institutions as defined by those institutions' policies provided to the ODE by October 15 of each year.

(16) The Essential Skills identified by the State Board of Education as of July 1, 2008 are as follows:

- (a) Read and comprehend a variety of text;
- (b) Write clearly and accurately;
- (c) Apply mathematics in a variety of settings;
- (d) Listen actively and speak clearly and coherently;
- (e) Think critically and analytically;
- (f) Use technology to learn, live, and work;
- (g) Demonstrate civic and community engagement;
- (h) Demonstrate global literacy; and
- (i) Demonstrate personal management and teamwork skills.

(17) School districts and public charter schools shall include one or more local performance assessments for grades 3 through 8 and for high school for each of the following skill areas:

- (a) Writing;
- (b) Speaking;
- (c) Mathematical problem-solving; and
- (d) Scientific inquiry.

(18) School districts and public charter schools may include one social science analysis work sample that is administered in accordance with school district or public charter school policies as a local performance assessment for grades 3 through 8 and for high school.

(19) For students on an Individualized Education Plan (IEP) or 504 Plan, if a student's IEP or 504 Team determines that the nature of a student's disability prevents the student from demonstrating proficiency in an Essential Skill using any of the approved assessment options listed in the Test Administration Manual, the student's IEP Team may exempt the student from the requirement as listed in the Test Administration Manual and determine an appropriate replacement assessment option for the student to use that addresses the Essential Skill in a manner that is consistent with:

- (a) The student's instructional plan; and
- (b) The state assessment criteria adopted by the State Board of Education.

(20) For students seeking a modified diploma, school districts and public charter schools may modify the assessment options adopted by the State Board of Education when the following conditions are met:

(a) For students on IEP or 504 Plans:

(A) School districts and public charter schools must comply with all requirements established by the student's IEP or 504 Plan when implementing modifications for work samples;

(B) School districts and public charter schools must comply with OAR 581-022-0610 Section 4(d) when implementing modifications for a statewide assessment.

(b) For students not on IEP or 504 Plans:

(A) School districts and public charter schools may only implement modifications for work samples that are consistent with the modifications the student has received during instruction in the content area to be assessed in the year in which the work sample is administered.

(B) School districts and public charter schools must obtain approval from the school team responsible for monitoring the student's progress toward the modified diploma before implementing modifications for work samples.

(C) Consistent with OAR 581-022-0610, school districts and public charter schools may not implement modifications for statewide assessments for students who are not on an IEP or 504 Plan.

Stat. Auth.: ORS 329.045, 329.075, 329.451, 329.485 and 339.505

Stats. Implemented: 329.045, 329.075, 329.451, 329.485 and 338.115

Hist.: ODE 17-2008, f. & cert. ef. 6-27-08; ODE 10-2009(Temp), f. & cert. ef. 9-1-09 thru 2-28-10

# ADMINISTRATIVE RULES

## Oregon Health Authority Chapter 943

**Rule Caption:** Operational Transition Period Roles and Responsibilities for Oregon Health Authority and Agencies.

**Adm. Order No.:** OHA 1-2009(Temp)

**Filed with Sec. of State:** 9-14-2009

**Certified to be Effective:** 9-14-09 thru 3-12-10

**Notice Publication Date:**

**Rules Adopted:** 943-001-0000, 943-001-0010, 943-001-0015

**Subject:** Effective June 26, 2009, 2009 Or. Laws Chapter 595 (House Bill 2009) created the Oregon Health Authority (OHA) and transferred, to OHA, certain duties, functions, and powers of the Department of Administrative Services related to the Public Employees' Benefit Board and the Oregon Educators Board; the Department of Consumer and Business Services related to the Oregon Medical Insurance Pool Board; the Office of Private Health Partnerships; and the Department of Human Services with respect to health and health care. House Bill 2009 authorized an operational transition period beginning June 26, 2009 and ending no later than June 30, 2011. These rules explain the roles and responsibilities of OHA and the agencies and programs transferred to OHA during the operational transition period.

**Rules Coordinator:** Kym Gasper—(503) 945-6302

### 943-001-0000

#### Model Rules of Procedure

The Oregon Health Authority adopts the Attorney General Model Rules applicable to rulemaking, effective January 1, 2008, with the exception of OAR 137-001-0080.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Department of Human Services.]

Stat. Auth.: ORS 183.341 & 2009 OL Ch 595 (09 HB 2009)

Stats. Implemented: ORS 183.341 & 2009 OL Ch 595 (09 HB 2009)

Hist.: OHA 1-2009(Temp), f. & cert. ef. 9-14-09 thru 3-12-10

### 943-001-0010

#### Oregon Health Authority

(1) Effective June 26, 2009, 2009 Or. Laws Chapter 595 (House Bill 2009) created the Oregon Health Authority and transferred to the Oregon Health Authority certain duties, functions, and powers of:

(a) The Department of Administrative Services (DAS) related to the Public Employees' Benefit Board (PEBB) and the Oregon Educators Board (OEBB);

(b) The Department of Consumer and Business Services (DCBS) related to the Oregon Medical Insurance Pool Board (OMIP);

(c) The Office of Private Health Partnerships (OPHP); and

(d) The Department of Human Services (DHS) with respect to health and health care. The transferred subject areas of DHS are generally described in Section 19(1)(a), Or. Laws Chapter 595 (House Bill 2009) as including but not limited to:

(A) Developing the policies for and the provision of publicly funded medical care and medical assistance in Oregon;

(B) Ensuring the promotion and protection of public health and the licensing of health care facilities;

(C) Developing the policies for and the provision of mental health treatment and treatment for substance use disorders;

(D) Administering the Oregon Prescription Drug Program; and

(E) Establishing responsibility for the Office for Oregon Health Policy and Research and all functions of the office.

(2) The transferred functions described in section (1)(d)(A)-(E) above are generally carried out as currently described in DHS rules by the Public Health Division, the Addictions and Mental Health Division, and the Division of Medical Assistance Programs.

(3) As used in these rules (OAR 943-001-0000 to 943-001-0015) the term "agency" means DHS, PEBB, OEBB, OMIP, and OPHP, and within the context of transfer responsibilities, DAS and DCBS.

(4) Effective June 26, 2009, the administration of new non-transferred duties, functions, and powers established by 2009 Or. Laws, Chapter 595 (House Bill 2009), or other 2009 laws, in the Oregon Health Authority or its constituent units is temporarily delegated to the Department of Human Services, subject to the supervision and oversight of the Oregon Health Authority, until operationally transferred, either in whole or in part, to the Oregon Health Authority.

(5) Operational transfer may occur, in whole or in part, in any program, business transaction, judicial, or administrative proceeding on the date specified by the Oregon Health Authority but no later than June 30, 2011.

Stat. Auth.: 2009 OL Ch 595 (09 HB 2009)

Stats. Implemented: 2009 OL Ch 595 (09 HB 2009)

Hist.: OHA 1-2009(Temp), f. & cert. ef. 9-14-09 thru 3-12-10

### 943-001-0015

#### Transition Period Roles and Responsibilities

(1) Effective June 26, 2009, to maintain business continuity for the duties, functions, and powers transferred to the Oregon Health Authority, the agencies listed in OAR 943-001-0010 (1)(a-d) shall continue to exercise their former duties, functions, and powers, subject to the supervision and oversight of the Oregon Health Authority, until superseded, by operational transfer, either in whole or in part, to the Oregon Health Authority, as follows:

(a) All rules shall remain in effect and ongoing rule filing processes may continue.

(b) All program administration, policies, and procedures remain in effect and may continue to be developed and implemented.

(c) Any judicial or administrative action, proceeding, contested case hearing, or administrative review matters, or new action, proceeding, or matter involving or relating to the duties or powers transferred to the Oregon Health Authority shall continue.

(d) Rights and obligations legally incurred under contracts, leases, and business transactions shall remain legally valid.

(e) Contract, grant, and business transaction procurement and administration duties, functions, and powers shall remain in effect and may continue.

(f) Any statutory obligations for taxes, assessments, fees, charges, or payments shall continue to be paid to or reimbursed by the appropriate agency.

(g) Any former statutorily required findings, determinations, or recommendations to be made by the agencies shall continue to be made by the agencies.

(h) Any former statutorily required filings, notices or service of papers, applications, notices or other documents to be mailed, provided to, or served on the agencies shall continue to be mailed, provided to, or served on the agencies and the agencies shall retain responsibility to take any appropriate actions to protect the interests of the state concerning or arising from any filings, notices, or service.

(A) Mailing or service of notices or documents on the agencies shall be considered notice to the Oregon Health Authority. For example, any notice sent to the Department of Human Services Estate Administration Unit for purposes of ORS 113.145, 114.525 and 130.370 shall be considered notice to the Oregon Health Authority.

(B) Any filings, notices, or service made to the Oregon Health Authority may be transmitted by the Oregon Health Authority to the appropriate agency.

(2) Any and all remaining duties, functions, or powers of the agencies relating to the duties, functions, and powers transferred to the Oregon Health Authority that are not described in section (1) shall continue in effect or be exercised by the agencies until superseded by operational transfer, either in whole or in part, to the Oregon Health Authority.

Stat. Auth.: 2009 OL Ch 595 (09 HB 2009)

Stats. Implemented: 2009 OL Ch 595 (09 HB 2009)

Hist.: OHA 1-2009(Temp), f. & cert. ef. 9-14-09 thru 3-12-10

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## Oregon Liquor Control Commission Chapter 845

**Rule Caption:** Repeal rule which restricts how many inside alcoholic beverage signs can be seen from outside.

**Adm. Order No.:** OLCC 10-2009

**Filed with Sec. of State:** 8-26-2009

**Certified to be Effective:** 9-1-09

**Notice Publication Date:** 5-1-2009

**Rules Repealed:** 845-007-0025

**Subject:** This rule limited each licensed premises to only four alcoholic beverage signs that are visible from the outside. The proposal to repeal this rule came from a Business Partners Joint Steering Committee workgroup and was subsequently supported by the entire Steering Committee. Industry and staff saw the rule as problematic in its application. Often signs can be seen from outside a licensed premises that are on the back wall of a business. Typically these signs

# ADMINISTRATIVE RULES

are neon signs, banners, pendants or posters. The rule prohibited pendants that could be seen from the outside because each flag in the pendant was considered a separate sign. Staff was supportive of this repeal. It removes overly restrictive and often illogical prohibitions on how a business may utilize advertising inside its premises.

**Rules Coordinator:** Jennifer Huntsman—(503) 872-5004

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**Rule Caption:** Adoption of two new rules governing distilled liquor tastings provided on a distillery licensee's premises.

**Adm. Order No.:** OLCC 11-2009

**Filed with Sec. of State:** 8-26-2009

**Certified to be Effective:** 11-1-09

**Notice Publication Date:** 5-1-2009

**Rules Adopted:** 845-005-0431, 845-006-0452

**Subject:** The Commission is adopting two new rules, OAR 845-005-0431 & OAR 845-006-0452. These rules describe both the qualifications and the requirements a distillery licensee must meet in order to provide tastings on its premises or on another premises owned or leased by the licensee. The 2007 legislature passed Senate Bill (SB) 451, effective January 1, 2008. Senate Bill 451 amended ORS 471.230 removing the restriction that permitted tastings of only brandy or pot distilled liquor. This statutory change, which opens up the possibility of tasting rooms to a lot more distillery licensees, prompted the Commission to adopt these rules to address the basic guidelines these tasting rooms must follow.

**Rules Coordinator:** Jennifer Huntsman—(503) 872-5004

## 845-005-0431

### **Qualifications for Oregon Distillery Licensee Providing Tastings of Distilled Liquor on the Distillery Premises or on Another Premises Owned or Leased by the Distillery**

ORS 471.230 allows an Oregon distillery licensee to provide tastings of distilled liquor manufactured by the distillery licensee on the distillery licensee's premises, or another premises owned or leased by the licensee, or both. This rule sets the qualifications to obtain approval to provide these tastings.

(1) Definitions For this rule and OAR 845-006-0452:

(a) "Per day" means from 7:00 am until 2:30 am on the succeeding calendar day.

(b) "Identified tasting area" means a specific defined area where tastings of alcohol occur. The area must be of a size and design such that the person(s) serving the taste(s) can observe and control persons in the area to ensure no minors or visibly intoxicated persons possess or consume alcohol and that other liquor laws are followed.

(c) "Manufactured by the distillery licensee" means the licensee distills, rectifies, blends, or otherwise produces the distilled liquor product on the distillery licensed premises in Oregon.

(d) "Another premises owned or leased by the distillery licensee" is an annually licensed second location of the distillery licensee at which the distillery licensee owns specific real estate or has a written contract which allows the licensee to exclusively possess or use specific real estate for a specified term and for a specified rent. The real estate must be off of the distillery licensee's annually licensed premises and may not be on the premises of a retail licensee as defined in ORS 471.392(2).

(e) "Trade visitor" means a person whose job includes the purchase, or recommended purchase, of distilled spirits by a licensee of the Commission or distributors and others in the commercial distribution chain; or a person representing an agency of mass communication, such as television, radio, newspaper, magazine, and internet.

(2) A distillery licensee providing tastings of distilled liquor at the distillery licensee's own premises, or another premises owned or leased by the distillery licensee, must follow this rule and may offer tastings of distilled liquor in accordance with the requirements of OAR 845-006-0452.

(3) A distillery licensee providing tastings of distilled liquor for retailers at an educational seminar that is not open to the public is subject to OAR 845-013-0060 and is not subject to the requirements of this rule.

(4) A distillery licensee providing tastings of distilled liquor at a retail liquor store is subject to OAR 845-015-0155 and is not subject to the requirements of this rule.

(5) A distillery licensee providing tastings of distilled liquor on a full on-premises licensed premises that is other than the distillery licensee's full on-premises licensed premises is subject to OAR 845-005-0428 and is not subject to the requirements of this rule.

(6) If a distillery licensee also holds a full on-premises sales license as per ORS 471.175 on the distillery licensed premises or on another premises owned or leased by the distillery licensee, then all sale or service of alcohol for on-premises consumption at the full on-premises licensed location, including tastings, is provided under the full on-premises license and is not subject to this rule.

(7) A distillery licensee also holding a full on-premises sales license as per ORS 471.175 that provides alcohol service at a catered event that is on a premises approved as per OAR 845-005-0405 or 845-005-0410 is providing the alcohol service under the privilege of the full on-premises sales license and is not subject to the requirements of this rule.

(8) Application for tastings on the distillery licensee's annually licensed premises. A distillery licensee who intends to provide the service of distilled liquor tastings on the distillery licensed premises must make application to the Commission upon forms to be furnished by the Commission and receive prior approval from the Commission before beginning the distilled liquor tasting service. Once the Commission has given its approval for the tastings, the distillery licensee must re-apply if the licensee changes its identified tasting area. The application shall include:

(a) A floor plan showing the identified tasting area, on a form provided by the Commission;

(b) A description of how the licensee will distinguish trade visitors from members of the general public, such as by providing tastings for trade visitors in separate areas or at separate times from tastings for the general public, by using distinctive glassware for trade visitors, or by the use of badges or name tags; and

(c) A statement that the licensee understands and will comply with the requirements of OAR 845-006-0452.

(9) Application for tastings on another premises owned or leased by the distillery licensee. A distillery licensee who intends to provide the service of distilled liquor tastings on another premises owned or leased by the distillery licensee must make application to the Commission upon forms to be furnished by the Commission and receive prior approval from the Commission before beginning the distilled liquor tasting service. Once the Commission has given its approval for the tastings, the distillery licensee must re-apply if the licensee changes its identified tasting area. The application shall include:

(a) All of the items required in section (8)(a)-(c);

(b) Either proof of ownership or the lease for the real estate for the address at which the other premises will be located; and

(c) A statement that the identified tasting area is not on the premises of a retail licensee as defined in ORS 471.392(2).

(10) Liquor liability insurance requirement. A distillery licensee providing only tastings under the requirements of this rule and OAR 845-006-0452 is not required to obtain or maintain liquor liability insurance.

(11) The Commission may refuse to process any application required under this rule if the application is not complete and accompanied by the documents or disclosures required by the form. The Commission shall give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS Chapter 183.

Stat. Auth: ORS Ch 471, including 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.230

Hist.: OLCC 11-2009, f. 8-26-09 cert. ef. 11-1-09

## 845-006-0452

### **Requirements for Oregon Distillery Licensee Providing Tastings of Distilled Liquor on the Distillery Premises or on Another Premises Owned or Leased by the Distillery**

OAR 845-005-0431 sets the qualifications for an Oregon distillery licensee to obtain Commission approval to provide tastings of distilled liquor manufactured by the distillery licensee for consumption on the distillery licensed premises, or on another premises owned or leased by the licensee, or both. This rule sets the requirements to provide the tastings.

(1) Definitions. For this rule and OAR 845-005-0431

(a) "Per day" means from 7:00 am until 2:30 am on the succeeding calendar day.

(b) "Identified tasting area" means a specific defined area where tastings of alcohol occur. The area must be of a size and design such that the person(s) serving the taste(s) can observe and control persons in the area to ensure no minors or visibly intoxicated persons possess or consume alcohol and that other liquor laws are followed.

(c) "Manufactured by the distillery licensee" means the licensee distills, rectifies, blends, or otherwise produces the distilled liquor product on the distillery licensed premises in Oregon.

# ADMINISTRATIVE RULES

(d) "Another premises owned or leased by the distillery licensee" is an annually licensed second location of the distillery licensee at which the distillery licensee owns specific real estate or has a written contract which allows the licensee to exclusively possess or use specific real estate for a specified term and for a specified rent. The real estate must be off of the distillery licensee's annually licensed premises and may not be on the premises of a retail licensee as defined in ORS 471.392(2).

(e) "Trade visitor" means a person whose job includes the purchase, or recommended purchase, of distilled spirits by a licensee of the Commission or distributors and others in the commercial distribution chain; or a person representing an agency of mass communication, such as television, radio, newspaper, magazine, and internet.

(2) The tastings of distilled liquor are allowed only within the identified tasting area approved by the Commission. The identified tasting area must be on the distillery licensee's annually licensed premises or on another premises owned or leased by the licensee. Customers may not remove the tasting from the identified tasting area.

(3) A distillery licensee may provide only tastings and only of distilled liquor manufactured by the distillery licensee and approved by the Commission for sale in Oregon.

(4) Tastings provided to the general public.

(a) A tasting provided to the general public shall be no more than one-half fluid ounce of distilled liquor in a single container. The container may also contain nonalcoholic beverages; however, the total amount of liquid in the container may be no more than two ounces. A licensee may charge a member of the general public a fee for tastings.

(b) A distillery licensee shall not provide more than two and one-half fluid ounces of distilled liquor per person per day.

(5) Tastings provided to a trade visitor.

(a) A tasting provided to a trade visitor shall be no more than one fluid ounce of distilled liquor in a single container. The container may also contain nonalcoholic beverages; however, the total amount of liquid in the container may be no more than three ounces. A licensee may not charge a trade visitor a fee for tastings.

(b) There is no daily limit on distilled liquor tastings provided to a trade visitor.

(c) Trade visitors must be distinguished from members of the general public (OAR 845-005-0431(8)(b)).

(6) Minors are permitted in the identified tasting area only if allowed by the Commission's rule on minor postings, OAR 845-006-0340.

(7) Alcohol servers who pour tastings must have valid service permits and be at least 21 years of age.

(8) Failing to obtain Commission approval as required by OAR 845-005-0431 prior to providing the service of distilled liquor tastings is a Category I violation. A violation of sections (1)-(7) of this rule is a Category III violation.

(9) A violation of a liquor law at another premises owned or leased by the distillery licensee is the responsibility of the distillery licensee.

Stat. Auth: ORS Ch 471, including 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.230

Hist.: OLCC 11-2009 f. 8-26-09 cert. ef. 11-1-09

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## Oregon Medical Board Chapter 847

**Rule Caption:** Adds fee to licensing renewal fee for the Electronic Prescription Monitoring Program.

**Adm. Order No.:** BME 15-2009(Temp)

**Filed with Sec. of State:** 9-11-2009

**Certified to be Effective:** 9-11-09 thru 3-8-10

**Notice Publication Date:**

**Rules Amended:** 847-005-0005

**Subject:** The proposed rule change adds a \$25/year fee for the Electronic Prescription Monitoring Program for licensees (physicians, podiatric physicians and physician assistants) authorized to prescribe or dispense controlled substances. Licensees with Active, Locum Tenens, Telemonitoring, Teleradiology, Telemedicine and Emeritus status are included. Licensees with a limited license are not included.

**Rules Coordinator:** Malar Ratnathicam—(971) 673-2713

### 847-005-0005

#### Fees

(1) Fees to be effective upon adoption:

(a) Doctor of Medicine/Doctor of Osteopathy (MD/DO) Initial License Application — \$375

(b) MD/DO Registration: Active, Military/Public Health, and Teleradiology, Inactive, Locum Tenens, and Telemedicine — \$219/year\*\*

(c) MD/DO Emeritus Registration — \$50/year

(d) Limited License, SPEX/COMVEX, Visiting Professor, Fellow, Medical Faculty, Postgraduate, Special — \$185

(e) Acupuncture Initial License Application — \$245

(f) Acupuncture Registration: Active, Inactive, and Locum Tenens — \$140/year\*\*

(g) Acupuncture Limited License, Special, Visiting Professor, Postgraduate — \$75

(h) Physician Assistant Initial License Application — \$245

(i) Physician Assistant Registration: Active, Inactive, and Locum Tenens — \$165/year\*\*

(j) Physician Assistant Limited License, Special, Postgraduate — \$75

(k) Podiatrist Initial Application — \$340

(l) Podiatrist Registration: Active, Inactive, and Locum Tenens — \$219/year\*\*

(m) Podiatrist Emeritus Registration — \$50/year

(n) Podiatrist Limited License, Special, Postgraduate — \$185

(o) Miscellaneous: All Fines and Late Fees:

(A) MD/DO Registration Renewal Late Fee — \$150

(B) Acupuncture Registration Renewal Late Fee — \$75

(C) Physician Assistant Registration Renewal Late Fee — \$75

(D) Podiatrist Registration Renewal Late Fee — \$150

(p) Electronic Prescription Monitoring Program — \$25/year per license\*\*\*

(r) Dispensing MD/DO/DPM Failure to Register — \$150

(r) Oral Specialty or Competency Examination (\$1,000 deposit required) — Actual costs

(s) Affidavit Processing Fee for Reactivation — \$50

(t) Licensee Information Requests:

(A) Verification of Licensure — Individual Requests (1-4 Licenses) — \$10 per license

(B) Verification of Licensure — Multiple (5 or more) — \$7.50 per license

(C) Verification of MD/DO License Renewal — \$150 Biennially

(D) Malpractice Report — Individual Requests — \$10 per license

(E) Malpractice Report — Multiple (monthly report) — \$15 per report

(F) Disciplinary — Individual Requests — \$10 per license

(G) Disciplinary Report — Multiple (quarterly report) — \$15 per report

(u) Base Service Charge for Copying — \$5 + .20/page

(v) Record Search Fee (+ copy charges see section (z) of this rule):

(A) Clerical — \$20 per hour\*

(B) Administrative — \$40 per hour\*

(C) Executive — \$50 per hour\*

(D) Medical — \$75 per hour\*

(w) Data Order:

(A) Standard Data License Order — \$150 each

(B) Custom Data License Order — \$150.00 + \$40.00 per hour Administrative time

(C) Address Label Disk — \$100 each

(D) Active and Locum Tenens MD/DO list — \$75 each

(E) DPM, PA, or AC list — \$10 each

(F) Quarterly new MD/DO, DPM, PA, or AC list — \$10 each

(2) All Board fees and fines are non-refundable, and non-transferable. \*Plus photocopying charge above, if applicable.

\*\*Collected biennially except where noted in the Administrative Rules. All active registration fees include annual assessments of \$ 45.00 for the Oregon Health Professionals Program and all active MD/DO registration fees include \$10.00 for the Oregon Health and Science University Library, and are collected biennially.

Stat. Auth.: 2009 SB 355, ORS 677.265

Stats. Implemented: 2009 SB 355, ORS 677.265

Hist.: ME 7-1984, f. & ef. 1-26-84; ME 17-1984, f. & ef. 11-5-84; ME 6-1985, f. & ef. 7-30-85; ME 3-1986(Temp), f. & ef. 4-23-86; ME 4-1986, f. & ef. 4-23-86; ME 9-1986, f. & ef. 7-31-86; ME 2-1987, f. & ef. 1-10-87; ME 7-1987(Temp), f. & ef. 1-26-87; ME 9-1987, f. & ef. 4-28-87; ME 25-1987, f. & ef. 11-5-87; ME 9-1988, f. & cert. ef. 8-5-88; ME 14-1988, f. & cert. ef. 10-20-88; ME 1-1989, f. & cert. ef. 1-25-89; ME 5-1989(Temp), f. & cert. ef. 2-16-89; ME 6-1989, f. & cert. ef. 4-27-89; ME 9-1989(Temp), f. & cert. ef. 8-1-89; ME 17-1989, f. & cert. ef. 10-20-89; ME 4-1990, f. & cert. ef. 4-25-90; ME 9-1990, f. & cert. ef. 8-2-90; ME 5-1991, f. & cert. ef. 7-24-91; ME 11-1991(Temp), f. & cert. ef. 10-21-91; ME 6-1992, f. & cert. ef. 5-26-92; ME 1-1993, f. & cert. ef. 1-29-93; ME 13-1993, f. & cert. ef. 11-1-93; ME 14-1993(Temp), f. & cert. ef. 11-1-93; ME 1-1994, f. & cert. ef. 1-24-94; ME 6-1995, f. & cert. ef. 7-28-95; ME 7-1996, f. & cert. ef. 10-29-96; ME 3-1997, f. & cert. ef. 11-3-97; BME 7-1998, f. & cert. ef. 7-22-98; BME 7-1999, f. & cert. ef. 4-22-99; BME 10-1999, f. & cert. ef. 8-3-99; BME 14-1999, f. & cert. ef. 10-28-99; BME 4-2000, f. & cert. ef. 2-22-00; BME 6-2001(Temp), f. & cert. ef. 7-18-01 thru 11-30-01; BME 10-2001, f. & cert.

# ADMINISTRATIVE RULES

ef. 10-30-01; BME 8-2003, f. & cert. ef. 4-24-03; BME 16-2003, f. & cert. ef. 10-23-03; BME 17-2004, f. & cert. ef. 9-9-04; BME 6-2005, f. & cert. ef. 7-20-05; BME 15-2006, f. & cert. ef. 7-25-06; BME 1-2007, f. & cert. ef. 1-24-07; BME 1-2008, f. & cert. ef. 1-22-08; BME 15-2008, f. & cert. ef. 7-21-08; BME 1-2009, f. & cert. ef. 1-22-09; BME 15-2009(Temp), f. & cert. ef. 9-11-09 thru 3-8-10

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**Oregon State Lottery**  
**Chapter 177**

**Rule Caption:** Changes the percent of gross sales allocated to Keno Jackpot Bonuses.

**Adm. Order No.:** LOTT 4-2009(Temp)

**Filed with Sec. of State:** 8-26-2009

**Certified to be Effective:** 8-26-09 thru 2-18-10

**Notice Publication Date:**

**Rules Amended:** 177-099-0100

**Subject:** The Oregon Lottery has initiated permanent rulemaking to amend this administrative rule to change the percent of gross Keno sales allocated to the Keno Jackpot Bonus prizes.

**Rules Coordinator:** Mark W. Hohlt—(503) 540-1417

**177-099-0100**

**Keno Jackpot Bonus**

(1) In addition to the prizes described in OAR 177-099-0080 and 177-099-0090, 2.60% of gross Keno sales (excluding sales of the Keno Multiplier option) for each drawing is allocated among three prize pools held in reserve as an additional prize for winners of the top prize in the 6, 7, and 8 spot categories, i.e., 6 out of 6, 7 out of 7, and 8 out of 8. A Jackpot Bonus prize is awarded when a ticket wins the top prize for either the 6, 7, or 8 spot under OAR 177-099-0080 or 177-099-0090. If the Jackpot Bonus prize pool for a specific spot is not won, the Jackpot Bonus prize pool for that spot continues to grow. The percentage of gross Keno sales used to calculate bonus prize money allocated to the prize pools described in this section shall apply to Keno Jackpot bonus prize pool allocations beginning 5:00 a.m. November 6, 2006.

(2) If a game play on a ticket is for a 6, 7, or 8 spot, the ticket is automatically playing for the Jackpot Bonus prize, as well as a prize under either OAR 177-099-0080 or 177-099-0090. For example, if a Keno ticket with a 6 spot game play is the only Keno or Special Keno ticket to match 6 out of 6 of the winning numbers, that ticket, subject to ticket validation requirements, would win the top prize for the 6 spot under OAR 177-099-0080 (\$1,600) and the accumulated Jackpot Bonus prize for the 6 spot.

(3) The prize money in the Jackpot Bonus prize pool for a specific spot for any given drawing is divided by the number of tickets winning the top prize for that spot under either OAR 177-099-0080 or OAR 177-099-0090. The Jackpot Bonus prize pool is divided among those winning tickets on a pro-rata basis determined by the amount that each winning ticket played in the drawing in which the Jackpot Bonus prize was won. For example, if one Keno ticket wins the top prize for the 8 spot (\$15,000) in a drawing, and was purchased for ten drawings at \$3 per drawing, and one Special Keno ticket wins the top prize for the 8 spot (\$25,000) in the same drawing, and was purchased for one drawing at \$1, the holder of the Keno ticket would receive 75% of the prize in the Jackpot Bonus prize pool for the 8 spot and the holder of the Special Keno ticket would receive the remaining 25% of the prize in that Jackpot Bonus prize pool.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461  
Stats. Implemented: ORS 461.200

Hist.: LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 3-2002(Temp) f. & cert. ef. 2-4-02 thru 8-2-02; LOTT 7-2002, f. & cert. ef. 4-29-02; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 4-2009(Temp), f. & cert. ef. 8-26-09 thru 2-18-10

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**Rule Caption:** Establishes when winning raffle ticket numbers are official and final.

**Adm. Order No.:** LOTT 5-2009

**Filed with Sec. of State:** 8-28-2009

**Certified to be Effective:** 9-1-09

**Notice Publication Date:** 7-1-2009

**Rules Amended:** 177-069-0030, 177-069-0040, 177-069-0050

**Subject:** The amendments establish when winning raffle ticket numbers are official and final.

**Rules Coordinator:** Mark W. Hohlt—(503) 540-1417

**177-069-0030**

**Lottery Raffle Drawing**

(1) General: A Lottery raffle drawing will be held at such date, time, place, and in such manner as is determined by the Lottery. A Lottery raffle drawing will be conducted only after sales for the particular Lottery raffle game are closed. During each drawing for each available prize, the Lottery will randomly select a Lottery raffle ticket number(s) as a winner from all the tickets sold for that drawing. Selection of a ticket's number as a winning number removes that number from selection in the Lottery raffle drawing for any other remaining prize(s). An unsold Lottery raffle ticket number is not eligible for selection as a winning ticket number. To select a winning Lottery raffle ticket number(s), Lottery personnel, or their authorized agents, may conduct a manual or electronic drawing, or may use any other selection procedure as determined by the Lottery that ensures a random selection of a winning Lottery raffle ticket number(s) for the prize(s) in the particular Lottery raffle game.

(2) Official Drawing Results: For each Lottery raffle drawing, the winning raffle ticket numbers drawn by the Lottery become official and final when both of the following events have occurred:

(a) The winning raffle ticket numbers are entered into the Lottery's central computer system for the purpose of validating winning raffle tickets for that Lottery raffle drawing, and;

(b) The winning raffle ticket numbers for that Lottery raffle drawing have been announced to the public. The Lottery will determine in what manner and at what time the winning raffle ticket numbers are announced.

(3) Retroactive Application: It is the Lottery's intent that section (2) of this rule apply retroactively to Lottery raffle drawings beginning March 1, 2009.

(4) Suspension of Play: If all available tickets for a Lottery raffle game are not sold before purchases are disabled prior to the scheduled drawing time, the Lottery may suspend the Lottery raffle drawing in accordance with OAR 177-046-0140. The Lottery will advertise the suspension of a Lottery raffle drawing by any reasonable means. At the discretion of the Director, the Lottery may hold a replacement Lottery raffle drawing, or provide a refund for each Lottery raffle ticket purchased and which is presented to the Lottery or a Lottery retailer by a player. Submission of the Lottery raffle ticket is the sole method for claiming a refund under this section.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.210, 461.220, 461.240, 461.250, 461.260

Hist.: LOTT 10-2008, f. 11-21-08, cert. ef. 12-1-08; LOTT 5-2009, f. 8-26-09, cert. ef. 9-1-09

**177-069-0040**

**Ticket Validation Requirements**

(1) General: For a Lottery raffle ticket to be valid and eligible to receive prize payment, the ticket must be validated in accordance with the provisions of OAR Chapter 177, including but not limited to OAR 177-070-0035. A Lottery raffle ticket may be validated only after the winning raffle ticket numbers for a Lottery raffle drawing become official as provided in OAR 177-069-0030(2).

(2) Claiming a Prize: A Lottery raffle ticket is the only proof of a game play and the submission of a winning Lottery raffle ticket to the Lottery is the sole method of claiming a prize.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.210, 461.220, 461.240, 461.250, 461.260

Hist.: LOTT 10-2008, f. 11-21-08, cert. ef. 12-1-08; LOTT 5-2009, f. 8-26-09, cert. ef. 9-1-09

**177 069 0050**

**Prizes**

(1) General: A prize for a winning Lottery raffle ticket is determined by the selection of that ticket's unique sequential identifying number as a winning number for a prize in the Lottery raffle drawing for which the Lottery raffle ticket is purchased.

(2) Payment: Except as provided herein, Lottery raffle prizes must be claimed and will be paid in accordance with OAR 177-070-0025. All Lottery raffle prizes consisting of money will be paid in a single lump sum less applicable taxes and withholding.

(3) Time Limit: A prize for a winning raffle ticket must be claimed within one year after the winning raffle ticket numbers for the Lottery raffle drawing for which the ticket was purchased become official as provided in OAR 177-069-0030(2).

(4) Retroactive Application: It is the Lottery's intent that section (3) of this rule apply retroactively to Lottery raffle drawings beginning March 1, 2009.

# ADMINISTRATIVE RULES

(5) Lottery's Determination: The Director's decision regarding the determination of whether a Lottery raffle ticket is a winning ticket, or the determination of the rightful owner or owners of a prize, or of any other dispute or matter arising from payment or awarding of prizes, is final and binding on all parties.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)  
Stats. Implemented: ORS 461.210, 461.220, 461.240, 461.250, 461.260  
Hist.: LOTT 10-2008, f. 11-21-08, cert. ef. 12-1-08; LOTT 5-2009, f. 8-26-09, cert. ef. 9-1-09

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**Oregon University System,  
Oregon Institute of Technology  
Chapter 578**

**Rule Caption:** Amends the Schedule of Special Institution Fees and Charges.

**Adm. Order No.:** OIT 1-2009

**Filed with Sec. of State:** 9-2-2009

**Certified to be Effective:** 9-2-09

**Notice Publication Date:** 5-1-2009

**Rules Amended:** 578-041-0030

**Subject:** 578-041-0030 — Amends the Schedule of Special Institution Fees and Charges. Amendments allow for increases, revisions, additions or deletions of special course fees and general service fees for fiscal year 2009–10. The schedule of subject fees may be obtained from the Oregon Institute of Technology office.

**Rules Coordinator:** Ceilia E. Foster—(541) 885-1105

**578-041-0030**

**Special Institution Fees and Charges**

(1) The Schedule of special Institution Fees and Charges establishes charges for selected courses and general services for Oregon Institute of Technology for the academic year 2009-2010 and are hereby adopted by reference.

(2) Copies of this fee schedule may be obtained from the Oregon Institute of Technology Finance and Administration Office.

Stat. Auth.: ORS 351  
Stats. Implemented: ORS 351.070(2)  
Hist.: OIT 1-1985, f. 1-10-85, ef. 2-1-85; OIT 1-1986, f. & ef. 9-4-86; OIT 4-1991, f. & cert. ef. 7-22-91; OIT 5-1992, f. & cert. ef. 9-24-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1995, f. & cert. ef. 7-7-95; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 2-1996, f. & cert. ef. 12-19-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98; OIT 1-1999, f. & cert. ef. 8-26-99; OIT 1-2000, f. & cert. ef. 7-7-00; OIT 1-2001, f. & cert. ef. 7-19-01; OIT 1-2002, f. & cert. ef. 7-15-02; OIT 1-2003, f. & cert. ef. 6-11-03; OIT 1-2004, f. & cert. ef. 6-9-04; OIT 1-2005, f. & cert. ef. 6-10-05; OIT 1-2006, f. & cert. ef. 6-2-06; OIT 1-2007, f. & cert. ef. 6-7-07; OIT 1-2008, f. & cert. ef. 6-10-08; OIT 1-2009, f. & cert. ef. 9-2-09

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**Oregon University System,  
Portland State University  
Chapter 577**

**Rule Caption:** Amends Portland State University's Schedule of Fines and Fees for General Services and other charges.

**Adm. Order No.:** PSU 6-2009(Temp)

**Filed with Sec. of State:** 8-24-2009

**Certified to be Effective:** 8-24-09 thru 11-1-09

**Notice Publication Date:**

**Rules Amended:** 577-060-0020

**Subject:** This amendment establishes updated fees, charges, fines, and deposits for General Service for the 2009-2010 Fiscal year. It is in the interest of the general public for the State of Oregon that certain University services are self-sustaining. The amendment to this rule will permit the University to recover in fees the cost of providing various administrative and academic services for .001 Academic Affairs, Office of, .001c Provost Office.

**Rules Coordinator:** Julie Osborn—(503) 725-3701

**577-060-0020**

**Schedule of Fines and Fees for General Services and Other Charges**

The Schedule of Fines and Fees for General Services and Other Charges for the 2009–2010 Fiscal Year are hereby adopted by reference by Portland State University.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 352.360  
Hist.: PSU 16(Temp), f. 8-24-77, ef. 9-1-77; PSU 18, f. & ef. 10-4-77; PSU 19(Temp), f. & ef. 10-11-77; PSU 20, f. & ef. 11-18-77; PSU 3-1978(Temp), f. 6-19-78, ef. 7-1-78; PSU 7-1978, f. & ef. 9-5-78; PSU 1-1979, f. & ef. 9-17-79; PSU 3-1980, f. & ef. 9-4-80; PSU 2-

1981, f. & ef. 9-10-81; PSU 3-1982, f. & ef. 9-3-82; PSU 1-1983, f. & ef. 2-8-83; PSU 2-1983, f. 6-22-83, ef. 7-1-83; PSU 1-1984, f. 6-8-84, ef. 7-1-84; PSU 1-1985, f. 6-26-85, f. 7-1-85; PSU 1-1986, f. 6-25-86, ef. 7-1-86; PSU 1-1987, f. 6-19-87, ef. 7-1-87; PSU 3-1987 (Temp), f. & ef. 8-11-87; PSU 5-1987, f. & ef. 10-27-87; PSU 5-1988, f. & cert. ef. 7-18-88; PSU 7-1988(Temp), f. & cert. ef. 11-29-88; PSU 3-1989, f. & cert. ef. 7-26-89; PSU 5-1990, f. & cert. ef. 7-5-90; PSU 2-1991(Temp), f. & cert. ef. 6-28-91; PSU 3-1991, f. & cert. ef. 8-7-91; PSU 4-1991(Temp), f. & cert. ef. 12-4-91; PSU 1-1992, f. & cert. ef. 1-17-92; PSU 2-1992, f. & cert. ef. 6-16-92 (and corrected 6-19-92); PSU 1-1993, f. & cert. ef. 6-11-93; PSU 2-1993(Temp), f. & cert. ef. 7-13-93; PSU 3-1993(Temp), f. & cert. ef. 7-30-93; PSU 4-1994, f. & cert. ef. 11-3-94; PSU 1-1995, f. & cert. ef. 8-9-95; PSU 1-1996(Temp), f. 1-18-96, cert. ef. 3-1-96; PSU 3-1996, f. & cert. ef. 6-27-96; PSU 1-1997, f. & cert. ef. 8-1-97; PSU 4-1998, f. & cert. ef. 9-17-98; PSU 4-1999, f. & cert. ef. 8-11-99; PSU 2-2000, f. & cert. ef. 8-1-00; PSU 1-2001, f. & cert. ef. 8-14-01; PSU 2-2003, f. 6-27-03, cert. ef. 7-1-03; PSU 4-2003(Temp), f. & cert. ef. 11-18-03 thru 5-14-04; PSU 1-2004, f. & cert. ef. 8-20-04; PSU 1-2005(Temp), f. & cert. ef. 7-15-05 thru 12-28-05; PSU 3-2005, f. & cert. ef. 12-13-05; PSU 2-2006, f. & cert. ef. 6-30-06; PSU 5-2006(Temp), f. & cert. ef. 8-30-06 thru 1-31-07; Administrative correction, 2-16-07; PSU 3-2007, f. & cert. ef. 7-5-07; PSU 5-2008(Temp), f. 6-13-08, cert. ef. 7-1-08 thru 12-26-08; Administrative correction 1-23-09; PSU 1-2009(Temp), f. & cert. ef. 5-14-09 thru 11-10-09; PSU 2-2009, f. 7-15-09, cert. ef. 8-1-09; PSU 6-2009(Temp), f. & cert. ef. 8-24-09 thru 11-1-09

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**Parks and Recreation Department  
Chapter 736**

**Rule Caption:** Amendment to OAR 736-018-0045 for adoption of Jessie M. Honeyman Memorial State Park Master Plan and Silver Falls State Park Master Plan respectively.

**Adm. Order No.:** PRD 12-2009

**Filed with Sec. of State:** 9-3-2009

**Certified to be Effective:** 9-3-09

**Notice Publication Date:** 11-1-2008, 2-1-2009

**Rules Amended:** 736-018-0045

**Subject:** ORS 390.180 (1) authorizes the Director of the Oregon Parks and Recreation Department to adopt administrative rules that establish a master plan for each state park. Master Plans for state parks are adopted as administrative rules under OAR 736-018-0045. The purpose of amending OAR 736-018-0045 is to adopt the new master plan as an Oregon Administrative Rule.

The master plan responds to the most current information on park resource conditions and public recreation needs as they pertain to the park. The plan was formulated through OPRD's mandated master planning process involving meetings with the general public, an advisory committee, recreation user groups, and affected state and federal agencies and local governments.

The agency held public hearings and solicited public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business. This certificate and order is filed to comply with ORS 183.715 requiring timely notice to Legislative Counsel within 10 days of filing and duplicates originals filed on January 15, 2009 and May 14, 2009 respectively.

**Rules Coordinator:** Joyce Merritt—(503) 986-0756

**736-018-0045**

**Adopted State Park Master Plan Documents**

(1) The following state park master plan documents have been adopted and incorporated by reference into this division:

- (a) Fort Stevens State Park Master Plan, as amended in 2001;
- (b) Cape Lookout State Park;
- (c) Cape Kiwanda State Park, renamed as Cape Kiwanda State Natural Area;
- (d) Nestucca Spit State Park, renamed as Robert Straub State Park;
- (e) Jessie M. Honeyman Memorial State Park as amended in 2009;
- (f) Columbia Gorge Management Unit Master Plan, including: Rocky

Butte State Scenic Corridor, Lewis and Clark State Recreation Site, Dabney State Recreation Area, Portland Womens' Forum State Scenic Viewpoint, Crown Point State Scenic Corridor, Guy W. Talbot State Park, George W. Joseph State Natural Area, Rooster Rock State Park, Shepperd's Dell State Natural Area, Bridal Veil Falls State Scenic Viewpoint, Dalton Point State Recreation Site, Benson State Recreation Area, Ainsworth State Park, McLoughlin State Natural Area, John B. Yeon State Scenic Corridor, Bonneville State Scenic Corridor, Sheridan State Scenic Corridor, Lang Forest State Scenic Corridor, Lindsey Creek State Scenic Corridor, Starvation Creek State Park, Viento State Park, Wygant State Natural Area, Vinzenz Lausman Memorial State Natural Area, Seneca Fouts Memorial State Natural Area, Koberg Beach State Recreation Site, Memaloose State Park, and Mayer State Park;

# ADMINISTRATIVE RULES

- (g) Molalla River State Park;
- (h) Champoeg State Park;
- (i) Willamette Mission State Park;
- (j) Cascadia State Park;
- (k) Willamette River Middle Fork State Parks Master Plan, 2006, including: Elijah Bristow State Park; Jasper State Recreation Site; Pengra Access; Dexter State Recreation Site; Lowell State Recreation Site; and the parks that comprise the Fall Creek State Recreation Area, including Winberry Park, North Shore Park, Sky Camp, Cascara Campground, Fisherman's Point Group Camp, Free Meadow, Lakeside 1 and Lakeside 2;
  - (l) Cove Palisades State Park Master Plan, as amended in 2002;
  - (m) Silver Falls State Park Master Plan, as amended in 1999; as amended in 2009;
  - (n) Curry County State Parks Master Plan, including: Floras Lake State Park, renamed as Floras Lake State Natural Area; Cape Blanco State Park; Paradise Point Ocean Wayside, renamed as Paradise Point State Recreation Site; Port Orford Heads Wayside, renamed as Port Orford Heads State Park; Humbug Mountain State Park; Otter Point Wayside, renamed as Otter Point State Recreation Site; Cape Sebastian State Park, renamed as Cape Sebastian State Scenic Corridor; Otter Point Wayside; Port Orford Cedar Forest Wayside, renamed as Port Orford Cedar Forest State Scenic Corridor; and Buena Vista Ocean Wayside; Pistol River State Scenic Viewpoint; Samuel H. Boardman State Scenic Corridor; Harris Beach State Recreation Area; McVay State Recreation Site; Winchuck State Recreation Site; Crissey Field State Recreation Site; Alfred A. Loeb State Park;
    - (o) Hat Rock State Park Master Plan, renamed as Hat Rock State Recreation Area;
    - (p) Deschutes County State Parks, including: La Pine and Tumalo State Parks; Cline Falls, renamed as Cline Falls State Scenic Viewpoint; and Pilot Butte, renamed as Pilot Butte State Scenic Viewpoint;
    - (q) Sunset Bay District Parks, including: Umpqua Lighthouse State Park (this chapter was replaced by the Umpqua Lighthouse State Park Master Plan, 2004); William M. Tugman State Park; Yoakam Point State Park, renamed as Yoakum Point State Natural Site; Sunset Bay State Park; Shore Acres State Park; and Cape Arago State Park;
    - (r) Bullards Beach District Parks, including: Seven Devils State Wayside, renamed as Seven Devils State Recreation Site; Bullards Beach State Park; Bandon Ocean Wayside, renamed as Face Rock State Scenic Viewpoint; and Bandon State Park, renamed as Bandon State Natural Area;
    - (s) Tillamook County Coastal State Parks, including: Oswald West State Park; Nehalem Bay State Park; Cape Meares State Park, renamed as Cape Meares State Scenic Viewpoint; Neahkanie-Manzanita State Wayside, renamed as Neahkanie-Manzanita State Recreation Site; Manhattan Beach State Wayside, renamed as Manhattan Beach State Recreation Site; Rockaway Beach State Wayside, renamed as Rockaway Beach State Recreation Site; Twin Rocks State Wayside, renamed as Twin Rocks State Natural Site; Oceanside Beach State Wayside, renamed as Oceanside Beach State Recreation Site; and Neskowin Beach State Wayside, renamed as Neskowin Beach State Recreation Site;
    - (t) Beverly Beach District Parks South, including: Boiler Bay State Park, renamed as Boiler Bay State Scenic Viewpoint; Rocky Creek State Wayside, renamed as Rocky Creek State Scenic Viewpoint; Otter Crest State Wayside, renamed as Otter Crest State Scenic Viewpoint; Devil's Punchbowl State Park, renamed as Devil's Punchbowl State Natural Area; Beverly Beach State Park; Agate Beach State Wayside, renamed as Agate Beach State Recreation Site; and Ellmaker State Park, renamed as Ellmaker State Wayside;
      - (u) Smith Rock State Park;
      - (v) Collier District Parks, including: Booth State Wayside, renamed as Booth State Scenic Corridor; Chandler State Wayside; Collier Memorial State Park; Goose Lake State Recreation Area; Jackson F. Kimball State Park, renamed as Jackson F. Kimball State Recreation Site; and Klamath Falls-Lakeview Forest Wayside, renamed as Klamath Falls-Lakeview Forest State Scenic Corridor;
      - (w) Banks-Vernonia State Park, renamed as Banks-Vernonia State Trail;
      - (x) Sumpter Valley Dredge State Park, renamed as Sumpter Valley Dredge State Heritage Area;
      - (y) Illinois River Forks State Park;
      - (z) Wallowa County State Parks Master Plan, 2000;
      - (aa) L.L. "Stub" Stewart Memorial State Park Master Plan, 2005;
      - (bb) Master Plan for Clay Myers State Natural Area at Whalen Island, 2003;
      - (cc) South Beach State Park Master Plan, 2003;

- (dd) Prineville Reservoir Resource Management Plan/Master Plan, 2003;
  - (ee) Detroit Lake State Park Master Plan, 2002;
  - (ff) Umpqua Lighthouse State Park Master Plan, 2004;
  - (gg) Fort Yamhill State Heritage Area Master Plan, 2004;
  - (hh) Thompson's Mills State Heritage Site Master Plan, 2006;
  - (ii) Luckiamute State Natural Area Master Plan, 2009;
  - (jj) Iwetemlaykin State Heritage Site Master Plan, 2009;
  - (kk) Kam Wah Chung State Heritage Site Master Plan, 2009.
- (2) The master plan documents which have been incorporated by reference into this division are available from the State Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem OR 97301.  
[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 390.180(1)(c)  
Stat. Implemented: ORS 390.180(1)(c)  
Hist.: PRD 9-1998, f. 7-29-98, cert. ef. 7-31-98; PRD 4-1999, f. & cert. ef. 5-14-99; PRD 9-2000, f. 6-14-00, cert. ef. 7-1-00; PRD 1-2001, f. & cert. ef. 2-1-01; PRD 5-2001, f. & cert. ef. 6-29-01; PRD 6-2001, f. & cert. ef. 9-6-01; PRD 3-2002, f. & cert. ef. 3-22-02; PRD 2-2003, f. & cert. ef. 2-27-03; PRD 3-2003, f. & cert. ef. 2-27-03; PRD 5-2003, f. & cert. ef. 7-8-03; PRD 9-2003, f. & cert. ef. 10-13-03; PRD 11-2003, f. & cert. ef. 11-7-03; PRD 7-2004, f. & cert. ef. 5-14-04; PRD 9-2004, f. & cert. ef. 6-14-04; PRD 1-2005, f. & cert. ef. 2-4-05; PRD 3-2005, f. & cert. ef. 5-4-05; PRD 4-2006, f. 7-14-06, cert. ef. 7-14-06; PRD 5-2006, f. 9-15-06, cert. ef. 10-1-06; PRD 1-2009, f. 1-15-09, cert. ef. 2-1-09; PRD 3-2009, f. 3-12-09, cert. ef. 4-1-09; PRD 4-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 5-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 6-2009, f. 5-14-09, cert. ef. 6-1-09; PRD 12-2009, f. & cert. ef. 9-3-09

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**Rule Caption:** Amendment to OAR 736-018-0045 for adoption of the Nehalem Bay State Park Master Plan.

**Adm. Order No.:** PRD 13-2009

**Filed with Sec. of State:** 9-15-2009

**Certified to be Effective:** 10-1-09

**Notice Publication Date:** 7-1-2009

**Rules Amended:** 736-018-0045

**Subject:** ORS 390.180 (1) authorizes the Director of the Oregon Parks and Recreation Department to adopt administrative rules that establish a master plan for each state park. Accordingly, OPRD is adopting a new master plan for Nehalem Bay State Park. Master plans for state parks are adopted as administrative rules under OAR 736-018-0045. The purpose of amending OAR 736-018-0045 is to adopt the Master Plan for this park as an Oregon Administrative Rule.

The Master Plan responds to the most current information on park resource conditions and public recreation needs as they pertain to this park. The plan was formulated through OPRD's mandated master planning process which included meetings and written comment opportunities involving the general public, an advisory committee, local residents, tribes that are affiliated with the area, and affected state and federal agencies and local governments. The Department held a rule-making hearing and accepted testimony on the proposed rule amendment for adoption of the Master Plan.

The Master Plan to be adopted through the rule amendment has no affect on small businesses. However, businesses have had the same opportunities to be involved, through public meetings and written comment opportunities, as other members of the public.

**Rules Coordinator:** Joyce Merritt—(503) 986-0756

## 736-018-0045

### Adopted State Park Master Plan Documents

(1) The following state park master plan documents have been adopted and incorporated by reference into this division:

- (a) Fort Stevens State Park Master Plan, as amended in 2001;
- (b) Cape Lookout State Park;
- (c) Cape Kiwanda State Park, renamed as Cape Kiwanda State Natural Area;
- (d) Nestucca Spit State Park, renamed as Robert Straub State Park;
- (e) Jessie M. Honeyman Memorial State Park as amended in 2009;
- (f) Columbia Gorge Management Unit Master Plan, including: Rocky Butte State Scenic Corridor, Lewis and Clark State Recreation Site, Dabney State Recreation Area, Portland Womens' Forum State Scenic Viewpoint, Crown Point State Scenic Corridor, Guy W. Talbot State Park, George W. Joseph State Natural Area, Rooster Rock State Park, Shepperd's Dell State Natural Area, Bridal Veil Falls State Scenic Viewpoint, Dalton Point State Recreation Site, Benson State Recreation Area, Ainsworth State Park, McLoughlin State Natural Area, John B. Yeon State Scenic Corridor, Bonneville State Scenic Corridor, Sheridan State Scenic Corridor, Lang Forest State Scenic Corridor, Lindsey Creek State Scenic Corridor,

# ADMINISTRATIVE RULES

Starvation Creek State Park, Viento State Park, Wygant State Natural Area, Vinzenz Lausman Memorial State Natural Area, Seneca Fouts Memorial State Natural Area, Koberg Beach State Recreation Site, Memaloose State Park, and Mayer State Park;

- (g) Molalla River State Park;
- (h) Champoeg State Park;
- (i) Willamette Mission State Park;
- (j) Cascadia State Park;

(k) Willamette River Middle Fork State Parks Master Plan, 2006, including: Elijah Bristow State Park; Jasper State Recreation Site; Pengra Access; Dexter State Recreation Site; Lowell State Recreation Site; and the parks that comprise the Fall Creek State Recreation Area, including Winberry Park, North Shore Park, Sky Camp, Cascara Campground, Fisherman's Point Group Camp, Free Meadow, Lakeside 1 and Lakeside 2;

- (l) Cove Palisades State Park Master Plan, as amended in 2002;
- (m) Silver Falls State Park Master Plan, as amended in 2009;

(n) Curry County State Parks Master Plan, including: Floras Lake State Park, renamed as Floras Lake State Natural Area; Cape Blanco State Park; Paradise Point Ocean Wayside, renamed as Paradise Point State Recreation Site; Port Orford Heads Wayside, renamed as Port Orford Heads State Park; Humbug Mountain State Park; Otter Point Wayside, renamed as Otter Point State Recreation Site; Cape Sebastian State Park, renamed as Cape Sebastian State Scenic Corridor; Otter Point Wayside; Port Orford Cedar Forest Wayside, renamed as Port Orford Cedar Forest State Scenic Corridor; and Buena Vista Ocean Wayside; Pistol River State Scenic Viewpoint; Samuel H. Boardman State Scenic Corridor; Harris Beach State Recreation Area; McVay State Recreation Site; Winchuck State Recreation Site; Crissey Field State Recreation Site; Alfred A. Loeb State Park;

(o) Hat Rock State Park Master Plan, renamed as Hat Rock State Recreation Area;

(p) Deschutes County State Parks, including: La Pine and Tumalo State Parks; Cline Falls, renamed as Cline Falls State Scenic Viewpoint; and Pilot Butte, renamed as Pilot Butte State Scenic Viewpoint;

(q) Sunset Bay District Parks, including: Umpqua Lighthouse State Park (this chapter was replaced by the Umpqua Lighthouse State Park Master Plan, 2004); William M. Tugman State Park; Yoakam Point State Park, renamed as Yoakum Point State Natural Site; Sunset Bay State Park; Shore Acres State Park; and Cape Arago State Park;

(r) Bullards Beach District Parks, including: Seven Devils State Wayside, renamed as Seven Devils State Recreation Site; Bullards Beach State Park; Bandon Ocean Wayside, renamed as Face Rock State Scenic Viewpoint; and Bandon State Park, renamed as Bandon State Natural Area;

(s) Tillamook County Coastal State Parks, including: Oswald West State Park; Nehalem Bay State Park (this chapter was replaced by the Nehalem Bay State Park Master Plan, 2009); Cape Meares State Park, renamed as Cape Meares State Scenic Viewpoint; Neahkanie-Manzanita State Wayside, renamed as Neahkanie-Manzanita State Recreation Site; Manhattan Beach State Wayside, renamed as Manhattan Beach State Recreation Site; Rockaway Beach State Wayside, renamed as Rockaway Beach State Recreation Site; Twin Rocks State Wayside, renamed as Twin Rocks State Natural Site; Oceanside Beach State Wayside, renamed as Oceanside Beach State Recreation Site; and Neskowin Beach State Wayside, renamed as Neskowin Beach State Recreation Site;

(t) Beverly Beach District Parks South, including: Boiler Bay State Park, renamed as Boiler Bay State Scenic Viewpoint; Rocky Creek State Wayside, renamed as Rocky Creek State Scenic Viewpoint; Otter Crest State Wayside, renamed as Otter Crest State Scenic Viewpoint; Devil's Punchbowl State Park, renamed as Devil's Punchbowl State Natural Area; Beverly Beach State Park; Agate Beach State Wayside, renamed as Agate Beach State Recreation Site; and Ellmaker State Park, renamed as Ellmaker State Wayside;

- (u) Smith Rock State Park;

(v) Collier District Parks, including: Booth State Wayside, renamed as Booth State Scenic Corridor; Chandler State Wayside; Collier Memorial State Park; Goose Lake State Recreation Area; Jackson F. Kimball State Park, renamed as Jackson F. Kimball State Recreation Site; and Klamath Falls-Lakeview Forest Wayside, renamed as Klamath Falls-Lakeview Forest State Scenic Corridor;

(w) Banks-Vernonia State Park, renamed as Banks-Vernonia State Trail;

(x) Sumpter Valley Dredge State Park, renamed as Sumpter Valley Dredge State Heritage Area;

- (y) Illinois River Forks State Park;
- (z) Wallowa County State Parks Master Plan, 2000;

- (aa) L.L. "Stub" Stewart Memorial State Park Master Plan, 2005;

(bb) Master Plan for Clay Myers State Natural Area at Whalen Island, 2003;

(cc) South Beach State Park Master Plan, 2003;

(dd) Prineville Reservoir Resource Management Plan/Master Plan, 2003;

(ee) Detroit Lake State Park Master Plan, 2002;

(ff) Umpqua Lighthouse State Park Master Plan, 2004;

(gg) Fort Yamhill State Heritage Area Master Plan, 2004;

(hh) Thompson's Mills State Heritage Site Master Plan, 2006;

(ii) Luckiamute State Natural Area Master Plan, 2009;

(jj) Iwetemlaykin State Heritage Site Master Plan, 2009;

(kk) Kam Wah Chung State Heritage Site Master Plan, 2009;

(ll) Nehalem Bay State Park Master Plan, 2009.

(2) The master plan documents which have been incorporated by reference into this division are available from the State Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem OR 97301.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 390.180(1)(c)

Stats. Implemented: ORS 390.180(1)(c)

Hist.: PRD 9-1998, f. 7-29-98, cert. ef. 7-31-98; PRD 4-1999, f. & cert. ef. 5-14-99; PRD 9-2000, f. 6-14-00, cert. ef. 7-1-00; PRD 1-2001, f. & cert. ef. 2-1-01; PRD 5-2001, f. & cert. ef. 6-29-01; PRD 6-2001, f. & cert. ef. 9-6-01; PRD 3-2002, f. & cert. ef. 3-22-02; PRD 2-2003, f. & cert. ef. 2-27-03; PRD 3-2003, f. & cert. ef. 2-27-03; PRD 5-2003, f. & cert. ef. 7-8-03; PRD 9-2003, f. & cert. ef. 10-13-03; PRD 11-2003, f. & cert. ef. 11-7-03; PRD 7-2004, f. & cert. ef. 5-14-04; PRD 9-2004, f. & cert. ef. 6-14-04; PRD 1-2005, f. & cert. ef. 2-4-05; PRD 3-2005, f. & cert. ef. 5-4-05; PRD 4-2006, f. 7-14-06, cert. ef. 7-14-06; PRD 5-2006, f. 9-15-06, cert. ef. 10-1-06; PRD 1-2009, f. 1-15-09, cert. ef. 2-1-09; PRD 3-2009, f. 3-12-09, cert. ef. 4-1-09; PRD 4-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 5-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 6-2009, f. 5-14-09, cert. ef. 6-1-09; PRD 12-2009, f. & cert. ef. 9-3-09; PRD 13-2009, f. 9-15-09 cert. ef. 10-1-09

## Public Utility Commission Chapter 860

**Rule Caption:** In the Matter of Amendments to Oregon Administrative Rules 860-021-0305, 860-021-0405, 860-021-0505, 860-034-0180, and 860-034-0260.

**Adm. Order No.:** PUC 9-2009

**Filed with Sec. of State:** 8-25-2009

**Certified to be Effective:** 8-25-09

**Notice Publication Date:** 10-1-2008

**Rules Amended:** 860-021-0305, 860-021-0405, 860-021-0505, 860-034-0180, 860-034-0260

**Subject:** These rule amendments make clear that a utility may disconnect service when an applicant for utility service uses false identification to obtain service, clarify time limits for providing notice of disconnection, and reorganize existing language for clarity.

**Rules Coordinator:** Diane Davis—(503) 378-4372

### 860-021-0305

#### Grounds for Disconnecting Utility Service

Utility service may be disconnected by an energy utility or large telecommunications utility:

(1) When the applicant or customer fails to pay a deposit or make payments in accordance with the terms of a deposit payment arrangement.

(2) When the applicant or customer provides false identification to establish service, continue service, or verify identity.

(3) When the customer fails to pay Oregon tariff or price-listed charges due for services rendered.

(4) When the customer fails to abide by the terms of a time-payment agreement.

(5) When the customer requests the utility to disconnect service or close an account or when a co-customer fails to reapply for service within 20 days after a joint account is closed by the other co-customer, so long as the utility has provided a notice of pending disconnection.

(6) When the customer does not cooperate in providing access to the meter.

(7) When facilities provided are unsafe or do not comply with state and municipal codes governing service or the utility's rules and regulations.

(8) When there is evidence of meter-tampering, diverting service, or other theft of service.

(9) When dangerous or emergency conditions exist at the service premises under OAR 860-021-0315.

(10) When the Commission approves the disconnection of service.

Stat. Auth.: ORS 183, 756, 757, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 757.035, 757.225 & 757.760

Hist.: PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0075; PUC 8-1983, f. & ef. 8-15-83 (Order No. 83-502); PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 16-1990, f. 9-

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28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 9-2009, f. & cert. ef. 8-25-09

## 860-021-0405

### Notice of Pending Disconnection of Residential Electric or Gas Utility Service

(1) When a written notice is given under these rules:

(a) The notice must conform to the requirements of OAR 860-021-0010 concerning multilingual requirements and service on any designated representative; and

(b) The notice must conform to the requirements of OAR 860-021-0326 if the energy utility's records show the billing address is different than the service address or the residence is a master-metered multi-family dwelling. The notice may be addressed to "tenant" or "occupant." The envelope must bear a bold notice stating, "Important notice regarding disconnection of utility service," or words to that effect.

(2) The notice must be printed in boldface type and must state in language that is as clear and simple as possible:

(a) The reason for the proposed disconnection;

(b) The earliest date for disconnection;

(c) An explanation of the Commission's complaint process and toll-free number; and

(d) If the disconnection is for nonpayment of services rendered, including failure to abide by a time payment agreement, the notice must also state:

(A) The amount to be paid to avoid disconnection;

(B) An explanation of the time payment agreement provisions of OAR 860-021-0415;

(C) An explanation of the medical certificate provisions of OAR 860-021-0410; and

(D) The name and telephone number of the appropriate unit of the Department of Human Services or other agencies that may be able to provide financial assistance.

(3) The energy utility must provide written notice to the customer at least 15 days before disconnecting residential service except when the disconnection is made:

(a) At the request of the customer;

(b) For failure to pay a deposit or make payments in accordance with the terms of a deposit payment arrangement;

(c) For new customers within 60 days of the establishment of new service, for use of false identification to establish service, continue service or verify identity;

(d) For meter tampering, diverting service or theft of service; or

(e) For an emergency endangering life or property under OAR 860-021-0315.

(4) The energy utility may not send a notice of disconnection for nonpayment of services rendered, including failure to abide by a time payment agreement, before the due date for payment of a bill.

(5) The energy utility must serve the 15-day notice of disconnection in person or send it by first-class mail to the customer's last known address. Service is complete on the date of personal delivery or on the day after the date of the US Postal Service postmark or postage metering.

(6) The energy utility must provide written notice to the customer at least five business days before disconnecting residential service except when the disconnection is made:

(a) At the request of the customer;

(b) When the facilities provided are unsafe creating an emergency endangering life or property under OAR 860-021-0315.

(7) The disconnection notice must inform the customer that service will be disconnected on or after a specific date and must explain the alternatives and assistance that might be available as required in section (2) of this rule.

(8) The energy utility must serve the five-day notice of disconnection in person or send it by first-class mail to the customer's last known address. Service is complete on the date of personal delivery or on the day after the date of the US Postal Service postmark or postage metering.

(a) If notification is delivered to the residence, the energy utility must attempt personal contact.

(b) If personal contact cannot be made with the customer or an adult resident, the energy utility must leave the notice in a conspicuous place at the residence.

(9) The energy utility must make a good-faith effort to personally contact the customer or an adult at the residence to be disconnected on the day the energy utility expects to disconnect service or, where the service

address has remote disconnection capability installed, at least three business days prior to the day the energy utility expects to disconnect service:

(a) If contact is made, either in person or via the telephone, the energy utility must advise the customer or an adult at the residence of the proposed disconnection; or

(b) If contact is not made, the energy utility must:

(A) Leave a notice in a conspicuous place at the residence informing the customer that service has been, or is about to be, disconnected; or

(B) Attempt to contact the customer at a service address where remote disconnection capability is installed via the telephone at least twice a day for the three consecutive days prior to the proposed disconnection, and at least one call must be placed during the morning or afternoon (8:00 am to 5:00 pm) and another call placed during early evening (6:00 pm to 8:00 pm). Where an answering machine or service is available, the utility must leave a message at the end of each calling day informing the customer of the proposed disconnection. Initial implementation of section 7(b)(B) may not occur during the winter heating season (November 1 through April 30).

(10) When an energy utility has an in-person or telephone conversation with the customer or an adult at the residence under this rule, and the circumstances are such that a reasonable person would conclude the customer or an adult at the residence does not understand the possible consequences of disconnection, the utility must:

(a) Notify the Department of Human Services and the Commission; and

(b) Delay the proposed disconnection date for five additional business days.

(11) When the energy utility makes personal contact under this rule, the utility's representative making contact is empowered to accept reasonable partial payment of the overdue balance under the time-payment provisions of OAR 860-021-0415.

(12) An energy utility must document its efforts to provide notice under this rule and make that documentation available to the customer and the Commission upon request.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.760

Hist.: PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0085; PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 7-2005, f. & cert. ef. 11-30-05; PUC 4-2006, f. & cert. ef. 2-27-06; PUC 9-2009, f. & cert. ef. 8-25-09

## 860-021-0505

### Disconnection Procedures for All Commercial Electric and Gas Utility Customers and All Customers of Large Telecommunications Utilities

(1) This rule applies to the involuntary termination of all commercial electric and natural gas customers and all utility services provided by large telecommunications utilities.

(2) The energy or large telecommunications utility must provide written notice to the customer at least five business days before disconnecting service except when the disconnection is made:

(a) At the request of the customer; or

(b) When the facilities provided are unsafe creating an emergency endangering life or property under OAR 860-021-0315.

(3) The notice must be printed in bold face type and must state, in language that is as clear and simple as possible:

(a) The reasons for the proposed disconnection;

(b) The earliest date for disconnection;

(c) The amount to be paid to avoid disconnection of regulated services;

(d) An explanation of the Commission's complaint process and the Commission's toll-free number; and

(e) An explanation of the availability of an emergency medical certificate for local exchange residential telecommunications service customers under OAR 860-021-0510.

(4) The energy or large telecommunications utility may not send the notice before the due date for payment for the services billed.

(5) The energy or large telecommunications utility must serve the notice of disconnection in person or send it by first class mail to the last known addresses of the customer and the customer's designated representative. Service is complete on the date of personal delivery or, if service is by U S Mail, on the day after the U S Postal Service postmark or the day after the date of postage metering.

(6) If a premises visit is required to complete disconnection, the energy or large telecommunications utility must make a good-faith effort to personally contact the customer or a resident at the service address to be disconnected. If the energy or large telecommunications utility's attempt to make personal contact fails, the utility must leave a notice in a conspicuous

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place at the premises informing the customer that service has been disconnected.

(7) In lieu of permanent disconnection, a large telecommunications utility may temporarily curtail service by preventing the transmission of incoming telephone messages and/or outgoing toll messages while continuing to let the customer make outgoing local messages. Temporary curtailment of service, as defined in this section, shall be permitted only upon five days' written notice as set forth in section (3) of this rule. The notice shall state that permanent disconnection will follow within ten days unless the customer makes full payment of any overdue amount or any other obligation.

(8) Except for telecommunications service provided by an office incapable of restricting toll service, a large telecommunications utility shall not disconnect or deny local exchange service for an applicant's or customer's failure to pay for services not under the local exchange utility's tariff or price list. A telecommunications utility may limit access to toll and special services using the "9XX" prefix or Numbering Plan Area (NPA) for the failure to pay for such services.

(9) A large telecommunications utility may not disconnect or deny local service to customers or applicants, who are eligible to receive OTAP, for failure to pay toll charges.

(10) A large telecommunications utility may request a limited waiver of the requirement of section (9) of this rule upon meeting all the following conditions:

(a) Showing the large telecommunications utility would incur substantial costs in complying with the requirement;

(b) Demonstrating the large telecommunications utility offers toll-blocking services to customers identified in section (9) of this rule; and

(c) Showing that telecommunications subscribership among low-income customers in its service area in Oregon is at least as high as the national subscribership level for low-income customers.

Stat. Auth.: ORS 183, 756, 757, 759 & 290, OL 1987

Stats. Implemented: ORS 756.040, 757.750, 757.755, 757.060 & 290, OL1987

Hist.: PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0105; PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 6-1989, f. & cert. ef. 5-22-89 (Order No. 89-662); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 13-1997, f. & cert. ef. 11-12-97; PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98; PUC 5-1998, f. & cert. ef. 3-13-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 5-1999(Temp), f. & cert. ef. 9-21-99 thru 3-18-00; PUC 14-1999, f. & cert. ef. 12-15-99; PUC 16-2001, f. cert. ef. 6-21-01; PUC 9-2009, f. & cert. ef. 8-25-09

## 860-034-0180

### Grounds for Disconnecting Utility Service

Utility service may be disconnected by a small telecommunications utility:

(1) When the applicant or customer fails to pay a deposit or make payments in accordance with the terms of a deposit payment arrangement.

(2) When the applicant or customer provides false identification to establish service, continue service, or verify identity.

(3) When the customer fails to pay Oregon tariff or price listed charges due for services rendered.

(4) When the customer fails to abide by the terms of a time payment agreement.

(5) When the customer requests the small telecommunications utility to disconnect service or close an account.

(6) When facilities provided are unsafe or do not comply with state and municipal codes governing service or the rules and regulations of the small telecommunications utility.

(7) When dangerous or emergency conditions exist at the service premises under OAR 860-034-0200.

(8) When there is evidence of diverting service or theft of service.

(9) When the Commission approves the disconnection of service.

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 759.045

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 12-1998, f. & cert. ef. 5-7-98; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 9-2009, f. & cert. ef. 8-25-09

## 860-034-0260

### Disconnection Procedures for Commercial and Residential Utility Customers

(1) This rule applies to the involuntary termination of all utility service provided by a small telecommunications utility.

(2) The small telecommunications utility must provide written notice to the customer at least five business days before disconnecting service except when the disconnection is made:

(a) At the request of the customer; or

(b) When the facilities provided are unsafe creating an emergency endangering life or property under OAR 860-021-0315.

(3) The notice must be printed in boldface type and must state language that is as clear and simple as possible:

(a) The reasons for the proposed disconnection;

(b) The earliest date for disconnection;

(c) The amount to be paid to avoid disconnection of utility services;

(d) An explanation of the Commission's complaint process and the Commission's toll-free number; and

(e) An explanation of the availability of an emergency medical certificate for local exchange residential service customers under OAR 860-034-0270.

(4) The small telecommunications utility may not send the notice before the due date for payment for the utility services billed.

(5) The small telecommunications utility must serve the notice of disconnection in person or send it by first-class mail to the last known addresses of the customer and the customer's designated representative. Notice is served on the date of personal delivery or, if delivery is by U S Mail, on the day after the U S Postal Service postmark or postage metering.

(6) If a premises visit is required to complete disconnection, the small telecommunications utility must make a good-faith effort to personally contact the customer or a resident at the service address to be disconnected. If the small telecommunications utility's attempt to make personal contact fails, the utility must leave a notice in a conspicuous place at the premises informing the customer that service has been disconnected.

(7) In lieu of permanent disconnection, a small telecommunications utility may temporarily curtail utility service by preventing the transmission of incoming telephone messages and/or outgoing toll messages while continuing to let the customer make outgoing local messages. Temporary curtailment of utility service, as defined in this section, shall be permitted only upon five days' written notice as set forth in section (3) of this rule. The notice shall state that permanent disconnection will follow within ten days unless the customer makes full payment of any overdue amount or any other obligation.

(8) Except for utility service provided by a small telecommunications utility to its customers served by an office incapable of restricting toll service, a small telecommunications utility shall not disconnect or deny local exchange service for an applicant's or customer's failure to pay for utility services not under the local exchange utility's tariff or price list. A small telecommunications utility may limit access to toll and special services using the "9XX" prefix or Numbering Plan Area (NPA) for the failure to pay for such services.

(9) A small telecommunications utility may not disconnect or deny local service to customers or applicants, who are eligible to receive OTAP, for failure to pay toll charges.

(10) A small telecommunications utility may request a limited waiver of the requirement of section (9) of this rule upon meeting all the following conditions:

(a) Showing the small telecommunications utility would incur substantial costs in complying with the requirement;

(b) Demonstrating the small telecommunications utility offers toll-blocking services to customers identified in section (9) of this rule; and

(c) Showing that telecommunications subscribership among low-income customers in its service area in Oregon is at least as high as the national subscribership level for low-income customers.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 759.045 & Ch. 290, OL 1987

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98; PUC 5-1998, f. & cert. ef. 3-13-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 9-2009, f. & cert. ef. 8-25-09

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**Rule Caption:** In the Matter of a Rulemaking to Adopt Rule Related to Small Generator Interconnection.

**Adm. Order No.:** PUC 10-2009

**Filed with Sec. of State:** 8-26-2009

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**Subject:** These new rules govern the interconnection of small generator facilities with an electric nameplate capacity of 10 megawatts or less to public utility transmission and distribution systems.

**Rules Coordinator:** Diane Davis—(503) 378-4372

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## 860-082-0005

### Scope and Applicability

(1) OAR 860-082-0005 through 860-082-0085 (the “small generator interconnection rules”) govern the interconnection of a small generator facility with a nameplate capacity of 10 megawatts or less to a public utility’s transmission or distribution system. These rules do not apply if the interconnection between the small generator facility and the public utility is subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC).

(2) Except as specified in OAR 860-082-0025(1)(b), the small generator interconnection rules do not apply retroactively to a small generator facility that was interconnected to a public utility’s transmission or distribution system prior to the effective date of the small generator interconnection rules (an “existing small generator facility”). These rules become applicable to an existing small generator facility at the expiration of the agreement governing the terms of the interconnection of the existing small generator facility to the interconnected public utility’s transmission or distribution system. If an existing agreement does not have an expiration date, then the small generator interconnection rules become applicable to the existing small generator facility 10 years after the effective date of the rules. An existing small generator facility must submit an application under OAR 860-082-0025(1)(e) to the interconnected public utility no later than 60 business days before the date that the small generator interconnection rules become applicable.

(3) The small generator interconnection rules do not apply to the interconnection of a net metering facility, which is governed by OAR chapter 860, division 039.

(4) A small generator facility that qualifies as a “small power production facility” under OAR 860-029-0010(25) must also comply with the rules in OAR chapter 860, division 029. If there is a conflict between the small generator interconnection rules and the rules in OAR chapter 860, division 029, then the small generator interconnection rules control.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 756.060  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0010

### Waiver

(1) For good cause shown, a public utility, an applicant, or an interconnection customer may request that the Commission waive any of the small generator interconnection rules.

(2) A public utility and an applicant or interconnection customer may agree to reasonable extensions to the required timelines in these rules without requesting a waiver from the Commission.

(a) If a public utility and an applicant or interconnection customer are unable to agree to waive a timeline, then the public utility, applicant, or interconnection customer may request that the Commission grant a waiver.

(b) In deciding whether to grant a waiver of a timeline, the Commission will consider the number of pending applications for interconnection review and the type of applications, including review level, facility type, and facility size.

(c) Waiver of a timeline, whether by agreement or Commission order, does not affect an application’s queue position.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 756.060  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0015

### Definitions

As used in 860-082-0005 through 860-082-0085:

(1) “Adverse system impact” means a negative effect caused by the interconnection of a small generator facility that may compromise the safety or reliability of a transmission or distribution system.

(2) “Affected system” means a transmission or distribution system, not owned or operated by the interconnecting public utility, which may experience an adverse system impact from the interconnection of a small generator facility.

(3) “Aggregated nameplate capacity” means the total combined nameplate capacity of:

(a) A proposed small generator facility;

(b) Existing small generator facilities, net metering facilities, FERC jurisdictional generators, and state jurisdictional generators with a nameplate capacity greater than 10 megawatts; and

(c) Small generator facilities, net metering facilities, FERC jurisdictional generators, and state jurisdictional generators with a nameplate capacity greater than 10 megawatts that have pending completed applica-

tions with higher queue positions than the proposed small generator facility.

(4) “Applicant” means a person who has submitted an application to interconnect a small generator facility to a public utility’s transmission or distribution system.

(5) “Application” means a written request to interconnect a small generator facility with a public utility’s transmission or distribution system.

(6) “Area network” means a type of distribution system served by multiple transformers interconnected in an electrical network circuit in order to provide high reliability of service. This term has the same meaning as the term “secondary grid network” as defined in IEEE 1547, section 4.1.4.

(7) “Certificate of completion” means a certificate signed by an applicant and an interconnecting public utility attesting that a small generator facility is complete, meets the applicable requirements of the small generator interconnection rules, and has been inspected, tested, and certified as physically ready for operation. A certificate of completion includes the “as built” specifications and initial settings for the small generator facility and its associated interconnection equipment.

(8) “Distribution system” means the portion of an electric system that delivers electricity from transformation points on the transmission system to points of connection on a customer’s premises.

(9) “Fault current” means an electrical current that flows through a circuit during a fault condition. A fault condition occurs when one or more electrical conductors contact ground or each other. Types of faults include phase to ground, double-phase to ground, three-phase to ground, phase to phase, and three-phase.

(10) “Field-tested equipment” means interconnection equipment that is identical to equipment that was approved by the interconnecting public utility for a different small generator facility interconnection under Tier 4 review and successfully completed a witness test within three years before the date of the submission of the current application.

(11) “IEEE 1547” means the standards published in the 2003 edition of the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, titled “Interconnecting Distributed Resources with Electric Power Systems” and approved by the IEEE SA Standards Board on June 12, 2003.

(12) “IEEE 1547.1” means the standards published in the 2005 edition of the IEEE Standard 1547.1, titled “Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems” and approved by the IEEE SA Standards Board on June 9, 2005.

(13) “Interconnection agreement” means a contract between an applicant or interconnection customer and an interconnecting public utility that governs the interconnection of a small generator facility to the public utility’s transmission or distribution system and the ongoing operation of the small generator facility after it is interconnected.

(14) “Interconnection customer” means a person with one or more small generator facilities interconnected to a public utility’s transmission or distribution system.

(15) “Interconnection equipment” means a group of components or an integrated system provided by an interconnection customer or applicant to connect a small generator facility to a public utility’s transmission or distribution system.

(16) “Interconnection facilities” means the facilities and equipment required by a public utility to accommodate the interconnection of a small generator facility to the public utility’s transmission or distribution system and used exclusively for that interconnection. Interconnection facilities do not include system upgrades.

(17) “Interconnection service” means service provided by an interconnecting public utility to an interconnection customer.

(18) “Lab-tested equipment” means interconnection equipment that has been designed to comply with IEEE 1547, tested in accordance with IEEE 1547.1, and certified and labeled as compliant with these IEEE standards at the point of manufacture by a nationally recognized testing lab. For interconnection equipment to be considered lab-tested equipment under these rules, the equipment must be used in a manner consistent with the certification.

(19) “Line section” means that portion of a public utility’s transmission or distribution system that is connected to an interconnection customer and bounded by automatic sectionalizing devices or the end of a distribution line.

(20) “Minor equipment modification” means a change to a small generator facility or its associated interconnection equipment that:

(a) Does not affect the application of the approval requirements in Tiers 1, 2, or 3;

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(b) Does not, in the interconnecting public utility's reasonable opinion, have a material impact on the safety or reliability of the public utility's transmission or distribution system or an affected system; and

(c) Does not affect the nameplate capacity of a small generator facility.

(21) "Nameplate capacity" means the full-load electrical quantities assigned by a facility's designer to a generator and its prime mover or other piece of electrical equipment, such as transformers and circuit breakers, under standardized conditions, as expressed in amperes, kilovoltamperes, kilowatts, volts, megawatts, or other appropriate units. Nameplate capacity is usually indicated on a nameplate attached to the individual device.

(22) "Nationally recognized testing laboratory" or "NRTL" means a qualified private organization that performs independent safety testing and product certification. Each NRTL must meet the requirements set forth by the United States Occupational Safety and Health Administration.

(23) "Net metering facility" has the meaning set forth in ORS 757.300(1)(d).

(24) "Pending completed application" means an application for interconnection of a small generator facility, a net metering facility, or a FERC jurisdictional generator that an interconnecting public utility has deemed complete.

(25) "Person" has the meaning set forth in OAR 860-011-0035(8).

(26) "Point of interconnection" means the point where a small generator facility is electrically connected to a public utility's transmission or distribution system. This term has the same meaning as "point of common coupling" as defined in IEEE 1547, section 3.1.13. This term does not have the same meaning as "point of common coupling" as defined in OAR 860-039-0005(3)(p).

(27) "Primary line" means a distribution line with an operating voltage greater than 600 volts.

(28) "Public utility" has the meaning set forth in ORS 757.005 and is limited to a public utility that provides electric service.

(29) "Queue position" means the rank of a pending completed application, relative to all other pending completed applications, that is established based on the date and time that the interconnecting public utility receives the completed applications, including application fees.

(30) "Scoping meeting" means an initial meeting between representatives of an applicant and an interconnecting public utility that is conducted to discuss alternative interconnection options; to exchange information, including any relevant transmission or distribution system data and earlier studies that would reasonably be expected to affect the interconnection options; to analyze such information; and to determine the potentially feasible points of interconnection.

(31) "Secondary line" means a service line with an operating voltage of 600 volts or less.

(32) "Small generator facility" means a facility for the production of electrical energy that has a nameplate capacity of 10 megawatts or less. A small generator facility does not include interconnection equipment, interconnection facilities, or system upgrades.

(33) "Spot network" means a type of transmission or distribution system that uses two or more inerted transformers protected by network protectors to supply an electrical network circuit. A spot network may be used to supply power to a single customer or a small group of customers.

(34) "System upgrade" means an addition or modification to a public utility's transmission or distribution system or to an affected system that is required to accommodate the interconnection of a small generator facility.

(35) "Transmission line" means any electric line operating at or above 50,000 volts.

(36) "Transmission system" means a public utility's high voltage facilities and equipment used to transport bulk power or to provide transmission service under the public utility's open access transmission tariff.

(37) "Witness test" means the on-site visual verification of the interconnection installation and commissioning as required in IEEE 1547, sections 5.3 and 5.4. For interconnection equipment that does not meet the definition of lab-tested equipment, the witness test may, at the discretion of the public utility, also include a system design and production evaluation according to IEEE 1547, sections 5.1 and 5.2, as applicable to the specific interconnection equipment used.

(38) "Written notice" means a notice required by the small generator interconnection rules sent via First Class United States mail. The duty to provide written notice is deemed fulfilled on the day that the notice is deposited in the mail. A public utility and an applicant or interconnection customer may agree in writing to accept written notice via electronic mail. If using electronic mail by agreement, then the duty to provide written notice is deemed fulfilled on the day the notice is sent. A public utility and

an applicant or interconnection customer are responsible for informing one another of changes to the physical or electronic address used to receive notifications.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 756.060  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0020

### Pre-Application Process

(1) Each public utility must designate an employee or office from which relevant information about the small generator interconnection process, the public utility's transmission or distribution system, and affected systems may be obtained through informal requests for a potential applicant proposing a small generator facility at a specific site. The public utility must post contact information for the employee or office on the public utility's website. The information provided by the public utility in response to a potential applicant's request must include relevant existing studies and other materials that may be used to understand the feasibility of interconnecting a small generator facility at a particular point on the public utility's transmission or distribution system. The public utility must comply with reasonable requests for access to or copies of such information, except to the extent that providing such materials would violate security requirements, confidentiality obligations to third parties, or be contrary to federal or state regulations. The public utility may require a person to sign a confidentiality agreement if required to protect confidential or proprietary information. For potential small generator facilities requiring Tier 4 review, and at the potential applicant's request, the public utility must meet with the potential applicant to exchange information. A public utility employee with relevant technical expertise must attend any such meeting.

(2) A person requesting information under section (1) must reimburse the public utility for the reasonable costs of gathering and copying the requested information.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 756.060  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0025

### Applications to Interconnect a Small Generator Facility

(1) A person may not interconnect a small generator facility to a public utility's transmission or distribution system without authorization from the public utility.

(a) A person proposing to interconnect a new small generator facility to a public utility's transmission or distribution system must submit an application to the public utility.

(b) A person with an existing interconnected small generator facility who proposes to make any change to the facility, other than a minor equipment modification, must submit an application to the public utility. This includes changes affecting the nameplate capacity of the existing interconnected small generator facility or the output capacity authorized in the agreement governing the terms of the interconnection.

(c) An applicant with a pending completed application to interconnect a small generator facility must submit a new application if the applicant proposes to make any change to the small generator facility other than a minor equipment modification. This includes changes affecting the nameplate capacity of the proposed small generator facility.

(A) The applicant relinquishes the queue position assigned to the pending completed application, and the public utility assigns a new queue position based on the date and time the public utility receives the new application.

(B) If the new application is submitted within 30 business days of the date of submission of the original application, then the public utility must apply the original application fee to the application fee required for the new application.

(d) A person with a pending completed application to interconnect a net metering facility or a FERC jurisdictional generator who proposes to change the facility to a small generator facility must submit a new application under the small generator interconnection rules.

(A) The applicant relinquishes the queue position assigned to the pending completed application, and the public utility assigns a new queue position based on the date and time that the interconnecting public utility receives the small generator interconnection application.

(B) If the small generator interconnection application is received within 30 business days of the date of submission of the original net metering or FERC jurisdictional generator interconnection application, then the public utility must apply the original application fee to the application fee required for the new application.

## ADMINISTRATIVE RULES

(e) An interconnection customer must submit an application before the expiration of the interconnection agreement between the interconnection customer and the interconnected public utility. The application must be submitted no later than 60 business days before the interconnection agreement's expiration date.

(A) A public utility may not unreasonably refuse to grant expedited review of an application to renew an existing small generator facility interconnection if there have been no changes to the small generator facility other than minor equipment modifications.

(B) A public utility may not require an existing small generator facility to undergo Tier 4 review if there have been no changes to the small generator facility other than minor equipment modifications and there have been no material changes to the portion of the public utility's transmission or distribution system affected by the interconnection of the small generator facility.

(C) A public utility may require the interconnection customer to pay for interconnection facilities, system upgrades, or changes to the small generator facility or its associated interconnection equipment that are necessary to bring the small generator facility interconnection into compliance with the small generator interconnection rules or IEEE 1547 or 1547.1.

(D) If the public utility has not completed its review of an application to renew and a new interconnection agreement is not signed before the expiration of the current interconnection agreement governing the interconnection of an existing small generator facility to a public utility's transmission or distribution system, then the current interconnection agreement remains in effect until the renewal process is completed and a new interconnection agreement is signed.

(2) All applications must be made using the appropriate application form and must follow the standard form applications developed by the public utility and approved by the Commission. The public utility must provide separate application forms for review under Tier 1 and for review under Tiers 2, 3, and 4. The public utility must provide a copy of an application form to any person upon request and must post copies of the application forms on the public utility's website.

(a) Applicants must use the Tier 1 application form for small generator facilities that will not be interconnected with a transmission line and will use lab-tested, inverter-based interconnection equipment with a nameplate capacity of 25 kilowatts or less.

(b) Applicants must use the form for review under Tiers 2, 3, or 4 for interconnection of all other small generator facilities.

(3) A public utility may require payment of a nonrefundable application processing fee. The amount of the fee depends upon the review tier requested in the application and is intended to cover the reasonable costs of processing and evaluating the application.

(a) The application fee may not exceed \$100 for Tier 1 review, \$500 for Tier 2 review, and \$1000 for review under Tiers 3 and 4.

(b) An applicant must pay the reasonable costs incurred by the public utility to perform any studies and engineering evaluations permitted by these rules and necessary to evaluate the proposed application to interconnect. Before the public utility may assess any costs in excess of the application fee, the public utility must receive written authorization from the applicant. If the applicant does not authorize the additional costs, then the application is deemed withdrawn and the original application fee is forfeited.

(c) If an application is denied at one review tier, and the applicant resubmits the application at a higher review tier within 15 business days after the date the applicant received notification of the denial, then the applicant maintains the queue position assigned to the original application and the public utility must apply the original application fee and any other fees paid in conjunction with the original application to the fees applicable to the resubmitted application.

(4) If an applicant proposes to interconnect multiple small generator facilities to the public utility's transmission or distribution system at a single point of interconnection, then the public utility must evaluate the applications based on the combined total nameplate capacity for all of the small generator facilities. If the combined total nameplate capacity exceeds 10 megawatts, then the small generator interconnection rules do not apply.

(5) An applicant must provide documentation of site control with an interconnection application. Site control may be demonstrated through ownership of the site, a leasehold interest in the site, or an option or other right to develop the site for the purpose of constructing the small generator facility. Site control may be documented by a property tax bill, deed, lease agreement, or other legally binding contract.

(6) A public utility may propose to interconnect multiple small generator facilities at a single point of interconnection to minimize costs, and

an affected applicant or interconnection customer may not unreasonably refuse such a proposal. An applicant or interconnection customer may, however, elect to maintain a separate point of interconnection if the applicant or interconnection customer agrees to pay the entire cost of the separate interconnection facilities.

(7) Application review process.

(a) Within 10 business days of receipt of an application to interconnect a small generator facility, the interconnecting public utility must provide written notice to the applicant stating whether the application is complete.

(A) If the application is incomplete, then the public utility must provide the applicant with a detailed list of the information needed to complete the application. An application is deemed complete when the public utility receives the listed information. The applicant must provide the listed information within 10 business days of receipt of the list or the application is deemed withdrawn.

(B) If a public utility does not have a record of receipt of an application or cannot locate an application, then the applicant must provide an additional copy of the application to the public utility. If the applicant can demonstrate that a complete application was originally delivered to the public utility at a particular time on a particular date, then the public utility must assign a queue position to the application based on the original time and date of delivery.

(b) Once the public utility deems an application to be complete, the public utility must assign the application a queue position. An applicant must meet all applicable deadlines in the small generator interconnection rules to maintain its queue position unless the deadlines have been waived by agreement with the interconnecting public utility or by Commission order.

(c) If the public utility determines during the evaluation process that supplemental or clarifying information is required, then the public utility must request the information from the applicant. The time necessary to complete the evaluation of the application may be extended by the time required for the receipt of the additional information. Requests for information do not affect the applicant's queue position.

(d) A public utility must use IEEE 1547 and IEEE 1547.1 to evaluate small generator interconnection applications unless otherwise specified in these rules or unless the Commission grants a waiver to use different or additional standards.

(e) A public utility must provide an executable interconnection agreement no later than five business days after the date of approval of an interconnection application. The interconnection agreement must follow the standard form agreement developed by the public utility and approved by the Commission. The applicant must return an executed interconnection agreement to the public utility or request negotiation of a non-standard interconnection agreement within 15 business days of receipt or the application is deemed withdrawn.

(A) An applicant or a public utility is entitled to the terms in the standard form agreement, but may choose to negotiate for different terms.

(B) If negotiated changes to a standard interconnection agreement are materially inconsistent with the small generator interconnection rules, then the applicant and the public utility must seek Commission approval of the negotiated interconnection agreement.

(f) The applicant must provide the public utility written notice at least 20 business days before the planned commissioning for the small generator facility.

(A) The public utility has the option of conducting a witness test at a mutually agreeable time within 10 business days of the scheduled commissioning.

(B) The public utility must provide written notice to the applicant indicating whether the public utility plans to conduct a witness test or will waive the witness test.

(C) If the public utility notifies the applicant that it plans to conduct a witness test, but fails to conduct the witness test within 10 business days of the scheduled commissioning date or within a time otherwise agreed upon by the applicant and the public utility, then the witness test is deemed waived.

(D) If the witness test is conducted and is not acceptable to the public utility, then the public utility must provide written notice to the applicant describing the deficiencies within five business days of conducting the witness test. The public utility must give the applicant 20 business days from the date of the applicant's receipt of the notice to resolve the deficiencies. If the applicant fails to resolve the deficiencies to the reasonable satisfaction of the public utility within 20 business days, then the application is deemed withdrawn.

# ADMINISTRATIVE RULES

(g) A public utility must meet all applicable deadlines in the small generator interconnection rules unless the deadlines have been waived by agreement with an applicant or interconnection customer or by Commission order. If the public utility cannot meet an applicable deadline, then the public utility must provide written notice to the applicant or interconnection customer explaining the reasons for the failure to meet the deadline and an estimated alternative deadline. A public utility's failure to meet an applicable deadline does not affect an applicant's queue position.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 756.060  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0030

### Construction, Operation, Maintenance, and Testing of Small Generator Facilities

(1) An interconnection customer or applicant must construct, operate, and maintain a small generator facility and its associated interconnection equipment in compliance with IEEE 1547 and 1547.1.

(2) The applicant must provide written notice to the interconnecting public utility 10 business days before beginning operation of an approved small generator facility.

(3) Before beginning operation of a small generator facility, an interconnection customer or applicant must receive approval of the facility under the small generator interconnection rules and must execute an interconnection agreement with the interconnecting public utility. Applicants or interconnection customers are entitled to a maximum 20-year term for an interconnection agreement.

(4) A small generator facility must be capable of being isolated from the interconnecting public utility's transmission or distribution system. An interconnection customer may not disable an isolation device without the prior written consent of the interconnected public utility.

(a) For small generator facilities interconnecting to a primary line, the interconnection customer or applicant must use a lockable, visible-break isolation device readily accessible to the public utility.

(b) For small generator facilities interconnecting to a secondary line, the interconnection customer or applicant must use a lockable isolation device that is readily accessible by the public utility. The status of the isolation device must be clearly indicated. An exception from the requirement to use a lockable isolation device is allowed for a small generator facility that has a maximum total output of 30 amperes or less; is connected to a secondary line; uses lab-tested, inverter-based interconnection equipment; and is interconnected to the distribution system through a metered service owned by the interconnected public utility. In this limited case, the meter base may serve as the required isolation device if it is readily accessible to the public utility.

(A) A draw-out type circuit breaker with the provision for padlocking at the draw-out position can be considered an isolation device.

(B) The interconnection customer or applicant may elect to provide the public utility access to an isolation device that is contained in a building or area that may be unoccupied and locked or not otherwise readily accessible to the public utility. The interconnection customer or applicant must provide a lockbox capable of accepting a lock provided by the public utility that provides ready access to the isolation device. The interconnection customer or customer must install the lockbox in a location that is readily accessible by the public utility and must affix a placard in a location acceptable to the public utility that provides clear instructions to utility personnel on how to access the isolation device.

(c) Other than the exception in (4)(b), all isolation devices must be installed, owned, and maintained by the interconnection customer or applicant; must be capable of interrupting the full load of the small generator facility; and must be located between the small generator facility and the point of interconnection.

(5) An interconnecting public utility must have access to an interconnection customer's or an applicant's premises for any reasonable purpose related to an interconnection application or an interconnected small generator facility. The public utility must request access at reasonable hours and upon reasonable notice. In the event of an emergency or hazardous condition, the public utility may access the interconnection customer's or applicant's premises at any time without prior notice, but the public utility must provide written notice within five business days after entering the interconnection customer's or applicant's premises that describes the date of entry, the purpose of entry, and any actions performed on the premises.

(6) When a small generator facility undergoes maintenance or testing in compliance with the small generator interconnection rules, IEEE 1547, or IEEE 1547.1, the interconnection customer must retain written records for at least seven years documenting the maintenance and the results of test-

ing. The interconnection customer must provide copies of these records to the interconnected public utility upon request.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 756.060  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0035

### Cost Responsibility

(1) Study costs. Whenever a study is required under the small generator interconnection rules, the applicant must pay the public utility for the reasonable costs incurred in performing the study. The public utility must base study costs on the scope of work determined and documented in the feasibility study agreement, the system impact study agreement, or the facilities study agreement, as applicable. The estimated engineering costs used in calculating study costs must not exceed \$100 per hour. A public utility may adjust the \$100 hourly rate once in January of each year to account for inflation and deflation as measured by the Consumer Price Index. Before beginning a study, a public utility may require an applicant to pay a deposit of up to 50 percent of the estimated costs to perform the study or \$1000, whichever is less.

(2) Interconnection facilities. For interconnection review under Tier 4, a public utility must identify the interconnection facilities necessary to safely interconnect the small generator facility with the public utility's transmission or distribution system. The applicant must pay the reasonable costs of the interconnection facilities. The public utility constructs, owns, operates, and maintains the interconnection facilities.

(3) Interconnection equipment. An applicant or interconnection customer must pay all expenses associated with constructing, owning, operating, maintaining, repairing, and replacing its interconnection equipment. Interconnection equipment is constructed, owned, operated, and maintained by the applicant or interconnection customer.

(4) System upgrades. A public utility must design, procure, construct, install, and own any system upgrades to the public utility's transmission or distribution system necessitated by the interconnection of a small generator facility. A public utility must identify any adverse system impacts on an affected system caused by the interconnection of a small generator facility to the public utility's transmission or distribution system. The public utility must determine what actions or upgrades are required to mitigate these impacts. Such mitigation measures are considered system upgrades as defined in these rules. The applicant must pay the reasonable costs of any system upgrades.

(5) A public utility may not begin work on interconnection facilities or system upgrades before an applicant receives the public utility's good-faith, non-binding cost estimate and provides written notice to the public utility that the applicant accepts the estimate and agrees to pay the costs. A public utility may require an applicant to pay a deposit before beginning work on the interconnection facilities or system upgrades.

(a) If an applicant agrees to make progress payments on a schedule established by the applicant and the interconnecting public utility, then the public utility may require the applicant to pay a deposit of up to 25 percent of the estimated costs or \$10,000, whichever is less. The public utility and the applicant must agree on progress billing, final billing, and payment schedules before the public utility begins work.

(b) If an applicant does not agree to make progress payments, then the public utility may require the applicant to pay a deposit of up to 100 percent of the estimated costs. If the actual costs are lower than the estimated costs, then the public utility must refund the unused portion of the deposit to the applicant within 20 business days after the actual costs are determined.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 756.060  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0040

### Insurance

(1) A public utility may not require an applicant or an interconnection customer with a small generator facility with a nameplate capacity of 200 kilowatts or less to obtain liability insurance in order to interconnect with the public utility's transmission or distribution system.

(2) A public utility may require an applicant or an interconnection customer with a small generator facility with a nameplate capacity greater than 200 kilowatts to obtain prudent amounts of general liability insurance in order to interconnect to the public utility's transmission or distribution system.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 756.060  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

# ADMINISTRATIVE RULES

## 860-082-0045

### Tier 1 Interconnection Review

(1) A public utility must use the Tier 1 review procedures for an application to interconnect a small generator facility that meets the following requirements:

(a) The small generator facility must use lab-tested, inverter-based interconnection equipment;

(b) The small generator facility must have a nameplate capacity of 25 kilowatts or less; and

(c) The small generator facility must not be interconnected to a transmission line.

(2) Tier 1 Approval Criteria. A public utility must approve an application for interconnection under the Tier 1 interconnection review procedures if the small generator facility meets the approval criteria in subsections (a) through (e). A public utility may not impose different or additional approval criteria.

(a) A Tier 1 small generator facility interconnection must use existing public utility facilities.

(b) For interconnection of a small generator facility to a radial distribution circuit, the aggregated nameplate capacity on the circuit must not exceed 15 percent of the line section annual peak load as most recently measured at the substation or calculated for the line section.

(c) For interconnection of a small generator facility to the load side of spot network protectors, the aggregated nameplate capacity on the load side of the spot network protectors must not exceed five percent of a spot network's maximum load or 50 kilowatts, whichever is less.

(d) For interconnection of a small generator facility to a single-phase shared secondary line, the aggregated nameplate capacity on the line must not exceed 20 kilowatts.

(e) For interconnection of a single-phase small generator facility to the center tap neutral of a 240-volt service line, the addition of the small generator facility must not create a current imbalance between the two sides of the 240-volt service line of more than 20 percent of the nameplate rating of the service transformer.

(3) In addition to the timelines and requirements in OAR 860-082-0025, the public utility must provide written notice to the applicant stating whether the small generator facility meets the Tier 1 approval criteria no later than 15 business days from the date a Tier 1 interconnection application is deemed complete.

(4) The interconnection process is not complete until:

(a) The public utility approves the application;

(b) The witness test, if conducted by the public utility, is successful; and

(c) The applicant and public utility execute a certificate of completion. The certificate of completion must follow the standard form certificate developed by the public utility and approved by the Commission.

(5) If a small generator facility is not approved under the Tier 1 interconnection review procedure, then the applicant may submit a new application under the Tier 2, Tier 3, or Tier 4 review procedures. At the applicant's request, the public utility must provide a written explanation of the reasons for denial within five business days of the request.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 756.060

Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0050

### Tier 2 Interconnection Review

(1) A public utility must use the Tier 2 interconnection review procedures for an application to interconnect a small generator facility that meets the following requirements:

(a) The small generator facility does not qualify for or failed to meet the Tier 1 interconnection review requirements;

(b) The small generator facility must have a nameplate capacity of two megawatts or less;

(c) The small generator facility must be interconnected to either a radial distribution circuit or a spot network distribution circuit limited to serving one customer;

(d) The small generator facility must not be interconnected to a transmission line; and

(e) The small generator facility must use interconnection equipment that is either lab-tested equipment or field-tested equipment. For equipment to gain status as field-tested equipment, the applicant must provide all the documentation from the prior Tier 4 study, review, and approval, including any interconnection studies and the certificate of completion.

(2) Tier 2 Approval Criteria. A public utility must approve an application to interconnect a small generator facility under the Tier 2 intercon-

nection review procedures if the facility meets the approval criteria in subsections (a) through (l). A public utility may not impose different or additional approval criteria.

(a) For interconnection of a small generator facility to a radial distribution circuit, the aggregated nameplate capacity on the circuit must not exceed 15 percent of the line section annual peak load as most recently measured at the substation or calculated for the line section.

(b) For interconnection of a small generator facility to the load side of spot network protectors, the aggregated nameplate capacity on the load side of the spot network protectors must not exceed the lesser of five percent of a spot network's maximum load or 50 kilowatts.

(c) The aggregated nameplate capacity must not contribute more than 10 percent to the distribution circuit's maximum fault current at the point on the primary voltage distribution line nearest the point of interconnection.

(d) The aggregated nameplate capacity on the distribution circuit must not cause any distribution protective devices and equipment (including substation breakers, fuse cutouts, and line reclosers) or other public utility equipment on the transmission or distribution system to be exposed to fault currents exceeding 90 percent of the short circuit interrupting capability. The small generator facility's point of interconnection must not be located on a circuit that already exceeds 90 percent of the short circuit interrupting capability.

(e) The aggregated nameplate capacity on the distribution side of a substation transformer feeding the circuit where the small generator facility proposes to interconnect must not exceed 10 megawatts in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity (for example, three or four distribution busses from the point of interconnection).

(f) If the small generator facility interconnection is to a primary line on the distribution system, then the interconnection must meet the following criteria:

(A) If the small generator facility is three-phase or single-phase and will be connected to a three-phase, three-wire primary line, then the small generator facility must be connected phase-to-phase.

(B) If the small generator facility is three-phase or single-phase and will be connected to a three-phase, four-wire primary line, then the small generator facility must be connected line-to-neutral and effectively grounded.

(g) For interconnection of a small generator facility to a single-phase shared service line on the transmission or distribution system, the aggregated nameplate capacity on the shared secondary line must not exceed 20 kilowatts.

(h) For interconnection of a single-phase small generator facility to the center tap neutral of a 240-volt service line, the addition of the small generator facility must not create a current imbalance between the two sides of the 240-volt service line of more than 20 percent of the nameplate rating of the service transformer.

(i) Except as provided in subsection (2)(l), the interconnection of the small generator facility must not require system upgrades or interconnection facilities different from or in addition to the applicant's proposed interconnection equipment.

(j) The aggregated nameplate capacity, in combination with existing transmission loads, must not cause the transmission system circuit directly connected to the distribution circuit where the small generator facility interconnection is proposed to exceed its design capacity.

(k) If the public utility's distribution circuit uses high speed reclosing with less than two seconds of interruption, then the small generator facility must not be a synchronous machine. If the small generator facility is a synchronous machine, then the applicant must submit a Tier 4 application.

(l) If the small generator facility fails to meet one or more of the criteria in subsections (2)(a) through (k), but the public utility determines that the small generator facility could be interconnected safely if minor modifications to the transmission or distribution system were made (for example, changing meters, fuses, or relay settings), then the public utility must offer the applicant a good-faith, non-binding estimate of the costs of such proposed minor modifications. Modifications are not considered minor under this subsection if the total cost of the modifications exceeds \$10,000. If the applicant authorizes the public utility to proceed with the minor modifications and agrees to pay the entire cost of the modifications, then the public utility must approve the application under Tier 2.

(3) In addition to the timelines and requirements in OAR 860-082-0025, the following timelines and requirements apply to Tier 2 interconnection reviews:

(a) A public utility must schedule a scoping meeting within 10 business days after notifying an applicant that its application is complete. The

# ADMINISTRATIVE RULES

public utility and the applicant may agree to waive the scoping meeting requirement.

(b) Within 20 business days after a public utility notifies an applicant that its application is complete or a scoping meeting is held, whichever is later, the public utility must:

(A) Evaluate the application using the Tier 2 approval criteria in section (2);

(B) Review any independent analysis of the proposed interconnection provided by the applicant that was performed using the Tier 2 approval criteria; and

(C) Provide written notice to the applicant stating whether the public utility approved the application. If applicable, the public utility must include a comparison of its evaluation to the applicant's independent analysis.

(4) The interconnection process is not complete until:

(a) The public utility approves the application;

(b) Any minor modifications to the transmission or distribution system required under subsection (2)(l) are complete;

(c) The witness test, if conducted by the public utility, is successful; and

(d) The applicant and public utility execute a certificate of completion. The certificate of completion must follow the standard form certificate developed by the public utility and approved by the Commission.

(5) If a small generator facility is not approved under the Tier 2 interconnection review procedure, then the applicant may submit a new application under the Tier 3 or Tier 4 review procedures. At the applicant's request, the public utility must provide a written explanation of the reasons for denial within five business days of the request.

Stat. Auth.: ORS 183, 756 & 757

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Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0055

### Tier 3 Interconnection Review

(1) A public utility must use the Tier 3 interconnection review procedures for an application to interconnect a small generator facility that meets the following requirements:

(a) The small generator facility does not qualify for or failed to meet the Tier 1 or Tier 2 interconnection review requirements;

(b) The small generator facility must have a nameplate capacity of 10 megawatts or less;

(c) The small generator facility must not be connected to a transmission line;

(d) The small generator facility must not export power beyond the point of interconnection; and

(e) The small generator facility must use low forward power relays or other protection functions that prevent power flow onto the area network.

(2) Tier 3 Approval Criteria. A public utility must approve an application to interconnect a small generator facility under the Tier 3 interconnection review procedures if the facility meets the Tier 2 approval criteria in OAR 860 082 0050(2)(a) (h), (j) and the additional approval criteria in subsections (a), (b), or (c) of this section. A public utility may not impose different or additional approval criteria.

(a) For a small generator facility to interconnect to the load side of an area network distribution circuit, the small generator facility must meet the following criteria:

(A) The nameplate capacity of the small generator facility must be 50 kilowatts or less;

(B) The small generator facility must use lab-tested, inverter-based interconnection equipment;

(C) The aggregated nameplate capacity on the area network must not exceed five percent of an area network's maximum load or 50 kilowatts, whichever is less; and

(D) Except as allowed in subsection (2)(c), the interconnection of the small generator facility must not require system upgrades or interconnection facilities different from or in addition to the applicant's proposed interconnection equipment.

(b) For a small generator facility to interconnect to a distribution circuit that is not networked, the small generator facility must meet the following criteria:

(A) The small generator facility must have a nameplate capacity of 10 megawatts or less;

(B) The aggregated nameplate capacity on the circuit must be 10 megawatts or less;

(C) The small generator facility must not export power beyond the point of interconnection;

(D) The small generator facility's point of interconnection must be to a radial distribution circuit;

(E) The small generator facility must not be served by a shared transformer;

(F) Except as allowed in subsection (2)(c), the interconnection of the small generator facility must not require system upgrades or interconnection facilities different from or in addition to the applicant's proposed interconnection equipment; and

(G) If the public utility's distribution circuit uses high speed reclosing with less than two seconds of interruption, then the small generator facility must not be a synchronous machine. If the small generator facility is a synchronous machine, then the applicant must submit a Tier 4 application.

(c) If the small generator facility fails to meet one or more of the Tier 3 approval requirements, but the public utility determines that the small generator facility could be interconnected safely if minor modifications to the transmission or distribution system were made (for example, changing meters, fuses, or relay settings), then the public utility must offer the applicant a good-faith, non-binding estimate of the costs of such proposed minor modifications. Modifications are not considered minor under this subsection if the total cost of the modifications exceeds \$10,000. If the applicant authorizes the public utility to proceed with the minor modifications and agrees to pay the entire cost of the modifications, then the public utility must approve the application under Tier 3.

(3) In addition to the timelines and requirements in OAR 860-082-0025, the following timelines and requirements apply to Tier 3 interconnection reviews:

(a) An interconnecting public utility must schedule a scoping meeting within 10 business days after notifying an applicant that its application is complete. The public utility and the applicant may agree to waive the scoping meeting requirement.

(b) Within 20 business days after a public utility notifies an applicant its application is complete or a scoping meeting is held, whichever is later, the public utility must:

(A) Evaluate the application using the Tier 3 approval criteria;

(B) Review any independent analysis of the proposed interconnection provided by the applicant that was performed using the Tier 3 approval criteria; and

(C) Provide written notice to the applicant stating whether the public utility approved the application. If applicable, the public utility must include a comparison of its evaluation to the applicant's independent evaluation.

(4) The interconnection process is not complete until:

(a) The public utility approves the application;

(b) Any minor modifications to the transmission or distribution system required under subsection (2)(c) are complete;

(c) The witness test, if conducted by the public utility, is successful; and

(d) The applicant and public utility execute a certificate of completion. The certificate of completion must follow the standard form certificate developed by the public utility and approved by the Commission.

(5) If a small generator facility is not approved under the Tier 3 interconnection review procedures, then the applicant may submit a new application under the Tier 4 review procedures. At the applicant's request, the public utility must provide a written explanation of the reasons for denial within five business days of the request.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 756.060

Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0060

### Tier 4 Interconnection Review

(1) A public utility must use the Tier 4 interconnection review procedures for an application to interconnect a small generator facility that meets the following requirements:

(a) The small generator facility does not qualify for or failed to meet the Tier 1, Tier 2, or Tier 3 interconnection review requirements; and

(b) The small generator facility must have a nameplate capacity of 10 megawatts or less.

(2) A public utility must approve an application to interconnect a small generator facility under the Tier 4 interconnection review procedures if the public utility determines that the safety and reliability of the public utility's transmission or distribution system will not be compromised by interconnecting the small generator facility. The applicant must pay the reasonable costs of any interconnection facilities or system upgrades necessitated by the interconnection.

## ADMINISTRATIVE RULES

(3) In addition to the timelines and requirements in OAR 860-082-0025, the timelines and requirements in sections (5) through (12) of this rule apply to Tier 4 interconnection reviews.

(4) A public utility and an applicant may agree to waive the requirement for a scoping meeting, the feasibility study, the system impact study, or the facilities study.

(5) A public utility must schedule a scoping meeting within 10 business days after notifying an applicant that its application is complete.

(a) The public utility and the applicant must bring to the scoping meeting all personnel, including system engineers, as may be reasonably required to accomplish the purpose of the meeting.

(b) The public utility and applicant must discuss whether the public utility should perform a feasibility study or proceed directly to a system impact study, a facilities study, or an interconnection agreement.

(c) If the public utility determines that no studies are necessary, then the public utility must approve the application within 15 business days of the scoping meeting if:

(A) The application meets the criteria in section (2); and

(B) The interconnection of the small generator facility does not require system upgrades or interconnection facilities different from or in addition to the applicant's proposed interconnection equipment.

(d) If the public utility determines that no studies are necessary and that the small generator facility could be interconnected safely if minor modifications to the transmission or distribution system were made (for example, changing meters, fuses, or relay settings), then the public utility must offer the applicant a good-faith, non-binding estimate of the costs of such proposed minor modifications. Modifications are not considered minor under this subsection if the total cost of the modifications exceeds \$10,000. If the applicant authorizes the public utility to proceed with the minor modifications and agrees to pay the entire cost of the modifications, then the public utility must approve the application within 15 business days of receipt of the applicant's agreement to pay for the minor modifications.

(6) If a public utility reasonably concludes that an adequate evaluation of an application requires a feasibility study, then the public utility must provide the applicant with an executable feasibility study agreement within five business days of the date of the scoping meeting.

(a) The feasibility study agreement must include a detailed scope for the feasibility study, a reasonable schedule for completion of the study, and a good-faith, non-binding estimate of the costs to perform the study.

(b) The feasibility study agreement must follow the standard form agreement developed by the public utility and approved by the Commission.

(c) The applicant must execute the feasibility study agreement within 15 business days of receipt of the agreement or the application is deemed withdrawn.

(d) The public utility must make reasonable, good-faith efforts to follow the schedule set forth in the feasibility study agreement for completion of the study.

(e) The feasibility study must identify any potential adverse system impacts on the public utility's transmission or distribution system or an affected system that may result from the interconnection of the small generator facility. In determining possible adverse system impacts, the public utility must consider the aggregated nameplate capacity of all generating facilities that, on the date the feasibility study begins, are directly interconnected to the public utility's transmission or distribution system, have a pending completed application to interconnect with a higher queue position, or have an executed interconnection agreement with the public utility.

(f) The public utility must evaluate multiple potential points of interconnection at the applicant's request. The applicant must pay the costs of this additional evaluation.

(g) The public utility must provide a copy of the feasibility study to the applicant within five business days of the study's completion.

(h) If the feasibility study identifies any potential adverse system impacts, then the public utility must perform a system impact study.

(i) If the feasibility study does not identify any adverse system impacts, then the public utility must perform a facilities study if the public utility reasonably concludes that a facilities study is necessary to adequately evaluate the application.

(A) If the public utility concludes that a facilities study is not required, then the public utility must approve the application with 15 business days of completion of the feasibility study if the application meets the criteria in section (2) and the interconnection of the small generator facility does not require system upgrades or interconnection facilities different from or in addition to the applicant's proposed interconnection equipment.

(B) If the public utility concludes that a facilities study is not required and that the small generator facility could be interconnected safely if minor modifications to the transmission or distribution system were made (for example, changing meters, fuses, or relay settings), then the public utility must offer the applicant a good-faith, non-binding estimate of the costs of such proposed minor modifications. Modifications are not considered minor under this subsection if the total cost of the modifications exceeds \$10,000. If the applicant authorizes the public utility to proceed with the minor modifications and agrees to pay the entire cost of the modifications, then the public utility must approve the application within 15 business days of receipt of the applicant's agreement to pay for the minor modifications.

(7) If a public utility is required to perform a system impact study under subsection (6)(h), or if an applicant and a public utility agree in the scoping meeting to waive the feasibility study and proceed directly to the system impact study, then the public utility must provide the applicant with an executable system impact study agreement within five business days of completing the feasibility study or from the date of the scoping meeting, whichever is applicable.

(a) The system impact study agreement must include a detailed scope for the system impact study, a reasonable schedule for completion of the study, and a good-faith, non-binding estimate of the costs to perform the study.

(b) The system impact study agreement must follow the standard form agreement developed by the public utility and approved by the Commission.

(c) The applicant must execute the system impact study agreement within 15 business days of receipt of the agreement or the application is deemed withdrawn.

(d) The public utility must make reasonable, good-faith efforts to follow the schedule set forth in the system impact study agreement for completion of the study.

(e) The system impact study must identify and detail the impacts on the public utility's transmission or distribution system or on an affected system that would result from the interconnection of the small generator facility if no modifications to the small generator facility or system upgrades were made. The system impact study must include evaluation of the adverse system impacts identified in the feasibility study and in the scoping meeting.

(f) In determining possible adverse system impacts, the public utility must consider the aggregated nameplate capacity of all generating facilities that, on the date the system impact study begins, are directly interconnected to the public utility's transmission or distribution system, have a pending completed application to interconnect with a higher queue position, or have an executed interconnection agreement with the public utility.

(g) The system impact study must include:

(A) A short circuit analysis;

(B) A stability analysis;

(C) A power flow analysis;

(D) Voltage drop and flicker studies;

(E) Protection and set point coordination studies;

(F) Grounding reviews;

(G) The underlying assumptions of the study;

(H) The results of the analyses; and

(I) Any potential impediments to providing the requested interconnection service.

(h) If an applicant provides an independent system impact study to the public utility, then the public utility must evaluate and address any alternative findings from that study.

(i) The public utility must provide a copy of the system impact study to the applicant within five business days of completing the study.

(j) If a public utility determines in a system impact study that interconnection facilities or system upgrades are necessary to safely interconnect a small generator facility, then the public utility must perform a facilities study.

(k) If the public utility determines that no interconnection facilities or system upgrades are required, and the public utility concludes that the application meets the criteria in section (2), then the public utility must approve the application with 15 business days of completion of the system impact study.

(l) If the public utility determines that no interconnection facilities or system upgrades are required and that the small generator facility could be interconnected safely if minor modifications to the transmission or distribution system were made (for example, changing meters, fuses, or relay settings), then the public utility must offer the applicant a good-faith, non-binding estimate of the costs of such proposed minor modifications.

# ADMINISTRATIVE RULES

Modifications are not considered minor under this subsection if the total cost of the modifications exceeds \$10,000. If the applicant authorizes the public utility to proceed with the minor modifications and agrees to pay the entire cost of the modifications, then the public utility must approve the application within 15 business days of the applicant's agreement to pay for the minor modifications.

(8) If a public utility is required to perform a facilities study under subsection (6)(i) or 7(j), or if an applicant and a public utility agree in the scoping meeting to waive the system impact study and proceed directly to the facilities study, then the public utility must provide the applicant with an executable facilities study agreement within five business days of completing the system impact study or within five business days from the date of the scoping meeting, whichever is applicable.

(a) The facilities study agreement must include a detailed scope for the facilities study, a reasonable schedule for completion of the study, and a good-faith, non-binding estimate of the costs to perform the study.

(b) The facilities study agreement must follow the standard form agreement developed by the public utility and approved by the Commission.

(c) The applicant must execute the interconnection facilities study agreement within 15 business days after receipt of the agreement or the application is deemed withdrawn.

(d) The public utility must make reasonable, good-faith efforts to follow the schedule set forth in the facilities study agreement for completion of the study.

(e) The facilities study must identify the interconnection facilities and system upgrades required to safely interconnect the small generator facility and must determine the costs for the facilities and upgrades, including equipment, engineering, procurement, and construction costs. Design for any required interconnection facilities or system upgrades must be performed under the facilities study agreement. The public utility must also identify the electrical switching configuration of the equipment, including transformer, switchgear, meters, and other station equipment.

(f) The public utility may contract with a third-party consultant to complete the interconnection facilities and system upgrades identified in the facilities study. A public utility and an applicant may agree in writing to allow the applicant to hire a third-party consultant to complete the interconnection facilities and system upgrades, subject to public utility oversight and approval.

(g) The interconnection facilities study must include a detailed estimate of the time required to procure, construct, and install the required interconnection facilities and system upgrades.

(h) If the applicant agrees to pay for the interconnection facilities and system upgrades identified in the facilities study, then the public utility must approve the application within 15 business days of the applicant's agreement.

(9) The public utility may contract with a third-party consultant to complete a feasibility study, system impact study, or facilities study. A public utility and an applicant may agree in writing to allow the applicant to hire a third-party consultant to complete a feasibility study, system impact study, or facilities study, subject to public utility oversight and approval.

(10) The interconnection process is not complete until:

(a) The public utility approves the application;

(b) Any interconnection facilities or system upgrades have been completed;

(c) Any minor modifications to the public utility's transmission or distribution system required under subsections (5)(d), 6(i)(B), or (7)(l) have been completed;

(d) The witness test, if conducted by the public utility, is successful; and

(e) The applicant and public utility execute a certificate of completion.

(11) If a small generator facility is not approved under the Tier 4 interconnection review procedures, then the public utility must provide a written explanation of the denial to the applicant.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 756.060

Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0065

### Recordkeeping and Reporting Requirements

(1) The public utility must maintain a record of the following information for at least two years:

(a) The number of complete small generator interconnection applications received;

(b) The time required to complete the review process for each application; and

(c) The reasons for the approval or denial of each application.

(2) For as long as an interconnection customer's small generator facility is interconnected to a public utility's transmission or distribution system, the interconnecting public utility must maintain copies of the interconnection application, interconnection agreement, and certificate of completion for the small generator facility. The public utility must provide a copy of the interconnection customer's records to the interconnection customer within 15 business days after receipt of a written request.

(3) The public utility must submit an annual report to the Commission summarizing the public utility's interconnection activities for the previous calendar year. The annual report must be filed by May 30 and must include the following information:

(a) The number of complete small generator interconnection applications received;

(b) The number of small generator facility interconnections completed;

(c) The types of small generator facilities applying for interconnection and the nameplate capacity of the facilities;

(d) The location of completed and proposed small generator facilities by zip code;

(e) For each Tier 3 and Tier 4 small generator interconnection approval, the basic telemetry configuration, if applicable; and

(f) For each Tier 4 small generator interconnection approval:

(A) The interconnection facilities required to accommodate the interconnection of a small generator facility and the estimated costs of those facilities; and

(B) The system upgrades required to accommodate the interconnection of a small generator facility and the estimated costs of those upgrades.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 756.060

Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0070

### Metering and Monitoring

(1) The public utility must install, maintain, test, repair, operate, and replace any metering and data acquisition equipment necessary under the terms of the public utility's interconnection agreement, power purchase agreement, or power service agreement with an applicant or interconnection customer. The applicant or interconnection customer is responsible for all reasonable costs associated with the metering and data acquisition equipment. The public utility and the applicant or interconnection customer must have unrestricted access to such equipment as necessary to conduct routine business or respond to an emergency.

(2) Except as provided in subsection 3(b), a public utility may not require an applicant or interconnection customer with a small generator facility with a nameplate capacity of less than three megawatts to provide or pay for the data acquisition or telemetry equipment necessary to allow the public utility to remotely monitor the small generator facility's electric output.

(3) At its discretion, a public utility may require an applicant or interconnection customer to pay for the purchase, installation, operation, and maintenance of the data acquisition or telemetry equipment necessary to allow the public utility to remotely monitor the small generator facility's electric output if:

(a) The small generator facility has a nameplate capacity greater than or equal to 3 megawatts; or

(b) The small generator facility meets the criteria in OAR 860-082-0055(1) for Tier 3 interconnection review and the aggregated nameplate generation on the circuit exceeds 50 percent of the line section annual peak load.

(4) A public utility and an applicant or interconnection customer may agree to waive or modify the telemetry requirements in this rule.

(5) Telemetry Requirements.

(a) The communication must take place via a private network link using a frame relay, fractional T-1 line, or other suitable device. Dedicated remote terminal units from the interconnected small generator facility to a public utility's substation and energy management system are not required.

(b) A single communication circuit from the small generator facility to the public utility is sufficient.

(c) Communications protocol must be DNP 3.0 or another reasonable standard used by the public utility.

(d) The small generator facility must be capable of sending telemetric monitoring data to the public utility at a minimum rate of every two seconds

# ADMINISTRATIVE RULES

from the output of the small generator facility's telemetry equipment to the public utility's energy management system.

(e) A small generator facility must provide the following minimum data to the public utility:

(A) Net real power flowing out or into the small generator facility (analog);

(B) Net reactive power flowing out or into the small generator facility (analog);

(C) Bus bar voltage at the point of common coupling (analog);

(D) Data processing gateway heartbeat (used to certify the telemetry signal quality); and

(E) On-line or off-line status (digital).

(f) If an applicant or interconnection customer operates the equipment associated with the high voltage switchyard interconnecting the small generator facility to the transmission or distribution system and is required to provide monitoring and telemetry, then the interconnection customer must provide the following data to the public utility in addition to the data in subsection (e):

(A) Switchyard line and transformer megawatt and mega volt ampere reactive values;

(B) Switchyard bus voltage; and

(C) Switching device status.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 756.060

Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0075

### Temporary Disconnection

(1) Under emergency conditions, a public utility or an interconnection customer may suspend interconnection service and temporarily disconnect a small generator facility from the public utility's transmission or distribution system at any time and for as long as reasonably necessary.

(a) A public utility must notify an interconnection customer immediately after becoming aware of an emergency condition that may reasonably be expected to affect a small generator facility's operation. To the extent possible, the notice must describe the emergency condition, the extent of the damage or deficiency, the expected effect on the small generator facility, the anticipated duration of the condition, and the necessary corrective action.

(b) An interconnection customer must notify the public utility immediately after becoming aware of an emergency condition that may reasonably be expected to affect the public utility's transmission or distribution system. To the extent possible, the notice must describe the emergency condition, the extent of the damage or deficiency, the expected effect on the public utility's transmission or distribution system, the anticipated duration of the condition, and the necessary corrective action.

(2) A public utility or an interconnection customer may suspend interconnection service and temporarily disconnect a small generator facility to perform routine maintenance, construction, or repairs. A public utility or an interconnection customer must provide written notice five business days before suspending interconnection service or temporarily disconnecting the small generator facility. A public utility and an interconnection customer must use reasonable efforts to coordinate interruptions caused by routine maintenance, construction, or repairs.

(3) A public utility must use reasonable efforts to provide written notice to an interconnection customer affected by a forced outage of the public utility's transmission or distribution system at least five business days before the forced outage. If prior written notice is not given, then the public utility must provide the interconnection customer written documentation explaining the circumstances of the disconnection within five business days after the forced outage.

(4) A public utility may disconnect a small generator facility if the public utility determines that operation of the small generator facility will likely cause disruption or deterioration of service to other customers served by the public utility's transmission or distribution system, or if the public utility determines that operation of the small generator facility could cause damage to the public utility's transmission or distribution system.

(a) The public utility must provide written notice to the interconnection customer of the disconnection at least five business days before the disconnection. If the condition requiring disconnection can be remedied, then the public utility must describe the remedial action necessary.

(b) If requested by the interconnection customer, the public utility must provide documentation supporting the public utility's decision to disconnect.

(c) The public utility may disconnect the small generator facility if the interconnection customer fails to perform the remedial action identified in

the notice of disconnection within a reasonable time, but no less than five business days after the interconnection customer received the notice of disconnection.

(5) A public utility may temporarily disconnect a small generator facility if an interconnection customer makes any change to the facility, other than a minor equipment modification, without the public utility's prior written authorization. The public utility may disconnect the small generator facility for the time necessary for the public utility to evaluate the effect of the change to the small generator facility on the public utility's transmission or distribution system.

(6) A public utility has the right to inspect an interconnection customer's small generator facility at reasonable hours and with reasonable prior written notice to the interconnection customer. If the public utility discovers that the small generator facility is not in compliance with the requirements of the small generator interconnection rules, then the public utility may require the interconnection customer to disconnect the small generator facility until compliance is achieved.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 756.060

Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

## 860-082-0080

### Arbitration of Disputes

(1) An interconnecting public utility or an interconnection applicant may petition the Commission for arbitration of disputes arising during review of an application to interconnect a small generator facility or during negotiation of an interconnection agreement. If the public utility or the applicant petitions the Commission to arbitrate their dispute, then the Commission will use an administrative law judge (ALJ) as arbitrator unless workload constraints necessitate the use of an outside arbitrator.

(2) A petition for arbitration of an interconnection agreement must contain:

(a) A statement of all unresolved issues;

(b) A description of each party's position on the unresolved issues; and

(c) A proposed agreement addressing all issues, including those on which the parties have reached agreement and those that are in dispute.

(3) A petition for arbitration of a dispute arising during review of an application to interconnect a small generator facility must contain:

(a) A statement of all unresolved issues;

(b) A description of each party's position on the unresolved issues; and

(c) A proposed resolution for each unresolved issue.

(4) Respondent may file a response within 25 calendar days of the petition for arbitration. In the response, the respondent must address each issue listed in the petition, describe the respondent's position on those issues, and present any additional issues for which the respondent seeks resolution.

(5) The filing of a petition for arbitration of a dispute arising during review of an application to interconnect a small generator facility does not affect the application's queue position.

(6) The arbitration is conducted in a manner similar to a contested case proceeding, and the arbitrator has the same authority to conduct the arbitration process as an ALJ has in conducting hearings under the Commission's rules, but the arbitration process is streamlined. The arbitrator holds an early conference to discuss processing of the case. The arbitrator establishes the schedule and decides whether an oral hearing is necessary. After the oral hearing or other procedures (for example, rounds of comments), each party submits its final proposed interconnection agreement or resolution of disputed issues. The arbitrator chooses between the two final offers. If neither offer is consistent with applicable statutes, Commission rules, and Commission policies, then the arbitrator will make a decision that meets those requirements.

(7) The arbitrator may allow formal discovery only to the extent deemed necessary. Parties are required to make good faith attempts to exchange information relevant to any disputed issue in an informal, voluntary, and prompt manner. Unresolved discovery disputes are resolved by the arbitrator upon request of a party. The arbitrator will order a party to provide information if the arbitrator determines the requesting party has a reasonable need for the requested information and that the request is not overly burdensome.

(8) Only the two negotiating parties have full party status. The arbitrator may confer with Commission staff for assistance throughout the arbitration process.

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(9) To keep the process moving forward, appeals to the Commission are not allowed during the arbitration process. An arbitrator may certify a question to the Commission if the arbitrator believes it is necessary.

(10) To accommodate the need for flexibility, the arbitrator may use different procedures so long as the procedures are fair, treat the parties equitably, and substantially comply with the procedures listed here.

(11) The arbitrator must serve the arbitration decision on the interconnecting public utility and the interconnection applicant. The parties may file comments on the arbitration decision with the Commission within 10 calendar days after service.

(12) The Commission must accept, reject, or modify an arbitration decision within 30 calendar days after service of the decision.

(13) Within 14 calendar days after the Commission issues an order on a petition for arbitration of an interconnection agreement, the petitioner must prepare an interconnection agreement complying with the terms of the decision and serve it on respondent. Respondent must either sign and file the interconnection agreement or file objections to it within 10 calendar days of service of the agreement. If objections are filed, respondent must state how the interconnection agreement fails to comply with the Commission order and offer substitute language complying with the decision. The Commission must approve or reject a filed interconnection agreement within 20 calendar days of its filing or the agreement is deemed approved.

(14) If petitioner, without respondent's consent, fails to timely prepare and serve an interconnection agreement on respondent, respondent may file a motion requesting the Commission dismiss the petition for arbitration with prejudice. The Commission may grant such motion if the petitioner's failure to timely prepare and serve the interconnection agreement was the result of inexcusable neglect on the part of petitioner.

(15) The public utility and the applicant may agree to hire an outside arbitrator rather than file a petition with the Commission. The public utility and the applicant must share equally the costs of an outside arbitrator unless they mutually agree to a different payment arrangement.

Stat. Auth.: ORS 756  
Stats. Implemented: ORS 756.040, 756.500  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

### 860-082-0085

#### Complaints for Enforcement

(1) This rule specifies the procedure for a public utility, an interconnection customer, or an applicant to file a complaint for the enforcement of an interconnection agreement.

(2) A complaint for enforcement must contain the following:

(a) A statement of specific facts demonstrating that the complainant conferred with defendant in good faith to resolve the dispute, and that despite those efforts the parties failed to resolve the dispute;

(b) A copy of a written notice to the defendant indicating that the complainant intends to file a complaint for enforcement, as described in subsection (3)(a) below;

(c) A copy of the interconnection agreement or the portion of the agreement that the complainant contends that defendant violated or is violating. If a copy of the entire agreement is provided, complainant must specify the provisions at issue;

(d) A statement of the facts or a statement of the law demonstrating defendant's failure to comply with the interconnection agreement and complainant's entitlement to relief. The statement of entitlement to relief must indicate that the remedy sought is consistent with the dispute resolution provisions in the agreement, if any. Statements of facts must be supported by written testimony or one or more affidavits made by persons competent to testify and having personal knowledge of the relevant facts. Statements of law must be supported by appropriate citations. If exhibits are attached to the affidavits, the affidavits must contain the foundation for the exhibits;

(e) The names of up to two people designated to receive copies of pleadings and documents;

(f) A separate document containing an executive summary of eight pages or less outlining the issues and relief requested; and

(g) Motions for affirmative relief must be filed with the complaint, but as a separate document. Motions for injunctive or temporary relief must be clearly marked. Nothing in this subsection precludes complainant from filing a motion subsequent to the filing of the complaint if the motion is based upon facts or circumstances unknown or unavailable to complainant at the time the complaint was filed; and

(3) The complaint for enforcement must be served as follows:

(a) At least 10 business days prior to filing a complaint for enforcement with the Commission, complainant must give written notice to defendant and the Commission that complainant intends to file a complaint for

enforcement. The notice must identify the provisions in the interconnection agreement that complainant alleges were or are being violated, the specific acts or failures to act that caused or are causing the violation, and whether the complainant anticipates requesting temporary or injunctive relief. The notice must be served in the same manner as set forth in subsections (b) and (c) below, except that complainant must also serve the notice on all persons designated in the agreement to receive notices;

(b) Complainant must serve a copy of the complaint for enforcement on defendant the same day the complaint is filed with the Commission. Service may be by telephonic facsimile, electronic mail, or overnight mail, but the complaint must arrive at defendant's location on the same day the complaint is filed with the Commission. Service by facsimile or electronic mail must be followed by a hard copy of the complaint deposited in the mail and addressed to the defendant on the same date that the facsimile or electronic copy is received; and

(c) Complainant must serve a copy of the complaint for enforcement on defendant's authorized representative, attorney of record, or designated agent for service of process.

(4) An answer to the complaint must contain the following:

(a) A statement of specific facts demonstrating that the defendant conferred with complainant in good faith to resolve the dispute and that despite those efforts the parties failed to resolve the dispute;

(b) A response to each allegation in the complaint and all affirmative defenses. Any allegations raised in the complaint and not addressed in the answer are deemed admitted;

(c) A statement of the facts or a statement of the law supporting defendant's position. Statements of facts must be supported by written testimony or one or more affidavits made by persons competent to testify and having personal knowledge of the relevant facts. Statements of law must be supported by appropriate citations. If exhibits are attached to the affidavits, then the affidavits must contain the foundation for the exhibits;

(d) The names of up to two persons designated to receive copies of other pleadings and documents; and

(e) A response to any motion filed by complainant must be filed with the answer, but as a separate document. The defendant must also file any motions for affirmative relief with the complaint, but as a separate document. Nothing in this subsection precludes defendant from filing a motion subsequent to the filing of the answer if the motion is based upon facts or circumstances unknown or unavailable to defendant at the time the answer was filed.

(5) The answer must be served as follows:

(a) Defendant must file a copy of the answer with the Commission within 10 business days after service of the complaint for enforcement;

(b) Defendant must deliver a copy of the answer to complainant the same day the answer is filed with the Commission, in the manner set forth in subsections (3)(b) and (3)(c) above;

(c) Defendant must serve a copy of the answer on the complainant's attorney, as listed in the complaint, or the person who signed the complaint, if complainant has no attorney.

(6) Complainant must file a reply to an answer that contains affirmative defenses within five business days after the answer is filed. The reply must be served in the manner set forth in subsections (3)(b) and (3)(c) above. If the reply contains new facts or legal issues not raised in the complaint, then the reply must also comply with subsection (2)(d) above.

(7) A cross-complaint or counterclaim must be answered within the 10-day time frame allowed for answers to complaints.

(8) The Commission must conduct a conference regarding each complaint for enforcement of an interconnection agreement.

(a) The administrative law judge (ALJ) schedules a conference within five business days after the answer is filed, to be held as soon thereafter as is practicable. At the discretion of the ALJ, the conference may be conducted by telephone.

(b) Based on the complaint and the answer, all supporting documents filed by the parties, and the parties' oral statements at the conference, the ALJ determines whether the issues raised in the complaint can be determined on the pleadings and submissions without further proceedings or whether further proceedings are necessary. If further proceedings are necessary, the ALJ establishes a procedural schedule. Nothing in this subsection is intended to prohibit the bifurcation of issues where appropriate.

(c) In determining whether further proceedings are necessary, the ALJ must consider, at a minimum, the positions of the parties, the need to clarify evidence through the examination of witnesses, the complexity of the issues, the need for prompt resolution, and the completeness of the information presented.

# ADMINISTRATIVE RULES

(d) The ALJ may make oral rulings on the record during the conference on all matters relevant to the conduct of the proceeding.

(9) A party may file with the complaint or answer a request for discovery, stating the matters to be inquired into and their relationship to matters directly at issue.

(10) When warranted by the facts, the complainant or defendant may file a motion requesting that an expedited procedure be used. The moving party must file a proposed expedited procedural schedule along with its motion. The ALJ must schedule a conference to be held as soon after the motion is filed as is practicable to determine whether an expedited schedule is warranted.

(a) The ALJ must consider whether the issues raised in the complaint or answer involve a risk of imminent, irrevocable harm to a party or to the public interest.

(b) If a determination is made that an expedited procedure is warranted, the ALJ must establish a procedure that ensures a prompt resolution of the merits of the dispute, consistent with due process and other relevant considerations. The ALJ must consider, but is not bound by, the moving party's proposed expedited procedural schedule.

(c) In general, the ALJ will not entertain a motion for expedited procedure where the dispute solely involves the payment of money.

Stat. Auth.: ORS 756  
Stats. Implemented: ORS 756.040, 756.500  
Hist.: PUC 10-2009, f. & cert. ef. 8-26-09

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## Public Utility Commission, Board of Maritime Pilots Chapter 856

**Rule Caption:** Allows provisional renewal of a state license while waiting for federal license renewal to process.

**Adm. Order No.:** BMP 5-2009

**Filed with Sec. of State:** 8-24-2009

**Certified to be Effective:** 8-24-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 856-010-0015

**Subject:** If a pilot has submitted an application for renewal of a federal license at least 60 days prior to its expiration, but the U.S. Coast Guard has not completed its renewal process by the expiration date, and the pilot has, for that reason, no currently applicable federal license at the time of renewing a state license, the board may issue a provisionally renewed state license.

**Rules Coordinator:** Susan Johnson—(971) 673-1530

### 856-010-0015

#### Renewal of License

(1) Application for renewal of license shall be made on a form provided by the board, signed by the applicant, accompanied by the physical examination form provided by the board and presented to the administrator of the board at least thirty (30) days prior to expiration of license.

(2) All state-licensed pilots shall be required to have an annual physical examination by an Oregon or Washington licensed physician within ninety (90) days prior to expiration of their license, the physical requirements for which are the same as for the original license as specified in OAR 856-010-0010(2), except for drug testing.

(3) All state-licensed pilots shall, within six months prior to the expiration of their license, submit to a test indicating licensee is free of illegal substance abuse. Testing will be for the presence of Cocaine, Opiates, Marijuana (THC), Amphetamines and PCP (phencyclidine). Testing will be in accordance with the Department of Transportation (Coast Guard) guidelines outlined in the Code of Federal Regulations 46, CFR § 16. Urine specimens are to be analyzed by a laboratory that meets DHHS regulations set forth by the National Institute of Drug Abuse (NIDA); or provide proof to the board that licensee is participating in a US Coast Guard approved random drug testing program;

(4) All applicants for renewal of licenses shall submit a photocopy of their currently applicable United States government license with radar endorsement issued by the United States Coast Guard.

(5) Failure of a licensed pilot to comply with all requirements for renewal of license shall constitute the failure to submit a complete application for renewal and will result in the withholding of the renewal license.

(6) Every applicant for renewal of an unlimited license shall certify that, during the sixty-three (63) months prior to the expiration date of their license, the applicant completed continuing professional development courses in bridge resource management for pilots, manned model simulat-

ed ship handling and electronic navigation systems. An applicant who is unable to complete these requirements within the time allowed due to unexpected, emergency circumstances may request a waiver and the Board may, upon good cause shown, permit a license renewal for one year without these requirements being met, provided that all required certifications must be made by the applicant at the time application for renewal is made the following year.

(7) Each license issued is valid for one year and only the unlimited state license may be renewed.

(8) Notwithstanding subsection (4) of this section, if a pilot has submitted an application for renewal of the pilot's federal license at least 60 days prior to the expiration date of his federal license, but the United States Coast Guard has not completed its renewal process by the expiration date for the federal license and the pilot has, for that reason, no currently applicable federal license at the time of renewing his state license, then the board may issue a provisionally renewed state license. Any pilot to whom a provisionally renewed state license is issued must report to the board every 30 days regarding the status of the pilot's federal license renewal. If the United States Coast Guard completes its processing for the federal license but declines to renew the federal license, the board may treat the refusal to renew the federal license as a suspension or revocation of the federal license.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 776  
Stats. Implemented: ORS 776.115 & 776.345  
Hist.: PC 1, f. 10-29-57, ef. 7-1-57; MP 2-1984, f. & ef. 10-4-84; MP 3-1988, f. & cert. ef. 11-9-88; MP 1-1992, f. & cert. ef. 4-29-92; MP 1-1995, f. & cert. ef. 5-9-96; BMOP 1-2000, f. & cert. ef. 12-6-00; BMP 4-2006, f. 9-28-06, cert. ef. 10-6-06; BMP 1-2007, f. 1-25-07, cert. ef. 1-26-07; BMP 4-2008, f. & cert. ef. 1-24-08; BMP 1-2009(Temp), f. & cert. ef. 2-10-09 thru 8-7-09; Administrative correction 8-21-09; BMP 5-2009, f. & cert. ef. 8-24-09

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**Rule Caption:** Applies statutory CPI fee increase for pilot license fees.

**Adm. Order No.:** BMP 6-2009

**Filed with Sec. of State:** 8-24-2009

**Certified to be Effective:** 8-24-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 856-010-0016

**Subject:** Adopts by rule a statutory biennial fee increase for license fees, by a proportional amount equal to the percentage change in the 24-month period prior to the beginning of the biennium in the Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published by the Bureau of Labor Statistics of the United States Department of Labor.

**Rules Coordinator:** Susan Johnson—(971) 673-1530

### 856-010-0016

#### License Fees

The annual license fee for pilots shall be \$2,682.

Stat. Auth.: ORS 776  
Stats. Implemented: ORS 776.115, 776.355  
Hist.: MP 1-1991(Temp), f. 6-19-91, cert. ef. 7-1-91; MP 2-1991, f. & cert. ef. 12-27-91; MP 3-1992(Temp), f. 6-26-92, cert. ef. 7-1-92; MP 4-1992, f. 11-13-92, cert. ef. 12-28-92; BMP 3-2007(Temp), f. & cert. ef. 7-26-07 thru 1-21-08; BMP 1-2008, f. & cert. ef. 1-24-08; BMP 6-2009, f. & cert. ef. 8-24-09

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## Racing Commission Chapter 462

**Rule Caption:** Amendments for horse racing requirements and procedures, and simulcast intrastate off-track wagering facilities.

**Adm. Order No.:** RC 2-2009

**Filed with Sec. of State:** 8-24-2009

**Certified to be Effective:** 10-1-09

**Notice Publication Date:** 8-1-2009

**Rules Amended:** 462-110-0010, 462-120-0030, 462-120-0040, 462-120-0050, 462-120-0100, 462-120-0110, 462-130-0010, 462-130-0040, 462-130-0070, 462-140-0040, 462-140-0060, 462-140-0070, 462-140-0130, 462-140-0150, 462-140-0250, 462-140-0340, 462-140-0350, 462-150-0010, 462-150-0020, 462-150-0030, 462-150-0040, 462-150-0060, 462-150-0070, 462-150-0080, 462-160-0110, 462-160-0120, 462-160-0130, 462-160-0140, 462-200-0340, 462-200-0370

**Rules Repealed:** 462-200-0380

# ADMINISTRATIVE RULES

**Subject:** The cited rules incorporate newly adopted amendments to horse racing rules which include licensing procedures, prohibited conduct and hearing procedures, duties, racing requirements and procedures, medication and miscellaneous provisions, and simulcast intrastate off-track wagering facilities.

**Rules Coordinator:** Carol N. Morgan—(971) 673-0208

## 462-110-0010

### General

The following definitions and interpretations shall apply in these rules unless otherwise indicated or text otherwise requires (Words of the masculine gender include the feminine and neuter. Words in the singular include the plural and vice versa.):

(1) “Authorized User”: A person authorized by the Oregon Racing Commission to receive, to decode and to use for legal purposes the encrypted signal of racing events in Oregon.

(2) “Combined Pari-Mutuel Pools”, “Combined Pools”: The pari-mutuel wagers at one or more off-track wagering facilities being contributed into the pari-mutuel pools of an Oregon host race meet licensee.

(3) “Commission”: Oregon Racing Commission. Commissioner is a member of the commission.

(4) “Day” “Race Day” and “Simulcast Day”: Any 24 hour period beginning at 12:01 a.m. and ending at midnight. “Racing Day” is a day on which live races are conducted at a race track in Oregon. “Calendar Days” are those consecutive days counted irrespective of number of racing days. “Simulcast Day” is a day that races from an out-of-state track are being simulcast into a track in Oregon on a day that there are no live races being run at the Oregon track. Simulcast days may only occur on days that fall within the period of time for which a race meet license has been granted by the commission. Unless otherwise specified, use of the word “day” shall mean a calendar day. In calculating the average daily handle for race meets, any race day in which some of the day’s races are canceled due to natural occurrences, as determined by the commission, will be counted as a partial race day in the same proportion as the number of races actually run by the number of races carded to be run in the day’s racing program.

(5) “Decoder”: A device and/or means to convert encrypted audiovisual signals and/or data into a form recognizable as the original content of the signals.

(6) “Drug”: As defined in ORS 462.010(5).

(7) “Encryption”, “Encrypted”, “Encoded”: The scrambling or other manipulation of the audiovisual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal without using a decoder.

(8) “Exotic Wager”: Any single wager where three or more separate wagering interests are required to be selected.

(9) “Host”, “Host Association”, “Host Track”: The race track licensee conducting a licensed race meet when it is authorized by the Oregon Racing Commission to simulcast racing programs.

(10) “Hub”: A multi-jurisdictional simulcasting and interactive wagering totalizer hub is a business that, through a qualified subscriber based service, conducts pari-mutuel wagering on the races that it simulcasts and other races that it carries in its wagering menu.

(11) “Intrastate Wagering”: Pari-mutuel wagering at an off-track wagering facility on Oregon racing events being run at an Oregon host race meet licensee.

(12) “Licensee”: Any person or entity holding a currently valid Oregon Racing Commission license to engage in racing or related regulated activities.

(13) “Month”: A calendar month.

(14) “Off-Track Enclosure”, “Enclosure-Public”: All areas of the off-track wagering facility.

(15) “Off-Track Wagering”: Pari-mutuel wagering conducted on a race at a location other than the racecourse where the race is actually held.

(16) “Off-Track Wagering Facility”, “Intrastate Wagering Facility”, “Extended Wagering Facility”: The physical premises, including parking areas, structures and equipment utilized by a race meet licensee for the conduct of pari-mutuel wagering on racing events being run elsewhere.

(17) “Original Post Time”: For the purposes of medication administration, the “original” post time shall be the advertised post time provided to a commission veterinarian by the association and posted by a commission veterinarian or designee in the race office.

(18) “Out-of-State Wagering”: Acceptance of wagers by a race meet licensee authorized by ORS 462.062 or 462.067 on a race or races run outside of the State of Oregon.

(19) “Person”: Unless the context clearly shows otherwise, person as used in these rules includes individuals, partnerships, corporations, political subdivisions and municipal corporations.

(20) “Post Position”: The starting position assigned to a horse/greyhound at the time the race is drawn.

(21) “Purse”: The gross cash portion of the prize for which a race is run.

(22) “Race”: An official contest among racing animals for purse or other prize at any recognized race meet and in the presence of the officials of the track as defined by ORS 462.010(10).

(23) “Race Meet Licensee”: A person, partnership, corporation, or any other body conducting a licensed race meeting in Oregon.

(24) “Racecourse”: The entire area licensed to the race meet licensee, as defined in ORS 462.010(11).

(25) “Recognized Race Meet”: Any race meet which is under the jurisdiction of an official racing commission or other official racing body.

(26) “Revocation”: The withdrawal of license privileges for all licenses held unless stated otherwise within the order. Revocations also include denial of access to all areas of the racecourse and all off-track wagering sites in Oregon and all other areas under the jurisdiction of the commission unless otherwise stated in the order. An individual who has had his/her license privileges revoked will remain revoked until such time the commission takes official action to reinstate the license.

(27) “Runner”: As used in many places designates either a horse or a greyhound.

(28) “Sending Track”: The race track from which a simulcast emanates for interstate wagering.

(29) “Simulcast”, “Simulcasting”:

(a) Live audiovisual electronic signals emanating from a licensed race meeting and transmitted simultaneously with the running of the racing events at that meeting, and includes the transmission of pari-mutuel wagering odds, amounts wagered and payoff on such events, and other racing programming relating to the race animals or participants, or

(b) Such other form of electronic signals of animal racing as is approved by the commission.

(30) “Simulcast Operator”: A person with a contract with the host race meet licensee, and authorized by the Oregon Racing Commission to operate a simulcast wagering system.

(31) “Simulcast Service Supplier”: A person engaged in providing service, supplies or equipment necessary to the operation of intrastate or out-of-state simulcast wagering for use by the host race meet licensee, authorized user, including pari-mutuel wagering terminals, television receivers and related equipment.

(32) “Suspension”: The withdrawal of license privileges for a period of time. Suspensions also include denial of access to all areas of the racecourse and all off-track wagering sites in Oregon and all other areas under the jurisdiction of the commission unless otherwise stated in the order.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2003, f. & cert. ef. 4-23-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-120-0030

### Minimum Work Age

(1) Minimum Work Age Requirements. No person under 15 years of age shall be employed on a racecourse during a licensed race meet. However, a licensed parent or legal guardian may be permitted to employ his or her child around the stable/kennel area if the child is 14 years of age or older and licensed for the category.

(2) Any applicant for a license or any licensee under the age of 18 must show evidence of active participation in a certified education program within the last five months, have a high school diploma or have a plan acceptable to the stewards/judges.

(3) Exercise riders and pony riders must be at least 15 years of age.

(4) Jockeys and apprentice jockeys must be at least 16 years of age.

(5) Assistant trainers must be at least 17 years of age.

(6) Trainers and racing officials must be at least 18 years of age.

Stat. Auth.: ORS 462.250

Stats. Implemented: ORS 462.250

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-120-0040

### Types of Licenses

(1) Every person, in order to obtain and maintain his/her qualifications for any license held by him/her, shall attest to the knowledge of the rules and statutes, including all amendments.

## ADMINISTRATIVE RULES

(2) Licenses are personal in nature and expire upon the death of the licensee, and therefore are void and without effect as a pre-requisite for the entry of a horse.

(3) When the decedent was the owner either in part or in full the only mechanism by which the horse(s) may be entered or run before the property rights in those horses have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation of letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.

(4) Each person described below must have a valid license issued by the commission before participating in or beginning employment at a licensed race meet:

(a) A race meet license is required of any person or corporation who conducts pari-mutuel racing.

(b) A horse owner's license is required of every person who is shown as an owner or lessee on the horse's registration papers or foal certificate, of every person who has a right to receive any share of a purse of a horse racing in Oregon, of any lessor of any horse racing in Oregon regardless of whether that person receives any share of the purses won by the leased horse(s), and of every person who owns or operates a stable which races horses in a licensed race meet in Oregon, and any person who has a right to receive any part of a stable owner's share of a purse of a horse racing in Oregon. However, a licensed employee of a stable may receive, as part of the employee's compensation, a percentage of the stable's earnings without having a horse owner's license and without being shown on the registration papers. The stable owner must disclose the employees' percentage to the commission in writing prior to any payment to the employees. A spouse of an owner does not need to be licensed unless the spouse's name appears on the horse's registration papers or foal certificate. No person is eligible for a horse owner's license unless the person has an officially documented ownership interest in a racehorse unless otherwise approved by the stewards.

(c) An owner's license/prospective owner's license with valid claim certificate is required of any person wishing to claim a horse if they do not have an eligible race horse with its registration papers on file in the race office.

(d) A greyhound owner's license is required of every person who is shown as an owner and/or lessor on the greyhound's NGA registration papers, and of every person who has a right to receive any share of a purse of a greyhound racing in Oregon, except kennel owners and their employees who are licensed in Oregon. A spouse of an owner does not need to be licensed unless the spouse's name appears on the greyhound's NGA registration papers. If two or more individuals are listed on the greyhound's registration papers using the disjunctive (e.g. John Jones "or" Sam Smith) each individual is shown as an owner or lessee and each individual must be licensed.

(e) A kennel owner's license is required of every person who owns or operates a kennel which races greyhounds in a licensed race meet in Oregon, and any person other than a licensed greyhound owner who has a right to receive part of a kennel owner's share of a purse of a greyhound racing in Oregon. However, a licensed employee of a kennel may receive, as part of the employee's compensation, a percentage of the kennel's earnings without having a kennel owner's license and without being shown on the NGA papers. The kennel owner licensee must disclose the employee's percentage to the commission in writing prior to any payment to the employee. A kennel owner's license also constitutes a license for the premises where the kennel's greyhounds are housed. A kennel owner who owns greyhounds and also leases greyhounds from other owners must be licensed as a greyhound owner and as a kennel owner.

(f) A stable/kennel/assumed name owners license is required if the name appears as an owner on the foal certificate, NGA ownership or registration papers of any animal racing in Oregon.

(g) A trainer's license is required of persons employed by a racing animal owner or stable/kennel to condition and care for racing animals racing in Oregon. A kennel may have only one trainer.

(h) An assistant trainer's license is required of persons who assist trainers.

(i) Applicants for a greyhound trainer's license or assistant trainer's license, who have not been previously licensed as trainer or assistant trainer in the United States, must pass an examination given by the board of judges to demonstrate they have the knowledge and ability to handle the duties of their position. If such applicant has been licensed as trainer or assistant trainer in the United States previously but not in the last 36

months, the board of judges may require an examination demonstrating the applicant's knowledge and ability to handle the duties of the position. If any applicant fails the examination, the applicant must wait 30 days before reapplying. However, the board of judges may waive the 30 days waiting period for applicants who, in the opinion of the judges, narrowly failed the examination.

(j) Applicants for a horse trainer's license or assistant horse trainer's license may be required to pass a written examination given by the board of stewards and a commission veterinarian to demonstrate they have the knowledge and ability to handle the duties of their position. Any person who has not been licensed as trainer or assistant trainer in Oregon may be required to submit to a practical exam given by a commission representative and/or a representative of the recognized horsemen's association for the breed with which the applicant wishes to work. The stewards shall consider any recommendation received from the commission representative or the horsemen's association representative. Applicants for a trainer's license must have held a license in a backside license category for a period of at least two years and must have the recommendation of at least 3 trainers currently licensed by the commission prior to being granted a trainer's license. Applicants for an assistant trainer's license must have been licensed in a backside license category for a period of at least one year prior to being granted an assistant trainer's license.

(k) A jockey license or apprentice jockey license is required of any person who rides a horse in a race. However, when there is doubt as to a jockey's experience or ability, the stewards may require an applicant for a jockey license or apprentice jockey license to demonstrate the ability to control a horse and to ride in two or more races before a license is issued. Also, the starter may require applicants to satisfactorily demonstrate their ability to control horses out of the gate. Notwithstanding OAR 462-120-0060 the temporary license may be for a period longer than 10 days in order for the stewards to evaluate the applicant's skill. All jockeys must pass physical examinations once a year. A physical examination must include but is not limited to a vision test and urine and/or blood tests. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride until he/she successfully completes such examination. A physical card or physician's release will be seen as initial proof of such examination; however, the stewards may require additional information on the examination.

(l) An exercise rider license is required of any persons, other than licensed jockeys or apprentice jockeys, who exercise or work out horses. The stewards may require evidence of competency.

(m) A pony rider license is required of any person who, while on horseback, leads horses to and from the stable area and paddock, or from the paddock to the starting gate. The stewards may require evidence of competency.

(n) A horseshoer license is required of any person who performs the usual services of a horseshoer on a racecourse. Farriers who have not been previously licensed by the commission must submit an application accompanied by the written recommendation of three trainers who are licensed by the commission, recommendation of the track plater or have a certificate of completion from an approved Farrier school. The recommendations must include a statement that the trainer knows the farrier to be qualified to be licensed as a farrier. All farriers not previously licensed by any racing jurisdiction may be subject to examination as directed by the stewards, prior to licensing.

(o) A groom's license is required of any person not licensed as an assistant trainer who works for a trainer. A groom, upon discontinued employment by a trainer, must surrender their license to security or commission licensing personnel within 10 days, to be returned when employed during the license period. A groom's license is not a freelance license.

(p) At a minimum the president and the vice president of adoption organizations.

(q) A public training track owner's license is required of every person who owns or manages a public training track.

(r) A veterinarian license is required of any veterinarian licensed by the Oregon Veterinary Medical Examining Board who performs veterinary services on a racecourse. A current copy of that license must be on file with the commission licensing office.

(s) A valet/assistant starter license is required of any person who assists or attends jockeys in the jockey room or saddling paddock, or assists the starter at the starting gate.

(t) Each owner, officer, director, all employees of the race meet licensee employed at a racecourse and its contractees must be licensed by the Oregon Racing Commission except:

# ADMINISTRATIVE RULES

(A) Contractees who perform most of their principal functions away from the racecourse such as certified accountants, attorneys, insurance brokers, advertising agents and other similar contractors.

(B) Other contractors or individuals designated by the commission.

(u) A vendor's license is required of any person, other than a veterinarian licensed by the Oregon Racing Commission, who solicits the sale of goods or services (used to feed, care for, or equip racing animals) to racing animal owners, stable/kennel owners or trainers on a racecourse.

(v) An authorized agent's license is required of authorized agents.

(A) A licensed owner may register an authorized agent by filing an application to register an authorized agent with the commission and by paying the fee set by the commission. No person shall be registered as an authorized agent who is ineligible for a license. An authorized agent may act for the registering owner as set forth in the application form. No authorized agent may sign on behalf of any owner the certificate of registration for any racing animal in the absence of a valid power of attorney authorizing such signature. A person may be an authorized agent for only one kennel.

(B) No authorized agent may perform any duties until such person is licensed and has filed with the commission a current written instrument signed by the principal before a notary public or before an employee of the commission. The instrument must clearly set forth the powers given to the authorized agent. Any power to collect money from the race meet licensee must be expressly stated in the written instrument. Upon licensing, each authorized agent must file a copy of the written instrument with the paymaster of purses.

(C) Any changes in the powers delegated by the principal to the authorized agent must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

(D) Unless due to expiration of the license or term agreement set forth in the written instrument, any revocation by the principal of the authorized agent's authority must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

(w) A public kennel owner's license is required of any person who rents or leases kennel space to more than one other person who is licensed to race greyhounds in Oregon. A public kennel owner's license also constitutes a license for the premises where the racing greyhounds are housed.

(x) A jockey agent's license is required of any person who makes engagements for or manages a jockey.

(y) A racing official license is required of anyone performing the duties of any racing official position.

(A) Racing officials shall be listed by name and racing official position on the race meet licensee application and approved by the commission. After the initial approval of race officials, any change in the position held by a racing official from one category to another must be approved by the stewards or commission.

(B) A racing official may work as an assistant starter or valet without obtaining additional licenses, provided it doesn't interfere with the official duties of the racing official. However, assistant starters and valets must be licensed as a racing official to perform the functions of a racing official.

(z) An Oregon greyhound farm.

(aa) Compliance Officer(s).

(3) Working members of the media who are not employed by a race meet licensee do not need to be licensed in order to enter restricted areas. However, they must display a current valid "press" badge at all times when in a restricted area. Prior approval must be obtained from the stewards/judges or office of the race meet licensee during non-race time, and they must be escorted by a race meet licensee representative while in the restricted area.

Stat. Auth.: ORS 462.250

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2004, f. & cert. ef. 4-8-04; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-120-0050

### License Application Procedures; Requirements for Corporations and Partnerships; Stable/Kennel/Assumed Name

(1) License applications shall be made on forms furnished by the commission. An application is not complete until the application form has been filled out completely and signed by the applicant, the proper fee has been paid, and the applicant has submitted all documentation and information reasonably requested by the board of stewards/judges or the commission. An oral interview may be required in a particular case. All licensees are required to maintain current information regarding themselves on file with the Oregon Racing Commission, including but not limited to their current address, telephone number and any information regarding rulings, arrests or convictions. The commission will send all forms of written com-

munications, including notices, to the address the licensee has on file with the commission.

(2) The application must show the true name of the applicant, and must also disclose any other name used by the applicant during the past 10 years. An application for an owner's license must identify the true names of all other persons who have any ownership interest, leasehold interest, or other investment in any of the applicant's racing animal(s) which will be racing in Oregon. Greyhound owners must identify the name of the kennel out of which the applicant's greyhounds will be racing in Oregon. All applicants should be aware that Oregon law prohibits any person from conducting business in Oregon under an assumed name or under any name other than the real and true name of each person conducting the business or having an interest therein, unless the assumed name is registered with the Office of the Secretary of State. Refer to ORS 648.010(1).

(3) The fee for the first category of licensure is \$10.00 per year. Any person who is required to be licensed under more than one category of license must indicate the desired categories on the application form and pay an additional fee of \$2 per year for each additional category. All licenses shall expire 3 years from the date of issuance. Licenses added after the initial license date shall expire on the same date as the initial license issued. The fees that accompany license applications are non-refundable.

(4) Dual licenses may be denied if, in the opinion of the stewards/judges or commission, there is a conflict of interest in holding more than one license.

(a) When an applicant applies for a license in more than one occupation, the stewards/judges or the commission shall consider whether the holding of such multiple licensing creates a conflict of interest (such as, but not limited to, a sudden change in ownership to immediate family members or a change in ownership without adequate consideration). If such appearance is created, the multiple license may be denied.

(b) The following dual licenses shall be prohibited:

(A) A person licensed as a jockey shall not be licensed in any other capacity unless approved by the board of stewards.

(B) A person licensed as an owner shall not be licensed as a jockey agent or racing official.

(C) A person licensed as a race track owner or operator or as a racing official shall not be licensed in another capacity during the race meeting which the person owns or operates or at which that person is serving as a racing official unless approved by the board of stewards or as provided in OAR 462-140-0050(6).

(D) Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from concurrently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.

(c) A holder of a groom's license may be a hot walker. A trainer or an assistant trainer may also perform the duties of a groom or hot walker. An owner may also groom or hot walk only the horse(s) he/she owns. However, except for those license categories specifically mentioned herein, no licensee shall act in any capacity other than that for which he/she is licensed. Thus, for example:

(A) A pony person may not exercise horses if not licensed as an exercise rider.

(B) A groom may not perform the duties of a trainer if not licensed as a trainer.

(C) A trainer may not pony or exercise a horse if not licensed as a pony person or an exercise person.

(D) An outrider may not perform duties of a pony person except as needed in the performance of their duties as an outrider.

(5) All corporations, limited partnerships, partnerships and other entities (except natural persons) which apply for licenses shall attach to the application as applicable:

(a) A document, signed by the president and secretary of the corporation, listing the true name and address of all officers, directors, shareholders, general partners, limited partners, and other persons having a legal or beneficial interest in the horse, stable or other business sought to be licensed, and identifying the nature and amount of each person's interest; and

(b) For corporations, a copy of the certificate of incorporation, an affidavit signed by the president indicating whether any officer, director, or stockholder has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any officer, director, or stockholder; or

(c) For partnerships, a copy of the written partnership agreement, an affidavit signed by a general partner indicating whether any partner has

# ADMINISTRATIVE RULES

been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any partner. Persons who do not have a written partnership agreement may not be licensed under the partnership name; instead, each person must be individually licensed under his/her own name; and

(d) For claiming purposes, all corporations must have an authorized agent, who may be a corporate officer, and all partnerships and licensed stables must either designate an authorized agent to sign claim forms (who may be one of the partners) or else all partners must sign the claim form.

(6) All licensees, in accepting a license, or any person introducing an animal onto the confines of any racecourse, training track or facility upon or within which racing animals are housed, are considered to have granted permission to Oregon Racing Commission veterinarians, investigators, and members of the board of judges/stewards, to enter upon those premises for the purpose of inspection to determine if those premises are suitable for the housing of animals, and to determine the health, safety and physical conditions of any animals contained therein.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-120-0100

### Renewals; Reapplications; Duplicates

(1) Renewals. The application fee is \$30.00 for the first license category and \$6.00 for each additional category.

(2) Reapplication.

(a) Any person who, for reasons specific to that license category, has had a license application denied by the commission or stewards/judges must wait at least six months before reapplying for that category of license.

(b) If a license is denied due to failure of a written or oral exam, the stewards/judges may consider a period of less than six months before the applicant can reapply for a license. In no case shall the applicant be eligible to reapply within 30 days from the date the application was denied.

(c) Any person who has had a license application denied by the commission or stewards/judges for reasons not specific to a particular license category (such as criminal background, license falsification, or financial irresponsibility) shall not be eligible to apply for a license in any category for a period of at least six months unless otherwise specified in the order.

(3) Duplicates. If a license is lost or destroyed, the licensee must apply for a duplicate license by submitting to the commission a sworn statement explaining in detail the circumstances of the loss or destruction, and by payment of \$10.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-120-0110

### Where and When License Valid; Restricted Areas; Use and Display of License

(1) Where License Valid. A license issued to a participant in a race meet for greyhounds is only valid at greyhound racecourses unless validated at a horse track. A license issued to a participant in a race meet for horses is only valid at horse racecourses unless validated at a greyhound track.

(2) When License May Be Used. Licensees shall use their license to enter a restricted area only when necessary to perform duties as a participant in a race meet. Any licensee who is employed by or is an authorized agent for a racing animal owner, stable/kennel owner, trainer or race meet licensee, shall promptly surrender their license to the commission upon termination of their employment or agent relationship. The commission shall keep the license until the license expires or until the licensee is again employed as a participant in a race meet.

(3) Restricted Area, Unauthorized Area. No one may enter a restricted area without a displayed current license issued by the commission, except commission members or employees, media representatives, and guests displaying a guest pass duly issued by the commission. No person (including licensee) may enter an unauthorized area without a proper credential or license or permission of the stewards/judges. Guests must be accompanied by security personnel, a commission employee or representative, or a representative of the race meet licensee. For stable/kennel area only: Owners, trainers, association officials, racing officials, and commission personnel may register guests at the entrance to the stable/kennel area. Any other licensee wishing to register guests at the entrance must meet the criteria of a guest pass system developed by the race meet licensee and approved by the executive director of the commission. The licensed partic-

ipant is responsible for the actions of the guest and must accompany the guest around the area.

(4) Possession and Display of License. Licensees who enter a racecourse must carry their license with them at all times and must show the license to any racing official upon request. Licensees who enter any restricted area shall at all times have displayed on their person, with photo visible, their commission license. All guests in a restricted area shall display their guest pass at all times. Guests are not permitted to perform work functions.

(5) Protection of License. Licensees must take all reasonable precautions to safeguard their license, to prevent the license from being lost, misplaced or stolen. No licensee shall allow any other person to use the licensee's license for any purpose whatsoever. Licenses are not transferable.

(6) Possession of a license does not guarantee the right of the license holder to employment at or participation in a race meet or to be within the enclosure. A licensee must have a business purpose to be within any restricted area on a racecourse.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-130-0010

### Prohibited Conduct; Investigations; Discipline

(1) No person (including licensees) shall:

(a) Incite, encourage, instruct, assist, or cause or attempt to cause another person to engage in any violation of ORS chapter 462 or any rule of the commission, or to commit any prohibited act in relation to racing in another racing jurisdiction.

(b) Offer or accept any form of compensation for cashing a pari-mutuel ticket for another.

(c) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any racing official or employee of the commission at any place under the jurisdiction of the racing commission.

(d) Take any action upon a racecourse that creates or causes a clear and present danger of violence.

(e) Initiate any physical altercation with another person on a racecourse.

(f) Threaten another person with physical harm or probable physical harm.

(g) Refuse to obey reasonable orders or directions of a racing official, security personnel of the race meet licensee or Oregon Racing Commission employees.

(h) Sell or offer to sell tip sheets or any other written, electronic or oral predictions as to the outcome of races at any place under the jurisdiction of the commission unless licensed to do so by the commission.

(i) Gamble, bet, or wager on a racecourse except as authorized by the State of Oregon.

(j) Except for the race meet licensee, solicit any wagers from the public.

(k) Give or offer to give any bribe directly or indirectly, to any licensee, racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or racing animal.

(l) Tamper or attempt to tamper with an animal, or apply or aid in applying to an animal or possess on a racecourse any electrical or mechanical device or prohibited medication intended to affect the performance of an animal.

(m) Use any lure except an artificial lure for training or racing a greyhound at any time.

(n) Possess a hypodermic needle or usable injectable syringe on which a needle may be attached on a racecourse, except veterinarians or veterinarian assistants licensed by the Oregon Racing Commission. On a racecourse, veterinarians may use only one-time disposable needles, and shall dispose of them off the racecourse. If a person has a medical condition which makes it necessary to have a syringe on the racecourse, that person must request permission of the stewards/judges in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to have a syringe on the racecourse, and must comply with any conditions and restrictions set by the stewards/judges.

(o) Administer, offer to administer, or allow to be administered to any racing animal any prohibited drug or medication, or an unauthorized quantity of an approved drug or medication.

(p) Alter or forge a prescription for medication for a racing animal, or any legal document including but not limited to: a bill of sale, a claim blank, a license application, a treatment form, a registration certificate, ownership registration certificate, lease certificate, a check, or a license application.

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(q) Impersonate any racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or animal in any manner including forging any of these individuals' names or initials on any document.

(r) Submit or knowingly allow to be submitted to the commission, commission personnel, racing secretary or any racing animal registry, any report or document or application which contains false or misleading information.

(s) Mar or alter any identification mark on a racing animal.

(t) With the exception of commission staff and racing officials in the conduct of official business, use cell phones in the paddock, jockeys' room, test barn enclosure/area and on the racing surface when the area is actively in use.

(u) Have any interest in more than one kennel racing greyhounds in Oregon.

(v) Smoke inside the test barn/storage area, under the covered portion of the stables, including stalls, tack rooms, shedrow, or in designated "No Smoking" areas.

(w) Use any tobacco products or have food or beverages in the designated testing areas.

(x) Test barn commission staff is permitted to have food or beverages in specified areas only under the following conditions:

(A) Test barn staff is to be free of food residues on their person and to wash their hands prior to testing horses or handling samples.

(B) Food or beverage items that contain prohibited substances are not permitted in the test barn enclosure.

(y) Possess on a racecourse any deadly weapon or firearm, a BB gun, blow gun, pellet gun or similar device, except law enforcement officers, commission officials and security personnel.

(z) While employed by the race meet licensee, racing commission or acting as a racing official, wager at the racecourse where employed or working, while on duty, or ask any other person to place a bet on their behalf. This includes individuals working under contract with the race meet licensee during the racing program and the employees of contractors of the race meet licensee who are working during the racing program. This does not include individuals with kennel contracts.

(aa) Allow any person under the age of eighteen (18) years to place or collect a wager. Race meet licensee shall turn over to the proper civil authorities any person who violates this rule, to be punished upon conviction of any such violation, according to law. This rule shall be posted conspicuously at entrance gates and throughout wagering areas. The license of any employee participating in any transaction relative to wagering with persons under the age of eighteen (18) years may be summarily, suspended or revoked.

(bb) Move, nominate or enter to race a racing animal on a racecourse except with express permission of the trainer, racing secretary, owner, stall superintendent or the stewards/judges.

(cc) Submit any animal in their charge to cruel or inhumane treatment. Cruel or inhumane treatment includes, but is not limited to:

(A) Inadequate food, shelter and water as defined by typical industry standards for those animals kept in similar climates and conditions;

(B) Neglect in any manner, including adequate veterinary care and attention when necessary;

(C) Conditions which cause the animal unnecessary physical pain or suffering;

(D) Prohibited conduct described in ORS 167.310 to 167.388 in the form the statute provided on the effective date of this rule.

(dd) Commit theft or buy, sell or possess any stolen property, or buy, sell or possess any illegal contraband.

(ee) Illegally influence or conspire, or attempt to influence or conspire, to affect the result of any race or manipulate the odds in which an animal participates.

(ff) Violate any written agreement entered into with the Oregon Racing Commission, the board of stewards, or the board of judges or any other commission employee as a result of an order of the commission, stewards or judges.

(gg) Engage in any lewd, obscene, indecent, or inappropriate conduct.

(2) No licensee shall:

(a) Enter for official racing, official schooling, start, cause or allow to be entered or start, a racing animal that the licensee knows or should know does not meet all entry requirements.

(b) Come onto a racecourse or participate in a race meet while suspended, excluded or ruled off by the official body of any racing jurisdiction unless otherwise ordered by the board of stewards/judges or the Oregon Racing Commission.

(c) Knowingly harbor or otherwise enable the unlawful presence of any individual who is suspended or revoked by the official body of any racing jurisdiction or excluded by the race meet licensee.

(d) Fail to immediately notify the racing secretary when the licensee discovers that any entry or starting requirement for a racing animal under the licensee's control is not met or is no longer being met.

(e) Allow or cause a scratch to become necessary, which could have been avoided by the exercise of reasonable care.

(f) Fail to request a scratch immediately upon learning that a scratch is necessary.

(g) Solicit, offer or accept any bribe in any form, directly or indirectly, to or from any person, in connection with any race meet in any racing jurisdiction which is a member of ARCI. A conviction is not required in order to prove a violation of this rule.

(h) Commit any corrupt, fraudulent, or unlawful act on any racecourse or in connection with any race meet in any racing jurisdiction which is a member of ARCI.

(i) Fail to cooperate with commission personnel, officials or security personnel when requested to comply with these statutes and rules relating to racing.

(j) Fail to report to the judges/stewards' office promptly upon request.

(k) Be intoxicated or under the influence of controlled substances in a restricted area or on duty.

(l) Lodge a frivolous complaint.

(m) Knowingly allow an unlicensed person to participate in a race meet if the licensee knows or should know that the person is required to be licensed.

(n) Fail to properly escort unlicensed individuals after registering them with security personnel as guests.

(o) Fail to immediately report to the commission the unlicensed participation in a race meet of any person who the licensee knows or should know is required to be licensed.

(p) Fail to report promptly to a commission representative any possession or use of a prohibited drug, prohibited medication or prohibited paraphernalia.

(q) Fail to notify the commission in writing of a change of officer, director, stockholder (except for publicly traded corporations), or partner, within 30 days, if the change occurred during a race meet, or prior to the next race meet, if the change occurred after a race meet.

(r) Ride a horse on the racecourse without properly wearing an approved helmet and vest.

(s) Retain any prize or purse money which the person has reason to know was paid in error or lost because of disqualification or commission action as a result of an appeal.

(t) If an owner, assistant trainer, groom or other person having charge, custody or care of a racing animal, fail to protect the racing animal and guard it against the administration of unauthorized drugs or any other illegal conduct.

(u) Direct, by use of language, gesture or sign, any profanity, obscenity or abusive epithets toward the public at a racecourse.

(v) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any person while in view of the public.

(w) Allow anyone other than participating jockey, authorized racing officials, representatives of the commission, licensed valets and authorized licensed vendors in the jockey room between two hours before post time for the first race of the day and one hour after the last race without consent of the stewards for each time of entry.

(x) Other than a licensed jockey agent, make engagements for a jockey. A jockey may make his/her own engagements if not represented by a jockey agent.

(y) Engage in any dishonest conduct on a racecourse.

(z) Engage in any unprofessional conduct on a racecourse.

(aa) Willfully and deliberately fail or refuse to pay any monies when due for any service, supplies or fees connected with their operations as a licensee; nor shall a licensee falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or delaying the payment of the debt or defrauding the person to whom the indebtedness is due.

(bb) Write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when such licensee knows or should reasonably know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the said check, or that the check is a stop payment

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check or is written on a closed account or a nonexistent account. The fact that such a check is returned to the payee by the bank as refused, constitutes a rebuttable presumption for a finding of financial irresponsibility.

### (3) Substance Abuse:

(A) Alcohol Consumption: No licensee may have present within his/her system an amount of alcohol which would constitute being intoxicated, defined as .08% blood alcohol content or greater, while in a restricted area. No jockey, apprentice jockey, valet, assistant starter, pony person, exercise person, or racing official may have present within his/her system an amount of alcohol which would constitute being impaired, defined as .02% or greater blood alcohol content, while responsible for performing their official duties.

(A) Any licensee may be required to take a breath alcohol test prior to their participation in racing events.

(B) Acting with reasonable suspicion, the stewards/judges or a designated Racing Commission representative may direct any licensee to submit to a breathalyzer test to determine blood alcohol content.

(C) Refusal to take a breath test will be considered as positive evidence of a violation of subsection (3)(a).

### (D) Sanctions for alcohol violations

(i) Penalties for a first offense may result in a fine and/or a suspension up to 15 days. The licensee may be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(ii) Penalties for a second offense may result in a fine and suspension up to 30 days. The licensee shall be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iii) Penalties for third and subsequent offenses shall result in a fine and suspension for no less than 90 days. The licensee shall be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iv) A history of substance abuse violations other than alcohol may be considered as aggravating circumstances when considering penalties for alcohol abuse, and may result in penalties greater than those listed in these rules.

(b) Drugs/Controlled Substances: No licensee within any place under the jurisdiction of the racing commission shall have in the licensee's body any controlled substance or drug listed in Schedules I through V of 21 USC Section 812 except for a drug which was obtained or taken pursuant to a valid legal written prescription or order from a licensed physician acting in the course of the physician's professional conduct and which is produced by the licensee upon request.

(A) Acting with reasonable suspicion, the stewards/judges or a designated racing commission representative may direct any licensee observed in a restricted area or any racing official acting in their capacity to submit to drug testing for analysis. When so directed, said licensee shall submit to such examination. If the result of the test indicates the presence of a controlled substance as delineated above, or if the person refuses to be tested, either for reasonable suspicion or under random testing criteria, or if the specimen was adulterated as reported by the official testing laboratory, the person may be fined and/or suspended as described in this rule. If the laboratory determines that the sample is dilute, the licensee being tested shall be required to submit another urine sample. To ensure the sample will not be dilute, the licensee will be required to report for testing at a specified time and remain until the sample is acquired.

(B) Controlled Substance Testing Expense: Except for split samples, laboratory analysis will be performed at the racing commission's expense, unless pursuant to a prior order of the stewards/judges or commission reinstating the licensee, or the person produced an adulterated specimen, in which case retesting may be performed only after the person pays the cost of the first test to the commission.

### (C) Sanctions for Controlled Substance Violations:

(i) A licensee's first violation shall result in a suspension for not less than 30 days, however, reinstatement shall not occur until the licensee has been evaluated by, and a current written report is received from a drug counselor certified by the State of Oregon and who is approved in advance by the commission or stewards/judges. If the report states that treatment is

required, reinstatement shall not occur until the licensee presents documented proof of current enrollment in or completion of an appropriate certified rehabilitation program approved in advance by the commission. Reinstatement is also subject to licensee producing at licensee's expense, a negative test from a laboratory approved in advance by the commission, and the licensee agreeing in writing to submit urine specimens at the request of the stewards/judges or designated racing commission representative for not less than five years, or until no longer licensed. Any failure to comply with the certified counselor's and/or stewards' instructions may result in immediate suspension.

(ii) A licensee's second violation within five years of the first violation shall result in an indefinite suspension, but in no case less than six months, and reinstatement shall not occur until the licensee completes all of the contingencies listed above in subsection (i).

(iii) A licensee's third violation within seven years of the second violation shall result in a 365-day suspension by the stewards/judges and immediate referral to the commission for consideration of exclusion and/or revocation of the license. The stewards/judges may not reinstate the licensee unless the laboratory analysis was proven to be incorrect or a fraud was perpetrated resulting in a mistaken judgment by the stewards/judges.

(iv) A history of alcohol abuse violations may be considered as aggravating circumstances when considering penalties for drug abuse violations and may result in penalties greater than those listed in these rules.

### (D) Prescription Medication:

(i) Any licensee who has obtained a medical prescription for any drug listed in Schedules I through V of 21 USC Section 812 may be required to furnish the Commission or the stewards/judges written documentation from the issuing physician that the use of the prescribed drug will not impede the licensee from performing the duties for which they are licensed or threaten the safety or welfare of others or a racing animal.

(ii) If, in the opinion of the board of stewards/judges, the use of any lawfully prescribed drug listed in Schedules I through V of 21 USC Section 812 would or could pose a threat to the health, safety or welfare of the licensee, others or a racing animal, the board of stewards/judges, after having an appropriate hearing, can bar the licensee from entering a restricted area of any racecourse or their handling of any race animal subject to appeal.

(E) Knowledge of a person's voluntary and active participation in an approved rehabilitation program will not constitute grounds for "reasonable suspicion" under this rule.

(4) Any licensee who violates any provision of ORS chapter 462 or any rule adopted there under is subject to further discipline by the board of stewards/judges, up to the limits imposed by law, and also is subject to further discipline by the racing commission, including suspension, revocation, civil penalties, exclusion, probation, and such other discipline as may be appropriate in the case. Whenever a licensee is suspended, the stewards/judges have the commission's authority to also exclude him or her. Any non-licensee who, in the opinion of the stewards/judges, acts in a manner detrimental to racing may be subject to exclusion.

(5) When grounds exist for suspension of a license, the stewards/judges or commission may also impose other appropriate sanctions including, but not limited to, forfeiture of purse, return of prizes, ruling off, or forbidding entry of racing animals.

(6) When a license is suspended, it may be suspended for all categories licensed, including reciprocity suspensions.

(7) Ejection. The race meet licensee may eject any person from the race course for any reasons and in any manner that is not contrary to law. The race meet licensee shall notify the commission within 24 hours of any ejection or arrest occurring on the racecourse, including the details thereof.

(8) All licensees shall report any known irregularities or wrong doings by any person immediately to a commission employee and cooperate in subsequent investigations.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

### 462-130-0040

#### Formal Stewards/Judges' Hearing

(1) If the board of stewards/judges has reason to believe that a violation has occurred, they may hold a formal hearing after providing written notice to the licensee. The written notice shall:

(a) Cite the statutes or rules which were allegedly violated.

(b) Briefly describe the time, place, and nature of the alleged violation(s).

(c) Identify the type of penalty or sanction which may be imposed.

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(d) Specify the time and place of the hearing, at least three calendar days after service of the notice excluding Saturdays, Sundays, and legal holidays, unless all parties agree to an earlier time.

(e) State that the licensee may be represented by an attorney licensed to practice in the state of Oregon.

(f) Be personally served within the timeline set forth in OAR 462-130-0040(1)(d) or mailed by first class mail to the current address on file for the licensee at least ten days prior to the hearing.

(2) If given the option by the board of stewards, the licensee may waive the right to a formal stewards'/judges' hearing by signing a waiver agreeing to the penalty or sanctions listed on the waiver. By signing the waiver the licensee waives the right to appeal the penalty to the commission, as provided by OAR 462-130-0050.

(3) If the licensee does not sign a written waiver, the board of stewards/judges shall hold a formal hearing. At least two stewards/judges shall be present. The fact finding portion of the hearing shall be open. The state steward/judge or designee shall preside, and within reason, shall allow all available evidence to be presented, without regard for technical rules of procedure or rules of evidence. All witnesses must testify under oath. The hearing may be recorded. After hearing the evidence and any closing statements, the stewards/judges may deliberate in private before making a decision. Unless the charges are dismissed, the decision shall be put in the form of a written order either finding the licensee guilty of a violation or referring the case for a formal commission hearing or a combination thereof. If the licensee is found guilty of a violation, the order shall:

(a) Identify the licensee by name and license classification.

(b) Identify the specific statutes or rules violated.

(c) Set forth the findings of fact which establish the violation(s).

(d) Indicate the penalty or sanctions to be imposed, and when they are to go into effect.

(e) Inform the licensee of the right to appeal to the commission and to request a stay pending appeal as provided in OAR 462-130-0050.

(4) Notification to the licensee of a written order, for the purpose of this rule, will include efforts to contact the licensee by commission staff using the information supplied by the licensee on his/her license application. Thereafter, copies shall be sent to the commission and posted in a designated area at the racecourse for a period of two racing days. Fines must be paid within ten calendar days of the effective date of the order. Failure to pay a fine within the time limit described by this rule may result in a suspension of up to 30 days after the fine is paid in full.

(5) The licensee may still appeal the matter to the commission for a formal commission hearing, and for good cause may request that the commission executive director stay the stewards'/judges' penalty pending the commission hearing. The executive director has discretion whether or not to grant the stay.

(6) Any licensee who fails to appear before the stewards/judges after having been given notice by the stewards/judges, a racing official, or an investigator of the commission, in accordance with these rules or by any ruling or order which has been issued and published directing such appearance, may be suspended and the case may be referred to the commission. Failure to appear in response to such order shall be a separate cause for disciplinary action.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.405

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-130-0070

### License Reinstatement

(1) Application.

(a) Any person who was licensed by the commission but whose license was revoked, or whose license was surrendered while under investigation or while pending a disciplinary proceeding, and who desires to become relicensed by the commission must make application for reinstatement by:

(A) Completing a license reinstatement form provided by commission staff, along with a completed license application and fee, and

(B) Otherwise complying with this rule.

(b) The application shall contain sufficient information on its face or on accompanying documents so that the commission may make an informed decision regarding:

(A) The applicant's reformation,

(B) The applicant's remorse for the conduct and character deficiencies that caused the disciplinary action,

(C) The applicant's current good moral character,

(D) The applicant's general fitness to engage in the activities required by the type of license, including, without limitation, the licensee's willingness to abide by the statutes, rules, regulations and orders relating to racing in Oregon, and

(E) Whether the applicant's presence in places under the jurisdiction of the commission may be detrimental to the best interests of racing.

(2) Ineligibility. A person will be presumed ineligible for reinstatement of any license if that person's license was revoked or was surrendered while under investigation or pending a disciplinary proceeding, based upon the following allegations:

(a) Fixing or attempting to fix a race on which pari-mutuel gambling was intended to be conducted or attempting to manipulate the odds.

(b) Training any racing animal using a live animal or a dead animal or a part of a live or dead animal as a lure.

(c) Committing animal abuse in the first degree, animal neglect in the first degree, or involvement in animal fighting or in dog fighting, if any such charges are proven by at least a preponderance of the evidence or the person was convicted, plead guilty or entered a no contest plea.

(d) Stealing, extorting or misappropriating money from any source under the direct control of or owned by the commission, or from a race track's money room or extension thereof, or from any race meet account held in trust for another or from any nonprofit organization whose purpose is to benefit members of the racing industry or racing animals.

(e) Committing any misdemeanor or felony person crime if directed against a person who is a commissioner, commission legal counsel, an employee of the commission, or an agent of the commission, racing official or employee of the race meet licensee engaged in that capacity.

(3) Procedure.

(a) An application for reinstatement of license shall not be accepted by commission staff for at least two years after the license has been revoked or surrendered unless a different time period is specified by the commission at the time of the revocation or surrender.

(b) The application shall be filed in the commission office and reviewed and investigated by commission staff. Except for good cause shown, no less than 90 days after receipt of the application, the board of stewards shall make a recommendation to the commission concerning the applicant's compliance with these rules and whether or not the applicant appears to have met the criteria for reinstatement.

(c) If the board of stewards recommends reinstatement, the application shall be forwarded to the commission for consideration. If the commission denies the application, it shall comply with ORS 183.435.

(d) The commission will require a greater quantum of evidence to support reinstatement of a license after revocation (or surrender while under investigation or pending a disciplinary process) than is required of initial applicants or for issuance of licenses under other circumstances. The applicant for reinstatement shall have the burden of proving by clear and convincing evidence that the applicant meets the criteria required by this rule and also has the burden of producing evidence in support of the applicant's position. If the applicant produces evidence which meets the burden of proof, and it is not overcome by evidence to the contrary, then the applicant will be reinstated, however, nothing in this rule precludes the commission from issuing a license with conditions attached.

(e) The commission may impose such conditions as, in its judgment, will tend to prevent a reoccurrence of a situation similar to the applicant's prior problem. The reinstated license may be subject to such conditions for a reasonable period of time considering all the circumstances. If the applicant obeys all laws, rules and the conditions of licensure for the prescribed period of time, the license will be restored fully without conditions. The order granting a conditional license may state that breach of any of the conditions will result in loss of license without the right to a prior hearing.

(f) If the board of stewards does not recommend reinstatement, the applicant shall be notified of this recommendation in writing. Applicant has the right to request a hearing under ORS 183 before an administrative law judge and subsequent commission consideration of the adverse recommendation. The appeal must be in writing and filed with the commission offices at Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232, within ten days from the effective date of the board of stewards' recommendation. The appeal must be signed by the appealing party and shall set forth clearly and concisely the following information:

(A) The recommendation to be reviewed and the date thereof.

(B) The reason for the appeal.

(C) The address to which any notices from the commission may be mailed to the appealing party.

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(4) Criteria. The following factors must be proven to the commission by clear and convincing evidence in favor of the applicant in order to support reinstatement of license:

(a) Applicant has reformed and is now possessed of good moral character. Applicant may meet this burden by proving that applicant is a person who possesses the sense of ethical responsibility and the maturity of character to withstand the many temptations which the applicant will confront in and around the race course and other sites under the jurisdiction of the commission. Stronger proof of good character is required to reinstate a license where a character flaw was earlier established in the case or investigation against the applicant.

(b) Applicant must identify the character flaw which led to the conduct which resulted in the revocation or surrender of license. Applicant must prove that the character flaw no longer exists or is under control by applicant; i.e., applicant is reformed with respect to the particular flaw.

(c) Applicant must present evidence that his or her presence at places under the jurisdiction of the commission will not be detrimental to the best interests of racing. Many of the other criteria, if met, will tend to prove this factor, but other evidence may be required. If the applicant has performed activities for the public good or for the good of members of the racing community during the time that applicant was not licensed, that is some evidence that applicant's presence may not be detrimental to the best interests of racing.

(d) Applicant acknowledges wrongdoing, has taken responsibility for his or her misconduct, and shows sincere remorse for that misconduct. Evidence that demonstrates that the applicant has not made excuses, has not blamed others and has not criticized the administrative process and the courts and has cooperated in the investigation which led to the revocation or surrender is the type of evidence that shows acknowledgement of wrongdoing and misconduct; but this list is not exclusive. Evidence of remorse is more subjective and the demeanor of the applicant and any oral testimony or written references of other witnesses generally will be relevant.

(e) If applicable in the particular case, resolution of substance abuse problems, personal financial problems and medical, mental and emotional problems which did or may have contributed to the revocation or surrender. Applicant must show general fitness to perform the functions required by the particular licensed position without substantially altering the nature of the job.

(f) Willingness to pay restitution to those who were injured or victimized by applicant's prior conduct resulting in the disciplinary action, as well as other similar conduct for which applicant is responsible. This criterion is best met by paying restitution that equitably should be paid.

(g) Willingness to comply with the statutes, rules, regulations and orders relating to racing in Oregon.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.075

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

### 462-140-0040

#### Veterinarian

(1) No one shall practice veterinary medicine on a racecourse unless licensed by the Oregon Board of Veterinary Medical Examiners, with a current copy annually of said license on file with the Oregon Racing Commission, as well as licensed with the Oregon Racing Commission. Veterinary assistants shall only perform their duties under the direct supervision of a licensed veterinarian.

(2) Veterinarians performing services on a racecourse shall report all animals nerved, all treatments and all medicines given and prescribed each day on forms provided by the commission. These reports shall be mailed, hand delivered to a commission veterinarian or designee or placed daily in the locked receptacle provided by the commission veterinarian. In the case of lasix, treatments shall be recorded on a program, overnight, or other form approved by the commission veterinarian.

(3) Veterinarians on a racecourse shall use one-time disposable needles and shall dispose of all medical waste, i.e., needles, syringes, used bottles and/or other medication containers, etc., off the racecourse.

(4) No person, other than a veterinarian licensed by the Oregon Racing Commission, shall dispense, sell or furnish any feed supplement, veterinary preparation, medication or any other substance containing a prohibited drug or prescription medication to any person within the licensed enclosure. Any such products must be properly labeled as required by state law specifying the name, address and phone number of the dispensing veterinarian, the name of the trainer or owner of the animal, the name of the animal for which the product is prescribed, the name and strength of drug/medication, complete directions for use of the medication, and the minimum expected withdrawal time of the medication prior to a race. The

label shall also have the words; "Caution, contains medication that is prohibited in racing animals. Use of this medication could result in violation of medication rules."

(5) Every racing animal which suffers a breakdown on the race track in training or in competition and is destroyed, and every other racing animal which expires while on a racecourse under the jurisdiction of the commission, shall undergo an examination to the extent that satisfies a commission veterinarian and that is reasonably necessary to determine the injury or sickness which resulted in euthanasia or natural death:

(a) The examination required under this rule will be conducted by a licensed veterinarian employed by the owner or trainer in consultation with the commission veterinarian, who may be present at such examination.

(b) A commission veterinarian has the ultimate decision, with or without the consent of the owner or trainer, to require further examination and testing on any expired horse for reasons including but not limited to those that would impact or be a threat to humans or animals. Should the commission veterinarian require such an examination or testing, the Oregon Racing Commission shall be responsible for the cost incurred.

(c) Test samples must be obtained from the carcass as directed by the commission veterinarian during the postmortem examination and sent to a laboratory approved by the commission for testing for foreign substances or their metabolites and natural substances at abnormal levels. When practical, samples shall be taken from the racing animal prior to euthanasia.

(d) The cost of laboratory testing of postmortem samples shall be borne by the commission.

(6) All veterinarians must conform their practice, at the least, to the minimum standards of the Oregon Veterinary Practice Act.

(7) Maintain security of controlled substances as required by law.

(8) All veterinarians shall provide the commission veterinarian and track security with current office and emergency telephone numbers five (5) days before the opening of each race meet at which they intend to practice.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

### 462-140-0060

#### Commission Steward(s)/Judge(s); Authority

(1) Accreditation: To qualify for appointment as a steward/judge, the appointee may be required by the commission to be accredited and current with the Racing Officials Accreditation Program in association with the Universities of Arizona and Louisville and be in good standing with all racing jurisdictions.

(2) Except for small fair meets, the board of stewards/judges shall consist of the presiding state steward/judge, deputy state steward/judge, and a race meet licensee steward/judge, approved by the commission. The board of stewards/judges is responsible for the proper conduct of the race meet and for the enforcement of the statutes and rules of racing. During the temporary absence of one or more stewards/judges, the remaining steward/judge(s) or the executive director of the commission may appoint a deputy or deputies to act temporarily for those absent. All decisions, rulings, and orders of the board of stewards/judges must be made by a majority of the stewards/judges. The stewards'/judges' authority begins 30 days before, and extends 30 days after the conclusion of the race meet unless shortened, extended, or re-instituted by the executive director of the commission.

(3) The board of stewards/judges has the authority to take any action expressly authorized by ORS chapter 462 or the rules of racing. The board of stewards/judges also has the authority to take any appropriate action not expressly authorized by these rules in order to ensure a fair race and to protect the best interests of racing.

(4) The stewards/judges have authority over licensees of the commission and all persons on a racecourse. Persons entering racing animals or allowing racing animals to be entered to run at licensed Oregon racecourses agree in so doing to accept the decision of the stewards/judges on any questions relating to a race or racing, subject to their right to hearings and right of appeal as provided in these rules. The board of stewards/judges may override the decision of any racing official with regard to the rules of racing, subject to review by the commission.

(5) The stewards/judges may suspend on an emergency basis the license of any person whose actions are detrimental to the best interests of racing and which are seriously dangerous to the health or safety of the person, the public or another person involved in racing. An emergency suspension or a penalty suspension following a hearing may include ruling off of the licensee. When based upon evidence that the person is currently ruled off by an official body of another racing jurisdiction, the person may be

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ruled off whether the person is licensed or not. If an emergency suspension is imposed under this rule, the person is entitled to a post-suspension hearing. The suspension may not exceed 365 days unless so ordered by the commission.

(6) The stewards/judges have the authority to investigate any matter relating to racing. The stewards/judges shall have control over and be granted immediate access to all areas of the racecourse.

(a) Judges shall be given prompt access for inspection of kennels and/or Oregon greyhound farms owned/operated by licensees.

(b) At least two members of the board of judges shall inspect all booked kennels at least once during each race meet and shall issue their findings to the commission and to the race meet licensee.

(7) The stewards/judges have the authority to order a prompt examination of any racing animal which has been entered or which has run a race, and may disqualify any racing animal which appears to have been the subject of corrupt or illegal practices, which has interfered with another racing animal during an official race or official schooling race, or whose jockey has interfered with another horse or jockey.

(a) The stewards may examine or have examined any horse registered for racing. The stewards may scratch any ineligible horse.

(b) The judges may by written order permanently rule off any greyhound that has quit or interfered twice during its official racing career in Oregon, subject to the right of appeal by the licensed owner, kennel owner, or trainer.

(8) The stewards/judges have the authority to impose penalties and sanctions under the procedures set forth in these rules, but only for specific violations of ORS chapter 462 or these rules. They may not impose sanctions against commission employees, but may investigate and recommend disciplinary action to the executive director or commission.

(9) The stewards have the authority to review license applications and corresponding results of their subsequent background investigations, and based on those reviews, to either approve or deny licensure. Any applicant that is ineligible to apply due to a commission order, such as a previous denial or revocation, shall have his/her application automatically denied.

(10) The stewards/judges may, at their discretion, hold informal hearings on matters other than violations, using the same procedures set forth in these rules for violations.

(11) In the event of an emergency which prevents an owner or trainer from performing his/her necessary duties, the stewards/judges may appoint a qualified person to temporarily perform those duties. For good cause, the stewards may substitute a jockey of their choice on any horse or place a horse temporarily in charge of a trainer of their choice.

(12) When a racing official other than a steward/judge or commission employee is absent, the race meet licensee may appoint a temporary or permanent replacement, subject to approval by the stewards/judges, or, in exigent circumstances, the stewards/judges may appoint a temporary replacement. All appointments are subject to confirmation by the commission, but appointees may exercise their appointed duties pending confirmation.

(13) The stewards/judges shall investigate promptly and render a decision on every objection and on every complaint made to them. The stewards/judges shall report all objections and complaints to the commission as soon as received by them, and shall make prompt written report of their investigation and decision to the commission's executive director.

(14) The judges/stewards, being duly notified in writing of financial irresponsibility by a licensee, shall conduct an investigation into the matter, including but not limited to a hearing. If the result of such investigation or hearing clearly shows a licensee to be financially irresponsible and remiss concerning his/her just debts as provided in this section of this rule, the judges/stewards may impose such ruling as may be consistent with the circumstances in conformity with the best interests of racing.

(15) One steward must be on duty each morning from scratch time until conclusion of the draw.

(16) During each racing day at least one of the judges shall be on the racecourse not later than weigh-in time.

(17) No person other than the commissioners or executive director shall be allowed in the stewards/judges stand unless previous permission is obtained from the stewards/judges.

(18) The presiding state steward/judge or deputy state steward/judge or appointee shall sound the bell closing the pari-mutuel machines no later than the opening of the starting gate/box.

(a) In the event of a mishap at the start, the stewards/judges shall make a final decision as to whether a start was fair after consultation with the starter. Also, after consulting with the starter, the stewards/judges shall make the final decision as to whether any racing animal was prevented from starting in a race through failure of the starting gate/box to open.

(b) The judges shall closely observe the operation of the lure and the conduct of the greyhounds in a race.

(19) The stewards/judges have final authority to decide the order of finish of any race. They shall promptly display the numbers of the first three racing animals in each race in the order of finish and shall not declare the race official until they have made a final determination as to which racing animal finished first, second and third.

(20) The stewards may place any horse on the "Stewards' List" or suspend any horse for poor performance or other good cause. The stewards may at any time require proof that a horse is qualified for a particular race or proof that a horse is owned only by qualified persons. If satisfactory proof is not offered, the stewards may disqualify the horse.

(21) The board of stewards/judges shall determine the condition of the track's running surface.

(22) The presiding state steward/judge shall immediately report to the commission any "No-Race" declared by the stewards/judges, with a detailed explanation as to its cause.

(23) The stewards/judges shall maintain a daily log of all infractions of the rules and of all rulings of the stewards/judges upon matters coming before them during the race meet.

(24) The presiding state steward/judge is responsible for making sure that all reports required by this rule are promptly submitted to the commission.

(25) When placing judges are not appointed, the stewards shall perform the placing judge functions.

(26) The board of stewards/judges shall establish post times; however, post times may be established by the race meet licensee subject to approval by the board of stewards/judges.

(27) Rules for Small Meets:

(a) These rules shall apply for all small fair meets of 10 days or less except as otherwise directed by the commission, or unless circumstances require a change and the state steward approves the change.

(b) The board of stewards are granted jurisdiction for a period of 90 days after the conclusion of a small fair meet to hold hearings and take action with regard to any aspect of racing at the meet.

(c) Hearings may be conducted by a single knowledgeable person designated by the commission if it is deemed by the commission to be more practical or convenient for the parties concerned. Any person acting in lieu of the board of stewards under this rule shall have all of the authority granted to the board of stewards under OAR 462-130-0030 and 462-130-0040 or any other applicable rule. A party may appeal any action taken in the same manner as an appeal may be submitted as a result of action taken at a stewards' hearing.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.405

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

### 462-140-0070

#### Commission Veterinarian

(1) A commission veterinarian is responsible, to the extent possible, for ensuring that horses/greyhounds coming upon the race course do not pose a health or safety problem to themselves or other racing animals. A commission veterinarian is authorized to check all animals coming on to the racecourse and to exclude and/or scratch any animal that may pose a health or safety problem in his/her opinion.

(2) A commission veterinarian shall be granted immediate access to any racing animal on or off the racecourse which has recently run a race or has been entered in a race. A commission veterinarian may examine or cause to be examined any racing animal on the racecourse and may take or cause to be taken blood, urine, saliva or other body fluids or samples for examination.

(3) A commission veterinarian shall observe all racing animals to ensure that all racing animals allowed to participate are, in his/her opinion, in sound racing condition and that its participation in a race is not contrary to the best interest of the racing animal.

(4) A commission veterinarian is authorized to scratch a racing animal from a race if, in the commission veterinarian's opinion, the animal is not in sound racing condition, may pose a health or safety problem to itself or others, or that its participation in a race is contrary to the best interest of the racing animal. The commission veterinarian shall immediately notify the judges/stewards of the scratch.

(5) A commission veterinarian shall maintain a list, to be known as the "Vet's List", of racing animals that the commission veterinarian has reason to believe are uncontrollable, sick, injured, illegally medicated, are a danger to themselves or other racing animals, or are not in sound racing condi-

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Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2004, f. & cert. ef. 4-8-04; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

tion. Racing animals may only be removed from the "Vet's List" with the approval of a commission veterinarian.

(6) When necessary, a commission veterinarian is authorized to take immediate steps without approval of a racing animal's owner or trainer to protect the health and safety of the racing animal or other racing animals. This includes administering drugs and/or medications for treatment and/or humane euthanasia. In any other situation in which a commission veterinarian determines that a racing animal should be removed from the racecourse or scratched from a race, a commission veterinarian may order the racing animal removed or scratched.

(7) Except in the case of an emergency, a commission veterinarian, while employed by the commission, may not prescribe any medication for or treat any animal which will race on a racecourse in Oregon, with or without compensation. When emergency treatment is given a commission veterinarian shall make a complete written report to the stewards/judges.

(8) A commission veterinarian or designated assistant shall secure blood, urine or other samples, as specified by the commission, of winning racing animals and of other racing animals designated by the stewards/judges or commission veterinarian. Unused sealed containers furnished by the official laboratory designated by the state must be used for collecting specimens for analysis.

(9) A commission veterinarian will not conduct searches but may be involved in searches conducted by the commission investigators.

(10) Horses only.

(a) A commission veterinarian shall verify the conditions of all horses reported to be nerved prior to the horse's first entry in a race meet or continuous race meet.

(b) A commission veterinarian shall be available, by telephone, radio or in person, to the stewards and racing secretary at scratch time, until the close of entries, and at least one hour prior to the first post. A commission veterinarian shall leave the paddock as the last horse leaves the paddock, or as a commission veterinarian deems practical, for each race and shall observe the horses during the post parade, warm up, and at the starting gate.

(11) Greyhounds only.

(a) When a commission veterinarian determines that a greyhound on the race track is coming in season or in milk, the veterinarian shall place the greyhound on the "Vet's List", order the greyhound removed from the race track, order the greyhound restricted from starting for fourteen (14) days, and notify the judges. In any other situation in which a commission veterinarian determines that a greyhound should be removed from the race track or scratched from a race, the veterinarian shall notify the judges.

(b) A commission veterinarian (or designee) shall be on the racecourse at weigh-in time and examine the physical condition of each greyhound at weigh-in time. For maiden graduation races a commission veterinarian (or designee) shall examine the physical condition of each greyhound at weigh-in time.

(c) A commission veterinarian (or designee) shall periodically inspect the lock-out kennels to ensure that the lock-out kennels are clean, sanitary, and in good repair, and that they contain nothing for the greyhounds to consume.

(d) A commission veterinarian, along with the paddock judge, shall establish a list of greyhounds whose performance in the paddock or during a race demonstrates that the best interests of racing would be served by scheduling the greyhounds in early races. The list shall be known as the "Weight-Loser's List". Except for "special" and "stake" races greyhounds on the "Weight Loser's List" may be drawn only into the first six pari-mutuel races for which it's weighed in. A commission veterinarian, however, may authorize a greyhound in a later race in order to determine whether the greyhound should be taken off the list. A commission veterinarian may take a greyhound off the list whenever he/she determines that the reason(s) for placing the greyhound on the list no longer exist. A commission veterinarian may place greyhounds on the "Weight Loser's List" under the following circumstances;

(A) The greyhound has lost three or more pounds between weigh-in and weigh-out; or

(B) The greyhound has a history of poor performance during late races (seventh race or later).

(e) At the end of each race day a commission veterinarian shall notify the racing secretary, board of judges and the paddock judge in writing of all additions to and the deletions from the "Weight Loser's List" and the "Vet's List".

(f) A commission veterinarian shall view the running of each race, whenever possible.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

## 462-140-0130

### Race Meet Licensee

(1) License Application. Applications for racing dates must be in the office of the commission when required by the commission.

(2) Race Meet Licensee Employees. The race meet licensee shall be responsible for ensuring that all employees are properly licensed and current. The race meet licensee shall provide the licensing department with a complete list of employees at the start of each race meet and thereafter shall maintain and provide the licensing department with any subsequent changes.

(3) Racing Officials. The race meet licensee shall hire all necessary racing officials and shall submit to the commission for approval the names of all proposed racing officials and their assistants, except commission employees, at least 45 days prior to the proposed race meet. This deadline may be waived by the commission for good cause. Substitutions of racing officials may be made from time to time as provided in OAR 462-140-0060(10). The race meet licensee shall provide the commission, for confirmation, timely updates of the list of officials and their assistants when changes are made. The commission may appoint an employee of the commission to serve as a racing official for any race meet and may require the race meet licensee to pay the employee's compensation.

(4) Safe and Clean Facilities. The race meet licensee shall provide all facilities necessary for the proper conduct of the race meet and shall take every reasonable precaution to make all areas of the racecourse safe and shall ensure that the paddocks, starting gate, test barn and other equipment with which racing animals may come in contact are kept in a clean condition and free of dangerous surfaces. The race meet licensee shall keep the grounds of the racecourse in a clean condition.

(5) Commission Offices. The race meet licensee shall provide adequate office space properly equipped and maintained for the use of the commission and its designated representatives. Office space includes, but is not limited to, general offices and stewards' office. Upon request, the race meet licensee shall furnish suitable space and accommodations for fingerprinting and photographing license applicants.

(6) First Aid. During racing hours the race meet licensee shall provide and equip a first aid room within the racecourse and shall have present on the premises a licensed physician or registered nurse unless otherwise authorized by the board of stewards. :

(7) Equine Ambulance.

(a) The race meet licensee shall provide an equine ambulance attached to a tractor or vehicle for the immediate removal of an injured animal from the racecourse. The ambulance shall be available during racing and training hours and the period preceding the official opening of the race meet.

(b) The race meet licensee shall require a licensed veterinarian to be on the grounds during racing hours for the immediate treatment of an injured animal on the racecourse.

(c) The race meet licensee shall have available either a licensed veterinarian on the grounds and/or a list of available veterinary clinics with emergency contacts and phone numbers for timely treatment of an injured animal on the racecourse during training hours.

(8) Every race meet licensee shall operate its own pari-mutuel department, and in no event shall subcontract or let to concessionaires the operation of the pari-mutuel department or any part thereof without commission approval.

(9) Totalizator. The race meet licensee shall maintain a satisfactory totalizator system, including a tote board.

(10) Post-Race Test Area. The race meet licensee shall furnish a post-race receiving area approved by the commission veterinarian, with sufficient facilities to safely collect, store and secure saliva, urine, and/or blood samples from racing animals.

(11) The race meet licensee shall provide adequate racing silks, saddlecloths, head numbers, lead weights, and other standard equipment.

(12) Photofinish; Timing Devices. The race meet licensee shall provide a sufficient amount of light at the finish line for nighttime and twilight racing and shall install two automatic timing devices approved by the commission, and shall provide a photofinish booth meeting standards set by the commission. (The cost of photofinish services for pari-mutuel races shall be an expense of the commission)

(13) Tip Sheets. The race meet licensee may contract with no more than two persons to sell tip sheets on the racecourse during a race meet. Tip sheets obtained from out-of-state host tracks which are part of the race meet licensee's simulcast program shall not count against the limit of two tip

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sheets. The race meet licensee shall provide booths and utilities for the tip sheet sellers, and may charge a reasonable fee for their use. The race meet licensee shall not allow anyone to sell tip sheets who is not licensed by the commission and shall not allow tip sheets to be sold in wagering areas. Tip sheets must be sold from a booth, and the previous day's sheets and outcomes must be displayed on the front of each booth. Tip sheets must be independently handicapped, and each handicapper must sign and deliver such sheet at least one hour before post time to the commission office located on the racecourse.

(14) Security. The race meet licensee shall provide a sufficient number of security personnel to provide adequate security for all areas of the racecourse, including parking lots, test barn, and stable areas, and shall ensure that unlicensed individuals do not enter restricted areas. The race meet licensee and its security personnel shall cooperate with local authorities and with commission personnel in enforcing the rules of racing and the laws of this state, and shall promptly inform commission stewards of all violations of ORS chapter 462 and the rules of racing. All security reports and records will be made available in a timely manner to commission investigators, the board of stewards and/or the executive director.

(15) Commission Access. Members, employees, and representatives of the commission shall be given full and complete access to any and all areas of the racecourse at which a race meet is being held.

(16) Transmission. Any person desiring to broadcast, televise or transmit from the track by press wire pertinent information relating to any feature race run at the track shall first file with the commission, for its approval, an application stating the particular feature races and dates that it desires to broadcast, televise or transmit, together with the name and address of the representative of the public press, radio, or television authorized to broadcast, televise or transmit the requested information. Other than at approved off-track wagering facilities, shall the exact odds be announced, nor shall pay off of winners be given until the result of the race has been declared "official".

(17) Attendance Report. The race meet licensee may make a daily attendance report to the commission, unless otherwise authorized by the commission.

(18) Conflict of Interest. No employee, officer, or director of a race meet licensee shall be permitted to own, lease, or have any other interest in any racing animal entered for racing on the race meet licensee's racecourse, unless approved by the commission.

(19) Waste Disposal. The race meet licensee shall provide, secure and maintain medical waste containers as approved by the commission or commission designee.

(20) Parking Permits. When requested by the commission, the race meet licensee shall designate a parking area for commission members, employees, and special guests who are in possession of parking permits issued by the commission. Parking in the designated area shall be free.

(21) Communication System. The race meet licensee shall provide an adequate on track/outside communication system as required by the commission.

(22) Stalls. The race meet licensee shall attempt to be fair and equitable in assigning stall space, and shall provide receiving stalls for horses which are brought onto the racecourse from outside stable space for a race.

(23) Records of Horse Movements. The race meet licensee shall maintain a record of arrival and departure of all horses from the stable area.

(24) Numbered Buildings. All stables, barns and stalls shall be numbered or otherwise clearly identified.

(25) Track Kitchen. The race meet licensee, or other person approved by the race meet licensee, may maintain and supervise a kitchen in the stable area and shall supervise any other area where food or drink is dispensed. All food service facilities shall comply with state and local health and sanitation requirements.

(26) Distance Pole Markers. Distance pole markers must be 10 feet from the rail and shall be painted as follows:

- (a) 1/4 poles — red and white;
- (b) 1/8 poles — green and white;
- (c) 1/16 poles — black and white.

(27) Horseman's Accounts. Unless otherwise authorized by the commission, the race meet licensee shall keep a separate account, to be known as the "horseman's account", with sufficient funds to cover all monies due horsemen in regard to purses, stakes, rewards, claims, and deposits. Only those persons in whose name the account is established, or their duly authorized agent, may make withdrawals from the account.

(28) Race Track Safety Standards. Any racetrack on which a licensed race meet is conducted must meet the following standards unless otherwise authorized by the commission for good cause:

(a) Rails. All racing surfaces must have inner and outer rails of a design and construction approved by the commission:

(A) Permanent rails must be made of a material which will take the impact of a horse without breaking away. All rail posts must be set in concrete at least 6 inches below the surface and at least 24 inches deep. The height of the rail must be 40 inches plus or minus 2 inches from the top of the cushion to the top of the rail. The top rail must be bolted or welded to the posts and should be smooth with no jagged edges.

(B) For race meets or continuous race meets that are licensed to run 25 days or more per fiscal year, the inside rail shall be permanent of gooseneck design and have no less than 24-inch overhang with a continuous smooth elevated cover which entirely covers the overhang.

(C) For race meets or continuous race meets which are licensed to run for 24 days or less during a fiscal year, the design of the rail is subject to the approval of the commission during the licensing hearing, with consultation from the executive director, the stewards, the race meet licensee(s), and the jockeys riding at the meet or their representative. In order to facilitate this provision the executive director, the director or racing for the race meet(s), the stewards and the jockeys or their representative shall discuss needed improvements for the next year's race meet during or at the conclusion of each meet.

(b) Gates (Gaps). No gate openings in a rail may be over 10 feet long without a center support. The top rail of the gate must be secured to the top of the rail. Gate openings should not look any different from the rest of the rail. All gates, other than the "On" and the "Off" gates during training, must be closed during racing and training. "On" and "Off" gates for horse access during training should be placed at least 50 feet apart.

(c) Morning Starting Gate. The starting gate used for morning schooling shall be placed far enough from the "On" and "Off" gates (gaps) so that horses coming on and going off the track will not interfere with or distract morning schooling or breaking from the gate.

(d) Obstacles. No obstacle or device, such as distance pole markers, electrical boxes, timers, starter's stands, patrol judge's stands, etc. shall be placed within 10 feet of the back of the bottom of the rail post unless made flexible or break-away.

(e) Drainage Ditches or Holes. Any drainage ditch or hole behind the inside rail must be covered with soft material level with the ground surface.

(f) Lighting. All race track lighting systems for nighttime racing must have an operational emergency generator or battery back-up system which is serviced and tested at least once a month during the track's racing season. Servicing and testing of the emergency lighting system must be documented in writing and available to the commission staff upon request.

(g) Ambulance.

(A) The race meet licensee shall provide an ambulance with standard medical equipment and certified paramedics or Emergency Medical Technicians (EMT) for protection of patrons and racing personnel during the conduct of a race meet, including workouts, and during the training period preceding the official opening of the race meet.

(B) During racing, the ambulance and/or a certified paramedic or EMT must be at the starting gate before horses are loaded. If the ambulance is being used to transport an individual, the race meet licensee may not conduct a race until the ambulance is replaced.

(C) During racing the ambulance shall follow the field either on the track or in the infield unless otherwise directed by the stewards. The ambulance must be staffed by certified paramedics or EMTs, be properly equipped and otherwise be suitable for transporting an injured person from the track to a roadworthy ambulance for transport to a hospital. A back-up ambulance is to be in attendance during the absence of the main ambulance.

(h) Safety Committee. Any race track location which has 15 or more race days per year, regardless of the number of race meet licensees, will have a safety committee. The safety committee will be made up of two (2) representatives from the management of the race meet licensee, two (2) representatives from the jockeys riding at the track, two (2) representatives from the horsemen with papers in the race office at the track, and at least one (1) of the state stewards. This committee will be responsible for addressing unsafe conditions on the racecourse including the racing surface and recommending solutions to the conditions to the race meet licensee management, the racing commission executive director and/or the commission.

(29) Assistant Starters. The race meet licensee shall ensure that there is one assistant starter per horse in the race plus at least one assistant starter to shut the tailgates.

(30) Valets. There shall be at least one valet for every three horses in the maximum field size approved by the commission.

(31) Fire Safety in Stable Areas:

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(a) Every race meet licensee shall cause to be posted in the stable area of its premises the fire regulations applicable on its grounds and such posted notice shall also state the location of the nearest fire alarm box and the telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area. Such notices shall be posted no more than one hundred (100) feet apart or as approved by the local fire authority. No race meet licensee, management or person shall violate the posted fire regulations specified by the commission.

(b) All trainers or their assistants and all concessionaires or their assistants shall acquaint themselves with and brief their employees as to the following:

(A) Smoking regulations.

(B) Location of fire notification system in immediate area of assigned barn.

(C) Location of all fire extinguishers and extinguishing equipment in assigned barn area.

(D) Regulations regarding occupancy, use of extension cords for extending electrical circuits, and use of electrical appliances.

(E) Regulations regarding storage and use of feed, straw, tack, and supplies.

(F) Track regulations with regard to fire and security, copies of which shall be provided to all trainers or their assistants and concessionaires or their assistants. These regulations shall be used in instructing members of the trainers' and concessionaires' staffs assigned to the barn area.

(c) Signs shall be posted in every barn and associated buildings dealing with the following information:

(A) Location of manual fire alarm stations, emergency telephones, or other methods of fire alert.

(B) Location of fire protection first-aid appliances.

(C) Emergency procedures specific to the particular track facilities.

(D) Location of nearest medical waste disposal containers.

(d) No open burning shall be permitted in the barn area.

(e) Smoking shall be prohibited except in designated safe areas.

Proper warning signs shall be posted.

(f) Use of any portable electrical appliance shall be restricted to the following conditions:

(A) Multiple-outlet adapters shall be prohibited.

(B) Not more than one continuous extension cord shall be used to connect one appliance to the fixed receptacle, and such cord shall be listed for hard service and properly sized for the intended application.

(g) Extension cords shall not be supported by any metal object such as nails, screws, hooks, and pipes.

(h) Portable cooking and heating appliances shall be used only in spaces designated for such use provided they are separated from the stabling and storage areas of the barn.

(i) Portable electrical heating and cooking appliances shall be of a type that automatically interrupts electrical current to the heating element when the appliance is not in the normal operating position (tip-over disconnect).

(j) Use of exposed element heating appliances such as immersion heaters shall be prohibited.

(k) The storage of flammable and combustible liquids, except those used for medicinal purposes, shall be prohibited.

(l) The water supply shall be capable of providing pressure and discharge capacity required for automatically supplying sprinklers, hydrants, and hose lines.

(m) Fire protection must meet the local fire regulations.

(32) The race meet licensee shall have available current telephone numbers for twenty-four (24) hour emergency veterinarian care. The race meet licensee shall post an established procedure, approved by the commission veterinarian, for providing emergency veterinarian care five (5) days prior to until five (5) days past their race meet.

(33) Any race meet licensee failing to enforce these rules may be subject to fine or revocation of license.

Stat. Auth.: ORS462.250

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

### 462-140-0150

#### Racing Secretary

(1) The racing secretary is responsible for maintaining a file of all registration papers and foal certificates on horses participating in the race meet. The racing secretary shall inspect all ownership and lease documents to be sure they are accurate, complete, and up-to-date. The racing secretary has the authority to demand the production of any documents or other evi-

dence necessary in order to perform this responsibility. The racing secretary shall verify each racing animal's ownership and shall not allow any racing animal to run unless the racing animal is entered in the name of the legal owner as shown on the back of the registration/ownership papers, or on a legal lease attached to the registration/ownership papers, and unless the stable name is licensed, where the papers show a stable name.

(2) The racing secretary is responsible for receiving all entry forms for official racing, all scratch requests, and all subscriptions, nominations, and entrance monies. The racing secretary shall assure, to the extent possible, that all entry requirements have been met and continue to be met until the entry is withdrawn.

(3) The racing secretary shall be responsible for forming each race, and may provide assistance to the trainers in ensuring that only racing animals which are eligible to start or race and which meet any special entry requirements are drawn into the race. The racing secretary shall make every effort to ensure fairness and equal opportunity for all racing animal owners and stable owners in the forming of all races.

(4) As soon as the entries have closed for each racing program, the racing secretary shall compile and post in a conspicuous place a list of entries, minus any subsequent withdrawals. Names of horses on the "Also Eligible" list shall also be compiled and promptly posted in a conspicuous place.

(5) The racing secretary shall keep a complete record of all races and shall immediately report to the stewards conditions which may require a scratch, and any violations of ORS chapter 462 or the rules of racing.

(6) The racing secretary is responsible for publishing the racing program and for the accuracy of the information in it.

(a) The racing secretary shall compile and cause to be printed for each racing day a program which shall legibly set forth for each race the amount of the purse, distance, conditions, names of racing animal which are to be run, their color, sex, age, breeding, state in which foaled, the name of their owner, lessee (if any), trainer, assistant trainer (if any), and jockey, the weight carried, order of their post positions, and such other information and notices to the public as the commission may direct.

(b) Once the official program is printed and placed for sale to the public, there shall be no changes in the program (except to correct printer's errors) unless a horse is legally scratched from a race. No program shall contain a loose insert, unless approved by the board of stewards.

(c) The racing secretary is responsible for the accuracy of all racing related material provided for the program.

(d) All daily programs sold at the racecourse must contain a prominent notice that there is an information window and/or complaint window in the clubhouse and grandstand where complaints may be made or filed in writing. The exact locations of these windows shall be set forth in the notice.

(e) All daily programs sold at the racecourse must clearly contain the following:

**NOTICE:** This race meet is licensed for 20\_\_, License No. \_\_\_\_ by the Oregon Racing Commission and operates under its rules and regulations. The commission office is located at the Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232.

(7) The racing secretary is responsible for writing a condition book and shall assign stalls in an equitable manner and shall maintain a record of arrival and departure of horses stabled on the racecourse.

(8) The racing secretary is responsible for custody and safekeeping of registration papers and foal certificates for all horses participating in the race meet, and for recording required information on them including all wins in Oregon. The racing secretary shall permit access to the registration papers and foal certificates only to authorized personnel, and shall allow them to be removed only by the trainer. If the racing secretary is aware that a trainer has been fired by an owner, the racing secretary shall not release any papers to either except with consent of both, or pursuant to court or arbitration order, or with the consent of the commission.

(9) The racing secretary shall place on the racing secretary's bulletin board the names of heel nerved horses, mares in foal and any other information requested to be posted by the stewards or the commission. Horses that have had an alcohol blocking of the nerve or nerves shall be considered to be nerved.

(10) The racing secretary shall promptly make available to the media records of workouts.

(11) Chart Books:

(a) The Quarter Horse Chart Book shall be the official chart form for Quarter Horse racing.

(b) The Appaloosa Chart Book shall be the official chart form for Appaloosa horse racing.

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(c) The Arabian Jockey Club Charts shall be the official chart form for Arabian horse racing.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-140-0250

### Starter

(1) The starter is responsible for the horses from the moment they enter the designated racing surface from the paddock until dispatched from the starting gate, and may scratch a horse for good cause. The starter shall immediately notify the stewards of any scratch.

(2) The starter shall give order to secure a fair start. If a horse is prevented from obtaining a fair start or a gate malfunctions, the starter shall immediately notify the stewards who will notify the mutual department.

(3) The starter shall supervise the schooling of horses which are first time starters or horses which require further schooling out of the gate. If a horse is unmanageable at the starting gate or refuses to break properly, the starter may disqualify the horse from starting again by placing the horse on the starter's list until the horse has had satisfactory schooling. The starter shall notify the racing secretary in writing when horses are placed on or removed from the starter's list. The starter shall also notify the racing secretary in writing of the names of each horse that has been schooled sufficiently to participate in a race and its approved equipment. The starter shall establish and publish schooling procedures.

(4) The starter may appoint assistants, must verify that they are licensed by the commission, and shall assign their positions at the starting gate. The positions of the assistant starters shall be changed daily by the starter, but without notice to them until the horses have appeared on the track for the first race.

(5) No starter or assistant starter shall wager, directly or indirectly, on any race in which they perform official duties.

(6) The starter shall ensure that the starting gate is functioning properly at least three days before the beginning of the race meet, and shall make sure the gate is properly maintained throughout the race meet.

(7) Horses shall take their positions in the starting gate in post position order (beginning at the inside rail) unless the starter has reasonable cause to alter the order of loading.

(8) No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive, money, or other compensation, gratuity or reward, in connection with the running of any race or races; except such compensation as salaries received from race meet licensees.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-140-0340

### Jockey

(1) Jockeys shall fulfill all engagements.

(2) A jockey who is engaged to ride shall report to the scale room 1 hour before 1st post time to report his/her weight to the scale clerk, unless excused by the board of stewards or a person designated by the board of stewards.

(a) No jockey shall leave the jockey room, other than to ride in a race, until all engagements of the day have been fulfilled, except with express authorization of the stewards.

(b) After fulfilling all riding engagements, a jockey may leave, but may not re-enter the jockey room without permission of the stewards.

(c) A jockey who is not riding on any given day may not enter the jockey room during the time of pari-mutuel or qualifying trial races, except with permission of the stewards.

(d) Jockeys must be neat in appearance and must wear the colors of the race meet licensee.

(e) Jockeys must wear an approved safety helmet which must be properly secured upon entering the track.

(f) Only safety helmets that meet ASTM standards will be approved for use by jockeys.

(g) Jockeys must wear an approved safety vest weighing no more than two pounds, which is designed to provide shock absorbing protection to the upper body of at least a rating of five as defined by the British Equestrian Trade Association (BETA).

(h) Jockeys in a race shall wear a number on the right arm, and this number shall correspond to the saddle cloth number of the horse in the official program.

(3) No jockey shall own any racehorse racing in Oregon.

(4) No jockey shall wager on any race or accept the promise or token of any wager with respect to a race in a race meet in which he or she is participating, except from the owner or trainer of the horse the jockey is riding, and only on that horse.

(5) Jockeys shall report to the paddock immediately when summoned by the paddock judge.

(6) A jockey may have one jockey agent. All engagements to ride shall be made by the jockey agent.

(7) No jockey shall have an attendant other than a licensed valet. No jockey attendant shall wager on any race or place a wager for anyone else.

(8) A jockey who is under suspension for a riding infraction will not be permitted to fulfill any engagements, including stakes races, other than designated races. During the period of suspension, a jockey may be permitted to exercise or gallop horses during the morning hours at the discretion of the stewards.

(9) No jockey shall name him/herself on a horse without first having a call from the owner, trainer, or authorized agent.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2005, f. & cert. ef. 10-18-05; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-140-0350

### Apprentice Jockey

(1) Apprentice jockeys are bound by all rules for jockeys, except when the rules for jockeys are in conflict with the rules for apprentices.

(2) An apprentice jockey 16 years of age or older who has the equivalent of at least one full year of experience exercising race horses and who has never been licensed as a jockey to ride in race meets which are reported in the Daily Racing Form or other official racing publications is eligible to apply for an "Apprentice Jockey Certificate," subject to approval of the stewards. The conditions of an apprentice jockey license, however, do not apply to quarter horse racing, and a jockey's performances in quarter horse racing do not apply to the conditions of an apprentice jockey license.

(3) The racing commission may extend the weight allowance of an apprentice jockey when, at the discretion of the commission, an apprentice jockey is unable to continue riding due to:

(a) Physical disablement or illness;

(b) Military service;

(c) Attendance in an institution of secondary or higher education;

(d) Restriction on racing;

(e) Other valid reasons. In order to qualify for an extension an apprentice jockey shall have been rendered unable to ride for a period of not less than seven (7) consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances total days lost collectively will be given consideration. The racing commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation verifying time lost as defined by this regulation. An apprentice may petition one of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

(4) No person may be licensed as an apprentice jockey after losing his or her entitlement to apprentice jockey weight allowance as determined in OAR 462-150-0050(16)(g).

(5) In all overnight races four furlongs or over, except stakes and handicaps, an apprentice jockey shall ride with a five pound weight allowance beginning with his/her first mount and for one full year from the date of his/her fifth winning mount. If after riding one year from the date of his/her fifth winning mount the apprentice jockey has failed to ride a total of forty winners from the date of his/her first winning mount, he/she shall continue to ride with a five pound weight allowance for one more year from the date of his/her fifth winning mount or until he/she has ridden forty winners, whichever comes first.

(e) An apprentice allowance may be waived with the consent of the stewards.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-150-0010

### Workouts; Exercise; Schooling

(1) An official workout must be under the supervision of the clocker. The galloping or ponying of horses for exercise, and unofficial schooling out of the gate, are not official workouts.

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(2) Before a horse has an official workout, the trainer shall ensure that the clocker is notified and the horse is properly identified. Mandatory schooling must be under the supervision of the appropriate racing official, who must keep a record of the results of the schooling. Official workouts must be timed and recorded. Official workouts may be accepted from other training tracks if the track and clocker are approved and licensed by the commission.

(3) Official workouts may be accepted from a race meet or licensed public training track in another state if reported by a licensed clocker of the other state to the licensed clocker in Oregon or reported in the Daily Racing Form, or other approved publications.

(4) No devices other than authorized riding equipment may be used for any workout, and no horse shall be worked out while under the influence of a prohibited drug or an unauthorized quantity of a permitted drug. The levels of permitted medications for workouts are the same as for race days. The stewards or commission veterinarian may require any horse to be tested for drugs after a workout.

(5)(a) A Thoroughbred horse that has never run in a recognized race must have a minimum of two official workouts within 30 days before being eligible to start in an official race. Any Thoroughbred horse that has not run in a recognized race in the 30 days prior to the race in which it is sought to be entered must have at least one official workout within the previous 30 days before being eligible to race in an official race.

(b) A Quarter Horse, Appaloosa, Paint, Arabian or mule that has never run in a recognized race must have a minimum of two official workouts within 45 days before being eligible to start in an official race. Any Quarter Horse, Appaloosa, Paint, Arabian or mule that has not run in a recognized race in the 45 days prior to the race in which it is sought to be entered must have at least one official work within the previous 45 days before being eligible to start in an official race. (c) The first time a horse or mule races around a turn it must have not less than 1 work around the turn within the past 45 days.

(6) No horse may be worked out during pari-mutuel racing hours without prior permission from the paddock judge and the stewards.

(7) Before accepting the entry of any horse, the stewards may require the horse to have additional official workouts. Also the stewards or the commission veterinarian may, for good cause, order a horse to be worked at a specific distance and effort.

(8) No workout other than an official workout which has been recorded by a licensed clocker shall be submitted for publication in the Daily Racing Form, Equibase or other approved publications.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-150-0020

### Change of Ownership; Change of Trainer

(1) Any horse being registered into the race office must have the current ownership recorded on the foal certificate prior to being accepted by the race office.

(2) After a horse has been registered with the racing secretary, it may not be transferred (unless claimed during the race meet) without permission of the stewards. A notarized bill of sale from the registered owner may be required before the stewards will give permission for the change of ownership, unless a commission official witnesses the signing of the bill of sale. The share of a part owner of any horse may not be sold or assigned without the consent of the other owners. The commission and/or stewards may declare a horse ineligible to race if the ownership or control of the horse is in question. Ownership changes may be made after entry at the discretion of the Board of Stewards, however, no horse may start in a race without the proper and current owner(s) listed on the foal certificate.

(3) An owner who wishes to change a trainer must notify the racing secretary, obtain a change of trainer form, fill out the form completely and have it signed by the stewards. Upon receipt of the completed and signed form by the racing secretary, the former trainer shall not be given any further access to the horse's papers. No trainer change shall be made after the horse is entered into a race.

(4) If an owner has horses with more than one trainer at a race meet the owner must notify the race office and the stewards prior to the horses being entered into a race.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-150-0030

### Claiming Rules

(1) The primary purpose of claiming races is the classification of horses. No person shall enter or allow to be entered in a claiming race a horse against which any mortgage, bill of sale or lien of any kind is held, unless the written consent of the mortgagor, the holder of the bill of sale or the lien claimant has been filed with the racing secretary.

(2) In claiming races, any horse is subject to claim for the entered price by any owner licensed by the commission and in good standing who has at least one eligible horse registered with the racing secretary of a race meet in Oregon, or by any licensed owner with a valid claim certificate. Any other person who wishes to claim a horse must complete a prospective horse owner's application form, and the completed form must be approved by the board of stewards or the commission. After the board of stewards or the commission has approved the prospective horse owner's application a claim certificate may be issued. A claim certificate shall become void on the date of a successful claim.

(3) A claim may be made by an authorized agent, but only for the account of those for whom he or she is licensed as an authorized agent by the commission. A trainer's license is not an authorized agent's license.

(4) No person shall claim or cause to be claimed, directly or indirectly, a horse in which the person has an ownership interest.

(5) A person may claim more than one horse from any one race. An authorized agent may submit claims for more than one owner in any one race, but may not submit more than one claim for any one horse. When a trainer's stable consists of more than one owner, each owner may submit a claim in any one race, but no two or more shall submit a claim for any one horse or all such claims shall be void. No person will be eligible to claim another owner's horse from his/her own trainer's stable. "Person" includes any corporation, partnership, stable name or other legal entity.

(6) The claiming price of each horse in a claiming race shall be printed on the official program, and all claims shall be for the designated amount. However, if there is a printer's error in the official program, the claiming price designated on the official entry form shall govern. Submission of a claim in excess of the official claiming price shall not void the claim.

(7) All claims shall be made in writing by the prospective owner or authorized agent on forms and in the envelopes furnished by the race meet licensee and approved by the commission. Forms and envelopes must be filled out completely and must accurately identify the claim, and be properly signed. If two or more owners are claiming the horse together as Owner #1 "and" Owner #2 "and" Owner #3, all owners must sign the claim form otherwise, the claim will be void. If two or more owners are claiming the horse together as Owner #1 "or" Owner #2 "or" Owner #3, any one or all of the owners may sign the claim form.

(8) All claim forms shall be deposited in the claiming box at least 15 minutes before the established post time of each race. After the claim is deposited the claimant shall have no access to the claim form or the envelope.

(9) No money or its equivalent shall be put in the claiming box. For a claim to be valid, the claimant must have a credit balance of not less than the amount of the claim in the claimant's account with the race meet licensee's paymaster of purses.

(10) Claims are irrevocable unless fraud or deception is involved. The claimant former owner and/or authorized agent shall have 48 hours from the start of the race from which the horse was claimed to file a protest.

(11) Title to a claimed horse shall be vested in the successful claimant from the time the horse is determined to be a starter by the board of stewards. The successful claimant shall then become the owner of the horse whether the horse is alive or dead, sound or unsound or is injured during or after the race.

(12) A claimed horse shall run in the interest and for the account of the owner from whom it is claimed.

(13) Claims which are not in keeping with these rules shall be void. The stewards may at any time require any person filing a claim to attest in writing that the person is claiming in accordance with these rules. The stewards shall be the judges of the validity of all claims.

(14) A claim shall represent a bona fide offer by the claimant to buy at the claiming price. Claiming owners are bound by claims made by their authorized agent. By entering a horse in a claiming race, all owners agree to sell at the designated claiming price if the stewards determine there is a valid claim.

(15) Any horse that has been claimed may be directed by the board of stewards to be taken to the test barn by the prior owner or their representative for delivery to the claimant or representative. The claimant or repre-

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sentative shall accompany the claimed horse to the test barn, however, the care and custody of the horse shall be the responsibility of the original owner or representative until the post race samples have been taken. If a claimed horse is not directed to the test barn, the original owner or their representative shall accompany the horse to the paddock for delivery to the claimant or their representative unless otherwise instructed by the stewards. Written authorization for any claim must be signed by a steward, the clerk of scales, or claims clerk and delivered to the original owner or representative.

(16) No person shall refuse to deliver to a valid claimant a horse claimed out of a claiming race. A horse that has been validly claimed shall be disqualified until delivery is made to the claimant.

(17) If more than one valid claim is filed for the same horse, the title to the horse shall be determined by lot in the paddock under the supervision of one or more of the stewards or claims clerk.

(18) No horse claimed in a claiming race shall be sold or have ownership in said horse transferred, wholly or in part, to anyone within 30 days after the date it was claimed, except in another claiming race.

(19) No claimed horse shall remain in or return to the same trainer's stable or under the care or management of the owner or trainer from whom the horse was claimed for the 30 days.

(20) In claiming races, engagements follow the horse unless the conditions of the race specifically state to the contrary.

(21) No person shall offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming, any horse in a claiming race. No person shall attempt to prevent anyone from running a horse in any claiming race. No owner or trainer shall make any agreement with another owner or trainer or jockey for the protection of each other's horses in a claiming race, or refuse to race to prevent a claim.

(22) Should any stable name be eliminated by sale or removal from the racecourse, the right to claim is void without a valid claim certificate. When a stable name has been eliminated by claiming, the affected owner shall have the right to claim during the next 30 calendar days at the same continuous race meet in this state, even though all or a portion of the next 30 calendar days may take place in the following year.

(23) No official or employee of a race meet licensee shall give any information as to the filing of claims until after the race has been run.

(24) When a claimed horse goes to the test barn, a representative of both the former owner and the new owner shall accompany the horse to the test barn. The claiming of any horse in a race shall not diminish or limit the liability or responsibility of the former owner and trainer for compliance with the statutes and rules of horse racing as to the claimed horse.

(25) The foal certificate of a claimed horse must remain in the custody of the racing secretary until the new owner removes the horse from the racecourse. No registration papers on a claimed horse may be removed from the racing secretary's office for 48 hours after the race.

(26) No person shall enter a mare in any claiming race when the mare is pregnant, unless prior to the time of entry the owner shall have deposited with the racing secretary a signed agreement whereby the owner, at the time of entry, shall provide to the successful claimant without cost, protest or fee of any kind, a valid stallion service certificate covering the breeding of the mare. A successful claimant of a mare in a claiming race may file with the commission a petition for rescission of the claim within forty-five (45) days exclusive of the day of claim if the claimant finds that the claimed mare is pregnant and the agreement to provide a stallion service certificate has not been deposited as required by this section.

(27) If, in a claiming race, a horse is scratched after scratch time or is declared a non-starter, any claim or claims for the horse will be void. The stewards may require the horse to run back at the same price in the horse's next start.

(28) Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

### 462-150-0040

#### Entering for Official Racing; Subscriptions

(1) Before a horse is eligible to race, it must be properly entered into that race by the horse's licensed owner (unless the horse is leased), lessee, trainer or authorized agent, unless authorized by the stewards for good cause. Telephone entries will be accepted if the person entering the horse is properly identified.

(2) No alteration shall be made in any entry after close of entries, but an error may be corrected. Any correction of an entry must be approved by a steward.

(3) No horse may be entered for more than one race on a single day.

(4) No trainer may enter or start more than two horses in a purse race or overnight race, but may enter more than two horses in a stakes race or high weighted race. Provided, however, in a divided overnight race, a trainer may enter 2 horses in each division. When making a double entry under the same ownership or if the trainer has an ownership interest in either horse, the owner or trainer must express a preference. When a preference system is used, two horses under the same ownership may not start to the exclusion of a single entry except in the case of an "In Today Horse" or a maiden in a winner's race.

(5) Entries shall be closed at an advertised time, and no entry will be accepted after that time. The racing secretary may postpone the closing of entries for overnight races. If there is an error in carding a race before entries are drawn, the race may be canceled or opened for more entries.

(6) A jockey must be named by the owner or trainer at the time of the entry. At the draw, if a jockey has been named on more than one horse, a preference call must be declared at that time. If the jockey originally named to ride a horse is not available due to the preference call at the draw, the owner or trainer must name another rider, at the draw or prior to scratch time, if such scratch time is provided; otherwise, the stewards may name a rider and that person shall ride the horse.

(7) No horse may be entered to start unless:

(a) It has been properly registered with the appropriate horse registry. If a horse's name is changed, its new name must be registered with the appropriate horse registry and both its old and new names must be given in every entry list until it has run three races. Both names must be printed on the official program for those three races.

(b) The foal certificate is on file in the office of the racing secretary. The stewards may waive this requirement for horses shipped in from a race track recognized by the Daily Racing Form if the horse is properly identified. However if waived, the foal certificate must be on file with the racing secretary one hour prior to first post of the day, if a photocopy or a facsimile copy of the foal certificate and any epistaxis certificate is on file with the racing secretary by scratch time. In stakes races only, a horse shall be allowed to start without the foal certificate on file, provided that a photocopy or facsimile copy of the foal certificate is on file with the racing secretary, which copy has been forwarded from the race office of a recognized race track which has the original foal certificate on file. The copy of the foal certificate must show the true ownership of the horse.

(c) All ownerships in the horse, except a trainer's percentage of its winnings, are on file with the racing secretary. All changes in ownership after initial entry must be filed with the racing secretary before a horse may start.

(d) It is clearly identified on the entry form by its age, name, color, sex, and names of its sire and dam. If its dam was covered by more than one stallion, the names of all of them must be given in order of service.

(e) It has been clearly tattooed on the upper lip. The stewards may waive this requirement if the horse has been identified by the tattoo technician, and arrangements have been made to tattoo the horse prior to the race. Tattooing must be done by a person authorized to identify the horse by the appropriate horse registry. Arabians using freeze brands in lieu of tattoos may be entered to race with no freeze brand provided they are branded prior to the race.

(f) It has been fully identified from its papers, and is entered in the name of its true owner(s).

(g) It is in the care of a trainer licensed in Oregon.

(h) It has had the required number of official races and/or workouts, including working from the gate and first time starters being gate approved. The stewards may require additional official workouts if they believe they are necessary to enable the public to make a reasonable assessment of the horse's capabilities, or to ensure that the horse will perform satisfactorily.

(i) It meets the conditions of the race.

(j) It is in sound racing condition.

(k) If leased, a copy of the lease shall be filed, on a prescribed form, with the commission, lessee, lessor, horseman's bookkeeper, Stewards and a copy attached to the foal certificate.

(8) A horse is ineligible to be entered or to start if:

(a) Any of its recent workouts have not been recorded by the clocker, including the correct time.

(b) It is on the stewards' list, veterinarian's list, bleeder's list, starter's list, or paddock judge's list.

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(c) Any owner or trainer of the horse has been ruled off the racecourse or is under suspension by the commission, unless the horse is transferred, sold, or its lease agreements abandoned, with approval of the stewards. If a trainer is suspended, any horse owned or trained by the suspended person will be ineligible during the period of the suspension if the horse is transferred to that person's spouse or a person living at the same residence.

(d) The horse has been placed on the veterinarian's list, or bleeder's list, and has not been removed from the list by a commission veterinarian. The commission veterinarian may require saliva, urine, or blood samples, and may require a satisfactory workout, before giving approval.

(e) It has been blocked, nerved or otherwise drugged to desensitize any nerves except in the case of heel nerved, (posterior digital neurectomy) below the fetlock, in only one leg and on approval of a commission veterinarian.

## (9) Entrance Fees and Subscriptions:

(a) The entrance to a race shall be free, unless otherwise stipulated in the conditions of the race. If the conditions required an entrance fee, the fee must accompany the entry, unless waived by the race meet licensee. Payment of entry fees shall be in cash, certified check, or money order.

(b) Entrance and nomination fees may not be refunded, even if the horse dies, is scratched, or fails to start. Entrance fees shall be refunded if the horse is prevented from starting the race through failure of the starting gate to open or if the gate in front of the horse opened late, and the stewards declare the horse to be a non-starter.

(c) Nomination to or entry of a horse in a stakes race cannot be withdrawn after the close of entries. Any subscriber to a stakes race may transfer or withdraw the subscription prior to closing. Joint subscriptions and entries may be made by any one of the joint owners of a horse, and each owner shall be jointly and severally liable for all payments due. Death of a horse, or a mistake in its entry when the horse is eligible, does not release the subscriber or transferee from liability for all stakes due. Death of the original subscriber or nominator to a stakes race shall not render void any subscription, entry or right of entry. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent. When a horse is sold or claimed, stake engagements for the horse shall be transferred automatically with the horse to its new owner, except that if the horse is transferred to a person whose license is suspended or who is otherwise ineligible to race or enter the horse, then the subscription shall be void as of the date of the transfer notwithstanding OAR 462-150-0030(25).

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-150-0060

### Weighting Out; Equipment; Paddock Procedures

(1) All jockeys in a race must be weighed out by the clerk of scales prior to going to the paddock for that race.

(2) If overweight is in excess of the weight the horse is to carry, the jockey shall declare the amount of overweight to the clerk of scales at least one hour before post time of the first race of the day, and the clerk of scales shall have the overweight announced immediately.

(3) Seven pounds is the maximum overweight any horse may carry unless waived by the board of stewards.

(4) A jockey's weight shall include the running equipment for the mount, including saddle with attachments and clothing, but shall not include the riding crop, helmet, safety vest or the horse's bridle.

(5) The trainer shall be responsible for the weight assigned to be carried by the horse. If the jockey scheduled to ride the horse is more than two pounds overweight, the jockey may be replaced by the owner or trainer without any liability for a mount fee to the overweight jockey if replaced with a rider of less weight.

(6) No jockey shall be weighed out for any race unless the jockey's fee for a losing mount in the race has been deposited or guaranteed to the paymaster of purses. Failure to deposit or guarantee the fee for the engaged jockey may result in an involuntary scratch of the horse the jockey was to ride.

(7) The only attendants who will be permitted to assist jockeys in weighing out are valets.

## (8) Equipment:

(a) Helmets: Any licensee mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. The licensee is responsible for providing sufficient evidence that his/her helmet meets one of the following safety standards: American Society for

Testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015; or, Australian/New Zealand Standard (AS/NZ 3838).

(b) Safety Vests: A safety vest, approved for use by the commission, must be worn at all times on association grounds when racing, parading or warming up a horse prior to racing; or jogging or exercising a horse at any time.

(c) Riding Crops: Each jockey in a race shall carry a riding crop as part of his or her equipment. The board of stewards may, for good cause, grant permission not to carry and use a riding crop. Riding crops and blinkers may be used on two-year-olds and all other first time starters if schooled before the starter with that equipment and approved by the starter before the time of entry. No riding crop shall exceed one pound in weight or 30 inches in length, including the popper. The popper shall be fixed to the end of the riding crop and shall consist of a looped leather not less than 1-1/4 inches in width, and not over 3 inches in length.

(d) Permission to use or discontinue the use of a tongue restraint must be obtained from the paddock judge. Material to be used as a tongue restraint may not be furnished by anyone other than the trainer of the horse. Only the trainer or assistant trainer shall be permitted to tie the tongue or replace or repair a tongue restraint, except at the starting gate under the supervision of the commission veterinarian.

(e) Any change in equipment from that which a horse carried in its previous race must be approved by the paddock judge. Any change shall be announced or posted for public information. "Rounddowns" are not considered to be equipment. All bandages in excess of 6 inches in length shall be considered part of the horse's equipment. Permission for a horse to add blinkers, screens, or goggles to his equipment or discontinue the use of them must be made prior to entry with approval from the starter and noted on the entry form.

(f) The Cornell Collar®, a throat support device which research indicates can assist those horses believed to suffer intermittent displacement of the soft palate during running, may be used in horse racing subject to the following conditions:

(A) Prior to a horse being entered to race for the first time with the Cornell Collar® in Oregon, the trainer must do the following in the order listed:

(i) Submit a letter from an ORC licensed veterinarian who has performed an endoscopic throat examination of that horse, certifying that the use of the Cornell Collar® is justified and appropriate and that the trainer of that horse has, in consultation with an ORC licensed veterinarian, become educated and proficient in the appropriate use and placement of the throat support device.

(ii) Have the horse with the Cornell Collar® properly in place perform one official work in the presence of a commission veterinarian.

(B) A horse that has previously raced in Oregon or another jurisdiction with the Cornell Collar® may enter to race with the Cornell Collar® provided that the trainer submits to the commission veterinarian a letter from an ORC licensed veterinarian who has performed an endoscopic throat examination of that horse, certifying that the use of the Cornell Collar® is justified and appropriate and that the trainer of that horse has, in consultation with an ORC licensed veterinarian, become educated and proficient in the appropriate use and placement of the throat support device. No official work of the horse with the Cornell Collar® properly in place in the presence of a commission veterinarian is necessary.

(C) The use of the Cornell Collar® must be declared at the time of entry.

(D) Once a horse races with the Cornell Collar®; the use of the device must be continued in each subsequent race unless the trainer submits a letter from a licensed veterinarian to the stewards stating that the collar is no longer appropriate for the horse;

(E) Only the original Vet-Aire™ Cornell Collar® is approved for use;

(F) The commission veterinarian may check for proper placement of the Cornell Collar® in the paddock and/or post parade.

(g) Every horse in a race shall have a head number which shall be attached in the junction of the brow band, and the head piece of the bridle, unless waived by the stewards for good cause. This number shall correspond to the saddle cloth number of the horse as shown on the program.

(h) Racing silks, caps, and saddle towels shall be the following color, unless a change is approved by the stewards:

(A) No. 1 — Red with White;

(B) No. 1A — Red with White Bands;

(C) No. 2 — White with Black;

(D) No. 2B — White with Black Bands;

(E) No. 3 — Blue with White;

(F) No. 4 — Yellow with Black;

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- (G) No. 5 — Green with White;
- (H) No. 6 — Black with Yellow;
- (I) No. 7 — Orange with Black;
- (J) No. 8 — Pink with Black;
- (K) No. 9 — Turquoise with Black;
- (L) No. 10 — Purple with White;
- (M) No. 11 — Gray with Red Stripes;
- (N) No. 12 — Lime with Black.

(i) All jockeys must wear white color pants in any race on which pari-mutuel wagering is conducted, unless otherwise approved by the board of stewards.

(j) Racing plates must be of a type and design approved by the board of stewards and the commission veterinarian. Front toe grabs shall not exceed 4 mm.

(k) No training devices, such as iron halters, shall be used to approve a horse from the gate, to be schooled from the Starter's List, to get removed from the Paddock List, to work for time, to be removed from the Stewards' List or used during the running of a race.

(9) Paddock: Horses must be in the paddock at least 15 minutes before scheduled post time unless otherwise authorized by the stewards. Every horse must be saddled in the paddock by, or supervised by, the horse's trainer or assistant trainer as shown in the program unless expressly authorized by the stewards, in which case a licensed trainer or assistant trainer approved by the stewards may saddle the horse.

Stat. Auth.: ORS 462.270(3)  
Stats. Implemented: ORS 462.270  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-150-0070

### Post Parade; Start; Race

(1) All horses shall parade from paddock to post carrying their respective weights and, to the extent feasible, shall pass the stewards' stand in numerical order. Any horse failing to do so without good cause may be disqualified by the stewards. After passing the stand once, horses may break formation and canter, warm up, or go as they please to the post.

(2) Jockeys shall remain on their mounts whenever reasonably possible. In case of an emergency, the stewards or the starter may permit all jockeys to dismount and all horses to be attended during the delay.

(3) The post parade shall last no more than 12 minutes, unless approved by the stewards. When the horses have reached the post, they shall be started without unnecessary delay.

(4) A jockey shall exert every effort to ride his/her horse to the finish in the best and fastest run of which the horse is capable. No jockey shall ease up or coast to a finish, without adequate cause, even if the horse has no apparent chance to win prize money.

(5) In a straight-away race, every horse must maintain position as nearly as possible in the lane in which it starts. Every horse in the race is entitled to racing room. A horse which drifts out of its lane or lugs in or out, and interferes with, or impedes another horse in a manner which, in the opinion of the board of stewards, could have affected the outcome of the race, may be disqualified by the stewards.

(6) In a race run around a turn, a horse that is in the clear may be taken to any part of the track. However, a horse which weaves back and forth in front of another horse and/or drifts out of its lane, lugs in or out, and interferes with or impedes another horse in a manner which, in the opinion of the board of stewards, could have affected the outcome of the race, may be disqualified by the stewards.

(7) Jockeys shall make every effort to prevent their horse from lugging in or out in a manner which interferes with another horse.

(8) Jockeys shall make every effort to prevent their horse from weaving back and forth in front of another horse.

(9) Jockeys shall not ride in such a manner as to endanger another horse or jockey.

(10) Jockeys must be in full control of their horse before applying the riding crop. No jockey shall use the riding crop more than is reasonably necessary under the circumstances. No jockey carrying a riding crop during a race shall fail to use the riding crop in a manner consistent with using his/her best efforts to win.

(a) Jockeys are prohibited from using the riding crop on a horse:

(A) on or about the head,

(B) during the post parade except when necessary to control the horse,

or

(C) excessively or brutally.

(b) An announcement shall be made over the public address system in all races where a jockey will not ride with a riding crop.

(11) No jockey shall willfully strike or touch another jockey or another jockey's horse or equipment.

(12) Jockeys shall not unnecessarily cause or allow their horse to shorten its stride. Jockeys shall ride out their horse in every race.

(13) If a horse leaves the designated racing surface after leaving the paddock and prior to the finish of the race, it may be scratched or disqualified.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-150-0080

### Order of Finish; Weighing In; Objections and Disqualification

(1) The winner of a race shall be the horse whose nose first reaches the finish line with the jockey aboard, unless the horse is disqualified by the stewards for ineligibility or other good cause. The decision of the board of stewards as to the order of finish shall be final.

(2) When two or more horses reach the finish line at the same time, or the photofinish photographs do not clearly establish which of the horses reached the finish line first, the stewards may declare a dead heat. When horses run a dead heat, all money and prizes to which the horses would have been entitled if it were not a dead heat shall be divided equally among them. When a dead heat is for first place, each horse finishing first in the dead heat shall be deemed a winner, and shall be liable as a winner for any penalty which attaches to the winning of the race, but only in the amount of winnings actually received.

(3) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot in the presence of one or more of the stewards.

(4) The time recorded for the first horse to cross the finish line with the jockey aboard shall be the official time of the race.

(5) If there is a mechanical failure of the gate, and horses are allowed leave at irregular intervals instead of all horses leaving at one time, the stewards shall decide whether the race is official or whether to declare "no race", and which horses, if any, will be deemed non-starters. In the event of a mechanical failure, interference during the running of the race which affects the majority of the horses in such race, or any other unusual circumstance or situation that the stewards determine resulted in an unfair race for the majority of the horses in the race, the stewards may declare the race as "no race". When in the opinion of the stewards a race cannot be commenced before midnight or cannot be conducted in accordance with the rules and regulations of the commission, they shall cancel and call off such race. Any wagers on such races called off, canceled or declared as "no race" shall be refunded, and no purse, prize or stakes shall be awarded. A race shall be canceled if no horse finishes the race.

(6) Weighing In, Unsaddling:

(a) Weigh In. Upon completion of a race each jockey shall ride promptly to the winners circle and dismount. He/she shall then present himself/herself to the clerk of scales to be weighed in. If a jockey is prevented from riding his/her mount to the winner's circle because of accident or illness either to himself/herself or his/her horse he/she may walk or be carried to the scales unless excused by the stewards.

(b) Unsaddling. Each jockey upon completion of a race must return to the winners circle and must unsaddle his/her own horse, unless excused by the stewards.

(c) Removing Horse's Equipment. No person except the valet-attendant for each mount is permitted to assist the jockey in removing the horse's equipment that is included in the jockey's weight, unless the stewards permit otherwise. To weigh in each jockey shall carry to the scales all pieces of equipment with which he/she weighed out. Thereafter he/she may hand the equipment to the valet-attendant.

(d) Under Weight. When any horse places first, second, third or fourth in a race, and thereafter the horse's jockey is weighed in short by more than two pounds of the weight of which he/she was weighed out, his/her mount may be disqualified and all purse monies forfeited.

(e) Over Weight. No jockey may be weighed in more than two pounds over his/her declared weight but consideration shall be given for excess weight caused by rain or mud.

(f) If a jockey does not present himself or herself to be weighed in, is guilty of any fraudulent practice with respect to weight or weighing, or if unless the jockey or horse is ill, injured, or disabled, the jockey dismounts before reaching the scales or dismounts without permission, or if the jockey touches (except accidentally) any person or thing other than the jockey's own equipment before weighing, the clerk of scales shall report it to the

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stewards, and the stewards may disqualify the horse and place it last, and the jockey and any other licensee involved may be fined or suspended.

(7) Objections, Inquiries and Disqualifications:

(a) Objections which can be made prior to a race must be made to the stewards in writing, must be signed by the objector, and must be filed with the stewards prior to post time. No objection based upon the distance of a race shall be made after the start of the race.

(b) Objections based upon an occurrence during the running of a race must be made before the order of finish has been declared "official". Objections as to what occurs in a race with respect to the performance of a horse or jockey must be made by the owner, trainer, or jockey of the horse which is aggrieved. However, the stewards may take any appropriate action even if no formal objection is made.

(c) Permission of the stewards is necessary before an objection may be withdrawn.

(d) The stewards may disqualify any horse which is the subject of fraudulent or corrupt practices, or any horse whose jockey has committed a violation of the rules of horse racing. A horse which interferes with, impedes or intimidates another horse may be disqualified by the stewards unless the impeded horse or jockey was partly at fault or the interference was wholly caused by some other horse or jockey.

(e) If a horse which has won or been placed in a race is disqualified after a valid objection or otherwise, the stewards shall declare a new order of finish as, in their sole discretion, they deem just.

(f) The stewards must decide every objection properly filed which pertains to a race. In cases of fraud or willful deception, the time limitations for filing objections shall not apply. Appeals to the commission from a decision on an objection/inquiry must be filed in writing within 72 hours after the race is run in accordance with OAR 462-130-0050.

(g) If a horse is disqualified, any other horse in the race owned wholly or in part by the same interest or trained by the same trainer may also be disqualified.

(h) Pending a decision on an objection/inquiry, any prize which the horse subject to the objection/inquiry may have won, and any money held by the race meet licensee as the price of a horse claimed in the race (if involved in the determination of the objection/inquiry) shall be withheld until the objection/inquiry is determined.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-160-0110

### Veterinary Practices

(1) Veterinarians under Authority of Commission Veterinarians:

(a) Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the authority of commission veterinarians and the stewards:

(b) The commission veterinarian(s) shall recommend to the stewards or the commission the discipline that may be imposed upon a veterinarian who violates the rules.

(2) Treatment Restrictions:

(a) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer, via injection, topical application, inhalant, per os or per rectum, a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission;

(b) This subsection does not apply to the administration of the following substances except in approved quantitative levels, if any, present in race day samples or as they may interfere with race day testing:

(A) A recognized non-injectable nutritional supplement or other substance approved by a commission veterinarian;

(B) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or

(C) A non-injectable non-prescription medication or substance.

(c) No person shall possess a hypodermic needle, syringe or injectable of any kind on association grounds, unless otherwise approved by the commission. At any location under the jurisdiction of the commission, veterinarians may use only one-time disposable needles, and shall dispose of them in a manner approved by the commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards and/or the commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess

a syringe, and must comply with any conditions and restrictions set by the stewards and/or the commission;

(d) Veterinarians shall not treat an entered horse within the 24 hours prior to the original post time in which the horse is entered except for the administration of furosemide under the guidelines set forth in OAR 462-160-0130(5) unless approved by a commission veterinarian and if so treated, that horse shall be scratched from racing on that day.

(e) Any horse entered for racing must be present on the grounds 5-hours prior to the post time of the race they are entered in unless that horse is not entered to race with furosemide in which case that horse must be on the grounds no later than one hour prior to the post time of the race for which the horse is entered.

(3) Veterinarians' Reports:

(a) Every veterinarian who treats a racehorse at any location under the jurisdiction of the commission shall, in writing on the Medication Report Form prescribed by the commission, report to a commission veterinarian or other commission designee at the racetrack where the horse is entered to run or as otherwise specified by the commission, the name of the horse treated, any medication, drug, substance, or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by a commission veterinarian;

(b) The Medication Report Form shall be signed by the practicing veterinarian;

(c) The Medication Report Form must be filed by the treating veterinarian within 24-hours of any treatments in section (a) and not later than post time of the race for which the horse is entered. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the commission, or to the trainer or owner of record at the time of treatment;

(d) A timely and accurate filing of a Medication Report Form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

(4) Veterinary Licenses. Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from concurrently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.

(5) The stewards in consultation with a commission veterinarian may adjust the medication administration time to accommodate a significantly delayed post time.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08; RC 1-2008, f. & cert. ef. 4-7-08; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-160-0120

### Prohibited Practices

The following are considered prohibited practices:

(1) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in (human or animal) is forbidden without prior permission of the commission or its designee.

(2) The possession and/or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:

(a) Erythropoietin;

(b) Darbepoetin;

(c) Oxyglobin®; and

(d) Hemopure®.

(3) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(a) Any treated horse shall not be permitted to race for a minimum of 10 days following treatment;

(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the commission;

(c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the commission or its designee before use; and

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported to a commission veterinarian on the

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prescribed form not later than the time prescribed by the commission veterinarians.

(4) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24-hours prior to the original post time of the race in which the horse is entered is prohibited without the prior permission of a commission veterinarian.

(5) No medication may be taken into a stall where a horse is stabled unless it is intended for use on that horse.

(6) An animal may not participate in any race if the animal has been administered any drug that is prohibited by the commission less than 24 hours before the original post time for the race in which the horse is entered.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08; RC 1-2008, f. & cert. ef. 4-7-08; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

### 462-160-0130

#### Medications and Prohibited Substances

(1) No horse may be administered any substance, other than foods, by any route or method less than 24 hours before the original post time for the race in which the horse is entered except furosemide (by the manner described in these rules) unless approved by a commission veterinarian:

(a) Any licensee of the commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer;

(b) The licensed trainer is responsible for notifying the licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding of any hearings and any resulting action. In addition their presence may be required at any and all hearings relative to the case;

(c) Any veterinarian found to be involved in the administration of any drug with an RCI Classification of 1, 2, or 3, involved in a prohibited practice as outlined in OAR 462-160-0120, or involved in an ORS 462 violation shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the stewards or the commission;

(d) Any person who the stewards or the commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the commission does not prohibit a prosecution for criminal acts committed, nor does a potential criminal prosecution stall administrative action by the stewards or the commission;

(e) A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

#### (2) Medication Restrictions:

(a) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a race day test, was present in the horse's body on race day. Prohibited substances include:

(A) Drugs or medications for which no acceptable threshold concentration has been established;

(B) Therapeutic medications in excess of established threshold concentrations;

(C) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

(D) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this chapter less than 24 hours before post time for the race in which the horse is entered.

#### (3) Medical Labeling:

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection;

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in com-

pliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

(A) The name of the product;

(B) The name, address and telephone number of the veterinarian prescribing or dispensing the product;

(C) The name of each patient (horse) for whom the product is intended/prescribed;

(D) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

(E) The name of the person (trainer) to whom the product was dispensed.

#### (4) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs):

(a) The use of one of three approved NSAIDs shall be permitted under the following conditions:

(A) The approved NSAIDs shall be authorized medication at race meets at which the average daily gross mutual wagering during the preceding year exceeded \$150,000. If a race meet with average daily gross mutual wagering during the preceding year of \$150,000 or less desires NSAIDs be authorized medications at their race meet they may petition the commission to approve the use of permitted NSAIDs at their race meet. The commission may approve the use of permitted NSAIDs at such race meet, if in the opinion of the commission the race meet can provide for the necessary qualified staffing, security and for the additional laboratory analysis costs and any other controls necessary to administer the program adequately. Horses on any permitted NSAID will be designated on the overnight and the daily racing program with an "M";

(B) No horse utilizing a permitted NSAID may be entered into a race unless the presence of the specific NSAID is stated on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected;

(C) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection not less than 24 hours before the post time for the race in which the horse is entered:

(i) Phenylbutazone (or its metabolite oxyphenylbutazone) — 5 micrograms per milliliter;

(ii) Flunixin — 50 nanograms per milliliter;

(iii) Ketoprofen — 10 nanograms per milliliter.

(D) These or any other NSAID are prohibited to be administered within the 24-hours before the original post time for the race in which the horse is entered;

(E) The presence of more than one of the three approved NSAIDs in serum or plasma is not permitted in a race day sample; however, the presence of two approved NSAIDs in a race day sample is allowed if one of them is phenylbutazone with a serum or plasma concentration less than one microgram per milliliter (mcg/ml).

(F) The presence of any unapproved NSAID in serum, plasma or urine sample is not permitted in a race day sample.

(b) Any horse to which an NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of a commission veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s);

(c) When listed to race on a permitted NSAID, the approved laboratory must be able to detect the presence of a permitted NSAID in serum, plasma or urine by the routine methods of detection;

(d) If a permitted NSAID is detected in the urine or in any other specimen taken from a horse not stated to have permitted medication in its system on the entry form and/or program, the violation will result in a penalty to the horse's trainer and may result in loss of purse;

(e) If the same horse has three (3) overages of any permitted NSAID during a 365 day period a commission veterinarian may rule the horse off all NSAIDs for a period of one year (365 days);

(f) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian.

#### (5) Furosemide:

(a) The commission may approve the use of furosemide at any race meet if, in the opinion of the commission, the race meet can provide the necessary qualified staffing, security and for the additional laboratory analysis costs and any other controls necessary to administer a furosemide program;

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(b) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of a commission veterinarian or the racing veterinarian for the purpose of removing a horse from the Veterinarian's List or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only if the following process is followed:

(A) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the horse may be so entered.

(B) The horse may discontinue from racing on furosemide at the licensed trainer's choice at the time of entry.

(C) Furosemide shall only be administered on association grounds;

(D) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication which may then be submitted for testing.

(c) Horses to run with furosemide must be so noted on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected:

(A) Horses entered to race with furosemide will be designated on the overnight and the daily racing program with a "Lasix®" or "L". If the race is the first race the horse is to run in on furosemide, it shall be designated in the daily racing program with a "1-L". If the race is the first race the horse runs without furosemide after running one or more races with furosemide, it shall be designated in the program by "O-L" or "L-X";

(B) When discovered prior to the race, errors in the listing of furosemide treatments in the program shall be announced to the public.

(d) The use of furosemide shall be permitted under the following circumstances:

(A) Furosemide shall be administered no more than five hours but not less than four hours prior to the original scheduled post time for the race for which the horse is entered;

(B) The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg;

(C) Furosemide shall be administered by a single, intravenous injection;

(D) The veterinarian treating the horse shall cause to be delivered to a commission veterinarian or designated representative no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form approved by a commission veterinarian:

(i) The name of the horse, racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide;

(iv) Violations of this subsection (subsection (d)) shall result in a fine and scratch from the race the horse was entered to run. Violations may also result in a commission veterinarian ordering the loss of furosemide privileges.

(e) Test results must show a detectable concentration of the drug in the race day serum, plasma or urine sample. If furosemide is not detected in a race day sample, a penalty may be imposed upon the horse's trainer without loss of purse:

(A) Quantification of furosemide in serum or plasma shall be performed. Concentrations of furosemide in serum or plasma shall not exceed 100 nanograms of furosemide per milliliter of serum or plasma. When the concentration of furosemide exceeds 100 nanograms of furosemide per milliliter of serum or plasma, specific gravity of the corresponding urine sample shall be measured.

(B) The specific gravity of race day urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010.

(f) Unauthorized use of furosemide shall result in a penalty to the horse's trainer;

(g) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian;

(h) A commission veterinarian may rule a horse off furosemide if in his/her opinion it is in the horse's best interest, the interest of the citizens of the state or the best interest of horse racing.

(6) Bleeder List:

(a) The commission veterinarians shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by a commission veterinarian;

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to enter for the following time periods:

(A) First incident — 14 days;

(B) Second incident within 365 day period — 30 days;

(C) Third incident within 365 day period — 180 days;

(D) Fourth incident within 365-day period — barred for racing lifetime.

(c) For the purposes of counting the number of days a horse is ineligible to be entered for a race, the day the horse bled externally is the first day of the recovery period;

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy;

(e) A horse may be removed from the Bleeder List only upon the direction of a commission veterinarian;

(f) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to these rules shall be placed on a Bleeder List in this jurisdiction.

(7) Anti-Ulcer Medications. The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to 24 hours prior to the post time for a race in which the horse is entered:

(a) Cimetidine — 8-20 mg/kg by mouth two to three times a day; and

(b) Omeprazole — 2.2 grams by mouth once a day; and

(c) Ranitidine — 6.6 mg/kg by mouth three times a day.

(8) Environmental Contaminants and Substances of Human Use:

(a) The following substances can be environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases: Polyethylene glycol (PEG), PEG-like substances, Hordenine;

(b) Regulatory thresholds have been set for the following substances: Caffeine — 100 nanograms of caffeine per milliliter of serum or plasma;

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

(9) Dimethylsulfoxide (DMSO): The use of DMSO shall be permitted under the following conditions:

(a) It is only administered as an external topical application;

(b) A test sample shall not exceed 10 micrograms / ml. in serum of DMSO or its analogs.

(10) Androgenic-Anabolic Steroids (AAS)

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations equal to or less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following urine threshold concentrations in total (free drug; or metabolite and drug; or metabolite liberated from its conjugates):

(A) 16beta-hydroxystanozolol (metabolite of stanozolol (Winstrol)): 1 ng/ml for all horses regardless of sex.

(B) Boldenone (Equipose® is the undecylenate ester of boldenone) in:

(i) Male horses other than geldings — 15 ng/ml

(ii) No boldenone shall be permitted in geldings or female horses

(C) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) in:

(i) Geldings — 1 ng/ml

(ii) Fillies and mares — 1 ng/ml

(iii) In male horses other than geldings — forty-five (45) ng/ml of nandrolone metabolite, 5 $\alpha$ -oestrane-3 $\beta$ 17 $\alpha$ -diol

(D) Testosterone in:

(i) Geldings — 20 ng/ml

(ii) Fillies and mares — 55 ng/ml

(iii) Male horses other than geldings — Testosterone will not be tested

(c) All other AAS are prohibited in racing horses.

(d) Race day urine samples collected from intact males must be identified to the laboratory.

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(e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the urine concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08; RC 1-2008, f. & cert. ef. 4-7-08; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-160-0140

### Testing

#### (1) Reporting to the Test Barn:

(a) The board of stewards or a commission veterinarian may require any horse to be tested for drugs prior to removal from any list, after any race or workout, or whenever they have a reasonable suspicion that an illegal drug or excessive quantity of an authorized drug has been used in a horse;

(b) The official winning horse and any other horse ordered by the commission and/or the stewards shall be taken to the test barn to have a blood and urine samples taken at the direction of a commission veterinarian. The horse(s) ordered to the test barn shall be identified by a readily identifiable tag or ribbon attached to the bridle;

(c) Random or extra testing may be required by the stewards or the commission veterinarian at any time on any horse on association grounds;

(d) Unless otherwise directed by the stewards or a commission veterinarian, a horse that is selected for testing must be taken directly to the test barn;

(e) A track security guard shall monitor access to the test barn area during hours posted by a commission veterinarian. All persons who wish to enter the test barn area must be a minimum of 15 years old, be currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area;

(f) Whenever requested by the stewards or a commission veterinarian, any horse on a racecourse or that was on a racecourse, shall be immediately submitted by the horse's owner or trainer to a commission veterinarian or designated representative for examination or testing. If the horse is not on the racecourse, it must be promptly returned to the racecourse. An extension of time may be granted if good cause is given at the time the request is made;

(g) A claimed horse shall remain in the care and custody of the original trainer or his/her representative until after the post race test has been taken.

#### (2) Sample Collection:

(a) Sample collection shall be done in accordance with these rules and the guidelines and instructions provided by a commission veterinarian;

(b) A commission veterinarian shall determine a minimum sample requirement for the primary testing laboratory;

(c) If a urine sample is not obtained within one hour of the time the horse started walking, the commission veterinarian may administer furosemide to the horse. The needle and syringe used for the diuretic shall be labeled and attached to the urine sample container. The quantity of furosemide administered shall be indicated on all portions of the urine sample tag;

(d) Any examination made by a commission veterinarian or test taken by a commission veterinarian or designee may be witnessed by the owner, trainer, or the trainer's designated representative.

#### (3) Storage and Shipment of Split Samples:

(a) Split samples obtained in accordance with subsection (2) above shall be secured and made available for further testing in accordance with the following procedures:

(A) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer and/or refrigerator at a secure location approved by the commission;

(B) A freezer and/or refrigerator for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

(C) Split samples remain the property of the commission and in the case of a compromised primary sample, shall be used as the primary sample.

(b) A trainer of a horse having been notified by commission staff that a prohibited substance or overage of a permitted medication has been found in a sample may request a split sample be sent to another laboratory approved by the commission for referee testing. In the case of a compro-

mised primary sample, the remaining portion of the split sample used by the primary laboratory for primary testing may be sent to another laboratory approved by the commission. The request for referee testing must be made in writing, in person or by telephone. Payment for the testing must be paid in full and be delivered to a designated commission representative not later than 72-hours after the trainer of the horse receives notice of the findings of the primary laboratory. Notification, for the purpose of this rule, will include efforts to contact the trainer by commission staff using the information supplied by the trainer on his/her license application.

(c) The trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the trainer or designee to appear at the time and place designated by a commission veterinarian or other commission staff shall constitute a waiver of all rights to split sample testing. Prior to shipment, the commission shall confirm the split sample laboratory's willingness to provide the testing requested and arrangements for payment satisfactory to the split sample laboratory;

(d) The package containing the split sample shall be transported in a manner prescribed by the commission to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission-approved laboratory selected by the owner or trainer;

(e) The commission will not release a horse's specimen to any representative of the horse. All expenses for a confirmation test, including but not limited to transportation, analysis and personal testimony from the reference laboratory shall be borne by the horse's representative. A copy of all written material received by the laboratory which conducted the confirmation analysis shall be forwarded to the horse's representative. The commission or stewards may use the written material as evidence at any hearing.

(4) Laboratory Minimum Standards: Laboratories conducting either primary or split race day or other sample analysis must meet at least the following minimum standards:

(a) A testing laboratory must adhere to and comply with any standards set forth and required by the commission;

(b) A testing laboratory must have, or have access to, LC/MS instrumentation for screening and/or confirmation purposes;

(c) A testing laboratory must be able to meet minimum standards of detection, which is defined as the specific concentration at which a laboratory is expected to detect the presence of a particular drug and/or metabolite or by the adoption of a regulatory threshold.

#### (5) Refusal or Interfering With Sample(s)/Collection:

(a) Failure to be present at or refusal to allow the taking of a sample is prohibited;

(b) Any act, disturbance or threat to impede, prevent or interfere with the taking of a sample, ORC personnel while documenting a sample or following a commission veterinarian's guidelines for collection and documentation of a sample is prohibited and shall be reported to the stewards;

(c) Any violation of this section shall be deemed an admission of violation of ORS 462.415(b).

#### (6) Substances That Cause Interference with Testing Procedures:

(a) If laboratory analysis detects any adulteration or substance in quantities that interfere with routine screening or the true and accurate testing and analysis of any sample taken from an animal, the laboratory shall perform alternate testing procedures to determine if any other prohibited drug(s) are present. If another prohibited or unauthorized drug is found, the sanctions for the use of such drug shall additionally apply;

(b) Sulfa drugs. Non-interfering levels of sulfa drugs in urine tests shall not be considered a violation of the prohibited medication statutes of rules. Non-interfering level shall be considered to be anything less the 1 microgram per milliliter of urine.

#### (7) Presence of A Prohibited Substance:

(a) Laboratory analysis of saliva, urine, blood or other sample taken from a horse on race day which indicates the presence of an unauthorized drug or an excessive quantity of an authorized drug shall be conclusive evidence that the horse contained that drug or quantity of drug on race day;

(b) When laboratory analysis confirms the presence of an unauthorized drug, the commission investigators shall immediately conduct a thorough investigation of the incident. Within a reasonable time after receipt of the lab results and investigative report, the stewards shall hold or request the commission to hold a hearing to determine if the horse on race day had an unauthorized drug and/or an excessive amount of an authorized drug in its system, and if so, who was responsible for the horse's condition;

(c) If a horse on race day is found in violation of the medication statutes and rules, excluding those statutes and rules governing the use of non-steroidal anti-inflammatory drugs or with trace levels of therapeutic medications as determined by the commission as authorized by ORS 462.415, its owners shall not participate in the purse distribution of that race

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and the horse shall be disqualified. Those owners shall promptly return any portion of the purse, together with any trophy. When a horse is disqualified in a race because of this rule, the eligibility of other horses which ran in the race and which have started in a subsequent race before announcement of the disqualification shall not be affected. If the ruling or order disqualifying a horse is appealed to the commission, all horses involved in the race shall participate in future races based upon the original order of finish of the race in question until final disposition of the appeal by the commission.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 2-2007(Temp), f. 2-28-07, cert. ef. 3-7-07 thru 8-31-07; RC 5-2007, f. & cert. ef. 8-6-07; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-200-0340

### Application and Approval of Off-Track Wagering Facilities

Any race meet licensee desiring to simulcast its racing program including races in Oregon, out-of-state races, or any combination thereof, to an off-track wagering facility(ies) shall file an application for approval for each facility with the commission. The application shall describe a plan of operation for the facility which includes, but is not limited to, the following information:

(1) The name, address, and date of birth of the applicant and owner(s) of the facility and any other information which may be required by the commission to perform a criminal history and financial background investigation. The commission may also require an applicant/owner to provide fingerprints and a written consent in order to perform a nationwide criminal record check. In carrying out this subsection, the commission may require the applicant/owner to pay the cost of performing a criminal record check. The application will be denied if the applicant, or in the case of a partnership or corporation, a general partner, officer, director, major stockholder (over 5%) or employee has engaged in any unlawful activity determined to be conduct detrimental to the best interests of racing, or has failed, refused or neglected to comply with any rule, regulation, condition of license or order of any state or federal regulatory agency, including the Oregon Racing Commission or its representatives reasonably related to its conduct as a simulcast operator, or who has engaged in any activity which is grounds for denial, suspension, or revocation of license pursuant to the statutes or rules of racing in the State of Oregon.

(2) A description of the management groups responsible for the operation of the facility, including a description of any subcontractors who will be substantially involved in the operation of the facility.

(3) The location of the facility and a written confirmation from appropriate local officials that the location of such facility and the number of patrons expected to occupy such facility are in compliance with all applicable local ordinances.

(4) A scale drawing of the facility, including its public accommodations, equipment, concessions, and office space.

(5) A security plan approved by the executive director outlining the security measures to be employed to protect the facility, to control crowds, to protect the public and employees, to safeguard the transmission of the simulcast signals and to control the transmission of wagering data to effectuate common wagering pools.

(6) The type of data processing, communication and transmission equipment to be utilized.

(7) The system of accounts to maintain a separate record of revenues collected by the simulcast facility, the distribution of such revenues and the accounting of costs relative to the simulcast operation.

(8) An agreement that has been executed with the simulcast operator for the conduct of simulcast wagering at the facility

(9) An agreement that has been executed with the owner of the facility allowing its use as an off-track wagering facility.

(10) An agreement that has been executed with the totalizator company for the equipment and system necessary for the conduct of simulcast wagering at the facility.

(11) Financial reports in sufficient detail for the commission to determine the applicant's ability to adequately perform the duties of a simulcast operator.

(12) A posted surety bond or other suitable instrument as approved by the Oregon Racing Commission, in an amount sufficient to ensure payment of distributable amounts of pari-mutuel pools held by the race meet licensee pursuant to statute and the faithful performance of the duties of a simulcast operator. The bond may be the same as the one posted by the race meet licensee for the conduct of the race meet.

Stat. Auth.: ORS 462.700

Stats. Implemented: ORS 462.700

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## 462-200-0370

### General Operations of Off-Track Facility

(1) The video/audio signal receiving controls, the fax machine and ring-down phone or business system phone with speed dial must all be in an area accessible to the mutuel line supervisor.

(2) The mutuel windows and self service machines at the off-track facilities will be open upon the broadcast of the video display to the off-track facility of the first performance to be carried at the off-track site that day. Once the site is open for wagering on a given day, wagers may be taken on races from performances scheduled to be carried at the site later that day.

(3) Signal Priority and Continuity of Program. The advent of off-track wagering was to enhance live racing in Oregon. For that reason, the priority of the signals going to the off-track sites should be set in a way which supports that public policy. The priority of signals shall be as follows:

(a) Any signal of a live race originating from a racetrack in the State of Oregon.

(b) Simulcast signals which the track and the off-track site may agree upon which best meets the desires of the patrons at the site, in priority order, limited by the number of satellite dishes the site may have. All contracts between tracks and off track sites shall contain a provision which states they are subject to the authority of the commission to consider the mix and balance of simulcast signals offered to off-track sites during the review of individual race meet applications.

(4) Track Responsibilities. The Oregon race meet licensee is responsible to the commission for the proper conduct and performance in all aspects of the operation of the off-track sites approved to carry the signal(s) of the race meet license. The race meet operator shall report to the commission's designee all problems encountered at off-track sites in a timely fashion, along with solutions or proposed solutions. At a minimum the race meet licensee shall ensure the following prior to allowing the initial start up and the continued operation of an off-track site:

(a) There are qualified and properly trained mutuel employees of a sufficient number to reasonably be expected to handle the number of patrons at the site;

(b) That data line is in place and operating. That a separate voice phone line and a fax line are in good working order. All lines must be separate from the other lines required by this rule and other lines in the facility and shall not be used by unauthorized persons;

(c) That audio visual signals are secure from receipt by unauthorized sites and are of a quality to allow viewers an exemplary depiction of the racing program;

(d) That the totalizator system is configured in a manner to allow accurate and timely transmission of wagers, wagering information and odds to and from the off track site, as well as reports which provide wagering information of the site individually;

(e) Timely distribution of all program; past performance information; weight changes; over weights; tip sheets where available; and any other information made available to the patrons at the race meet licensee's track, to the off track site(s) so that such information can be made available, in a legible format, to the patrons at the off track site;

(f) Dissemination of surcharge information to the off-track sites;

(g) Provide the necessary management of off-track site mutuel employees.

(5) Site Responsibilities. Off-track site operators shall provide a site which is suitable for the conduct of off-track wagering activity. Off-track sites are an extension of the race track's public area and should be of a standard which enhances the image of racing in the State of Oregon. Off-track sites must provide the following prior to start-up of the site and for the continued operation of the site:

(a) A clean well lighted area for patrons during the wagering performances.

(b) Clean rest room facilities for the public.

(c) An area suitable for the placement of wagering terminals and which provides adequate safety and security for the mutuel employees working at the site.

(d) An area in which the necessary decoders, modems, fax machine, and voice line phone can be securely housed within easy reach of the mutuel employees.

(e) A safe, approved by the racing commission, for safe keeping of the money used for the pari-mutuel wagering activity between the performances.

(f) Posting of the surcharge information in a conspicuous place for inspection by the wagering public.

(g) A written security plan and provisions approved by the racing commission.

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(6) **Equipment Related.** The issue as to who is responsible for providing which pieces of equipment necessary for the conduct of the wagering activity can be set forth in the contract between the race meet licensee and the off-track site; however, the commission will hold the race meet licensee responsible for ensuring all of the necessary equipment is available and in good working order. At a minimum the following equipment must be on site:

(a) Enough wagering terminals to adequately serve the number of patrons reasonably expected to be in attendance at the site. In addition, one extra wagering terminal as a backup for those sites over 30 minutes driving time from the race meet licensee track.

(b) The necessary number of satellite dishes and audio/visual monitors. The satellite dishes will be installed in a manner which will withstand the weather conditions normally expected at the off-track site.

(c) A fax machine, a voice telephone for communication with the tote room and mutuel office at the race track. Both the fax machine and the voice phone must be on separate lines and must be immediately available to the mutuel employees at the site. The lines may not be used for other purposes at the site.

(7) The track will ensure its staff at the off-track site are instructed in and be knowledgeable of the operation of the satellite signal receiving and tote equipment in use on site.

(8) When there is a loss of data transmission, the wagering at the facility will be cancelled until the data transmission can be re-established. Tickets purchased prior to the loss of data transmission will be considered valid wagers. Winning tickets will only be cashed after the data transmission to the mutuel machines has been re-established.

Stat. Auth.: ORS 462.700

Stats. Implemented: ORS 462.700

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

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**Secretary of State,  
Archives Division  
Chapter 166**

**Rule Caption:** Updating OAR 166-200 to correct alphabetizing/numbering and minor content errors.

**Adm. Order No.:** OSA 6-2009

**Filed with Sec. of State:** 8-26-2009

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**Rules Amended:** 166-200-0010, 166-200-0030, 166-200-0035, 166-200-0050, 166-200-0055, 166-200-0075, 166-200-0090, 166-200-0100, 166-200-0110, 166-200-0115, 166-200-0120, 166-200-0125, 166-200-0130, 166-200-0135, 166-200-0145

**Subject:** This rule is being proposed to correct alphabetizing/numbering and minor content errors.

**Rules Coordinator:** Julie Yamaka—(503) 378-5199

## 166-200-0010

### Administrative Records

(1) **Activity and Room Scheduling and Reservation Records** Records document scheduling and reservations related to public participation in and use of various city activities, events, classes, and meeting rooms. Includes schedules, logs, lists, requests, and similar records. SEE ALSO Participant Registration and Attendance Records and Park and Facility Use Permits in the Parks and Recreation section for records documenting public use of services or facilities for which formal registrations or permits are required. (Minimum retention: 1 year).

(2) **Activity Reports, General Daily, weekly, monthly, or similar reports other than annual reports documenting the activities of city employees.** Useful for compiling annual reports, planning and budgeting, monitoring work progress and other purposes. Usually tracks type of activity, employees and/or volunteers involved, time spent on activity, work completed, and related information in narrative or statistical form. SEE ALSO Grant Records in the Financial-General section for reports documenting activities directly related to projects funded by grants. (Minimum retention: 2 years).

(3) **Annual Reports** Reports document the program or primary functional activities and accomplishments of the office for the previous year. These are often compiled from monthly, quarterly, or other subsidiary activity reports. Usually includes statistics, narratives, graphs, diagrams, and similar information. SEE ALSO Activity Reports, General in this section for reports documenting shorter periods of time. (Minimum retention: Permanent).

(4) **Cemetery Records\*** Records document the administration and management of city-owned cemeteries. Records may include lists of names and maps of grave locations, deeds, information on purchasing lots and burials, death certificates, State Mortuary and Cemetery Board licensing and reporting documentation, and related correspondence. Some records may have historic value. (Minimum retention: Permanent).

(5) **Correspondence Records** that: 1. document communications created or received by an agency AND 2. directly relate to an agency program or agency administration AND 3. are not otherwise specified in the City General Records Retention Schedule (OAR 166-200) or in ORS 192.170. Records may include but are not limited to letters, memoranda, notes and electronic messages that communicate formal approvals, directions for action, and information about contracts, purchases, grants, personnel and particular projects or programs. (Disposition: File with the associated program or administrative records. Retentions for city records are found in City General Records Retention Schedule. Communications not meeting the above criteria do not need to be filed and may be retained as needed).

(6) **Desk Calendars and Notes Records** documenting and facilitating routine planning, scheduling, and similar actions related to meetings, appointments, trips, visits, and other activities. Includes calendars, appointment books, notes, telephone messages, diaries, and similar records. Depending on content, some telephone messages and similar records may merit inclusion in related program or project files. This applies to records that contain significant information, which is not summarized or otherwise included in reports or similar documents. (Minimum retention: 1 year).

(7) **Emergency and Disaster Incident Records\*** Records document the extent of impact and actions taken by the city in response to disasters, emergencies, and civil disorder. Incidents may be natural or manmade such as earthquakes, wild land fires, severe storms, floods, drought, airplane crashes, utility failures, hazardous materials incidents, riots, and similar events affecting the people, property, or government of the city. Records may include logs, diaries, damage assessment reports, response reports, situation and resource status reports, incident action plans, resource ordering and tracking records, financial documentation, messages, photographs, sign-in sheets, and any other incident related documentation. SEE ALSO the Emergency Management section, the Fire and Emergency Medical Services section, the Police section, the Public Works section, and the Risk Management section for related records. (Minimum retention: Permanent).

(8) **Fax Reports** Reports document the facsimile transactions of the city. Reports may also be used for billing purposes. Information includes date and time fax transmitted or received and recipient/sender fax number. (Minimum retention: (a) If used for billing, retain 3 years (b) If not used for billing, destroy).

(9) **Index/Finding Aid Records** Records created to facilitate the location and retrieval of information, files and physical objects. (Minimum retention: Until superseded or obsolete).

(10) **Internal Audit Records** Records document the examination of the city's fiscal condition, internal control, and compliance policies and procedures. Records may also document performance or other financially related audits by city or contracted auditors. Records may include audit reports, supporting documentation, comments, and correspondence. (Minimum retention: 10 years).

(11) **Key and Keycard Records\*** Records document the issuance of keys and keycards to agency staff to enable access to agency buildings and sites. Records may include but are not limited to key inventories, key issue forms, key replacement records, and key disposal records. (Minimum retention: 2 years after key is turned in).

(12) **Mailing Lists** Lists compiled to facilitate billing, community outreach, and other functions in the city. Information usually includes name of individual or group, address, name and title of contact person, phone number, comments, and similar data. (Minimum retention: Until superseded or obsolete).

(13) **Meeting Records, Board, Commission, and Committee\*** Records document the proceedings of city boards, commissions, task forces, committees, advisory councils, and other similar groups, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710). Records may include minutes, agendas, exhibits, resolutions, staff reports, indexes, petitions, audio or visual recordings, correspondence, and related documentation. (Minimum retention: (a) Minutes\* (except executive session minutes), agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records) permanently (b) Executive session minutes, retain 10 years (c) Audio or visual recordings 1 year after minutes prepared and approved (d) Other records and exhibits not pertinent to minutes, retain 5 years).

## ADMINISTRATIVE RULES

(14) **Meeting Records**, Governing Body\* Records document the proceedings of any regularly scheduled, special, executive session, or emergency meeting of any governing body, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710) that is under city jurisdiction. These typically consist of boards, commissions, advisory councils, task forces, and similar groups. Records may include minutes, agendas, exhibits, resolutions, staff reports, indexes, petitions, tape recordings, and related documentation and correspondence. For further description of several specific examples of meeting records, refer to the subject index. SEE ALSO Meeting Records, Staff and Meeting Records, Board, Commission, and Committee; in this section. (Minimum retention: (a) Minutes\* (except executive session minutes), agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records) permanently (b) Executive session minutes 10 years (c) Audio or visual recordings, retain 1 year after minutes prepared and approved (d) Other records and exhibits not pertinent to minutes, retain 5 years).

(15) **Meeting Records**, Staff Records document meetings within city government, which are not subject to Oregon's Public Meetings Law (ORS 192.610 to 192.710). These routine staff meetings deal with tasks and actions within existing policies and procedures. Records may include minutes, notes, reports, and related items. Some records may merit inclusion in other record series with longer minimum retention periods if the subject matter of the meeting adds significant information to that series. (Minimum retention: 2 years).

(16) **Mitigation Program Records\*** Records document the establishment and maintenance of the city mitigation program, plans, and procedures. Records may include mitigation plans and strategies, policies, procedures, seismic surveys and structural upgrade records of city facilities, project reports, hazard mitigation grant records, and related documentation which may include capital improvement records, new and revised building codes, and zoning ordinances. SEE ALSO the Risk Management section. (Minimum retention: (a) Adopted plans,\* retain permanently (b) Other records, retain for the life of the structure).

(17) **News Releases Records** document the release of prepared statements, announcements, news conference transcripts, and similar records issued to the news media by the city. Subjects include the adoption of new city programs, termination of old programs, policy shifts, changes in the status of elected officials or senior administrative personnel, and others. Also may include news releases announcing routine events or actions carried out within the scope of existing city policies. Some releases may merit inclusion in applicable related record series (e.g., Incident Case Files, Fire Investigation Records, etc.). (Minimum retention: (a) Policy and historic news releases, retain permanently (b) Routine news releases, retain 2 years).

(18) **Notary Public Log Book Records** document the notarial transactions completed by a notary public employed by the city. Cities may retain log books by agreement with the notary public after their separation from city employment. Cities retaining notary public log books without notary agreements should consult their city attorney and/or the Secretary of State, Corporation Division for retention instruction. (Minimum retention: 7 years after date of commission expiration).

(19) **Organizational Records** Records document the arrangement and administrative structure of the city government. May include charts, statements, studies, and similar records. Includes studies to determine the merit and feasibility of reorganization plans as well as other major studies related to the city's administrative hierarchy. (Minimum retention: Permanent).

(20) **Permit and License Records**, City Issued\* Records document city review, background investigations, recommendations and other actions related to permits and licenses issued for various activities within the city. Subjects may include but are not limited to business, tree removal, temporary signs, taxi cab drivers, dances, parades, rocket launching, second hand dealers, alarm system dealers, keeping livestock in the city, and solicitors. Usually includes applications, background investigation reports, permits, licenses, and related records. This record series does not apply to several types of permit records related to construction, certain public works functions, and others. SEE ALSO the Financial sections, Building Permits in the Building section; Explosives Storage and Use Permits in the Fire and Emergency Medical Services section; Right-of-Way Permit Records in the Public Works-Engineering section; and Industrial Pretreatment Permits in the Public Works-Wastewater Treatment section. (Minimum retention: (a) Fee permits or license records, retain 3 years after expiration, revocation, or denial (b) Free permits or license records, retain 2 years after expiration, revocation, or denial).

(21) **Postal Records** Records document transactions with the U.S. Postal Service and private carriers. Includes postage meter records, receipts for registered and certified mail, insured mail, special delivery receipts and forms, loss reports, and related items. (Minimum retention: 3 years).

(22) **Professional Membership Records** Records document institutional or agency-paid individual memberships and activities in professional organizations. (Minimum retention: 3 years).

(23) **Public Notice Records\*** Records document compliance with laws requiring public notice of city government activities. Subjects include assessments, elections, land use changes, public meetings and hearings, sale of property, and others. Records include public or legal notices, certificates, affidavits of publication, and similar documents. SEE ALSO Competitive Bid Records in the Financial-General section for public notices related to bid openings and awards. (Minimum retention: 3 years).

(24) **Publications Records** document the published records produced by or for the city or any of its departments or programs and made available to the public. Includes newsletters, pamphlets, brochures, leaflets, reports, studies, proposals, and similar published records. Does not include publications received from federal, state, private or other sources — these publications and extra copies of city-produced publications should be retained as needed. (Minimum retention: (a) Brochures, pamphlets, and leaflets, retain until superseded or obsolete (b) One copy of all others, retain permanently).

(25) **Requests and Complaints Records** document complaints or requests concerning a variety of city responsibilities. Information often includes name, phone number, and address of person making request or complaint, narration of request or complaint, name of person responding to request or complaint, dates of related activities, and other data. SEE ALSO Equal Employment Opportunity Complaint Records, and Grievance and Complaint Records in the Personnel Records section; Water Quality Complaint Records in the Public Works-Water Treatment Records section; and Incident Case Files, which contain law enforcement complaints in the Police Records section. SEE ALSO Correspondence, General in this section for routine requests for information or publications and Liability Claims Records in the Risk Management section. (Minimum retention: 2 years after last action).

(26) **Routing and Job Control Records** Records used to control the routine flow of documents and other items and actions in and between offices in the city. Includes routing slips, job control records, status cards, receipts for records charged-out, batch slips, and similar records. (Minimum retention: 1 year).

(27) **Scrapbooks Books** document a chronological, historical event or similar record of the city. May contain photographs, newspaper or magazine clippings, commentaries, and other items pertaining to the activities, actions, and reactions of the city officials, personnel, and citizens. Scrapbooks vary greatly in their content and value. Some may have historic value. For appraisal assistance, contact the Oregon State Archives. (Minimum retention: Retain as needed).

(28) **Security Records** Series documents security provided for agency buildings and grounds. Records include surveillance records, security logs, sign-in sheets, security reports, incident reports, and related records. Minimum retention: 2 years

(29) **Seminar and Conference Records**, City-Sponsored Records document the design and implementation of city-sponsored seminars, conferences, workshops, conventions, and similar gatherings. Often includes class descriptions, instructional materials, course outlines, enrollment and attendance records, reports, speeches, planning documentation, and related records. For records documenting registration billings and related fiscal actions, see the Financial-General section. (Minimum retention: (a) Significant program and fee records, retain 3 years (b) Class enrollment and attendance records, retain 2 years (c) Other records, retain 1 year).

(30) **Seminar and Conference Records**, Non-City Sponsored Records document activities, seminars, conferences, workshops, conventions, and similar gatherings not sponsored by the city but attended by city officials or personnel. May include staff reports, instructional materials, recommendations, related correspondence and memoranda, and similar records. (Minimum retention: 2 years).

(31) **Special Event and Celebration Records** Records document city-sponsored celebrations of special and historic occasions such as pioneer days, centennials, and similar events. Provides a record of planning and promotional efforts, public attendance and response, major speeches and dedications, and other aspects of the celebration. These records may include studies, publications, photographs, attendance summaries, final reports, and other documents. Records may also include routine documentation related to implementing the promotion and organization of the event.

# ADMINISTRATIVE RULES

These often include lists, rosters, correspondence, volunteer information, and related records. SEE ALSO Special Event Records, Traffic in the Public Works-Traffic Engineering section for related records. (Minimum retention: (a) Records documenting significant aspects of the event, retain permanently (b) Other records, retain 2 years after event).

(32) **Surveys, Polls, and Questionnaires Records** document the measurement of public opinion by or for the city related to various issues, actions, and concerns. May include surveys, polls, questionnaires, summaries, abstracts and related records. Examples of summaries include studies which incorporate the significant results of public opinion surveys, abstracts of questionnaires designed to determine the skills and interests of citizens volunteering for city service, and other records which distill survey data into summary form. (Minimum retention: (a) Summary reports and abstracts, retain 3 years (b) All other records, retain until summary report is completed or 3 years, whichever is sooner).

(33) **Technical Manuals, Specifications, and Warranties\*** Owners manuals and warranties for city-owned vehicles and equipment. Manuals often include specifications, operating instructions, and safety information. Warranties include terms of coverage for repair or replacement of equipment. (Minimum retention: (a) Manuals, retain until disposition of vehicle or equipment (b) Warranties, retain until expiration).

(34) **Vehicle Maintenance and Repair Records** Records document the maintenance and repair history of all city-owned vehicles. Records may include reports, summaries, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes a description of work completed, parts and supplies used, date of service, date purchased, price, vehicle number, make and model, and other data. SEE ALSO Contracts and Agreements in Recorder-General section for contract records related to private companies maintaining and repairing city-owned vehicles. SEE ALSO Daily Work Records in the Public Works-Operations and Maintenance section and Work Orders in this section. (Minimum retention: 2 years after disposition of vehicle).

(35) **Visitor Logs Records** used to track visitors to city buildings. Records may include visitors' names, visitor badges issued, and entrance and exit times. (Minimum retention: 1 year).

(36) **Work Orders Records** document requests and authorizations for needed services and repairs to city property and equipment. May include copy center work orders, printing orders, telephone service and installation requests, repair authorizations, and similar records. (Minimum retention: (a) Work completed by city personnel, retain 1 year (b) Work completed by outside vendors, retain 3 years).

(37) **Work Schedules and Assignments Records** document the scheduling and assigning of shifts, tasks, projects, or other work to city employees. Useful for budget and personnel planning, review and other purposes. May include calendars, schedules, lists, charts, rosters, employee time surveys, and related records. Also includes rosters and similar records documenting vacation schedules. SEE ALSO the Personnel section for related records. (Minimum retention: 2 years).

(38) **Year 2000 (Y2K) Planning Records** Records document the planning and development of city Y2K Contingency Plans. Records may include but are not limited to meeting minutes, correspondence, draft plans, work notes, plan test results, and final plan. Information includes type of systems vulnerable to Y2K, level of priority, and party responsible for system solution or troubleshooting. (Minimum retention: Destroy).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 2-2005, f. & cert. ef. 5-10-05; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 2-2009, f. & cert. ef. 6-24-09; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0030

### Emergency Management Records

(1) **Alert and Notification Records** Records document any written emergency warnings/notifications issued to the city from the county, the Oregon Emergency Management Division, National Oceanic and Atmospheric Agency (NOAA), or the Federal Emergency Management Agency (FEMA). Subjects may include landslides, earthquakes, windstorms, floods, fires, and other hazards. (Minimum retention: 30 days).

(2) **Civil Preparedness Guidance (CPG) and State and Local Guide (SLG) Records** Records issued by the Federal Emergency Management Agency (FEMA) to provide guidance to state and local agencies on appropriate elements of emergency management programs. These guidelines (known as CPGs or SLGs) provide mandatory policies and procedures for federally funded emergency management programs. (Minimum retention: Until superseded or obsolete).

(3) **Disaster Preparedness Planning and Recovery Records** Records document plans and procedures for the continuity of city govern-

ment in the event that a major disaster destroys or compromises the operations of the city. Components of the recovery plan include but are not limited to physical plant repair and restoration; equipment restoration; electronic data restoration including steps to reload data, recover data, reconnect networks, and reestablish telephone connections; essential records protection; and related procedures and needs dealing with risk management, public relations, and financial issues. SEE ALSO Emergency Operations and Management Plans in this section, and Emergency and Disaster Incident Records in the Administrative section. (Minimum retention: Until superseded or obsolete).

(4) **Emergency Exercise Records** Records document emergency training exercises performed on a regular basis by the city emergency management department, as required by the State and Local Assistance and Emergency Management Assistance Programs. Documentation usually includes statements of purpose, scenario narratives, major and detailed sequences of events, messages and inputs (simulation material), evaluation points, critique and follow-up actions reports, lists of players, and names of controllers and evaluators. (Minimum retention: 3 years after annual or final expenditure report submitted).

(5) **Emergency Management Assistance Activity Reports** Reports document the city's emergency management work plan. These are created on a quarterly basis as required by the Federal Emergency Management Agency (FEMA). The reports provide a narrative of emergency management program elements that were accomplished annually, along with supporting documentation (samples of completed work). Subjects include personnel, equipment, current projects, progress reports, training, and others. (Minimum retention: 3 years after annual or final expenditure report submitted).

(6) **Emergency Management Assistance Expense Records** Records document a breakdown of the city's emergency management program expenses that are eligible for federal matching funds under the Emergency Management Assistance (EMA) program. Summaries are submitted to the Oregon Emergency Management Division annually. They identify the broad categories of emergency management program expenditure as "Personnel, Travel, and Other." Records include appropriate Federal Emergency Management Agency (FEMA) forms, copies of EMA checks issued by the state to the city as part of the pass-through funding procedure, and related documents. (Minimum retention: 3 years after annual or final expenditure report submitted).

(7) **Emergency Management Assistance Fiscal Reports** Records documenting fiscal reports, submitted to Oregon Emergency Management Division, to receive federal matching funds under the Emergency Management Assistance (EMA) program. Reports document all funds spent by the city on emergency management functions. Records include appropriate federal forms and related documents. (Minimum retention: 3 years after annual or final expenditure report submitted).

(8) **Emergency Management Assistance Staff Pattern Records** Records document the city's personnel involved in the emergency management program. It is submitted annually to the Oregon Emergency Management Division and is the basis for determining eligibility for funded staffing support for Emergency Management Assistance jurisdictions. Records include appropriate Federal Emergency Management Agency (FEMA) forms and related documents. (Minimum retention: 3 years after annual or final expenditure report submitted).

(9) **Emergency Management Board Meeting Records** SEE Meeting Records, Board, Commission and Committee and Meeting Records, Governing Body in the Administrative Records section.

(10) **Emergency Management Public Education Program Records** Records related to the design and implementation of emergency management educational and outreach programs and presentations provided to the public by the city. Often includes class descriptions, instructional materials, course outlines, class enrollment and attendance records, reports, speeches, audio-visual records, and related documentation. (Minimum retention: (a) Significant program records, retain 3 years; (b) Class enrollment and attendance records, retain 2 years; (c) All other records, retain 1 year).

(11) **Emergency Management Public Education Publications** Publications created by the city and distributed to the public as part of an emergency management outreach or public education effort. Often used in conjunction with presentations. Records may include brochures, pamphlets, booklets, newsletters, and other publications. Subjects often include emergency planning, warning systems, disaster response, and others. (Minimum retention: (a) Brochures, pamphlets, and leaflets, retain until superseded or obsolete; (b) One copy of all others, such as a book or publication, retain permanently).

# ADMINISTRATIVE RULES

(12) **Emergency Management Resource Lists** Lists document emergency resources such as manpower, equipment, supplies, and services. Includes names, daytime and nighttime phone numbers, and addresses of suppliers and vendors as well as contact names. (Minimum retention: Until superseded or obsolete).

(13) **Emergency Operations and Management Plans Records** document the development, implementation, and updating of emergency operations and management plans. The plans are required by the federal government as part of a Comprehensive Cooperative Agreement (CCA) and must be reevaluated and updated at least every four years. Records often include adopted plans, notes, outlines, drafts, correspondence, and related documents. SEE ALSO Disaster Preparedness Planning and Recovery Records in this section. (Minimum retention: (a) Adopted plans, retain until superseded or obsolete; (b) All other records, retain 3 years after annual or final expenditure report submitted).

(14) **Hazard Analysis Records** Records document potential natural and man-made hazards in the city. Used to formulate emergency plans, evaluate existing plans, and for general reference. The Federal Emergency Management Agency (FEMA) requires documentation for federally funded Emergency Management Assistance jurisdictions. Types of hazards include earthquakes, droughts, fires, floods, nuclear incidents, and others. Records include appropriate federal forms and related documents. Information includes geographic descriptions of locations, definitions of hazards, vulnerability identifications, hazard histories, potential maximum threats, probabilities, and related data. (Minimum retention: Until superseded or obsolete).

(15) **Hazard Shelter Records** Records document the condition of buildings designated to be used as hazard shelters in case of emergency. Used for emergency planning and reference. Records may include documents issued by federal and state emergency management agencies, as well as related materials such as sketches and photographs. Information usually includes address, building name, structural dimensions, building composition, potential occupancy, inspection results, and related data. (Minimum retention: Until superseded or obsolete).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0035

### Financial-Assessment and Bonds Records

(1) **Assessment Balance Reports** Reports document the status of billings related to assessments for city improvements. Includes daily, weekly, monthly, quarterly, annual, and other reports showing account status by tax lot, ordinance, delinquent balances, and other criteria. (Minimum retention: (a) Annual reports or similar cumulative summaries, retain permanently; (b) All other reports, retain 3 years).

(2) **Assessment Deferral Records** Records document various types of assessment deferrals for city improvements such as those for qualifying property owners 62 years of age or older as described in ORS 311.702 through 311.735. Includes applications, deferral claims, statements, financial documents, and other documentary proof showing satisfaction of requirements. Information includes name and address of property owner, age, income, signature, type of assessment, installment date and amount, and related data. (Minimum retention: 3 years after final payment).

(3) **Assessment Dockets, Ledgers, and Registers** Dockets, ledgers, registers, or similar records detailing payments made by property owners for assessments to finance city improvements. Includes bond lien dockets described in ORS 223.230. Information may include name and address of property owner, tax map and lot number of assessed property, description of property, total assessment, terms, amount paid, interest paid, principal balance paid, and related data. (Minimum retention: 3 years after final payment).

(4) **Bancroft Bond Applications** Applications submitted by property owners for installment financing of assessments levied for city improvements. Information may include account number, date received, assessment amount, name and address of property owner, description of improvement, waiver, lot and block numbers, interest rate, payment period, and related data. (Minimum retention: 3 years after final payment).

(5) **Bancroft Bond Foreclosure Records** Records document foreclosure actions, completed or not, taken by the city against property owners delinquent on their assessment payments. May include payment schedules, title reports, legal opinions, resolutions, lists of properties to be sold, receipts, correspondence, memoranda, and related documents. (Minimum retention: 3 years after final payment, redemption, sale, or action).

(6) **Bancroft Bond Receipts** Receipts document payment of property assessments. Information includes name and address of property owner, tax map and lot number of assessed property, Bancroft number, total payment made, principal amount, interest amount, outstanding balance, and related data. (Minimum retention: 3 years after annual audit report issued).

(7) **Bond Authorization Records** Records document the authorization to finance city improvements through bonded indebtedness. Includes authorizations, supporting financial documents, bond ratings, sample copies of bonds issued, and related records. SEE ALSO Council Records in the Recorder-General section for primary decision documents. (Minimum retention: 3 years after final payment).

(8) **Bonds Issued Registers** Registers or similar records document all city bond issues and related information. Useful for ensuring accurate information about the overall indebtedness of the city. Information often includes bond number, date paid, place of payment, maturity date, date registered, and related data. (Minimum retention: 3 years after annual audit report issued).

(9) **Paid Bonds and Coupons Records** document paid bonds and coupons issued for capital improvements financed by property tax levies, special assessments, and city utilities user payments. Debt types include general obligation, special assessment, water and sewer, tax allocation, and others. The paid (canceled or redeemed) bonds and coupons are received from paying agents and include bond number, maturity date, series number, interest payable date, dollar amount, sale conditions, and related information. Series includes related information contained in official transcripts. (Minimum retention: 3 years after final payment).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2001, f. & cert. ef. 2-15-01; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0050

### Financial-General Records

(1) **Accounts Payable Records** Records document payment of city bills for general accounts. Includes reports, invoices, statements, vouchers, purchase orders, payment authorizations, receipt records, canceled checks or warrants, and similar records. For other accounts, see City Improvement Administrative and Financial Records in Financial-Assessment and Bonds section for documents related to assessable and non-assessable city improvements. SEE ALSO Grant Records in this section for records documenting expenditure of grant funds. (Minimum retention: 3 years after annual audit report issued).

(2) **Accounts Receivable Records\*** Records document revenues owed to the city by vendors, citizens, organizations, governments, and others to be credited to general accounts. Records also document billing and collection of moneys. May include reports, receipts, invoices, awards, logs, lists, summaries, statements, and similar records. Information often includes, receipt amount, date, invoice number, name, account number, account balance, adjustments, and similar data. For other accounts, see City Improvement Administrative and Financial Records in the Financial-Assessment and Bonds section for documents related to assessable and non-assessable city improvements. SEE ALSO Grant Records in this section for records documenting receipt of grant funds. (Minimum retention: 3 years after collected or deemed uncollectible).

(3) **Audit Reports, External Records** document annual audits of the financial position of the city conducted by external auditors in accordance with statutory requirements described in ORS 297.405 through 297.555. Subjects include accounting principles and methods, the accuracy and legality of transactions, accounts, etc., and compliance with requirements, orders, and regulations of other public bodies pertaining to the financial condition or operation of the city. Information includes accountant's summary, combined financial statements, schedules, balance sheet details, comments, recommendations, and related data. SEE ALSO Internal Audit Records in the Administrative section. (Minimum retention: Permanent).

(4) **Balance Status and Projection Reports** Reports created for internal use documenting the status of funds, bank accounts, investments, and other accountings of city funds. Includes budget allotment and fund reconciliation reports. Also includes projection records related to future receipts and disbursements. Reports are generated on a daily, weekly, monthly, quarterly or similar basis. Information includes date, account balances, type and summary of activity, and related data. (Minimum retention: 3 years after annual audit report issued).

(5) **Bank Transaction Records\*** Records document the current status and transaction activity of city funds held at banks. May include account statements, deposit and withdrawal slips, checks, and related records. Information includes bank and account numbers, transaction dates, begin-

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ning balance, check or deposit amount, document numbers, adjustments, description of transaction, ending balance, and related data. (Minimum retention: (a) For retention of records documenting grant transactions, see Grant Records in this section; (b) All other records, retain 3 years after annual audit report issued).

(6) **Bankruptcy Notices\* Records** document the notification to the city that certain individuals have filed for bankruptcy. Used to determine if the individual owes money to the city and to file notice or claim with the court. Records may include notices of bankruptcy filings from U.S. Bankruptcy Court. Information may include debtors name, accounts information, prepared repayment plan, and related documentation. (Minimum retention: 3 years from discharge of debt or 3 years from last action, whichever is shorter).

(7) **City Improvement Administrative and Financial Records\*** Records document the non-technical and financial administration of assessable and non-assessable city improvements including capital improvements, local improvement districts (LID), urban renewal, and economic improvement districts. Records often include affidavits of posting, notices of proposed assessment, certificates of mailing, interested party letters, bid quotes, reports, and awards, expense reports, purchase orders, requisitions, cost analyses, construction and maintenance bonds and insurance, and related administrative and financial records not located elsewhere in this schedule. SEE ALSO Assessment Dockets, Ledgers, and Registers; Bond Authorization Records; and other record series in the Financial-Assessment and Bonds section, and the Public Works-Engineering section for related information. Refer to the Recorder-General section for records documenting legislative actions such as resolutions of intent to assess and ordinances for improvements. (Minimum retention: (a) Records of project cost, retain 3 years after disposal or replacement of facility, structure, or system; (b) All other improvement records, retain 10 years after substantial completion as defined by ORS 12.135(3)).

(8) **Competitive Bid Records** Records document the publication, evaluation, and awarding of quoted bids to vendors and other individuals or organizations. Provides recorded evidence of accepted and rejected bids. May include requests for proposals (RFP), bid exemption documents, bid and quote lists, notices of bid opening and award, comparison summaries, spreadsheets, tabulation worksheets, bid advertising records, tally sheets, bid specifications, correspondence, and related records. SEE ALSO Purchasing Records in this section. (Minimum retention: (a) Accepted city improvement bids 10 years after substantial completion [as defined by ORS 12.135(3)]; (b) All other accepted bids 6 years after bid awarded or canceled (c) Rejected bids and bid exemptions, retain 2 years).

(9) **Credit Slips** Slips issued to citizens who have withdrawn from city-sponsored classes or activities and are due credit for all or part of fees paid. Information usually includes name of class or activity, date, expiration date, name and address of citizen, and related data. (Minimum retention: 3 years after credit expired or redeemed).

(10) **Employee Bond Records\*** Records document the posting of fidelity, performance, or position bonds to guarantee the honest and faithful performance of elected officials, individual employees, or groups of employees. Details of bonds vary, however information usually includes name and position(s) of individual or group, amount of coverage, effective and expired dates, and related data. (Minimum retention: 6 years after expiration).

(11) **Employee Travel Records** Records document requests, authorizations, reimbursements, and other actions related to employee travel. Includes expense reports and receipts, vouchers, requests, authorizations, and related documents. Minimum retention applies to private vehicle usage as well. Information often includes estimated costs, prepayments, final costs, destination, method of transportation, travel dates, approval signatures, and related data. (Minimum retention: 3 years after annual audit has been completed).

(12) **Financial Reports Reports** document the general financial condition and operation of the city. Includes information on the value of all city owned property and an accounting of all income and expenditures in relation to the final budget. Records may include monthly, quarterly, annual, and similar reports. (Minimum retention: (a) Annual reports, retain permanently; (b) All other financial reports, retain 3 years).

(13) **General Ledgers\* Records** document the summary of accounts reflecting the financial position of the city. Information often includes debit, credit, and balance amounts per account, budget, fund, and department numbers, and totals for notes receivable, interest income, amounts due from other funds, federal grants received, bank loans received, cash in escrow, deferred loans received, cash, encumbrances, revenue, accounts receivable, accounts payable, and other data. SEE ALSO Subsidiary

Ledgers this section (Minimum retention: (a) year-end ledgers\*, retain 10 years; (b) All other general ledger, retain 5 years).

(14) **Gift and Contribution Records** Records document gifts and contributions to the city. May include memorial donation records related to money to be used by the city in the name of an individual. Often contains donor and acknowledgment letters, acquisition lists itemizing purchases made with contributed money (books, art, equipment, etc.), checks, receipts, and related records. (Minimum retention: (a) For retention of conditional gift, contribution and donation records, see Contracts and Agreements in the Recorder-General section; (b) All other records, retain 3 years).

(15) **Grant Records** Records document the application, evaluation, awarding, administration, monitoring, and status of grants in which the city is the recipient, grantor, allocator, or administrator. Grants may come from federal or state governments or foundations and other private funding sources. Records may include but are not limited to applications including project proposals, summaries, objectives, activities, budgets, exhibits, and award notifications; grant evaluation records and recommendations concerning grant applications; grant administration records including progress reports, budgets, project objectives, proposals, and summaries; records documenting allocation of funds; contracts; records monitoring project plans and measuring achievement; equipment inventories; financial reports, accounting records, audit reports, expenditure reports, and related correspondence and documentation. SEE ALSO the other Financial sections. (Minimum retention: (a) Final reports from significant (as defined by city policy) grants to the city, retain permanently; (b) Records documenting the purchase and/or disposal of real property, retain 10 years after substantial completion [as defined by ORS 12.135(3)], or 3 years after final disposition, or as specified in agreement, whichever is longer; (c) Other grant records, retain 3 years after annual or final expenditure report submitted and approved or, as specified in agreement, whichever is longer; (d) Unsuccessful grant applications, retain 1 year after rejection or withdrawal).

(16) **Inventory Records\*** Inventory records document the capitalized assets and expendable property of the city. Examples of capitalized assets may include but are not limited to buildings, real estate, infrastructure assets, vehicles, equipment, and furniture. Examples of expendable assets include office supplies and other small, office purchases. Information often contains asset number, description, purchase order number, location of asset, date received, purchase price, replacement cost, depreciation, and related data. This record series applies to routine property control inventories. SEE ALSO Grant Records for inventories of property purchased with grant funds. For inventories documenting other special uses, see Historic Structure Inventory Records in the Planning and Development section; Bridge Inspection Records in the Public Works-Engineering section; and Property and Evidence Control, and Disposition Records in the Police section. (Minimum retention: (a) Records of capitalized assets, retain 3 years after disposal or replacement of asset; (b) Records of expendable property, retain 3 years or until superseded, whichever is longer).

(17) **Investment Records** Records document and tracking various investments made by the city. Often contains bank statements documenting investment information, journal entries, confirmations of purchase of U.S. Treasury Bills, confirmations of deposit in local investment pool, and deposit slips, correspondence, and memoranda related to specific investments. (Minimum retention: 3 years after investment ends).

(18) **Lien Search Records** Records document requests from title companies searching for liens against property within the city, which may include street improvements, water, storm sewer, and sewer. Information may include property owner, tax map and lot number, description of property, total assessment, and payments made. SEE ALSO Bancroft Bond Receipts in the Financial-Assessment and Bonds section and Lien Records in the Recorder-General section. (Minimum retention: 2 years after date of search).

(19) **Property Disposition Records** Records document disposition of city-owned non-real property, usually through public auction, competitive bidding, or destruction. Information often includes date, department, description of item, value, disposition, reason for disposition, condition, and authorization. SEE ALSO Real Property Transaction Records and Grant Records in this section for documents related to the disposition of real property. (Minimum retention: 3 years after disposition of property).

(20) **Purchasing Records** Records document orders, authorizations, and evidence of receipt of the purchase of goods and services by the city. Includes purchase orders and requests, purchase authorizations, requisitions, contract release orders, material and cost specifications, central stores or printing orders, telephone service orders, and similar records. SEE

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ALSO Grant Records in this section for records documenting the expenditure of grant funds and City Improvement Administrative and Financial Records and Competitive Bid Records in this section for related purchasing records. (Minimum retention: 3 years).

(21) **Real Property Transaction Records\*** Records document acquisitions, dispositions, and relocations of real property and right-of-ways by the city for urban renewal projects, parks, sewers, streets, water lines, traffic signals, and other reasons. Records may include offer letters, options, agreements of short duration, staff reports, appraisal reports and reviews, inspection reports, letters of transmittal, summaries, and related records. For records documenting transactions involving grant funds, see Grant Records in this section. SEE ALSO Deeds To City-Owned Land in the Recorder-General section. (Minimum retention: 10 years after substantial completion as defined by ORS 12.135(3)).

(22) **Revenue Sharing Records\*** Evidence of receipt and administration of federal and/or state revenue sharing funds including those from state liquor and cigarette taxes. Used to track how funds are spent, for budgeting future funds and for other uses. May include transmittals, affidavits of publication, planned and actual use reports, supporting documentation used to qualify for revenue sharing funds, and related records. (Minimum retention: 3 years).

(23) **Signature Authorization Records\*** Records document the authorization of designated employees to sign fiscal and contractual documents. Useful as an aid for management control over expenditures. Information usually includes authorization date, name, sample signature, position, remarks, conditions, and related data. (Minimum retention: 6 years after authorization superseded or expired).

(24) **Subsidiary Ledgers, Journals, and Registers** Records document details of transactions such as those related to receipts and expenditures on a daily, monthly, quarterly or similar basis. Includes journals, ledgers, registers, day books, and other account books that provide backup documentation to the general ledger. May include details of revenues, expenditures, encumbrances, cash receipts, warrants, and others. Information often includes date, payee, purpose, fund credited or debited, check number, and similar or related data. Refer to Grant Records in this section for records documenting transactions of grant funds. SEE ALSO Financial — General Records General Ledgers and Financial-Assessment and Bonds section for related records. (Minimum retention: (a) Year-end payroll register, retain 75 years; (b) Trust fund ledgers, retain 3 years after trust fund closed; (c) Other subsidiary ledgers, journals, and registers, retain 3 years).

(25) **Trust Fund Records** Records document bequests to the city. Used to determine trust fund spending for reporting to trustees. May include wills, other legal documents, expenditure records, chronologies, resolutions establishing trust funds by the city, records documenting subject matter approved for purchase, acquisition lists, and related records. Some records may have historic value. For appraisal assistance, contact the State Archivist. (Minimum retention: Records not duplicated elsewhere in city records, retain 3 years after trust fund closed).

(26) **Vehicle Usage and Expense Records** Records document usage and expense associated with city-owned vehicles. Used for maintenance, budgeting, and planning. Information can include vehicle number, make and model, beginning and ending mileage, driver's name and signature, fuel used, repairs needed, and other data. (Minimum retention: 3 years).

(27) **Vendor Lists** Lists document vendors providing goods and services to the city. Information usually includes vendor name of person or company, address, and phone number, name of contact person, as well as a description of goods or services provided. (Minimum retention: Until superseded or obsolete).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2001, f. & cert. ef. 2-15-01; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 2-2005, f. & cert. ef. 5-10-05; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0055

### Fire and Emergency Medical Services Records

(1) **Ambulance Licensing Records** Records document application by the city to the Oregon Health Division for licenses to operate ambulances. May also include records related to applications submitted to the city by private ambulance services for operation in cities that have ordinances regulating ambulance services as defined in ORS 820.300 through 820.380. Records often include applications, licenses, affidavits of compliance, certificates of insurance, bonds, and related documents. Information includes name and address of city, person, or company, and a description of the ambulance, including make, year, registration number, and related data. (Minimum retention: 2 years after denial, revocation or expiration).

(2) **Automobile Display Permits** Permits issued to allow the display of automobiles or any vehicles, which carry fuel inside public or commercial buildings. Permits usually include date of display or expiration date, location, name, address, and telephone number of person or organization requesting the permit, conditions related to the display, comments, and other information. (Minimum retention: 2 years after permit denied, revoked or expired).

(3) **Burning Permits** Permits issued to individuals for open air burning within the area serviced by the city fire department. Information may include name, phone number, address, amount and location of burn, fire protection equipment and conditions required, date, and signatures of permittee and issuing officer. (Minimum retention: 2 years after denial, revocation, or expiration).

(4) **Emergency Medical Incident Records** Records document services provided by the city fire and emergency medical services department to sick or injured people. May include pre-hospital care reports, medical aid liability release forms, and related documents. Information often includes name and address of patient, location of incident, description of illness or injury, actions taken, and related data. (Minimum retention: 10 years).

(5) **Explosives Storage and Use Permits** Records document the issuance of permits authorizing the use of explosives for construction and demolition projects, fireworks, theatrical pyrotechnics, and other applications. Records may include permits, applications, insurance verifications, and related documents. Information often includes name and address of permittee, location of use, amount and type of explosives used, conditions, and related data. SEE ALSO Engineering Project Technical Records in the Public Works-Engineering section for permits related to explosives use on city projects. (Minimum retention: 2 years after permit denied, revoked, or expired).

(6) **Fire and Emergency Medical Services (EMS) Activity Reports** Individual, shift, project, or other activity reports or logs filed on a daily, weekly, monthly, or similar basis. Useful for reference, performance monitoring, compiling annual reports, planning and budgeting, and briefing subsequent shifts. Information usually includes name, shift, date, description of activities, and various statistical categories for tracking department emergency responses, training, public outreach, inspections, maintenance, and other work. (Minimum retention: (a) Reports summarizing activities on an annual basis, retain permanently; (b) Other reports, retain 2 years).

(7) **Fire and Emergency Medical Services Maps** Maps and related records maintained by the city fire department for address location reference and for tracking various trends such as fire frequency and location, arson fires, and others. Includes lists, books, and other methods of address location. Some maps may have historic value. For appraisal assistance, contact the Oregon State Archives. (Minimum retention: Until superseded or obsolete).

(8) **Fire and EMS Advisory Board Meeting Records** SEE Meeting Records, Board, Commission and Committee and Meeting Records, Governing Body in the Administrative Records section.

(9) **Fire and EMS Public Education Program Records** SEE Seminar and Conference Records, City Sponsored in the Administrative Records section.

(10) **Fire and EMS Public Education Publications** SEE Publications in the Administrative Records section.

(11) **Fire and Security Alarm System Records** Records document the city fire department role in issuing permits, testing, and maintaining fire and security alarms that connect to a city alarm system. May include permits, applications, malfunction reports, maintenance reports, and related documents. Permit information often includes name and address of property owner, name and address of company installing the system, permit number, alarm location, and date. Maintenance information often includes date, malfunction (if any), tests conducted, corrective actions taken, location of alarm, and related data. (Minimum retention: (a) Permit records, retain 2 years after expiration; (b) Other records, retain 2 years).

(12) **Fire Investigation Records** Records document investigations conducted by the city fire department. May include investigative reports, supplemental reports, photographs, maps, drawings, correspondence, laboratory reports, notes, and related records. (Minimum retention: (a) Records documenting fires involving loss of life, retain 75 years; (b) Other records, retain 10 years).

(13) **Fire Reports** Reports document each fire responded to by the city fire department. These reports are required by the State Fire Marshal. Subjects include cause, casualties, and property loss. Information includes date, run number, location of fire, weather conditions, owner's name and address, property damage, loss estimate, and other data. Includes additional reports if injuries occurred. (Minimum retention: 10 years).

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(14) **Grass and Weed Control Records** Records document city enforcement of ordinances designed to help prevent fires caused by overgrown grass, weeds, or shrubs. May include complaints, inspection reports, notices, violations, contractor mowing bills, receipts, and related records. Information includes name of property owner, address of property, name of complainant, date and expiration of notice, name of fire personnel inspecting property; date, time, and method of grass and weed removal; charges, signature of contractor, and related data. SEE ALSO Ordinance Violation Case Files in the Municipal Court section. (Minimum retention: 3 years after last action or final payment).

(15) **Hazardous Material Emergency Incident Records** Records document city response to hazardous material emergencies. Subjects usually pertain to spills and other accidental releases. Includes reports, complaints, and similar documents. Information often includes location, date and time, type of pollutant, extent of pollution, cause, action taken, person reporting pollution, witnesses, related injuries, name and address of responsible party and related data. (Minimum retention: Permanent).

(16) **Hazardous Substance Employer Survey Summaries** Records document the storage and use of hazardous materials within the area served by the fire department. Usually consists of summaries of employer surveys conducted by the State Fire Marshal as well as related records Generated by the city. Information includes employer name and location, emergency phone numbers and procedures, location, type, and quantity of hazardous substances, and related data. State employer surveys are updated each year. (Minimum retention: Until superseded or obsolete).

(17) **Inspection and Occupancy Records** Records document fire prevention inspections performed periodically by the city fire department. Inspections determine if any violations of fire code are present in premises within the area served by the department. Usually filed by address. Inspection records may include reports, notices, citations, and related documents. Information often includes occupant name, location, person contacted, violations found, inspector's name, number of days to correct violations, comments, and other data. Also may include occupancy and pre-fire planning records such as floor plans, sketches, reports, lists, and related documents. Information often includes address, name of property owner, description and fire history of property, name of occupant, potential hazards or exposures, regulated substances, fire escapes, water supply, sprinklers, roof construction, and other data useful in fire fighting situations. (Minimum retention: Retain current and previous inspection reports or 10 years, whichever is longer).

(18) **Regulated Substances Storage and Use Records** Records document the storage and use of regulated substances such as gasoline, crude oil, fuel oil, and diesel oil in the city. May include applications, permits, inspection reports and related records for city regulation of above ground storage tanks as well as reports of substance releases from underground storage tanks. Cities that administer their own underground storage tank program as described in ORS 466.730 may have additional records such as underground storage tank applications, permits, inspection reports, documentation of corrective procedures undertaken in the event of spills, leaks, or corrosion, and related documents. SEE ALSO Inspection and Occupancy Records in this section for regulated substance storage and use records related to structures. (Minimum retention: (a) Records related to underground storage tanks, retain 25 years after tank removed; (b) Records related to above ground storage tanks, retain 5 years).

(19) **State Fire Marshal Exemption Records** Records document partial or full city exemption from statutes, rules, and regulations administered by the State Fire Marshal. Exemptions are granted if the city enacts and enforces adequate regulations to conform with to state and national fire standards defined in ORS 476.030(3). Certificates are renewed every two years. Usually includes applications, supporting documentation, reports, exemption certificate, and related documents. (Minimum retention: 2 years after denial, revocation, or expiration of exemption).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0075

### Municipal Court Records

(1) **Appeals Records** Records related to municipal court decisions appealed to higher courts. Can include copies of original citations, reports, driving records, evidence, original dispositions of cases, judgment orders, judge's trial notes, jury lists, jury verdict sheets, correspondence, and related records. (Minimum retention: (a) DUII case records, retain 10 years after case closed, dismissed or date of last action; (b) All other records, retain 5 years after case closed, dismissed or date of last action).

(2) **Court Appointed Attorney Application Records** Letters of application submitted by attorneys requesting to be included on lists of court appointed attorneys designated by the court to defend certain individuals. Usually includes letters of application, letters of acceptance, and related records. (Minimum retention: 1 year).

(3) **Court Appointed Attorney Lists** Lists of court appointed attorneys designated by the court to defend certain individuals. Information often contains attorney's name, address, and telephone number, date of last appointment to a case by the court, and related information. (Minimum retention: Until superseded or obsolete).

(4) **Court Appointed Attorney Time and Billing Records** Records document the amount of time spent on a case by the submitting court appointed attorney. Used to verify time and authorize payment. Records often include affidavits, bills, and related records. Information may include attorney's name and address, defendant's name, charge, docket number, time spent on case, beginning and ending date of appointment, signature of judge authorizing fee payment, and amount to be paid. (Minimum retention: 3 years).

(5) **Court Orders and Procedural Rules Records** documenting the guidelines and implementation of the State Uniform Trial Court Rules and local variations written by the judge to establish guidelines and clarify procedures for court clerks to perform duties of the court. Records may include municipal court orders and court procedural rules. (Minimum retention: Current plus previous orders and rules).

(6) **Docket/Trial Calendars** Lists of dates and times set for court appearances. Information usually includes defendant's name, charge, attorney's name, officers, and the time the case is scheduled to begin. SEE ALSO Trial Proceedings Records in this section for documentation of action taken. (Minimum retention: 90 days).

(7) **DUII Case Files Records** related to DUII (driving under the influence of intoxicants) cases brought before the court and agreements by defendants to enter DUII diversion programs. Can include citations, complaints, chemical analyses, diversion agreements, sentencing orders, commitment orders, license suspension notices, community service referrals, alcohol program referral notices, and related records. (Minimum retention: 10 years after case closed or dismissed or date of last action).

(8) **DUII Diversion Program/Conviction Summary Records** Summaries documenting the number of convicted DUII cases and DUII cases diverted to court ordered medical or mental health programs. Can include summaries of fines, forfeitures, and fees charged to individuals in relation to conviction or diversion. Summary information may include total numbers of DUII cases filed, first offenses filed, diversion petitions approved and revoked, diversion cases convicted or dismissed, and non-compliance cases. Other summaries may document agreement fees, conviction fees, and related information. (Minimum retention: 5 years).

(9) **Jury Records** Records related to selecting and overseeing jurors for the court. Process includes selection of jurors and documentation of services rendered by jurors. Records can include lists of potential jurors, questionnaires, requests to be excused, juror notification cards, juror registers and sign-in sheets, jury pool statistical documentation, and related records. (Minimum retention: 3 years).

(10) **Municipal Court Criminal Case Files Records** documenting the prosecution of non-traffic related criminal misdemeanor offenses and the disposition of cases before the court. Records may also document the preliminary hearing of felony offenses then remanded to circuit court. Action may be initiated by either citation or private complaint. Records often include citations to appear in court, complaints, warrants, police reports, subpoenas, defendant information, and related records. (Minimum retention: 10 years after case closed or dismissed or date of last action).

(11) **Municipal Court Expunged or Sealed Records** Records document the arrest and/or conviction of a person who petitions and is granted by the court an order sealing or otherwise disposing of any related records (according to ORS 137.225) maintained by the Municipal Court. "Upon entry of such an order, the applicant for purposes of the law shall be deemed not to have been previously convicted, or arrested as the case may be, and the court shall issue an order sealing the record of conviction or other official records in the case, including the records of arrest whether or not the arrest resulted in further criminal proceeding." Also applies to records related to juveniles as outlined in ORS 419A.260 through 419A.262. SEE ALSO Expunged or Sealed Records, Police in the Police section. (Minimum retention: (a) Expunged records, retain according to the directive of the court; (b) Expungement orders, retain 10 years or according to the directive of the court; (c) Sealed records, retain 10 years or according to the directive of the court).

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(12) **Ordinance Violation Case Files Records** of citations issued and disposition of cases in court involving violations of city ordinance or code. Examples include building code violations, dogs running at large, nuisances, and other non-traffic violations. Records may include citations to appear in court, complaints, warrants, police reports, subpoenas, defendant information, and other related records. SEE ALSO Building Code Violation Records in Building Records section. (Minimum retention: (a) Citations issued, retain 5 years after case closed or dismissed or date of last action; (b) Records of citations not issued, retain 1 year after date of last action).

(13) **Parking Citation Records** Records of the issuance and disposition of parking citations. May include citations, correspondence, and related records. Information may include citation number, name, vehicle license number, time of citation, violation category, and related data. (Minimum retention: 3 years after satisfied, dismissed or deemed uncollectible).

(14) **Supreme Court Statistical Reports** City copies of monthly reports that were required to be filed with the Oregon State Supreme Court documenting court activity. These reports were discontinued in 1995. Statistical information includes pending cases carried over from previous month, cases filed, cases tried, other terminations (dismissed, transferred, bail forfeited, diversion, etc.) and other data. (Minimum retention: Destroy).

(15) **Traffic Citation Case Files Records** of citations issued (including citations generated from photo radar records) and disposition of cases in court for moving violations such as hit and run and reckless driving, and infractions such as speeding and improper signaling. May include citations to appear in court, complaints, warrants, driving records, police reports, suspension records, disposition slips, subpoenas, and other related records. Does not include DUII citation records. SEE ALSO DUII Case Files in this section and Photo Radar Records in the Police section. (Minimum retention: 5 years after case closed, dismissed or date of last action).

(16) **Trial Proceedings Records/Register of Actions** Records documenting the actions of all cases brought before the court. Types of cases may include criminal misdemeanors, including misdemeanor traffic crimes, with limited penalties; other minor traffic infractions; certain minor liquor and drug violations, parking violations; and municipal code violations such as animal and fire violations. Records may include a register of actions as described per ORS 7.020. Records usually document the prosecution of individual cases including arraignments, motions, orders, and judgments. Information may include date of offense, case number, docket number, pleas, disposition, court date, attorneys' names, defendant and plaintiff names, addresses, and dates of birth, and judgments. May also include indexes. (Minimum retention: (a) Criminal cases, retain 10 years after case closed, dismissed, or date of last action; (b) non-criminal cases, retain 5 years after case closed, dismissed or date of last action).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0090

### Personnel Records

(1) **Affirmative Action Records** Records document city compliance with the statutes and regulatory requirements of the U.S. Equal Employment Opportunity Commission. May include plans, updates, policy statements, reports, and supporting information. (Minimum retention: (a) Plans, updates and policy statements, retain permanently; (b) Other records, retain 3 years).

(2) **Benefits Continuation Records** Records document notifications to employees or dependents informing them of their rights to continue insurance coverage after termination or during disability or family leave. Continuation may be under COBRA or another provision. Notice is also sent to a third party administrator who administers the extended coverage. The records typically consist of notices sent and correspondence. Records may be filed with the Employee Benefits Records or Employee Personnel Records. SEE ALSO Employee Payroll Records in the Payroll section. (Minimum retention: 3 years after employee separation or eligibility expired).

(3) **Collective Bargaining Records** Records documenting negotiations between the city and employee representatives. May include contracts, reports, negotiation notes, letters of agreement, arbitration findings, cost analyses, minutes, tape recordings, and related records. SEE ALSO Contracts and Agreements in the Recorder-General section. (Minimum retention: (a) Contracts and minutes, retain 75 years after contract expires; (b) Other records, retain 6 years after contract expires).

(4) **Comparable Worth Study Records** Records document the analysis, study, and resolution of pay equity, alleged job discrimination, and

related issues involving the city and its employees. May include job content questionnaire summaries, position allocation reports, personnel reclassification studies, job category listings, study outlines, graphs, tables, and related records. (Minimum retention: (a) Final study or report, retain permanently; (b) All other records, retain 5 years).

(5) **Criminal Background Check Records** Records document the pre-employment or periodic criminal record checks performed on prospective or current staff, faculty, and volunteers. Records may include but are not limited to a log recording when background checks are done and who they are done on, and a fingerprint-based criminal history verification form documenting the result of a criminal history background check coordinated by the Oregon Law Enforcement Data System (LEDS). The form includes name and other personally identifiable information, indication of existence or absence of criminal record, and related documentation. (Minimum retention: (a) Background check log, retain until superseded or obsolete; (b) All other records, retain 90 days).

(6) **Disciplinary Action Records** Records document dismissal, suspension, progressive disciplinary measures, and other actions against employees. May include statements, investigative records, interview and hearing records, findings, and related records. May be filed with Employee Personnel Records. (Minimum retention: (a) Investigations resulting in termination, retain 10 years after employee separation; (b) Investigations resulting in disciplinary action or exoneration, retain 3 years after resolution; (c) Unfounded investigations, retain 3 years).

(7) **Drug Testing Records** Records document the testing of current and prospective employees for controlled substances prohibited by policy, procedure, or statute. Records may include but are not limited to the documentation of test results, the collection process, the random sample process, and those documenting the decision to administer reasonable suspicion drug testing. (Minimum retention: (a) Positive test results, retain 5 years; (b) Negative test results, retain 1 year).

(8) **Employee Benefits Records** Records document an individual city employee's benefit information such as selection of insurance plans, retirement, pension, and disability plans, deferred compensation plans, and other benefit program information. Records may include but are not limited to plan selection and application forms, enrollment records, contribution and deduction summaries, personal data records, authorizations, beneficiary information, year-end leave balance reports, notices of disability payments made, and related documentation. Records may be filed with the Employee Personnel Record. SEE ALSO the Payroll section. (Minimum retention: (a) Year-end leave balance reports and official copy of retirement enrollment records, retain 75 years after date of hire; (b) All Other records, retain 3 years after employee separation or eligibility expired).

(9) **Employee Medical Records** Records document an individual employee's work related medical history. These records are not personnel records and must be kept in a separate location from employee personnel records as required by the Americans with Disabilities Act. Records may include but are not limited to medical examination records (pre-employment, pre-assignment, periodic, or episodic), X-rays, records of significant health or disability limitations related to job assignments, documentation of work related injuries or illnesses, hearing test records, hazard exposure records, first-aid incident records, physician statements, release consent forms, and related correspondence. SEE ALSO Hazard Exposure Records in this section. (Minimum retention: (a) Hazard exposure records, retain 30 years after separation ; (b) Other records, retain 6 years after separation).

(10) **Employee Personnel Records** Records document an individual employee's work history. Records may include but are not limited to applications; notices of appointment; employment applications; training and certification records; records of health limitations; salary schedules; tuition reimbursement records; personnel actions; performance appraisal evaluations; letters of commendation and recommendation; letters of reprimand; notices of disciplinary action; notices of layoff; letters of resignation; home address and telephone disclosures; emergency notification forms; oaths of office; grievance and complaint records; and related correspondence and documentation. Records may be exempt from public disclosure per ORS 192.502(2). SEE ALSO Disciplinary Action Records, Employee Benefits Records, Employee Medical Records, Grievance and Complaint Records, Recruitment and Selection Records, and Volunteer Worker Records in this section. (Minimum retention: (a) Letters of reprimand and notices of disciplinary action, retain 3 years; (b) All other records, retain 6 years after separation).

(11) **Employee Recognition Program Records** Records document the recognition of employees for special service to the city. May include service awards, recognition certificates, commendations, award nominations, lists of past recipients, and presentation or ceremony records and

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photographs. Some records in this series may have historic value. For appraisal assistance contact the Oregon State Archives. SEE ALSO Employee Suggestion Award Records in this section. (Minimum retention: 6 years).

(12) **Employee Suggestion Award Records** Records document an employee suggestion program where employees may submit suggestions that improve effectiveness, efficiency, and economy in city government. Employees may receive awards for adopted suggestions. Records may include suggestion forms and evaluations, award information, and related documentation. SEE ALSO Employee Recognition Records in this section. (Minimum retention: (a) Adopted suggestions, retain 2 years; (b) Suggestions not adopted, retain 1 year).

(13) **Employment Eligibility Verification Forms (I-9) Records** document the filing of U.S. Immigration and Naturalization Service Form I-9 form, which verifies that an applicant or employee is eligible to work in the United States. Information includes employee information and verification data such as citizenship or alien status and signature, and employer review and verification data such as documents, which establish identity and eligibility, and employer's signature certifying that documents have been checked. (Minimum retention: 3 years after date of hire or 1 year after employee separation, whichever is longer).

(14) **Equal Employment Opportunity Complaint Records** Case files maintained in relation to discrimination complaints made against the city. Records may include complaints, reports, exhibits, withdrawal notices, copies of decisions, hearings and meetings records, and related documentation and correspondence. (Minimum retention: 3 years after final decision issued).

(15) **Equal Employment Opportunity (EEO) Compliance Records** Reports and related records maintained by cities with 15 or more employees in compliance with U.S. Equal Employment Opportunity Commission regulations. Contains EEO-4 reports and all records related to the completion of the reports. (Minimum retention: 3 years).

(16) **Equal Employment Opportunity Policy Development Records** Records document the adoption and administration of city programs to set personnel policies and procedures within the scope of the Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972. May contain anti-discrimination committee meeting records and reports, workplace analyses, discrimination complaint policies and procedures, and related records. (Minimum retention: (a) Plans, updates, and policy statements, retain permanently; (b) All other records, retain 3 years).

(17) **Grievance and Complaint Records** Grievances or complaints filed by current employees, terminated employees, applicants, or private citizens regarding employment practices. Often relates to interpretations and alleged violations of employment contracts. Records often include complaints, investigation records, interview and hearing reports, arbitrator's findings and decisions, tape recordings and related records. (Minimum retention: 3 years).

(18) **Hazard Exposure Records** Records document a city employee's exposure to hazardous conditions such as chemicals, toxic substances, blood-borne pathogens, biological agents, bacteria, virus, fungus, radiation, noise, dust, heat, cold, vibration, repetitive motion, or other dangerous work related conditions. These records are not personnel records and should be maintained in an Employee Medical File. Records may include but are not limited to hearing test records, radiation measurement records, blood test or other laboratory results, incident reports, first-aid records, X-rays, work station air sampling reports, and correspondence. SEE ALSO Employee Medical Records in this section. (Minimum retention: 30 years after separation).

(19) **Photo Identification Records** Photographs and other records used to identify city employees, private security personnel, contract workers, and others. May include photographs taken for city identification cards, driver's license photographs, and information such as name, date of birth, physical description, identification number, driver's license number, and other data. (Minimum retention: Until superseded or obsolete).

(20) **Position Description, Classification, and Compensation Records** Records document the description, classification, and compensation of city jobs and positions. Usually includes details of duties and responsibilities of each position, time percentage breakdowns of tasks, skills and abilities needed for each position, and related records documenting the development, modification, or redefinition of each job or position. Records often include reports, position descriptions, position evaluations, compensation studies, job analyses, interview data, selection criteria, authorizations, agreements, and related records. (Minimum retention: 3 years after obsolete or superseded).

(21) **Recruitment and Selection Records** Records document the recruitment and selection of city employees. Records may also document the recruitment and selection of contracted service providers such as attorneys, auditors, insurance agents, labor consultants, and others. Records may include but are not limited to job announcements and descriptions, applicant lists, applications and resumes, position advertisement records, civil service and other examination records, classification specifications, affirmative actions records, interview questions, interview and application scoring notes, applicant background investigation information, letters of reference, civil service records, position authorization forms, certifications of eligibles, recruitment summary records (job announcement, position description, documentation relating to the announcement and test, and test items and ratings levels), and related correspondence and documentation. SEE ALSO Employee Personnel Records and Employment Eligibility Verification Forms (I-9) in this section. (Minimum retention: (a) Announcement records, position description, and test and rating records, retain 10 years; (b) Unsolicited applications and resumes, retain 3 months if not returned to the solicitor; (c) Unsuccessful applications and other records, retain 3 years after position filled or recruitment canceled).

(22) **Training Program Records** Records related to the design and implementation of training programs provided to employees by the city. May include class descriptions, instructor certifications, planning documentation, instructional materials, course outlines, class enrollment and attendance records, and related records. SEE ALSO Employee Personnel Records for training records related to individual employees. (Minimum retention: (a) Significant program records, retain 5 years; (b) Class enrollment and attendance records, retain 2 years; (c) All other records, retain 1 year).

(23) **Volunteer Program Records** Records document the activities and administration of volunteer programs in the city. Useful for program planning. May include volunteer hour statistics, volunteer program publicity records, insurance requirement information, inactive volunteer files, and related records. For records related to individual volunteers, see Volunteer Worker Records in this section. (Minimum retention: 4 years).

(24) **Volunteer Worker Records** Records document work performed for the city by citizens without compensation for their services. May include agreements, applications, skills test results, training documentation, task assignment and monitoring records, and related information. (Minimum retention: 4 years after separation).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0100 Police Records

(1) **Activity Reports**, Police Individual officer, shift, and other activity reports usually filed on a daily, weekly, monthly, or similar non-annual basis. Useful for reference, performance monitoring, compiling annual reports, planning and budgeting, and for briefing subsequent shifts or activities. Applies to various duties such as dispatch, confinement, investigations, and patrol. Information usually includes name, shift, date, activities, and various statistical categories for tracking the number of arrests, phone calls, mileage, and other indicators. SEE ALSO Law Enforcement Activity Reports in this section for annual summaries of police activities. (Minimum retention: 2 years).

(2) **Alarm Records** Records document the licensing, use, and response to security alarms in the city. Licenses and permits usually contain name and address of holder, type of alarm, location, instructions to officers responding to call, names of individuals to be contacted when alarm sounds, fee charged, and related data. Other records may include alarm response reports and false alarm reports. False alarm reports are used to document ordinance violations concerning the number of false alarms in a given period. SEE ALSO Incident Case Files in this section for records related to actual intrusions or burglaries. (Minimum retention: (a) Alarm licensing and permit records, retain 3 years after expiration; (b) All other records, retain 2 years).

(3) **Animal Control Records** Records document police department activities related to animal control. Often includes reports, logs, lists, cards, receipts, and related records. Subjects may include dog licenses, lost animals, found animals, animals running at-large, dog bite reports, animals turned over to county animal control programs or humane society programs, and others. Dog license information usually includes name, address, and phone number of owner, name and description of dog, vaccination dates, and related data. Includes records that do not merit inclusion in

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Incident Case Files. (Minimum retention: (a) Dog licenses, retain 3 years after expiration; (b) Other records, retain 2 years).

(4) **Arrest Warrant Log Records** Records document the status of arrest warrants as served, unserved, or recalled by the court. May include logs, validation listings, checkout sheets, and related records. Logs usually include date of warrant, subject's name, charge, date, warrant served or recalled, and related information. (Minimum retention: Until superseded or obsolete).

(5) **Arrest Warrant Records** Records related to a written order made by the court on behalf of the city or state commanding law enforcement officials to bring a specified individual before the court. May also include detainer requests, informational documents related to the wanted person, teletypes, and other records relevant to the service of warrants. Warrant information includes date, court, judge's name, individual's name and date of birth, charge, and related data. (Minimum retention: Until served, recalled or cancelled by the court).

(6) **Block Home Program Records** Records document the application for and review, denial, or approval of block home designations. The Block Home Program is designed to provide safety and protection to school age children. The police department conducts background checks on applicants. Information often includes date, name, address, date of birth, Social Security number, educational and work background, police record check, approval or denial decision, and related data. (Minimum retention: (a) Approved application records, retain 2 years after withdrawal from program; (b) Denied application records, retain 2 years).

(7) **Booking Records** Books, logs, or other records document the confinement and release of individuals held in the city jail. Information usually includes name, charges, date of confinement, date of release, physical condition, and related data. Booking records related to individuals known to be dead need not be retained. SEE ALSO Fingerprint Cards and Mug Shots in this section. (Minimum retention: (a) Homicides, retain 20 years; (b) Felonies, retain 10 years; (c) Misdemeanors, retain 5 years).

(8) **Bulletins From Other Agencies Bulletins, circulars, and related records** received from federal, state, other state, and local law enforcement agencies. Usually contains descriptions and photographs of fugitives, missing persons, or stolen property. May also include other information of interest to the police department. Some bulletins may merit inclusion in Incident Case Files. (Minimum retention: Until superseded or obsolete).

(9) **Communications Logs** Logs document incoming and outgoing communications including radio, telephone, computer aided dispatch, and teletype. Information may include date and time, subject, location, response, message, and other data depending on type of transmission. (Minimum retention: 1 year).

(10) **Community Policing and Problem Solving Records** Records document community policing efforts, services, and programs by the city's police department to enhance communication and partnerships between the police and citizens. Services and programs may include but are not limited to those to help locate, identify, and return memory impaired people, install home security devices and locks to eligible recipients, send courtesy notices to people who violated traffic laws, or other ordinances as observed by a citizen, enter into authorization agreements with merchants to enforce trespass laws, and other problem solving services. Records may include problem solving tracking forms, program applications, courtesy notices for violations, and authorization agreements. (Minimum retention: (a) Agreements, retain 6 years after expiration; (b) All other records, retain 2 years).

(11) **Computer Inquiry Records** Logs or other records documenting requests made to other agencies involving missing persons, wanted persons, stolen vehicles, and other subjects. (Minimum retention: Until superseded or obsolete).

(12) **Computer Validation Records** Logs or similar hard copy records detailing validation requests and proof of verification for National Crime Information Center (NCIC) or other law enforcement information networks. Useful to document maintenance of network standards. (Minimum retention: 5 years or until audited by NCIC or other applicable law enforcement network, whichever is shorter).

(13) **Concealed Weapons Permits Records** document the application for the issuance of a concealed weapon permit and the determination of whether to authorize the permit. The permit is valid for one year and the process must be completed again for renewal. Records may include applications, fingerprint cards, copy of issued permit, and listing of permits issued. Information may include date of application, applicant's name and background information, date issued or denied, reasons for denial, permit numbers issued, and names of individuals issued permits. (Minimum retention:

(a) Denied applications and list of permits issued, retain 5 years; (b) All other records, retain 2 years).

(14) **Crime Analysis Records** Records documenting police efforts to anticipate, prevent, or monitor possible criminal activity. May include reports, statistical summaries, photographs, sound and videotape recordings, and related documents. Subjects often include crime patterns or modes of operation, analysis of particular crimes, criminal profiles, forecasts, movements of known offenders, alerts from other agencies, and others. Some records may have historic value. SEE ALSO Criminal Intelligence Records in this section for related records. (Minimum retention: (a) Major crime analyses or studies, retain 10 years; (b) All other records, retain 1 year).

(15) **Crime Prevention Community Organization Records** Mailing lists, plans, evaluations, notes, reports, and other records documenting community organizations, associations, individual volunteers, and others engaged in or interested in crime prevention efforts. Useful in developing community support for police programs. (Minimum retention: Until superseded or obsolete).

(16) **Crime Prevention Program Records** Records document police department efforts to train citizens in crime prevention. May contain training and media presentation records including lesson plans, outlines, tests, evaluations, speeches, and related records. Subjects usually include neighborhood watches, home security, and others. (Minimum retention: (a) Significant program records, retain 5 years; (b) Class enrollment and attendance records, retain 2 years; (c) All other records, retain 1 year).

(17) **Crime Prevention Security Records** Records document citizen requested police surveys of homes and businesses and subsequent recommendations related to security. Usually contains a detailed checklist of problems or security defects. Subjects often include areas of potential break in, blocked exits, landscaping that can hide crime, and similar topics. Survey usually is compiled into a report that is sent to the owner or renter. (Minimum retention: 2 years).

(18) **Crime Prevention Vacation House Inspection Records** Records document the inspection of homes and other properties while the occupants are away. Information often includes name, address, date received, vacation beginning and ending dates, emergency contact information, special conditions at the house or property, dates and times officers checked the house or property, and related data. (Minimum retention: 30 days after inspections end).

(19) **Criminal Arrest History Records** Records document information on the accumulated criminal arrest history of individuals, which may be useful in current or future investigations. Records may include summary sheets or cards, arrest reports, fingerprint cards, mug shots, and related documents. Information often includes name, aliases, residence, sex, age, date and place of birth, height, weight, hair and eye color, race, scars, marks, tattoos, abnormalities, date of arrest, offense committed, habits, closest relatives or friends, and more. Records may be destroyed earlier if individual is known dead. (Minimum retention: (a) Homicides, retain 20 years; (b) felonies, retain 10 years; (c) Misdemeanors, retain 5 years).

(20) **Criminal History Dissemination Records** Logs and other records documenting the dissemination of criminal histories and other law enforcement information to other agencies or criminal information systems. May include teletype and computer message logs. Information includes date of release, subject of information, recipient of information, reason information was requested, and identification numbers. (Minimum retention: Until case completed or suspended).

(21) **Criminal Intelligence Records** Records document possible and proven criminal activity by individuals, groups, organizations, and businesses for use by local government law enforcement agencies. Information is categorized into file groupings as defined by OAR 137-090-0080 after collection and evaluation. Includes investigatory reports, statistical reports, correspondence, memoranda, and related records. Information includes suspect identification, alleged activity, location, date, source validity, and other data. Sources include law enforcement and regulatory agencies, and private citizens. SEE ALSO Crime Analysis Records in this section. (Minimum retention: (a) "Permanent files" as defined by OAR 137-090-0080, retain 5 years; (b) "Temporary files" as defined by OAR 137-090-0080, retain 1 year; (c) "Working files" as defined by OAR 137-090-0080, retain 30 working days).

(22) **Detoxification Confinement Logs** Logs listing names of individuals held because of drunkenness and released when sober. Includes dates and times confined and released, name of individual, and related information. (Minimum retention: 2 years).

(23) **Emergency Telephone Calls Continuous Audio Tapes** Audio tapes that record incoming emergency calls, police and emergency dis-

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patches, radio activity, and 9-1-1 calls. Tapes are maintained on a 24-hour basis. Recordings of serious incidents may warrant longer minimum retention for legal reasons. These may be transferred onto a separate tape and retained until legal action is resolved. (Minimum retention: 7 months).

(24) **Equipment Issued Records** Records document equipment issued to police department and other city personnel. Items include but are not limited to handcuffs, keys, uniforms, badges, personal protective and fire fighting equipment, and lockers. May include inventories, optional equipment lists, data sheets, and other records. Information often includes date, employee name, number, and section, description of equipment, and related data. SEE ALSO Officer Weapon Registration Records in this section. (Minimum retention: Until superseded or obsolete).

(25) **Expunged or Sealed Records**, Police Records document the arrest and/or conviction of a person who petitions and is granted by the court an order sealing or otherwise disposing of any related records (according to ORS 137.225) maintained by the Police Department. "Upon entry of such an order, the applicant for purposes of the law shall be deemed not to have been previously convicted, or arrested as the case may be, and the court shall issue an order sealing the record of conviction or other official records in the case, including the records of arrest whether or not the arrest resulted in further criminal proceeding." Also applies to records related to juveniles as outlined in ORS 419A.260 through 419A.262. (Minimum retention: (a) Dispose of expunged records according to the directive of the court; (b) Expungement orders, retain 10 years or according to the directive of the court; (c) Sealed records, retain 10 years or according to the directive of the court).

(26) **Field Interrogation Reports** Informational reports written by a police officer related to individuals, groups, events or vehicles for which the officer does not have probable cause for enforcement. Information usually includes name and address of person contacted, physical description of person or vehicle, officer's name, location of contact, date and time, witness, reason for contact, and related data. (Minimum retention: 1 year).

(27) **Fingerprint Cards** Cards containing fingerprints, palmprints, toeprints, and other personal identifiers of arrested individuals. Used for identification and apprehension of suspects in criminal investigations. May also include fingerprints of private security personnel working in the city. Information often includes name, address, date and place of birth, Social Security number, alias, occupation, employer, name of individual taking prints, and related data. Fingerprint cards of individuals known to be dead need not be retained. SEE ALSO Latent Fingerprint Cards in this section. (Minimum retention: (a) Homicides, retain 20 years; (b) Felonies, retain 10 years; (c) Misdemeanors, retain 5 years; (d) Retain other cards until superseded or obsolete).

(28) **Handgun Dealers' Sales Records** Records document purchases of handguns from dealers. May include duplicate register sheets mailed by the dealer to the city police department and triplicate register sheets mailed by the dealer to the State Police for criminal records checks and then forwarded to the city police department. Information includes series number, sheet number, sales person, date and time, city, make, serial number, caliber, name of purchaser, date of birth, address, height, occupation, race, color of eyes and hair, local address (if traveling), and signatures of purchaser and sales person. As of 1996, these records are retained by the State Police. (Minimum retention: Destroy).

(29) **Impounded and Abandoned Vehicle Records** Records document vehicles impounded by the police department related to accidents, abandonment, recovered stolen vehicles, vehicles used in the commission of crimes, and other reasons. May include reports, notifications, information cards or sheets, receipts, and related records. Information often includes the make, model, year, color, identification number, tag number, and condition of the vehicle and contents, reason for impounding, location of impoundment, charge (if any), towing company used, release conditions, name and address of individual to whom vehicle was released, and other data. (Minimum retention: Retain records not included in Incident Case File 2 years after disposition of vehicle).

(30) **Incident Case File Indexes** Indexes to incident case files used as cross-references between case numbers, names, dates, modus operandi, and other descriptive information. (Minimum retention: Until superseded or obsolete).

(31) **Incident Case Files** Central case files document complaints or other actions or incidents investigated by the police department. Usually filed by case number. Records may include investigative reports, fingerprint cards, arrest reports, supplemental reports, photographs, correspondence, teletypes, court orders, court dispositions, officer notes, laboratory reports, DUI test records including chemical analyses (also known as intoxilyzer or breathalyzer test records), physical force records, citizen arrest certificates,

warrants, search warrants and booking sheets, property/evidence reports, custody reports, and other related documents. Information usually includes suspect identification, alleged activity, location, date, validity of source information and other data. Sources include law enforcement and regulatory agencies and private citizens. Refer to ORS 131.125-131.155 for statute of limitations. (Minimum retention: (a) Cases involving crimes with no statute of limitations, retain 75 years after case closed; (b) Protective custody files, retain until minor's age of majority or emancipation; (c) All other cases, retain until statute of limitations expires).

(32) **Informant Case Files Records** document information about informants used by the police department. May include reports, correspondence, payment records, fingerprint cards, signature cards, letters of understanding on informant activities, and related records. (Minimum retention: Until superseded or obsolete).

(33) **Inmate Accountability Records** Logs, lists, rosters, and other records document inmate counts, cell locations, and status, as well as related information. May include logs detailing status of individual inmates such as those awaiting action or on hold status, released on their own recognizance, or released on security. May also include rosters documenting the location of all inmates by head counts at regular intervals. (Minimum retention: 1 year).

(34) **Inmate Case File Indexes** Indexes used to access inmate case files. Usually cross-referenced by name, case number, and other identifiers. (Minimum retention: Until superseded or obsolete).

(35) **Inmate Case Files Records** document non-medical information on inmates confined in the city jail. Often contains date of entry, date of release, incident reports, release receipt indicating return of property, court commitment and release orders, behavioral information, physical force records, and other relevant information concerning the arrest and confinement of an individual. Some records included in case files may be listed elsewhere in this section (e.g. fingerprint cards, inmate visitor records, etc.). (Minimum retention: 5 years).

(36) **Inmate Meal Records** Records document menus used to plan and schedule inmate meals. May include listings of those inmates who received meals. Information may include month, day, meal, menu, inmates served, and related data. (Minimum retention: 6 months).

(37) **Inmate Medical Records** Records document outpatient medical treatment given to inmates. Often contains treatment log, prescriptions, health questionnaires, laboratory reports, x-ray reports, medical reports from other facilities, and related records. Information may include inmate's name, date of treatment, description of treatment, and related data. (Minimum retention: 7 years).

(38) **Inmate Medication Records** Records document medications kept by the jail and dispensed to inmates. Often contains logs and related records. Information may include name of medication, date and time issued, name of inmate to whom medication was dispensed, name of individual dispensing medication, amount dispensed, amount remaining in stock, and related data. (Minimum retention: 7 years).

(39) **Inmate Telephone and Mail Logs** Logs and other records documenting telephone calls and mail sent and received by inmates. Information may include name of inmate, date and time of telephone call or mail, and related data. (Minimum retention: 1 year).

(40) **Inmate Visitor Records** Records document information about visitors to inmates confined in the city jail. May include logs, request slips, and related records. Information often includes date, time in, visitor's signature and address, object of visit, time out, and related data. (Minimum retention: 1 year).

(41) **Internal Investigations Case Files Records** document investigations of police department personnel for violations of laws, rules, or policies and may include findings and dispositions of investigations. Records often contain complaints, correspondence, investigatory reports, interviews, hearing summaries and testimony, and related documents. Information usually includes name of employee investigated, reason, location of violation, date, accomplices' names and addresses, witnesses' names and addresses, action taken, and related data. SEE ALSO Requests and Complaints in the Administrative section. (Minimum retention: (a) Investigations resulting in termination, retain 10 years after employee separation; (b) Investigations resulting in disciplinary action or exoneration, retain 3 years after resolution; (c) Unfounded investigations, retain 3 years).

(42) **Juvenile Offender/Victim Restitution Records** Records document the facilitation of restitution for crime victims of first time juvenile offenders. Typical cases may include criminal mischief, vandalism, minor assault, theft, and harassment. Information may include name, address, and phone number of person filing complaint, case number, date of activity, narration of the complaint, name of offender, date case closed, and other data.

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(Minimum retention: 5 years after last action, or youth reaches age of majority, whichever is longer).

(43) **Juvenile Temporary Custody Records** Records document children taken into temporary custody by the police department as defined in ORS 419B.150 through 419B.171. The action is not considered an arrest. Information may include the name, age, and address of the child, the name and address of the person having legal or physical custody of the child, reasons for and circumstances under which the child was taken into temporary custody, and other data. (Minimum retention: 3 years).

(44) **Latent Fingerprint Cards** Cards containing latent fingerprints and palmprints found at crime scenes without identification of suspects. These are compared against cards on file at the police department. Usually contains information related to the crime, location, date and time, and other details of the case. SEE ALSO Fingerprint Cards in this section. (Minimum retention: (a) Cases involving crimes with no statute of limitations, retain 75 years after case closed; (b) All other cases, retain 1 year after statute of limitations expires).

(45) **Law Enforcement Activity Reports** Monthly and annual law enforcement or uniform crime reports summarizing statistics on criminal activity and office operations. Information includes date, categories, totals, and related data. SEE ALSO Activity Reports, Police in this section. (Minimum retention: (a) Annual reports and monthly reports for years in which no annual report exists, retain permanently; (b) Other reports, retain 2 years).

(46) **Lost and Found Property Records** Records document city receipt and maintenance of lost and found or abandoned property such as money, bicycles, automobiles, and other items not related to a crime. Includes receipts, inventory lists, destruction logs, property reports, and related records. SEE ALSO Property and Evidence Control and Disposition Records for records documenting property related to or held as evidence to an alleged crime. SEE ALSO Property Disposition Records in the Financial-General section for records of the disposition of lost and found or abandoned property. (Minimum retention: 2 years after disposition).

(47) **Maps**, Police Maps and related records maintained for reference and for tracking various trends. Examples include but are not limited to Neighborhood Watch Program maps, Block Home Program maps, street number location maps and books, parking meter maps, and maps plotting reported crimes in a given area. Some maps may have historic value. For appraisal assistance, contact the Oregon State Archives. (Minimum retention: Until superseded or obsolete).

(48) **Master Name Index Records** Records document information on each individual who has been field interrogated or arrested suspects or accomplices in crimes, victims, complainants, and witnesses to incidents. Information may include name, address, date of birth, race, sex, date and time of incident or contact, incident number, and related data. (Minimum retention: Until superseded or obsolete).

(49) **Mug Shots Photographs** and negatives of arrested individuals used for identification and apprehension of suspects in criminal investigations. Mug shots of individuals known to be dead need not be retained. SEE ALSO Photo Identification Records in the Personnel section for non-arrest identification photographs. (Minimum retention: (a) Retain homicides 20 years; (b) Retain felonies 10 years; (c) Retain misdemeanors 5 years).

(50) **Neighborhood Dispute Resolution Records** Records document the city's dispute resolution program to handle complaints by citizens about concerns or disputes with neighbors or merchants. Typical cases may include animal control, landlord/tenant issues, noise, harassment, property disputes, and business/consumer issues. Records may include budget, activity, and statistical reports, mediation training information, evaluation and intake records, service referrals, resolution agreements, and follow-up surveys. Information may include name, phone number, and address of person filing complaint, case number, date of activity, narration of request or complaint, name and address of offender, action taken, and other data. SEE ALSO Ordinance Violation Case Files in the Municipal Court Records section. (Minimum retention: (a) Case records, retain 5 years after last action; (b) All other records, retain 2 years).

(51) **Officer Notes** Notes written by officers during the course of a shift containing information which may or may not be included in an official report. May pertain to contacts, incidents, unusual circumstances, and other subjects. Useful for referral in writing reports and testifying in court. Information includes names, dates, times, vehicles, activities, locations, and related data. Officer notes created on handheld electronic organizers (ex. Palm Pilots) are public records under ORS 192. Information on electronic organizers is subject to the same retention as the paper record unless the information is kept in another format for the duration of the required minimum retention period. (Minimum retention: 2 years).

(52) **Officer Weapon Registration Records** Records document weapons assigned to city police officers. Information includes officer's name, and the make, model, serial number, and caliber of the weapon. (Minimum retention: Until superseded or obsolete).

(53) **Patrol Car Video Files Records** document patrol activities. Patrol officers may manually activate cameras when calls come in or cameras may automatically activate upon rapid vehicle acceleration or deceleration. (Minimum retention: (a) Tapes used as evidence, retain until case reaches final disposition; (b) Tapes used for internal investigations, retain until investigation ends; (c) All other tapes, retain 30 days).

(54) **Pawn Broker and Second Hand Dealer Reports** Reports submitted to the police department documenting merchandise bought and sold by dealers. Useful in tracing stolen items. Information includes name, address, identification, and personal description of pledgor, date, dealer's name, and description of article. (Minimum retention: 2 years).

(55) **Peer Court Records** Records document the city's peer court program where youths who have committed certain first time misdemeanors or violations are judged through a court system of their peers (aged 12-17 years). Records may include policy and procedure manuals, budget, activity, and statistical reports, guidelines and instructions for participants, applications to participate in the program, juvenile consent form, intake interview form, defendant questionnaire, summary report, attorney's analysis, jury verdict record, bailiff record, clerk's record, community service log, judge's notes, officer's status report, defendant evaluation, parent evaluation, and related documentation. SEE ALSO Policy and Procedure Manuals in the Recorder-General section. (Minimum retention: (a) Case records, retain 5 years after final disposition of case, or youth reaches age of majority, whichever is longer; (b) Participant guidelines and instructions, retain until superseded or obsolete; (c) All other records, retain 2 years).

(56) **Photo Radar Logs Records** documenting the use of photo radar and red-light cameras by the city's police department. Logs may include the date, time, location, number of photographs taken, and related information. SEE ALSO Photo Radar Records in this section. (Minimum retention: 3 years).

(57) **Photo Radar Records** Records document traffic infractions by drivers that have been photographed by the police department's photo radar equipment. Records may include photographic negatives and prints, copies of citations, copies of drivers' licenses, forms to dismiss, and related documentation. SEE ALSO Photo Radar Logs, Traffic and Other Citation Logs, and Traffic and Other Citations in this section, and Traffic Citation Case Files in the Municipal Court section. (Minimum retention: (a) Photo radar citations issued, retain 2 years; (b) Photo radar citations not issued, retain 30 days).

(58) **Polygraph Records** Records document polygraph tests given to criminal suspects, prospective employees and others. Includes pre-examination records, examination questions for individuals interviewed, statements of consent, polygraph analysis reports, examiner's original test questions, examination chart tracing reports, polygraph results charts, conclusions, interviewee statements, and background information. (Minimum retention: (a) Case involving crimes with no statute of limitations, retain 75 years after case closed; (b) All other cases, retain 1 year after statute of limitations expires).

(59) **Property and Evidence Control and Disposition Records** Records used to track property and evidence coming into police department possession. Documents receipt, storage, and disposition of personal property and physical evidence from defendants, victims, and others. May include evidence photographs documenting crime scenes, accidents, and other incidents. Records often include receipt forms, evidence control sheets, property reports, destruction lists, property consignment sheets, seized firearm logs, homicide evidence inventories, and other documents. Information usually includes case number, tag number, date and time, property or evidence description, storage location, release date, and other data. Often filed with Incident Case Files. SEE ALSO Lost and Found Property Records in this section for documents related to lost and found or abandoned property not related to or held as evidence of an alleged crime. (Minimum retention: (a) Cases involving crimes with no statute of limitations, retain 75 years after case closed; (b) All other cases, retain 1 year after statute of limitations expires).

(60) **Property Registration Records** Records document the registration of property for identification in case of theft, loss, or burglary. Property includes but is not limited to bicycles, televisions, cameras, stereos, and guns. Information may include name, address, and phone number of owner, date, description of property, serial number, and related data. (Minimum retention: Until registration is expired, superseded, or obsolete).

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## (61) Radar Equipment Certification and Maintenance Records

Records document the calibration and maintenance of radar equipment that may be useful in documenting the accuracy of the readings. Often includes original factory certification of calibration. If tuning fork tests reveal an inaccuracy, the equipment is removed from service for repair and recalibration. Information related to maintenance and repair may include a description of work completed, parts used, date of service, equipment number, make, model, and related data. (Minimum retention: 2 years after disposition of equipment).

(62) **Teletype Messages** Incoming and outgoing teletype messages concerning a variety of subjects of interest to the department. Subjects include incidents, meetings, arrests, warrant confirmation and others. Information includes date, time, originating agency, and text. (Minimum retention: Retain messages not warranting inclusion in Incident Case Files [or other record series] 30 days).

(63) **Towed Vehicle Records** Rotation lists and related records documenting tow truck requests and responses. Information usually includes date, name of requester, name of towing company called, location, and other data. Records may also include documentation of vehicles towed from private property at the request of citizens. This information is used to prevent towed vehicles from being reported as stolen. (Minimum retention: 1 year).

(64) **Traffic and Other Citation Logs** Logs listing various information related to citations issued by the police department. Usually includes type of citation, ticket number, name of violator, date of issue, and officer's name. (Minimum retention: 1 year).

(65) **Traffic and Other Citations** Police department copies of citations issued for traffic, motor vehicle, and other violations. Includes Uniform Traffic Citations, parking citations, and others. Information includes city and county, date and time, name and address, date of birth, sex, occupation, license number, state, year, make and model of vehicle, location of violation, state or city law alleged violated, conditions, name of officer issuing citation, and related data. (Minimum retention: 3 years).

(66) **Traffic Violation Warning Records** Records document warnings issued for traffic violations. Often used to determine repeat offenders and for follow-up investigations. Information usually includes date, time, category, name, address, phone number, date of birth, race, sex, hair and eye color, height, weight, Social Security number, drivers license number, make and model of vehicle, location of violation, violation, signatures, and related data. (Minimum retention: 1 year).

(67) **Used Firearm Transfer Records** Records document the sale or transfer of a firearm. Information includes business name and address, individual purchasing or trading firearm, time and date of transaction, firearm description, including serial number, caliber, form of identification presented by the seller/trader, and dealer and seller/trader signatures and phone numbers. (Minimum retention: 1 year).

(68) **Video Surveillance Tapes Records** document fire scene activities and the monitoring of park areas. Fire scene recordings document individuals present at the scene and may be used to identify suspects. (Minimum retention: (a) Tapes used as evidence, retain until case reaches final disposition; (b) Tapes used for internal investigations, retain until investigation ends; (c) All other tapes, retain 30 days).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0110

### Public Works — Operations and Maintenance Records

(1) **Backflow Prevention Device Test Records** Records document test results on backflow prevention devices designed to protect the city water system from pollution related to substances backing into water lines. Information usually includes date, type and size of device, serial number, location, test records, line pressure, name of tester, name and address of device owner, and related data. (Minimum retention: 10 years).

(2) **Bridge and Culvert Maintenance and Repair Records** Records document maintenance and repairs on city bridges and culverts. Includes pedestrian and bicycle bridges. May include summaries, reports, logs, and related records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, materials used, personnel completing work, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section. (Minimum retention: (a) Records with engineering stamps documenting structural maintenance or repairs, retain 2 years after bridge or culvert permanently removed from service; (b) All other records, retain 2 years).

## (3) Buildings and Grounds Maintenance and Repair Records

Records of all minor maintenance and repairs to buildings and grounds owned or leased by the city. Used to verify that repairs were made. May include summaries, logs, reports, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, materials used, personnel completing work, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section, and City Improvement Administrative and Financial Records in the Financial-General section. (Minimum retention: (a) Records requiring engineering stamps, retain 2 years after life of structure; (b) All other records, retain 2 years).

(4) **Cross Connection Control Survey Records** Records document the monitoring of potential or actual water system health hazards from pollution entering water pipes from other pipes. Records may include reports, surveys, checklists, and related documents. Information often includes address, contact person, business name, date, inspector, type of facility, description of protection, comments, corrections made, and other data. (Minimum retention: 1 year after disconnection or 10 years, whichever is longer).

(5) **Daily Work Records** Records document work completed by each city employee or crew on a daily basis. These may include logs, notes, or similar records. Information often includes personnel performing work, date and time completed, description of work, location, equipment and materials used, and additional pertinent data. SEE ALSO various maintenance and repair records series in this section (e.g., Buildings and Grounds Maintenance and Repair Records) for summaries or reports of information often included in this record series. (Minimum retention: 1 year).

(6) **Delivery Tickets** Tickets issued by suppliers to verify delivery of supplies or materials (concrete, road base, gravel, topsoil, etc.) Information usually includes date, time, amount and type of supplies received, and related data. (Minimum retention: 2 years).

(7) **Equipment Maintenance and Repair Records** Records document the inspection, maintenance, and repair of all city-owned equipment not listed elsewhere in this schedule. Examples include but are not limited to mowers, trailers, edgers, blowers, generators, sewage lift pumps, water pumps, office equipment, and furniture. Records may include summaries, reports, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes description of work completed, parts and supplies used, date of service, date, purchase price, equipment number, make, and model, and related data. SEE ALSO Daily Work Records in this section and Work Orders in Administrative section. (Minimum retention: 2 years after disposition of equipment).

(8) **Fill and Leaf Delivery Records** Records document citizen requests and city delivery of fill material and leaves to private property. Often includes conditions, signature, address, and phone number of property owner, number of loads requested, desired dumping location, and related information. SEE ALSO Street Surface Maintenance Records in this section for records documenting the removal of leaves from city streets. (Minimum retention: 2 years).

(9) **Fuel Records** Records document the amount of gasoline, diesel, and oil used by city-owned vehicles. Often includes logs, reports, and related documents. (Minimum retention: 2 years).

(10) **Hydrant Records** Records document the location, specifications, maintenance, testing, and repair of water hydrants in the city water system. May include lists, charts, logs, reports, and related records. Information often includes location, make, description (main size, valve size, flow capacity, etc.), maintenance and repair narratives, dates, authorizations, and related data. (Minimum retention: (a) Retain location and specification records until hydrant permanently removed from service; (b) Retain maintenance, test and repair records 2 years).

(11) **Maintenance Request/Complaint Records** Records document complaints or requests concerning a variety of maintenance responsibilities carried out by the public works department. Examples include but are not limited to brushing and limbing; road grading, rocking, sealing, patching, and marking; traffic signals and signs; city-owned buildings and equipment; streetlights; high grass or weeds; and water and sewer system problems. Information often includes name, phone number, and address of person making request/complaint, narration of request/complaint, name of person responding to request/complaint, dates of related activities, and other data. (Minimum retention: 2 years after last action).

(12) **Sewer and Storm Drainage Maintenance and Repair Records** Records document the maintenance and repair of city sewers and storm drains. May include summaries, reports, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, amount

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and type of material used, personnel completing work, dates of activities, authorization, and related data. SEE ALSO Daily Work Records and Sewer Television/Videoscan Inspection Records in this section. (Minimum retention: (a) Records requiring engineering stamps, retain 2 years after life of structure; (b) All other records, retain 2 years).

(13) **Sewer Smoke Test Records** Records document smoke tests undertaken to verify hookup to main sewer lines, check condition of pipes, or determine effectiveness of backflow prevention devices. Information often includes maps or diagrams of lines tested, location of leaks detected, inspector's name, pipe size, and related data. (Minimum retention: 10 years).

(14) **Sewer Television/Videoscan Inspection Records** Reports document television inspections used to determine the condition of sewer lines. Inspections locate problems and defects so that corrective measures can be taken. Often consists of periodic inspections of existing lines, final inspections of newly constructed lines, and inspections at the end of warranty periods. Records usually contain videotapes and written reports. Information often includes date, type of inspection, conditions found, repairs needed, distances from manholes, and related data. (Minimum retention: (a) Written reports, retain 1 year after the life of the sewer line; (b) Videotapes, retain 1 year after written report submitted).

(15) **Street and Road Condition Inventory Records** Inventory records document the condition of city streets, roads, curbs, shoulders, sidewalks, bikeways, alleys, etc. Useful for reference and planning. Information can include street or road name, location, year surveyed, constructed, and surfaced, bed and surface type, surface size, condition, and other data. (Minimum retention: 5 years after annual audit report issued).

(16) **Street Maintenance and Repair Records** Records document maintenance and repairs of city-owned streets and sidewalks. May include reports, summaries, and similar documents usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, amount of materials used, personnel involved, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section. SEE ALSO Contracts and Agreements in the Recorder-General section for contract records related to private companies working on city maintenance and repair projects. (Minimum retention: (a) Records requiring engineering stamps, retain 10 years after substantial completion; (b) All other records, retain 2 years).

(17) **Street Surface Maintenance Records** Records document routine and special street sweeping, cleaning, snow removal, sanding, leaf removal, and similar work. Often includes reports, summaries and similar records. Information can include date and time, area covered, broom down time and mileage, traveling time and mileage, operator's name, equipment used, amount of sand applied, amount of leaves removed, weather conditions, and related data. (Minimum retention: 3 years after annual audit report issued).

(18) **Streetlight Maintenance and Repair Records** Records document maintenance and repairs on city streetlights. May include reports, summaries, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, equipment repaired or replaced, supplies used, personnel completing work, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section. (Minimum retention: 3 years after annual audit report issued).

(19) **Temporary Access/Construction Easement Records** Records document temporary easements allowing entrance and work on property or streets not owned by the easement holder. Permits usually apply to city crews and utility workers. Information can include applicant name, address, and phone number, contractor name and license number, utility involved, location, description of work, security deposit, surface restoration material used, signature, date, comments, permit number, and related data. SEE ALSO Easements in the Recorder-General section for long-term easements. (Minimum retention: 2 years after easement expires).

(20) **Traffic Control Equipment Maintenance and Repair Records** Records document maintenance and repair of traffic signals and signs in the city. May include reports, summaries, and similar records. Information often includes location, narrative of work completed, equipment repaired or replaced, supplies used, personnel completing work, dates of activities, and related data. SEE ALSO Contracts in the Recorder-General section for contract records related to private companies working on city maintenance and repair projects. SEE ALSO Daily Work Records in this section. (Minimum retention: (a) Traffic signal records, retain 2 years after equipment permanently removed from service; (b) Traffic sign records, retain 2 years).

(21) **Utility Installation and Connection Records** Records document installation of city utility systems or the connection of specific prop-

erties to city water, sewer, power, or similar systems. Does not apply to temporary stoppages or disconnections service. May include applications, permits, and similar records. Information often includes applicant's name and address, permit number, fee charged, service level, type of structure, pipe size, meter size and number, and related data. (Minimum retention: 2 years after physical disconnection).

(22) **Utility Line Location Request Records** Records document requests and city action to locate underground lines in the vicinity of a construction site. Information often includes name of person requesting location; planned and actual date and time of location; notations of water, sewer, storm drains, and other line locations; name and signature of person locating lines; and related data. If city uses a private contractor to locate lines, SEE ALSO Contracts and Agreements in the Recorder-General section. (Minimum retention: 2 years).

(23) **Utility Meter Installation, Maintenance, and Repair Records** Records document the installation, maintenance, and repair of city operated water and power meters. May include logs, summaries, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes address, narrative of work completed, personnel completing work, dates, and related data. (Minimum retention: 5 years).

(24) **Utility Meter Test and Calibration Records** Records document the testing and calibration of city operated water and power meters for accuracy. May include logs, reports, lists, charts, and similar records. Information can include address, test and calibration results, repairs needed, comments, and related data. (Minimum retention: Life of the equipment).

(25) **Valve Maintenance Records** Records document the location, specifications, maintenance, and repair of valves in the city water and sewer systems. May include lists, charts, drawings, reports, logs, and related records. Information often includes valve location, identification number, run of pipe, size, make, year installed, depth, turns to open and normal position, narratives of valve maintenance and repair, tests run, personnel completing work, dates, and related data. (Minimum retention: (a) Location and specification records, retain until valve permanently removed from service; (b) Maintenance and repair records, retain 2 years).

(26) **Water Line Maintenance and Repair Records** Records document the maintenance and repair of city-owned water lines. May include reports, summaries, and similar documents usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, amount and type of materials used, personnel completing work, dates of activities, authorization, and related data. SEE ALSO Water Valve Maintenance Records, Water Hydrant Maintenance Records, and Daily Work Records in this section. (Minimum retention: (a) Records requiring an engineering stamp, retain 2 years after water line permanently removed from service; (b) All other records, retain 2 years).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0115

### Public Works — Traffic Engineering Records

(1) **Bicycle Committee Meeting Records** SEE Meeting Records, Board, Commission and Committee and Meeting Records, Governing Body in the Administrative Records section.

(2) **Crosswalk Records** Records document the location and use of crosswalks in the city. Useful in determining the need for and placement of existing and proposed crosswalks. May include striping records, reports, maps, studies, and related records. (Minimum retention: 2 years after superseded or obsolete).

(3) **Railroad Crossing Records** Records document city activities in relation to railroad crossings. Records may include crossing plans and drawings, PUC/ODOT public hearings records and rulings, reports and studies, accident records, and related documentation and correspondence. Records may also include documentation of corrective action taken in response to PUC/ODOT inspection reports. Oversight responsibility of railroad and rail safety responsibilities was transferred from the Oregon Public Utility Commission (PUC) to the Oregon Department of Transportation (ODOT) in 1995. (Minimum retention: Permanent).

(4) **Special Event Traffic Records** Records document preparation for and implementation of traffic changes related to special events such as parades, motorcades, and demonstrations. Includes situations resulting in heavy traffic or street use requiring street closures, traffic rerouting, barricades, signal timing changes, and other variations. May include notifica-

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tions, planning documents, reports, and related records. (Minimum retention: 2 years after event).

(5) **Speed Zone Records** Records document the establishment and review of speed zones in the city. Includes zones established by the city under OAR 734-020-0015. Records may include reports, photographs, proposals, orders, maps, accident summaries, and related documents. Considerations include pedestrian and bicycle movements, environmental impact, adjacent land use, and other factors. (Minimum retention: 2 years after superseded or obsolete).

(6) **Street Banner Records** Records document proposals for and installations of banners on city streets, often in relation to civic events or celebrations. Records may include plans, maps, proposals, reports, applications, and other documents. Applications usually include applicant's name, address, and phone number, organization name, banner message, display period requested, signature of city official approving permit, and related information. (Minimum retention: 2 years).

(7) **Streetlight Inventory Records** Inventory records of all streetlights in the city. Information can include addresses, pole numbers, and map numbers of lights, types of lights, dates of purchase and installation, notes, and other data. SEE ALSO Streetlight Maintenance Records in the Public Works-Operations and Maintenance section. (Minimum retention: Until superseded or obsolete).

(8) **Streetlight Request and Survey Records** Records document requests by citizens for the installation of streetlights, as well as city surveys to assess need and feasibility. Often includes request forms, correspondence, surveys, reports, and related records. (Minimum retention: 2 years after last action).

(9) **Traffic Accident Analysis Records** Records document the study of traffic accidents in the city. Useful in identifying hazardous locations and determining possible corrective action. Records may include various statistical data on accidents related to fixed objects, parked automobiles, complicated intersections, bridges, pedestrians, city streets/state highways, and other factors. May also include records of individual accidents documenting site, date, direction, driver's sex and age, weather, vehicle type, and related information. SEE ALSO Survey Field Records in the Public Works-Engineering section. (Minimum retention: (a) Reports and summaries, retain 10 years; (b) All other records, retain 5 years).

(10) **Traffic Control Equipment Inventory Records** Records document the location, type, and use of traffic control equipment in the city. Often includes an inventory of all traffic signs and signal equipment. Also may include information noting the timing intervals of traffic signals for red, green, yellow, and pedestrian cycles, type of equipment, date of purchase and installation, location, notes, and other data. (Minimum retention: 2 years after superseded or obsolete).

(11) **Traffic Research and Study Records** Records document data gathering and analysis concerning traffic patterns, speed, direction, and other topics. May include information on vehicles, bicycles, and pedestrians for a given location and period of time. Usually includes machine and manual traffic counts, reports, summaries, and related records. SEE ALSO City Improvement Administrative and Financial Records in the Financial-General section and Engineering Project Technical Records in the Public Works-Engineering section. (Minimum retention: (a) Reports and summaries, retain 10 years; (b) All other records, retain until information is summarized or obsolete).

(12) **Transit System Records** Records document the location of transit system stops, stations, and crossings in the city. Also may contain records related to city review and approval or denial of individual stops or crossings proposed by a transit district. These may include reports, traffic surveys, decision statements, notifications to affected property owners, and related records. (Minimum retention: (a) Review records, retain 2 years after denied or approved and stop or crossing removed; (b) Transit system maps, retain until superseded or obsolete).

(13) **Transportation Board Meeting Records** Records document the proceedings of boards or committees responsible for overseeing or advising the city council on transportation issues, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710). Records can include minutes, agendas, exhibits, tape recordings, and related documents. Subjects include traffic problems, grants, policies, procedures, and related topics. (Minimum retention: (a) Minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records), retain permanently; (b) Audio or visual recordings, retain 1 year after minutes prepared and approved; (c) All other records and exhibits not pertinent to minutes, retain 5 years).

(14) **Truck Route Records** Records document the designation of truck routes for transporting goods within and through the city. May include

reports, maps, studies, and related documents. Subjects often include hazardous materials, triple trailer trucks, log trucks, buses, and others. (Minimum retention: 2 years after superseded or obsolete).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0120

### Public Works — Wastewater Treatment Records

(1) **Annual Inspection Records** Records document annual inspections of city wastewater treatment operations by the Oregon Department of Environmental Quality to monitor compliance with National Pollution Discharge Elimination System (NPDES) permit conditions. May include reports and supporting documentation. Information includes date, location, areas evaluated during inspection, summary of findings, pre-treatment requirements review, sampling checklists, flow measurements, laboratory assurance checklists, and related data. (Minimum retention: (a) Reports, retain permanently; (b) All other records, retain 5 years).

(2) **Discharge Monitoring Records** Records document the amount of pollution discharged from the city wastewater treatment facility. Reports are submitted to the U.S. Environmental Protection Agency and the Oregon Department of Environmental Quality. May also include supporting documentation. Information includes date, period covered, permit number, discharge number, frequency of analysis, sample type, and average and maximum quantities and concentrations of solids, ammonia, chlorine, nitrogen, and other chemicals, and other data. (Minimum retention: (a) Reports, retain permanently; (b) All other records, retain 5 years).

(3) **Equipment Maintenance and Calibration Records** Records document the maintenance and calibration of equipment and instruments used to undertake and monitor wastewater treatment operations. Useful to verify equipment reliability and for reference by regulatory agencies. May include logs, reports, and related records. Information often includes date, type of equipment maintained or calibrated, tests performed, repairs needed, comments, and related data. (Minimum retention: Life of the equipment).

(4) **Industrial Pretreatment Permits** Permits issued by the city to private industries allowing the discharge of specific pollutants under controlled conditions. Often contains applications, permits, addenda, modifications, and related supporting documentation. Information may include influent and effluent limits, chemical analysis data, water flow, test and recording requirements, definitions and acronyms, compliance schedules, and related data. (Minimum retention: (a) Permits, addenda, and modifications, retain permanently; (b) All other records, retain 5 years after expiration or revocation).

(5) **Mobile Waste Hauler Dumping Records** Records document the dumping of septic pumpings and other wastes from various sources at the city waste treatment facility. Usually includes logs, manifests, and similar documents. Information often includes name and signature of hauler, quantity of wastes dumped, location at which wastes were pumped, and related data. (Minimum retention: 5 years).

(6) **National Pollution Discharge Elimination System Permits Records** document the application for and issuance of a permit to the city under the Clean Water Act allowing discharge of specific pollutants under controlled conditions. Often contains applications, permits, addenda, modifications, and related supporting documentation. Information includes influent and effluent limits, chemical analysis records, water flow, test and recording requirements, definitions and acronyms, compliance schedules, and related data. SEE ALSO Annual Inspection Records in this section. (Minimum retention: (a) Permit, addenda, and modifications, retain permanently; (b) All other records, retain 5 years after expiration or revocation).

(7) **Public Facilities Grease Trap Inspection Records** Records document the city's inspection and licensing of grease traps in public facilities such as restaurants, mini marts, delicatessens, hospital and school cafeterias, daycare and long-term care food services, tourist and traveler's facilities, and other food service organizations. Series may include applications: inspection reports listing type of inspection, any deficiencies, inspection score, date and time of inspection, and signatures; copies of the license issued; and other related records. (Minimum retention: (a) 1 year after date of inspection (b) Closed facilities, retain 2 years after closure).

(8) **Sewage Sludge Application Landowner Agreements** Agreements between the city and landowners related to the application of sewage sludge to approved sites. Records may include signed agreements, exhibits, amendments, and related documents. Information usually includes agreement number, date, conditions or terms, parties involved, period covered, and signatures. (Minimum retention: 6 years after expiration).

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(9) **Sewage Sludge Application Site Logs** Logs documenting the agricultural application of sewage sludge to approved sites. Subjects include agronomic loading calculations related to maximum application of nitrogen in pounds per acre per year, and ultimate site life loading calculations tracking the amount of heavy metals applied. (Minimum retention: Permanent).

(10) **Sewage Sludge Management Plans** Plans submitted to the Oregon Department of Environmental Quality by the city to engage in sludge disposal or application activity. Information includes method of sludge removal, land application or disposal sites, sludge stability determination methods, projected sludge storage basin use, sludge analyses, application rates, and heavy metal limitations. (Minimum retention: Permanent).

(11) **Strip and Circle Chart Records** Records document the continuous monitoring of various wastewater treatment operations. May include strip charts, circle charts, and similar monitoring records. Information often pertains to pump flows, influent and effluent water flows, secondary total flow, influent pH, chlorine residue, and related subjects. (Minimum retention: 3 years).

(12) **Wastewater Treatment Operations Records** Program records not listed elsewhere in this schedule which document wastewater treatment operations. Created on a daily, monthly, and annual basis. Usually consists of reports, logs, log sheets, and related records. (Minimum retention: (a) Annual reports, retain permanently; (b) All Other records, retain 5 years).

(13) **Water Pollution Control Facilities (WPCF) Permit Records** Records document the application for and issuance of a Water Pollution Control Facilities permit to the city by the Oregon Department of Environmental Quality. The permit authorizes the city to construct and operate a disposal system with no discharge to navigable waters. Examples include sewage lagoons, septic tanks, and drain fields. Records often include applications, permits, addenda, modifications, and related supporting documentation. (Minimum retention: (a) Permit, addenda and modifications, retain permanently; (b) All other records, retain 5 years after expiration or revocation).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0125

### Public Works — Water Treatment Records

(1) **Consumer Confidence Reports** Records document the presence of any contaminants identified by the city in city water over the course of a year. Reports are mailed to city residences and businesses receiving city water. (Minimum retention: 5 years).

(2) **Equipment Maintenance and Calibration Records** Records document the maintenance and calibration of equipment and instruments used to monitor water treatment operations. Useful in verifying reliability and for reference by regulatory agencies. May include logs, reports, and related records. Information often includes date, type of equipment maintained or calibrated, tests conducted, repairs needed, comments, and related data. (Minimum retention: Life of the equipment).

(3) **Non-Compliance Corrective Action Records** Records document action taken by the city to correct violations of primary drinking water regulations. May include reports, logs, and related records. (Minimum retention: 3 years after last action).

(4) **Sanitary Survey Records** Records document surveys examining the overall sanitary condition of the city water system. May be conducted by the city, private consultants, or county, state, or federal agencies. Records may include written reports, summaries, and related documents. (Minimum retention: (a) Reports, retain permanently; (b) All other records, retain 5 years).

(5) **Secondary Contaminant Reports** Reports document the analysis of water samples to determine the level of secondary contaminants. Secondary contaminants are those, which, at levels generally found in drinking water, do not present a health risk but may affect taste, odor, and color of water, as well as stain plumbing fixtures and interfere with water treatment processes. Information may include date, report number, analyst, time of sample collection, contaminant levels, and related data. (Minimum retention: 10 years).

(6) **Strip and Circle Chart Records** Records document the continuous monitoring of various water treatment operations. May include strip charts, circle charts, and similar monitoring records. Information often pertains to reservoir levels, pump flows, distribution line pressure, and related subjects. (Minimum retention: 3 years).

(7) **Variance and Exception Records** Records document variances and exceptions granted to the city by regulatory agencies concerning water

treatment operations. Information may include date, conditions of variance or exception, expiration date, and related data. (Minimum retention: 5 years after expiration or revocation of variance or exception).

(8) **Water Bacteriological Quality Analysis Reports** Reports document water samples taken from various locations throughout the city water system and supply sources for bacteriological tests. Information includes location, collection date, person taking samples, sample type, analysis date, laboratory name, person performing analysis, analytical method used, and the results of the analysis. (Minimum retention: 5 years).

(9) **Water Chemical and Radiological Analysis Reports** Records document water samples taken from various locations throughout the city water system and supply sources for chemical and radiological tests. Information includes location, collection date, person collecting sample, sample type, analysis date, laboratory name, person conducting analysis, analytical method used, and results of the analysis. (Minimum retention: 10 years).

(10) **Water Consumption Reports** Reports document statistics of daily water consumption. Useful for prediction of future flows and peak demands. Information may include water consumption in millions of gallons and cubic feet from treatment plants, springs, artesian wells, pumped wells, and reservoirs. (Minimum retention: (a) Annual reports, retain permanently; (b) Information summarized in annual report, retain 1 year; (c) Information not summarized in annual report, retain 10 years).

(11) **Water Quality Complaint Records** Records document complaints received from the public about the quality of city provided water. Information often includes name, address, and phone number of complainant, nature of complaint, location, description of water, name of person responding to complaint, narrative of investigation, and resolution. (Minimum retention: 3 years after last action).

(12) **Water Treatment Operations Records** Program records not listed elsewhere in this schedule which document water treatment operations, created on a daily, monthly, or annual basis. Records may include state or federal required reports. Usually consists of reports, logs, log sheets, and related records. Subjects may include amount and types of chemicals used, filter rates, and others. (Minimum retention: (a) Annual reports, retain permanently; (b) All other records, retain 5 years).

(13) **Water Turbidity Reports** Reports document the analysis of water samples to determine the level of cloudiness caused by suspended particles. Information may include date, report number, analyst, time of sample collection, turbidity unit values for routine and check samples, and related data. (Minimum retention: 10 years).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0130

### Recorder — Election Records

(1) **Abstract of Votes (Record of Elections) Records** document election results for General, Primary, Emergency, and Special Elections. Information includes candidate name/ballot title, precinct name, total votes per candidate/ballot title, total per precinct, under/over votes, and certification by County Clerk. (Minimum retention: Permanent).

(2) **Contribution and Expenditure Reports** Records document contributions and expenditures by candidates or political action committees if filed with the City. Includes statement of organization, amount, source, and detail of expenditures over the amount of fifty dollars. May also include receipts for expenditures and supplemental reports. (Minimum retention: (a) Statement of organization, retain permanently (b) All other records, retain 4 years after the date required to file update reports).

(3) **Election Filings** Includes all necessary papers required to be filed by a candidate or governing body for primary, general, emergency, and special elections. May include petition of nomination, declaration of candidacy, certification of nomination, filing forms for city and county voters' pamphlet, notice of measure election, and withdrawal of candidates. (Minimum retention: 4 years).

(4) **Election Preparation Records** Used to prepare and administer elections within each precinct in the city. Records may include such information as number of ballots going to each precinct, number and type of pages for each voting machine for each precinct, listing of issues and candidates by precinct order, guides to preparing voting machines, ballot layout records, and public certification test notice. Also may include guides to assist Election Board personnel in reconciling votes cast with eligible voters. (Minimum retention: 2 years).

(5) **Help America Vote Act Identification Records** Records used to verify the identity and county residency of individuals registering to vote.

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Records include but are not limited to current and valid photo identification containing voter name and address, or a current copy of a utility bill, bank statement, government check, paycheck, or other government document that shows their name and address. The address listed must match the residence or mailing address submitted on their voter registration card. (Minimum retention: Until verified by county elections official).

(6) **Initiative, Referendum, and Recall Records** Records document the initiative, referendum, and recall process by which voters propose laws and amendments to the State Constitution, refer an act of the Legislature or other governing body to a vote of the electorate, or recall a public official. Includes petitions, signature sheets, summaries of signature verification, text of proposed law, amendment, or response from public official. (Minimum retention: (a) Signature verification records, retain 6 years; (b) Signature sheets including verification, if measure approved, retain 6 years after election; (c) Signature sheets, if measure not approved, retain 90 days after election or 90 days after deadline for sufficient signatures; (d) Petitions qualified to ballot, retain permanently; (e) Petitions not qualified to ballot, retain 6 years).

(7) **Legal Notices and Publications Records** document required pre-election legal notices by the City Recorder. May include publication of ballot title, notice of election, sample ballot, and the City voters' pamphlet. (Minimum retention: (a) One copy of city voters' pamphlet, retain permanently; (b) All other records, retain 4 years).

(8) **Poll Books Records** document issuance of ballot to eligible voter in an election. Includes name of elector, party affiliation, home address, ballot number, precinct number, and signature of voter. Cover includes number of voters casting ballots for the election and names, signatures, and oaths of Election Board members. May also include certificates of registration. Some records may have historical value. For appraisal assistance, contact the Oregon State Archives. (Minimum retention: (a) Records created prior to 1931, retain permanently; (b) All other records, retain 2 years).

(9) **Vote-By-Mail Records** Records are used to prepare, administer, and abstract elections conducted by mail. Records include: counted, duplicated, rejected and/or defective ballots; Envelopes - returned signed envelopes, non-deliverable envelopes, and secrecy envelopes; and other documents used to prepare, administer and abstract elections conducted by mail. (Minimum retention: (a) Counted, duplicated, rejected and/or defective ballots, retain 22 months for elections containing federal candidates and 90 days after the last day to contest the election for all other elections; (b) returned signed envelopes two years for elections containing federal candidates and 90 days after the last day to contest for all other elections; (c) Secrecy and non-deliverable envelopes, retain for 60 days after the last day to contest for all elections regardless of federal/nonfederal candidates; (d) All other documents used to prepare, administer and abstract elections conducted by mail, retain 2 years following the election to which it relates).

(10) **Voter Registration Records** Records document registration or cancellation of registration of eligible voters. Voter Registration Cards include the following information: name, signature, mailing and residence address, previous registration information, if ever registered in Oregon, date of birth, affirmation of citizenship, state residency, and political party. May also include records canceling or making inactive voter registration such as the notice of deceased list from Secretary of State, notice of change of address from Department of Motor Vehicles, U.S. Postal Service notice, and related correspondence. (Minimum retention: 2 years after canceled).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 4-2003, f. & cert. ef. 11-24-03; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0135

### Recorder — General Records

(1) **Annexation Records** Records document the annexation of areas into municipal boundaries. Used to fulfill legal requirements and document the acquisition process. May include staff reports, petitions, service district withdrawal records, surveys, boundary commission recommendations and judgments, census reports, franchise notices, maps, and documentation and correspondence. (Minimum retention: Permanent).

(2) **City Charter** Constitution, bylaws, and all amendments to city charters approved by the State Legislature. Generally includes original charter, amendments, and related records. (Minimum retention: Permanent).

(3) **City Code** Codified ordinances passed by the city council. Provides reference to all city laws for both information and enforcement. Information may include ordinance numbers, amending ordinance numbers, code numbers, and text. (Minimum retention: Permanent).

(4) **Contracts and Agreements** Official contracts enforceable by law to acquire services, equipment, or maintenance. Records document the terms and conditions of contracts and agreements between the city and private companies and individuals. Contract records may include contracts, exhibits, bid documents, change orders and amendments, and related correspondence. Information in contracts usually includes contract number, certificate of required insurance, dates, terms, parties involved, period covered, and signatures. SEE ALSO Collective Bargaining Records in the Personnel section, and Grant Records in the Administrative Records section. (Minimum retention: (a) Collective bargaining contract records, retain 75 years after contract expires; (b) Construction contract records, retain 10 years after substantial completion; (c) All other contract records, retain 6 years after expiration).

(5) **Council Records** Official proceedings of regularly scheduled, special, executive session, and emergency city council meetings. Records include agendas, minutes, and meeting packets (which may include agenda bills and attachments, memoranda, staff and subcommittee reports and recommendations, materials submitted by citizens, cards or sheets signed by citizens wishing to address the council, and related records). Information includes date, time, and location of meeting, names of members present and absent, subjects discussed, statements of intent, and records of actions taken. (Minimum retention: (a) Minutes (except executive session minutes), agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records), retain permanently; (b) Executive session minutes, retain 10 years; (c) Audio or visual recordings, retain 1 year after minutes prepared and approved; (d) All other records and exhibits not pertinent to minutes, retain 5 years).

(6) **Council Resolutions** Formal statements of decisions or expressions of opinions adopted by the city council. Information includes date, number, and text. (Minimum retention: Permanent).

(7) **Deeds To City-Owned Land Recorded** evidence of city ownership of public lands and right-of-ways. Exhibits may include maps and legal descriptions, title transfers, and related correspondence. Information typically includes a description of property, signatures of previous owner and city representative, and date of transfer. SEE ALSO Real Property Transaction Records and Grant Records in the Financial-General section. (Minimum retention: (a) Record of sale or property transfer and legal property description, retain permanently; (b) All other records, retain until property sold and any applicable audits have been completed).

(8) **Easements Recorded** grants by property owners to the city for the use of private property for public uses. Examples consist of street, utility, bike path, sewer, storm drain, and landscaping easements. May include maps or other exhibits. Information includes property owner's name and signature, location of property, type of easement, terms, and date of signing. SEE ALSO Temporary Access/Construction Easement Records in the Public Works-Operations and Maintenance section. (Minimum retention: Permanent).

(9) **Franchise Records** Franchise agreements with utilities, railroads, cable television, telephone, water, solid waste, bus, and other services. May include agreements, reports, and related documentation and correspondence. (Minimum retention: 6 years after expiration).

(10) **Lease Records** Lease agreements made between the city and a second party. May contain leases and subleases. Information typically includes names and addresses of lessor and lessee, description of property, payment amount, purpose for which property may be used, options to renew, and any additional conditions or terms. (Minimum retention: (a) Leases denied or not completed, retain 2 years; (b) All other leases, retain 6 years after expiration).

(11) **Lien Records** Records document liens issued by the city to collect for unpaid assessments or services. Examples of services may include but are not limited to enhancements associated with local and special improvement districts or nuisance abatements. Information usually includes notice to property owner, copies of bills, description of property, amount of assessment, and payments made. (Minimum retention: 3 years after lien paid in full).

(12) **Liquor License Records** City endorsement of liquor licenses prior to Oregon Liquor Control Commission (OLCC) approval. Endorsements are required for new businesses, annual renewals, and changes in ownership or location. Information in application is used to investigate applicant before making recommendation to OLCC for approval or denial of license. May include OLCC liquor license applications, fee receipts, public hearings records, affidavits, administrative logs, and related records. (Minimum retention: 2 years after approval or denial).

(13) **Oaths of Office** Signed oaths taken by various elected and appointed officials before discharging duties of office. Information typical-

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ly includes date, name, office held, text, and signatures. (Minimum retention: 6 years after most recent oath expired).

(14) **Ordinances** Legislative action of the city council to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct, or condition authorized by Oregon Revised Statutes. Ordinances typically include a title, preamble, ordaining clause, subject clause, penalty for violation (when applicable), effective date, signature of mayor, and municipal seal. May also include indexes, calendars, and documentation presented to support action. (Minimum retention: Permanent).

(15) **Policy and Procedure Manuals** Written instructions, rules, and guidelines in manual form documenting current and past authorized city policies and procedures. Used for new employee orientation and for ongoing reference. Also useful in establishing past policies or procedures in liability cases, personnel disputes, and other instances. Includes manuals documenting the procedures of departments with higher risk or exposure to liability such as police, fire, emergency medical services, public works, etc. Moreover, this series includes routine documentation and basic secretarial/clerical instructional procedures covering such subjects as formatting letters, data entry, telephone etiquette, and others. Information often includes policy and procedure numbers, revision dates, subject identification, narrative description, authorization information, and effective date. The minimum retention periods refer only to city-generated manuals. Manuals from other sources should be retained as needed or as mandated by a specific regulating body (federal or state agency, etc.), usually until superseded or obsolete. SEE ALSO Policy Statements and Directives in this section, and Correspondence, Policy and Historical in the Administrative section. SEE ALSO Technical Manuals, Specifications, and Warranties in the Administrative section for published technical manuals and related materials. (Minimum retention: (a) Routine clerical manuals, retain 2 years after superseded or obsolete; (b) One copy of all other manuals, retain permanently).

(16) **Policy Statements and Directives** Administrative and legislative review, assessment, and development of the city's purpose and procedural policy. Often includes bulletins and advisories issued by the mayor, city manager, or council, mission and goal statements, and finalized policy statements and directives. SEE ALSO Policy and Procedure Manuals in this section, and Correspondence, Policy and Historical in the Administrative section. (Minimum retention: Permanent).

(17) **Property Dedication Records** Recorded dedication of private property to the city for public uses such as transportation facilities (streets, sidewalks, bikeways) and parks. May include dedication agreements, maps, correspondence, and important related materials. (Minimum retention: Permanent).

(18) **Property Vacation Records** Recorded property vacations by the city, including streets, alleys, easements, public utilities, subdivisions, and right-of-ways. May include petitions to vacate, maps, descriptions of property, staff reports, approval orders, and related correspondence. (Minimum retention: Permanent).

(19) **Vehicle Title and Registration Records** Records document the ownership and registration of all city vehicles with the Oregon Division of Motor Vehicles. (Minimum retention: (a) Titles, retain until vehicle is sold or disposed of; (b) Registration records, retain until superseded or disposition of vehicle).

(20) **Waivers of Remonstrance Agreements** made by private citizens/property owners to forego their rights to remonstrate (oppose/protest) against certain city actions in exchange for other considerations. Often relates to the extension of water or sewer service beyond the city limits in areas that later may be annexed or formed into local improvement districts. Waivers usually include name and signature of grantor, location of property, purpose of document, date, and signature of city representative. (Minimum retention: (a) If waiver has an expiration date, retain 6 years after expiration date; (b) If waiver carries no expiration date, retain 6 years after completion of project).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

## 166-200-0145

### 9-1-1/Public Safety Answering Point Records

(1) **Briefing Records** Records document internal communication between supervisors and shift workers or between staff on different shifts to alert them to problems, issues, or activities. Records may include but are not limited to briefing logs, teletype messages, and bulletins from other agencies. (Minimum retention: 7 days).

(2) **Data Management System Records** Records document the maintenance and update of current information used to provide and direct incident response within a 9-1-1/public safety answering point service area. Information may include but is not limited to address data, response unit assignments, response codes, responsible person data, and related documentation. (Minimum retention: Until superseded or obsolete).

(3) **Dispatch Incident Records** Records document specific incidents when a call is received by the 9-1-1/public safety answering point and subsequent response activities. Information may include but is not limited to caller's name, address, and telephone number; details of incident or complaint; call taker/dispatcher name; which agency responded and when; and incident disposition. Additional information received through an enhanced system is the Automatic Number Identification and Automatic Location Identification (ANI/ALI) which includes the telephone subscriber name, subscriber's telephone number, and subscriber's telephone service location. (Minimum retention: 2 years).

(4) **Enhanced 9-1-1 Service Plans** Records document the planning, development, and implementation of enhanced 9-1-1/public safety answering point systems. Plans and any subsequent amendments are required to be submitted to the Oregon Emergency Management in the Oregon Military Department for approval. The plan may be periodically revised and updated. Records may include but are not limited to preliminary and final plans, drafts and worksheets, correspondence, and other records described in OAR 104-080-0020. (Minimum retention: (a) Approved plans and amendments, retain 5 years after superseded; (b) Preliminary plans, drafts, worksheets and supporting materials, retain until plan approved by Oregon Emergency Management).

(5) **Master 24-Hour Audio Tapes** Records document recorded incoming emergency and non-emergency calls; law enforcement, fire, and emergency medical services dispatches; radio activity; and 9-1-1/public safety answering point calls. Tapes are maintained on a 24-hour basis. (Minimum retention: 7 months.) [Note: Specific recordings of incidents may warrant longer retention for legal reasons.]

(6) **Master Street Address Guide (MSAG) Maintenance Forms** Records document the 9-1-1/public safety answering point's notification to the phone service provider about the addition of new streets or revision to existing streets on the Master Street Address Guide (MSAG). The MSAG is maintained by the phone service provider or its independent contractor. Forms are usually maintained by the agency's MSAG Coordinator. Information may include but is not limited to new or updated address, customer, and responder information. (Minimum retention: 2 years).

(7) **Operational Logs** Records document chronological tracking of activities related to 9-1-1/public safety answering point operations. Records may include but are not limited to radio logs, telephone logs, tow logs, and criminal background check request logs. (Minimum retention: 1 year).

(8) **Premise Information Records** Records document information about specific premises or locations that emergency responders need to know in advance of arrival at an incident site. Information may include but is not limited to hazardous materials storage locations, whether building plans were submitted to the fire department, unique information about buildings such as utility shut-offs, and related documentation. (Minimum retention: 2 years, or until renewed, superseded, or expired, whichever is sooner).

(9) **Quality Assurance Records** Records document the evaluation, analysis, and assessment of the performance and quality of services provided by the 9-1-1/public safety answering point system. Records may include but are not limited to system evaluations, system performance reports, satisfaction surveys and questionnaires, quality improvement reports and recommendations, quality assurance committee minutes, and related documentation. (Minimum retention: (a) Survey instruments, retain 2 years, or until summary report completed, whichever is sooner; (b) All other records, retain 2 years).

(10) **Statistical Reports** Records document the compilation of statistical data about the actions and activities of the 9-1-1/public safety answering point system. Data may be compiled on a daily, weekly, monthly, quarterly, and/or annual basis and may be used for analysis, evaluation, and budget development purposes. Information may include but is not limited to data about response times, number of calls received and dispatched, and responses by individual agency. (Minimum retention: (a) Data instruments used to compile statistics, retain until statistical report completed; (b) Daily and weekly reports, retain until compiled into monthly reports; (c) Monthly and quarterly reports, retain 1 year; (d) Annual reports, retain 10 years).

(11) **System Error/Malfunction Records** Records document 9-1-1/public safety answering point electronic systems errors or malfunctions and subsequent corrective action. Records may include but are not limited

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to enhanced system error reports, trouble logs, work orders, correspondence, and related documentation. (Minimum retention: 2 years).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 7-1998, f. & cert. ef. 10-29-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09

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## Secretary of State, Corporation Division Chapter 160

**Rule Caption:** Waiving of nonprofit reinstatement five year limit under HB 2086 (2009).

**Adm. Order No.:** CORP 1-2009

**Filed with Sec. of State:** 9-3-2009

**Certified to be Effective:** 9-3-09

**Notice Publication Date:** 8-1-2009

**Rules Adopted:** 160-010-0310

**Subject:** New rule 160-010-0310 establishes good cause standards used to determine eligibility to waive the five year limit for nonprofit corporations to reinstate.

**Rules Coordinator:** Tom Wrosch—(503) 986-0511

### 160-010-0310

#### Eligibility for Waiver of Reinstatement Limit

The five year limit for reinstating a nonprofit corporation whose status has been administratively dissolved pursuant to ORS 65.647 may be waived by the Secretary of State upon proof of good cause submitted by the nonprofit corporation.

(1) A nonprofit corporation that wishes to reinstate shall submit to the Director of the Corporation Division a reinstatement application, current annual report, appropriate fee, and documentation showing good cause for waiver.

(2) Good cause shall be shown by:

(a) Documentation provided by nonprofit corporation demonstrating continued operation or existence, such as tax or financial records, and

(b) A statement signed by an officer of the corporation setting forth reasons for failure to keep the corporate status active, and

(c) Additional documentation the Secretary of State may require.

(3) Failure to maintain the following with the Secretary of State does not constitute good cause and shall not alone qualify the corporation for a waiver:

(a) Current mailing address for mailing notices;

(b) Registered agent and office in this state;

(c) Current period of duration.

Stat. Auth.: ORS 65.031

Stats. Implemented: ORS 65.654

Hist.: CORP 1-2009, f. & cert. ef. 9-3-09

## Water Resources Department Chapter 690

**Rule Caption:** Requirements for recording exempt groundwater use with the Oregon Water Resources Department.

**Adm. Order No.:** WRD 4-2009(Temp)

**Filed with Sec. of State:** 9-2-2009

**Certified to be Effective:** 9-2-09 thru 12-27-09

**Notice Publication Date:**

**Rules Amended:** 690-180-0005

**Rules Suspended:** 690-180-0005(T), 690-180-0300(T)

**Subject:** Pursuant to the passage of SB 788 (Chapter 819, 2009 Oregon Laws), owners of land on which a well is drilled for a purpose exempt under ORS 537.545 are required to record the exempt groundwater use with the Oregon Water Resources Department (Department) in accordance with standards established by the Department. In accordance with Chapter 819, 2009 Oregon Laws, affected landowners are required to record the exempt groundwater use with the Department no later than 30 days after the well is completed. Temporary rules were adopted by the Oregon Water Resources Commission (Commission) on July 30, 2009 to provide the guidance and standards necessary for landowners to meet the deadline for recording the exempt groundwater use before standards can be established by the Department via permanent rulemaking. The Department has initiated an administrative process for adoption of permanent rules. Pursuant to Commission action on September 2, 2009, the effective date of the temporary rules (OAR Chapter 690, Division 180) is amended from July 1, 2009 to July 23, 2009.

**Rules Coordinator:** Ruben Ochoa—(503) 986-0874

### 690-180-0005

#### Purpose and Applicability

(1) These rules describe the requirements under which the Oregon Water Resources Department will administer and enforce the provisions of ORS 537.545 as amended by SB 788 (75th Oregon Legislative Assembly). Funds collected will be used to assist the state in evaluating groundwater supplies, conduct groundwater studies, carry out groundwater monitoring and process groundwater data.

(2) These rules apply to:

(a) An owner of land on which a well is drilled to allow groundwater use for a purpose that is exempt under ORS 537.545.

(b) A well that is drilled to allow groundwater use for a purpose that is exempt under ORS 537.545 and completed on or after July 23, 2009. This includes construction of a new well and converting an existing well.

Stat. Auth.: ORS 536.027

Stats. Implemented: ORS 537.545

Hist.: WRD 3-2009(Temp), f. & cert. ef. 7-30-09 thru 12-27-09; WRD 4-2009(Temp) f. & cert. ef. 9-2-09 thru 12-27-09

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101-001-0000(T)	8-1-2009	Repeal	9-1-2009	111-050-0010(T)	1-30-2009	Repeal	3-1-2009
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101-005-0070(T)	8-1-2009	Repeal	9-1-2009	111-050-0025(T)	1-30-2009	Repeal	3-1-2009
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101-005-0080(T)	8-1-2009	Repeal	9-1-2009	111-050-0035	1-30-2009	Adopt	3-1-2009
101-030-0026	2-24-2009	Adopt(T)	4-1-2009	111-050-0035(T)	1-30-2009	Repeal	3-1-2009
101-030-0026	8-1-2009	Adopt	9-1-2009	111-050-0045	1-30-2009	Adopt	3-1-2009
101-030-0026(T)	8-1-2009	Repeal	9-1-2009	111-050-0045(T)	1-30-2009	Repeal	3-1-2009
104-050-0000	4-22-2009	Adopt	6-1-2009	111-050-0050	1-30-2009	Adopt	3-1-2009
104-050-0010	4-22-2009	Adopt	6-1-2009	111-050-0050(T)	1-30-2009	Repeal	3-1-2009
104-050-0020	4-22-2009	Adopt	6-1-2009	111-050-0060	1-30-2009	Adopt	3-1-2009
104-050-0030	4-22-2009	Adopt	6-1-2009	111-050-0060(T)	1-30-2009	Repeal	3-1-2009
104-050-0040	4-22-2009	Adopt	6-1-2009	111-050-0065	1-30-2009	Adopt	3-1-2009
104-050-0050	4-22-2009	Adopt	6-1-2009	111-050-0065(T)	1-30-2009	Repeal	3-1-2009
104-050-0060	4-22-2009	Adopt	6-1-2009	111-050-0070	1-30-2009	Adopt	3-1-2009
104-050-0070	4-22-2009	Adopt	6-1-2009	111-050-0070(T)	1-30-2009	Repeal	3-1-2009
104-050-0080	4-22-2009	Adopt	6-1-2009	111-050-0075	1-30-2009	Adopt	3-1-2009
104-050-0090	4-22-2009	Adopt	6-1-2009	111-050-0075(T)	1-30-2009	Repeal	3-1-2009
104-050-0100	4-22-2009	Adopt	6-1-2009	111-050-0080	1-30-2009	Adopt	3-1-2009
105-050-0025	7-1-2009	Adopt(T)	8-1-2009	111-050-0080(T)	7-31-2009	Amend(T)	9-1-2009
105-050-0030	7-1-2009	Adopt(T)	8-1-2009	111-050-0080(T)	1-30-2009	Repeal	3-1-2009
111-010-0015	1-30-2009	Amend	3-1-2009	111-060-0001	7-31-2009	Amend(T)	9-1-2009
111-010-0015	3-10-2009	Amend(T)	4-1-2009	111-080-0001	1-30-2009	Adopt	3-1-2009
111-010-0015	5-1-2009	Amend	6-1-2009	111-080-0001(T)	1-30-2009	Repeal	3-1-2009
111-010-0015	7-31-2009	Amend(T)	9-1-2009	111-080-0005	1-30-2009	Adopt	3-1-2009
111-010-0015(T)	1-30-2009	Repeal	3-1-2009	111-080-0005(T)	1-30-2009	Repeal	3-1-2009
111-010-0015(T)	5-1-2009	Repeal	6-1-2009	111-080-0030	4-1-2009	Adopt	5-1-2009
111-020-0001	1-30-2009	Amend	3-1-2009	111-080-0030(T)	4-1-2009	Repeal	5-1-2009
111-020-0001	3-10-2009	Amend(T)	4-1-2009	122-001-0036	6-30-2009	Adopt(T)	8-1-2009
111-020-0001	5-1-2009	Amend	6-1-2009	122-060-0020	12-11-2008	Adopt(T)	1-1-2009
111-020-0001(T)	1-30-2009	Repeal	3-1-2009	122-060-0020(T)	3-6-2009	Suspend	4-1-2009
111-020-0001(T)	5-1-2009	Repeal	6-1-2009	123-024-0031	5-7-2009	Amend(T)	6-1-2009
111-030-0001	7-31-2009	Amend(T)	9-1-2009	123-024-0045	5-7-2009	Adopt(T)	6-1-2009
111-030-0005	7-31-2009	Amend(T)	9-1-2009	123-049-0005	3-6-2009	Amend(T)	4-1-2009
111-030-0020	7-31-2009	Adopt(T)	9-1-2009	123-049-0005	9-1-2009	Amend	10-1-2009
111-030-0025	7-31-2009	Adopt(T)	9-1-2009	123-049-0010	9-1-2009	Amend	10-1-2009
111-030-0030	7-31-2009	Adopt(T)	9-1-2009	123-049-0020	9-1-2009	Amend	10-1-2009
111-040-0001	7-31-2009	Amend(T)	9-1-2009	123-049-0030	3-6-2009	Amend(T)	4-1-2009
111-040-0025	7-31-2009	Amend(T)	9-1-2009	123-049-0030	9-1-2009	Amend	10-1-2009
111-040-0030	7-31-2009	Amend(T)	9-1-2009	123-049-0050	3-6-2009	Amend(T)	4-1-2009
111-040-0035	5-5-2009	Suspend	6-1-2009	123-049-0050	9-1-2009	Amend	10-1-2009
111-040-0035	7-31-2009	Repeal	9-1-2009	123-049-0060	9-1-2009	Amend	10-1-2009
111-040-0040	5-5-2009	Amend(T)	6-1-2009	123-062-0000	9-1-2009	Repeal	10-1-2009
111-040-0040	7-31-2009	Amend	9-1-2009	123-062-0010	9-1-2009	Repeal	10-1-2009
111-040-0040(T)	7-31-2009	Repeal	9-1-2009	123-062-0020	9-1-2009	Repeal	10-1-2009
111-040-0050	7-31-2009	Amend(T)	9-1-2009	123-062-0030	9-1-2009	Repeal	10-1-2009
111-050-0001	1-30-2009	Amend	3-1-2009	123-062-0040	9-1-2009	Repeal	10-1-2009
111-050-0001(T)	1-30-2009	Repeal	3-1-2009	123-062-0050	9-1-2009	Repeal	10-1-2009

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123-062-0070	9-1-2009	Repeal	10-1-2009	125-247-0280	2-13-2009	Amend(T)	3-1-2009
123-062-0080	9-1-2009	Repeal	10-1-2009	125-247-0280	8-11-2009	Amend	9-1-2009
123-070-1000	2-24-2009	Amend	4-1-2009	125-249-0150	2-13-2009	Amend(T)	3-1-2009
123-070-1100	2-24-2009	Amend	4-1-2009	125-249-0150	8-11-2009	Amend	9-1-2009
123-070-1150	2-24-2009	Amend	4-1-2009	137-008-0010	9-8-2009	Amend	10-1-2009
123-075-0000	9-1-2009	Repeal	10-1-2009	137-008-0020	9-8-2009	Amend	10-1-2009
123-106-0000	2-24-2009	Repeal	4-1-2009	137-045-0050	2-26-2009	Amend(T)	4-1-2009
123-106-0010	2-24-2009	Repeal	4-1-2009	137-045-0050	7-6-2009	Amend	8-1-2009
123-106-0020	2-24-2009	Repeal	4-1-2009	137-045-0050(T)	7-6-2009	Repeal	8-1-2009
123-106-0030	2-24-2009	Repeal	4-1-2009	137-045-0052	7-6-2009	Adopt	8-1-2009
123-106-0040	2-24-2009	Repeal	4-1-2009	137-050-0320	5-7-2009	Amend(T)	6-1-2009
123-106-0050	2-24-2009	Repeal	4-1-2009	137-050-0330	5-7-2009	Amend(T)	6-1-2009
123-106-0060	2-24-2009	Repeal	4-1-2009	137-050-0340	5-7-2009	Amend(T)	6-1-2009
123-106-0070	2-24-2009	Repeal	4-1-2009	137-050-0360	5-7-2009	Amend(T)	6-1-2009
123-106-0080	2-24-2009	Repeal	4-1-2009	137-050-0360	5-12-2009	Amend(T)	6-1-2009
123-106-0090	2-24-2009	Repeal	4-1-2009	137-050-0360(T)	5-12-2009	Suspend	6-1-2009
123-155-0000	2-24-2009	Amend	4-1-2009	137-050-0420	5-7-2009	Amend(T)	6-1-2009
123-155-0175	2-24-2009	Amend	4-1-2009	137-050-0430	5-7-2009	Amend(T)	6-1-2009
123-155-0350	2-24-2009	Amend	4-1-2009	137-050-0475	5-7-2009	Amend(T)	6-1-2009
123-500-0000	5-1-2009	Adopt	6-1-2009	137-050-0485	5-7-2009	Adopt(T)	6-1-2009
123-500-0005	5-1-2009	Adopt	6-1-2009	137-055-1160	8-1-2009	Amend	8-1-2009
123-500-0020	5-1-2009	Adopt	6-1-2009	137-055-1180	8-1-2009	Repeal	8-1-2009
123-500-0030	5-1-2009	Adopt	6-1-2009	137-055-1320	4-1-2009	Amend	5-1-2009
123-500-0040	5-1-2009	Adopt	6-1-2009	137-055-2020	7-1-2009	Amend	8-1-2009
123-500-0050	5-1-2009	Adopt	6-1-2009	137-055-2040	7-1-2009	Repeal	8-1-2009
123-500-0060	5-1-2009	Adopt	6-1-2009	137-055-2140	5-7-2009	Amend(T)	6-1-2009
123-500-0070	5-1-2009	Adopt	6-1-2009	137-055-2165	5-7-2009	Amend(T)	6-1-2009
125-045-0205	7-21-2009	Amend	9-1-2009	137-055-3020	4-1-2009	Amend	5-1-2009
125-045-0225	7-21-2009	Amend	9-1-2009	137-055-3080	4-1-2009	Amend	5-1-2009
125-045-0235	1-23-2009	Amend(T)	3-1-2009	137-055-3100	4-1-2009	Amend	5-1-2009
125-045-0235	7-21-2009	Amend	9-1-2009	137-055-3420	1-2-2009	Amend	2-1-2009
125-075-0015	1-6-2009	Amend	2-1-2009	137-055-3420	5-7-2009	Amend(T)	6-1-2009
125-090-0000	7-1-2009	Amend	8-1-2009	137-055-3420(T)	1-2-2009	Repeal	2-1-2009
125-090-0002	7-1-2009	Adopt	8-1-2009	137-055-3430	5-7-2009	Amend(T)	6-1-2009
125-090-0005	7-1-2009	Amend	8-1-2009	137-055-3430	5-14-2009	Amend(T)	6-1-2009
125-090-0010	7-1-2009	Amend	8-1-2009	137-055-3430(T)	5-14-2009	Suspend	6-1-2009
125-090-0020	7-1-2009	Amend	8-1-2009	137-055-3460	4-1-2009	Amend	5-1-2009
125-090-0030	7-1-2009	Amend	8-1-2009	137-055-5520	7-1-2009	Amend	8-1-2009
125-090-0040	7-1-2009	Repeal	8-1-2009	137-055-6210	1-2-2009	Amend	2-1-2009
125-090-0050	7-1-2009	Repeal	8-1-2009	137-055-6210(T)	1-2-2009	Repeal	2-1-2009
125-090-0060	7-1-2009	Amend	8-1-2009	137-060-0150	7-24-2009	Amend	8-1-2009
125-090-0070	7-1-2009	Amend	8-1-2009	137-060-0160	7-24-2009	Amend	8-1-2009
125-090-0080	7-1-2009	Amend	8-1-2009	137-060-0350	7-24-2009	Amend	8-1-2009
125-090-0090	7-1-2009	Amend	8-1-2009	137-060-0360	7-24-2009	Amend	8-1-2009
125-090-0100	7-1-2009	Amend	8-1-2009	141-001-0000	12-10-2008	Amend	1-1-2009
125-090-0110	7-1-2009	Amend	8-1-2009	141-001-0005	12-10-2008	Amend	1-1-2009
125-090-0120	7-1-2009	Amend	8-1-2009	141-001-0010	12-10-2008	Amend	1-1-2009
125-090-0130	7-1-2009	Amend	8-1-2009	141-001-0020	12-10-2008	Amend	1-1-2009
125-090-0135	7-1-2009	Adopt	8-1-2009	141-040-0020	1-1-2009	Amend	1-1-2009
125-090-0140	7-1-2009	Amend	8-1-2009	141-040-0030	1-1-2009	Amend	1-1-2009
125-090-0150	7-1-2009	Adopt	8-1-2009	141-040-0035	1-1-2009	Repeal	1-1-2009
125-090-0160	7-1-2009	Adopt	8-1-2009	141-040-0040	1-1-2009	Repeal	1-1-2009
125-125-0540	5-11-2009	Amend	6-1-2009	141-040-0211	1-1-2009	Amend	1-1-2009
125-125-0700	1-26-2009	Adopt	3-1-2009	141-040-0212	1-1-2009	Amend	1-1-2009
125-160-0010	1-23-2009	Amend	3-1-2009	141-040-0213	1-1-2009	Adopt	1-1-2009
125-160-0010(T)	1-23-2009	Repeal	3-1-2009	141-040-0214	1-1-2009	Amend	1-1-2009
125-160-0020	1-23-2009	Adopt	3-1-2009	141-045-0010	1-1-2009	Amend	1-1-2009



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141-085-0535	3-1-2009	Adopt	3-1-2009	141-088-0006	6-23-2009	Adopt	8-1-2009
141-085-0540	3-1-2009	Adopt	3-1-2009	141-088-0007	6-23-2009	Adopt	8-1-2009
141-085-0545	3-1-2009	Adopt	3-1-2009	141-088-0008	6-23-2009	Adopt	8-1-2009
141-085-0550	3-1-2009	Adopt	3-1-2009	141-088-0009	6-23-2009	Adopt	8-1-2009
141-085-0555	3-1-2009	Adopt	3-1-2009	141-089-0100	3-1-2009	Amend	3-1-2009
141-085-0560	3-1-2009	Adopt	3-1-2009	141-089-0105	3-1-2009	Amend	3-1-2009
141-085-0565	3-1-2009	Adopt	3-1-2009	141-089-0110	3-1-2009	Amend	3-1-2009
141-085-0570	3-1-2009	Adopt	3-1-2009	141-089-0115	3-1-2009	Amend	3-1-2009
141-085-0575	3-1-2009	Adopt	3-1-2009	141-089-0120	3-1-2009	Amend	3-1-2009
141-085-0580	3-1-2009	Adopt	3-1-2009	141-089-0130	3-1-2009	Amend	3-1-2009
141-085-0585	3-1-2009	Adopt	3-1-2009	141-089-0135	3-1-2009	Amend	3-1-2009
141-085-0590	3-1-2009	Adopt	3-1-2009	141-089-0145	3-1-2009	Amend	3-1-2009
141-085-0595	3-1-2009	Adopt	3-1-2009	141-089-0150	3-1-2009	Amend	3-1-2009
141-085-0610	3-1-2009	Repeal	3-1-2009	141-089-0155	3-1-2009	Amend	3-1-2009
141-085-0620	3-1-2009	Repeal	3-1-2009	141-089-0157	3-1-2009	Repeal	3-1-2009
141-085-0630	3-1-2009	Repeal	3-1-2009	141-089-0165	3-1-2009	Amend	3-1-2009
141-085-0640	3-1-2009	Repeal	3-1-2009	141-089-0170	3-1-2009	Amend	3-1-2009
141-085-0650	3-1-2009	Repeal	3-1-2009	141-089-0175	3-1-2009	Amend	3-1-2009
141-085-0660	3-1-2009	Repeal	3-1-2009	141-089-0185	3-1-2009	Amend	3-1-2009
141-085-0665	3-1-2009	Adopt	3-1-2009	141-089-0190	3-1-2009	Amend	3-1-2009
141-085-0670	3-1-2009	Adopt	3-1-2009	141-089-0200	3-1-2009	Amend	3-1-2009
141-085-0675	3-1-2009	Adopt	3-1-2009	141-089-0205	3-1-2009	Amend	3-1-2009
141-085-0680	3-1-2009	Adopt	3-1-2009	141-089-0210	3-1-2009	Amend	3-1-2009
141-085-0685	3-1-2009	Adopt	3-1-2009	141-089-0215	3-1-2009	Amend	3-1-2009
141-085-0690	3-1-2009	Adopt	3-1-2009	141-089-0220	3-1-2009	Amend	3-1-2009
141-085-0695	3-1-2009	Adopt	3-1-2009	141-089-0225	3-1-2009	Amend	3-1-2009
141-085-0700	3-1-2009	Adopt	3-1-2009	141-089-0230	3-1-2009	Amend	3-1-2009
141-085-0705	3-1-2009	Adopt	3-1-2009	141-089-0240	3-1-2009	Amend	3-1-2009
141-085-0710	3-1-2009	Adopt	3-1-2009	141-089-0245	3-1-2009	Amend	3-1-2009
141-085-0715	3-1-2009	Adopt	3-1-2009	141-089-0250	3-1-2009	Amend	3-1-2009
141-085-0720	3-1-2009	Adopt	3-1-2009	141-089-0255	3-1-2009	Amend	3-1-2009
141-085-0725	3-1-2009	Adopt	3-1-2009	141-089-0260	3-1-2009	Amend	3-1-2009
141-085-0730	3-1-2009	Adopt	3-1-2009	141-089-0265	3-1-2009	Amend	3-1-2009
141-085-0735	3-1-2009	Adopt	3-1-2009	141-089-0275	3-1-2009	Amend	3-1-2009
141-085-0740	3-1-2009	Adopt	3-1-2009	141-089-0280	3-1-2009	Amend	3-1-2009
141-085-0745	3-1-2009	Adopt	3-1-2009	141-089-0295	3-1-2009	Amend	3-1-2009
141-085-0750	3-1-2009	Adopt	3-1-2009	141-089-0300	3-1-2009	Amend	3-1-2009
141-085-0755	3-1-2009	Adopt	3-1-2009	141-089-0310	3-1-2009	Amend	3-1-2009
141-085-0760	3-1-2009	Adopt	3-1-2009	141-089-0350	3-1-2009	Amend	3-1-2009
141-085-0765	3-1-2009	Adopt	3-1-2009	141-089-0355	3-1-2009	Amend	3-1-2009
141-085-0770	3-1-2009	Adopt	3-1-2009	141-089-0370	3-1-2009	Amend	3-1-2009
141-085-0775	3-1-2009	Adopt	3-1-2009	141-089-0390	3-1-2009	Amend	3-1-2009
141-085-0780	3-1-2009	Adopt	3-1-2009	141-089-0400	3-1-2009	Amend	3-1-2009
141-085-0785	3-1-2009	Adopt	3-1-2009	141-089-0405	3-1-2009	Amend	3-1-2009
141-086-0185	1-1-2009	Amend	1-1-2009	141-089-0415	3-1-2009	Amend	3-1-2009
141-086-0190	1-1-2009	Repeal	1-1-2009	141-089-0420	3-1-2009	Amend	3-1-2009
141-086-0200	1-1-2009	Amend	1-1-2009	141-089-0430	3-1-2009	Amend	3-1-2009
141-086-0210	1-1-2009	Amend	1-1-2009	141-089-0500	3-1-2009	Amend	3-1-2009
141-086-0220	1-1-2009	Amend	1-1-2009	141-089-0505	3-1-2009	Amend	3-1-2009
141-086-0222	1-1-2009	Adopt	1-1-2009	141-089-0515	3-1-2009	Amend	3-1-2009
141-086-0225	1-1-2009	Amend	1-1-2009	141-089-0520	3-1-2009	Amend	3-1-2009
141-086-0228	1-1-2009	Amend	1-1-2009	141-089-0530	3-1-2009	Amend	3-1-2009
141-086-0230	1-1-2009	Amend	1-1-2009	141-089-0550	3-1-2009	Repeal	3-1-2009
141-086-0240	1-1-2009	Amend	1-1-2009	141-089-0555	3-1-2009	Repeal	3-1-2009
141-088-0000	6-23-2009	Amend	8-1-2009	141-089-0560	3-1-2009	Repeal	3-1-2009
141-088-0002	6-23-2009	Adopt	8-1-2009	141-089-0565	3-1-2009	Repeal	3-1-2009
141-088-0004	6-23-2009	Adopt	8-1-2009	141-089-0570	3-1-2009	Repeal	3-1-2009

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141-089-0575	3-1-2009	Repeal	3-1-2009	150-317.705(3)(a)	7-31-2009	Amend	9-1-2009
141-089-0580	3-1-2009	Repeal	3-1-2009	150-321.005(9)	7-31-2009	Amend	9-1-2009
141-089-0585	3-1-2009	Amend	3-1-2009	150-465.200(1)	7-31-2009	Repeal	9-1-2009
141-089-0600	3-1-2009	Amend	3-1-2009	150-465.517(2)	7-31-2009	Repeal	9-1-2009
141-089-0605	3-1-2009	Amend	3-1-2009	150-465.517(3)	7-31-2009	Repeal	9-1-2009
141-089-0615	3-1-2009	Amend	3-1-2009	150-465.517(5)	7-31-2009	Repeal	9-1-2009
141-091-0005	12-10-2008	Amend	1-1-2009	150-465.992	7-31-2009	Repeal	9-1-2009
141-091-0015	12-10-2008	Amend	1-1-2009	150-90.650	7-31-2009	Adopt	9-1-2009
141-100-0000	3-1-2009	Amend	3-1-2009	150.309.067(1)(b)	1-1-2009	Am. & Ren.	2-1-2009
141-100-0020	3-1-2009	Amend	3-1-2009	151-020-0020	9-8-2009	Repeal	10-1-2009
141-100-0030	3-1-2009	Amend	3-1-2009	151-020-0030	2-5-2009	Amend(T)	3-1-2009
141-100-0040	3-1-2009	Amend	3-1-2009	151-020-0030	9-8-2009	Repeal	10-1-2009
141-100-0050	3-1-2009	Amend	3-1-2009	151-020-0042	9-8-2009	Repeal	10-1-2009
141-100-0055	3-1-2009	Amend	3-1-2009	151-020-0045	8-31-2009	Am. & Ren.	10-1-2009
141-100-0060	3-1-2009	Amend	3-1-2009	151-020-0060	8-31-2009	Am. & Ren.	10-1-2009
141-100-0070	3-1-2009	Amend	3-1-2009	151-020-0065	8-31-2009	Am. & Ren.	10-1-2009
141-100-0080	3-1-2009	Amend	3-1-2009	151-020-0075	8-31-2009	Am. & Ren.	10-1-2009
141-100-0090	3-1-2009	Amend	3-1-2009	151-020-0090	9-8-2009	Repeal	10-1-2009
150-267.385(5)	7-31-2009	Repeal	9-1-2009	151-020-0100	8-31-2009	Am. & Ren.	10-1-2009
150-280.075	7-31-2009	Amend	9-1-2009	151-020-0110	8-31-2009	Am. & Ren.	10-1-2009
150-294.435(1)-(A)	1-1-2009	Amend	2-1-2009	151-020-0120	9-8-2009	Repeal	10-1-2009
150-294.435(1)-(B)	1-1-2009	Repeal	2-1-2009	160-010-0310	9-3-2009	Adopt	10-1-2009
150-294.480	7-31-2009	Amend	9-1-2009	161-002-0000	1-30-2009	Amend(T)	3-1-2009
150-305.220(1)	1-1-2009	Amend	2-1-2009	161-006-0025	7-1-2009	Amend(T)	6-1-2009
150-305.220(2)	1-1-2009	Amend	2-1-2009	161-010-0035	1-30-2009	Amend(T)	3-1-2009
150-306.132	7-31-2009	Amend	9-1-2009	161-010-0045	1-30-2009	Amend(T)	3-1-2009
150-307.140	1-1-2009	Amend	2-1-2009	161-010-0085	1-30-2009	Amend	3-1-2009
150-307.250(1)(c)	7-31-2009	Amend	9-1-2009	161-020-0045	1-30-2009	Amend	3-1-2009
150-307.455	1-1-2009	Adopt	2-1-2009	161-020-0140	1-30-2009	Amend	3-1-2009
150-308.146(5)(a)	7-31-2009	Amend	9-1-2009	161-020-0150	1-30-2009	Amend	3-1-2009
150-308.156(5)-(C)	7-31-2009	Amend	9-1-2009	161-025-0060	1-30-2009	Amend	3-1-2009
150-308.515(1)(h)	1-1-2009	Adopt	2-1-2009	165-001-0005	5-22-2009	Amend	7-1-2009
150-308.550(2)-(G)	7-31-2009	Amend	9-1-2009	165-005-0050	5-4-2009	Amend	6-1-2009
150-308A.056	1-1-2009	Amend	2-1-2009	165-007-0130	5-4-2009	Amend	6-1-2009
150-308A.059	1-1-2009	Repeal	2-1-2009	165-007-2010	7-30-2009	Adopt(T)	9-1-2009
150-309.026(2)-(A)	7-31-2009	Amend	9-1-2009	165-012-0005	5-4-2009	Amend	6-1-2009
150-309.110(1)-(B)	1-1-2009	Am. & Ren.	2-1-2009	165-012-0005	7-30-2009	Amend	9-1-2009
150-309.110(1)-(E)	1-1-2009	Am. & Ren.	2-1-2009	165-013-0020	5-4-2009	Amend	6-1-2009
150-310.630(8)(a)-(O)	7-31-2009	Amend	9-1-2009	165-014-0031	5-4-2009	Repeal	6-1-2009
150-311.670(1)	1-1-2009	Adopt	2-1-2009	165-014-0032	5-4-2009	Amend	6-1-2009
150-311.706(1)	1-1-2009	Adopt	2-1-2009	165-020-0050	6-30-2009	Amend	8-1-2009
150-314.295	7-31-2009	Amend	9-1-2009	165-020-0055	6-30-2009	Amend	8-1-2009
150-314.402(1)	1-1-2009	Amend	2-1-2009	165-020-0060	6-30-2009	Amend	8-1-2009
150-314.402(4)(b)	1-1-2009	Amend	2-1-2009	165-020-0430	5-4-2009	Repeal	6-1-2009
150-314.515(2)	1-1-2009	Amend	2-1-2009	165-020-2022	2-18-2009	Adopt(T)	4-1-2009
150-314.752	1-1-2009	Amend	2-1-2009	165-020-2023	3-3-2009	Adopt(T)	4-1-2009
150-315.104(1)	7-31-2009	Amend	9-1-2009	165-020-2024	3-5-2009	Adopt(T)	4-1-2009
150-315.104(10)	7-31-2009	Amend	9-1-2009	165-020-2025	3-16-2009	Adopt(T)	5-1-2009
150-315.104(9)	7-31-2009	Repeal	9-1-2009	165-020-2026	3-19-2009	Adopt(T)	5-1-2009
150-316.007-(B)	1-1-2009	Amend	2-1-2009	166-200-0005	12-10-2008	Amend	1-1-2009
150-316.007-(B)	1-5-2009	Amend	2-1-2009	166-200-0010	12-10-2008	Amend	1-1-2009
150-316.082(1)-(B)	1-1-2009	Amend	2-1-2009	166-200-0010	6-24-2009	Amend	8-1-2009
150-316.127-(9)	1-1-2009	Amend	2-1-2009	166-200-0010	8-26-2009	Amend	10-1-2009
150-316.127-(A)	7-31-2009	Amend	9-1-2009	166-200-0015	12-10-2008	Amend	1-1-2009
150-316.202(3)	1-1-2009	Amend	2-1-2009	166-200-0020	12-10-2008	Amend	1-1-2009
150-316.587(5)(d)	7-31-2009	Amend	9-1-2009	166-200-0025	12-10-2008	Amend	1-1-2009
150-316.587(8)-(B)	7-31-2009	Amend	9-1-2009	166-200-0030	12-10-2008	Amend	1-1-2009

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166-200-0035	8-26-2009	Amend	10-1-2009	166-500-0040	7-1-2009	Amend	8-1-2009
166-200-0040	12-10-2008	Amend	1-1-2009	166-500-0050	7-1-2009	Amend	8-1-2009
166-200-0045	12-10-2008	Amend	1-1-2009	166-500-0055	7-1-2009	Amend	8-1-2009
166-200-0050	12-10-2008	Amend	1-1-2009	170-040-0020	4-10-2009	Amend	5-1-2009
166-200-0050	8-26-2009	Amend	10-1-2009	170-040-0090	11-28-2008	Adopt	1-1-2009
166-200-0055	12-10-2008	Amend	1-1-2009	170-040-0100	11-28-2008	Adopt	1-1-2009
166-200-0055	8-26-2009	Amend	10-1-2009	170-055-0001	12-29-2008	Adopt	2-1-2009
166-200-0060	12-10-2008	Amend	1-1-2009	170-055-0005	12-29-2008	Repeal	2-1-2009
166-200-0065	12-10-2008	Amend	1-1-2009	170-060-0001	12-29-2008	Adopt	2-1-2009
166-200-0070	12-10-2008	Amend	1-1-2009	170-060-0005	12-29-2008	Adopt	2-1-2009
166-200-0075	12-10-2008	Amend	1-1-2009	170-060-1010	12-29-2008	Amend	2-1-2009
166-200-0075	8-26-2009	Amend	10-1-2009	170-061-0000	12-29-2008	Amend	2-1-2009
166-200-0080	12-10-2008	Amend	1-1-2009	170-061-0005	12-29-2008	Repeal	2-1-2009
166-200-0085	12-10-2008	Amend	1-1-2009	170-061-0015	12-29-2008	Amend	2-1-2009
166-200-0090	12-10-2008	Amend	1-1-2009	170-061-0015	4-22-2009	Amend	6-1-2009
166-200-0090	8-26-2009	Amend	10-1-2009	170-061-0015	7-21-2009	Amend	9-1-2009
166-200-0095	12-10-2008	Amend	1-1-2009	170-061-0020	12-29-2008	Amend	2-1-2009
166-200-0100	12-10-2008	Amend	1-1-2009	170-061-0100	12-29-2008	Amend	2-1-2009
166-200-0100	8-26-2009	Amend	10-1-2009	170-061-0200	12-29-2008	Amend	2-1-2009
166-200-0105	12-10-2008	Amend	1-1-2009	170-061-0300	12-29-2008	Adopt	2-1-2009
166-200-0110	12-10-2008	Amend	1-1-2009	170-061-0400	12-29-2008	Adopt	2-1-2009
166-200-0110	8-26-2009	Amend	10-1-2009	170-062-0000	12-29-2008	Amend	2-1-2009
166-200-0115	12-10-2008	Amend	1-1-2009	170-063-0000	12-29-2008	Amend	2-1-2009
166-200-0115	8-26-2009	Amend	10-1-2009	170-071-0005	12-29-2008	Amend	2-1-2009
166-200-0120	12-10-2008	Amend	1-1-2009	171-010-0000	6-10-2009	Repeal	8-1-2009
166-200-0120	8-26-2009	Amend	10-1-2009	171-010-0005	6-10-2009	Repeal	8-1-2009
166-200-0125	12-10-2008	Amend	1-1-2009	171-010-0010	6-10-2009	Repeal	8-1-2009
166-200-0125	8-26-2009	Amend	10-1-2009	171-010-0015	6-10-2009	Repeal	8-1-2009
166-200-0130	12-10-2008	Amend	1-1-2009	171-010-0020	6-10-2009	Repeal	8-1-2009
166-200-0130	8-26-2009	Amend	10-1-2009	171-010-0025	6-10-2009	Repeal	8-1-2009
166-200-0135	12-10-2008	Amend	1-1-2009	171-010-0030	6-10-2009	Repeal	8-1-2009
166-200-0135	8-26-2009	Amend	10-1-2009	171-010-0035	6-10-2009	Repeal	8-1-2009
166-200-0140	12-10-2008	Amend	1-1-2009	171-010-0040	6-10-2009	Repeal	8-1-2009
166-200-0145	12-10-2008	Amend	1-1-2009	171-010-0045	6-10-2009	Repeal	8-1-2009
166-200-0145	8-26-2009	Amend	10-1-2009	177-040-0001	1-1-2009	Amend	2-1-2009
166-300-0025	2-19-2009	Amend	4-1-2009	177-040-0005	1-1-2009	Amend	2-1-2009
166-400-0060	6-24-2009	Amend	8-1-2009	177-040-0017	2-1-2009	Amend	3-1-2009
166-475-0010	6-29-2009	Amend	8-1-2009	177-040-0017(T)	2-1-2009	Repeal	3-1-2009
166-475-0015	6-29-2009	Amend	8-1-2009	177-040-0030	1-1-2009	Amend	2-1-2009
166-475-0020	6-29-2009	Amend	8-1-2009	177-040-0050	1-1-2009	Amend	2-1-2009
166-475-0025	6-29-2009	Amend	8-1-2009	177-040-0052	1-1-2009	Amend	2-1-2009
166-475-0030	6-29-2009	Amend	8-1-2009	177-040-0061	2-1-2009	Amend	3-1-2009
166-475-0035	6-29-2009	Amend	8-1-2009	177-040-0061(T)	2-1-2009	Repeal	3-1-2009
166-475-0040	6-29-2009	Amend	8-1-2009	177-045-0000	1-1-2009	Amend	2-1-2009
166-475-0045	6-29-2009	Amend	8-1-2009	177-045-0010	1-1-2009	Amend	2-1-2009
166-475-0050	6-29-2009	Amend	8-1-2009	177-045-0030	1-1-2009	Amend	2-1-2009
166-475-0055	6-29-2009	Amend	8-1-2009	177-045-0040	1-1-2009	Repeal	2-1-2009
166-475-0060	6-29-2009	Amend	8-1-2009	177-046-0020	11-23-2008	Amend(T)	1-1-2009
166-475-0065	6-29-2009	Amend	8-1-2009	177-046-0020	3-1-2009	Amend	4-1-2009
166-475-0070	6-29-2009	Amend	8-1-2009	177-046-0020(T)	3-1-2009	Repeal	4-1-2009
166-475-0075	6-29-2009	Amend	8-1-2009	177-046-0150	12-1-2008	Repeal	1-1-2009
166-475-0080	6-29-2009	Amend	8-1-2009	177-050-0025	12-1-2008	Amend	1-1-2009
166-475-0085	6-29-2009	Amend	8-1-2009	177-050-0027	12-1-2008	Amend	1-1-2009
166-475-0090	6-29-2009	Amend	8-1-2009	177-050-0100	12-1-2008	Adopt	1-1-2009
166-475-0095	6-29-2009	Amend	8-1-2009	177-050-0100	3-1-2009	Amend	4-1-2009
166-475-0100	6-29-2009	Amend	8-1-2009	177-069-0000	12-1-2008	Adopt	1-1-2009

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177-069-0020	12-1-2008	Adopt	1-1-2009	255-094-0001	8-21-2009	Adopt(T)	10-1-2009
177-069-0030	12-1-2008	Adopt	1-1-2009	255-094-0010	8-21-2009	Amend(T)	10-1-2009
177-069-0030	9-1-2009	Amend	10-1-2009	255-094-0015	8-21-2009	Amend(T)	10-1-2009
177-069-0040	12-1-2008	Adopt	1-1-2009	255-094-0020	8-21-2009	Amend(T)	10-1-2009
177-069-0040	9-1-2009	Amend	10-1-2009	257-050-0020	8-6-2009	Amend(T)	9-1-2009
177-069-0050	12-1-2008	Adopt	1-1-2009	257-050-0040	8-6-2009	Amend(T)	9-1-2009
177-069-0050	9-1-2009	Amend	10-1-2009	257-050-0050	8-6-2009	Amend(T)	9-1-2009
177-075-0010	11-23-2008	Amend(T)	1-1-2009	257-050-0060	8-6-2009	Amend(T)	9-1-2009
177-075-0010	3-1-2009	Amend	4-1-2009	257-050-0070	8-6-2009	Amend(T)	9-1-2009
177-075-0010(T)	3-1-2009	Repeal	4-1-2009	257-050-0090	8-6-2009	Amend(T)	9-1-2009
177-081-0020	11-23-2008	Amend(T)	1-1-2009	257-050-0095	8-6-2009	Amend(T)	9-1-2009
177-081-0020	3-1-2009	Amend	4-1-2009	257-050-0100	8-6-2009	Amend(T)	9-1-2009
177-081-0020(T)	3-1-2009	Repeal	4-1-2009	257-050-0110	8-6-2009	Amend(T)	9-1-2009
177-083-0020	11-23-2008	Amend(T)	1-1-2009	257-050-0115	8-6-2009	Amend(T)	9-1-2009
177-083-0020	3-1-2009	Amend	4-1-2009	257-050-0125	8-6-2009	Amend(T)	9-1-2009
177-083-0020(T)	3-1-2009	Repeal	4-1-2009	257-050-0130	8-6-2009	Amend(T)	9-1-2009
177-083-0030	11-23-2008	Amend(T)	1-1-2009	257-050-0140	8-6-2009	Amend(T)	9-1-2009
177-083-0030	3-1-2009	Amend	4-1-2009	257-050-0145	8-6-2009	Amend(T)	9-1-2009
177-083-0030(T)	3-1-2009	Repeal	4-1-2009	257-050-0150	8-6-2009	Amend(T)	9-1-2009
177-083-0040	11-23-2008	Amend(T)	1-1-2009	257-050-0155	8-6-2009	Amend(T)	9-1-2009
177-083-0040	3-1-2009	Amend	4-1-2009	257-050-0157	8-6-2009	Amend(T)	9-1-2009
177-083-0040(T)	3-1-2009	Repeal	4-1-2009	257-050-0170	8-6-2009	Amend(T)	9-1-2009
177-085-0000	1-4-2009	Amend	1-1-2009	257-050-0180	8-6-2009	Amend(T)	9-1-2009
177-085-0005	1-4-2009	Amend	1-1-2009	257-050-0200	8-6-2009	Amend(T)	9-1-2009
177-085-0010	1-4-2009	Amend	1-1-2009	259-001-0005	4-8-2009	Amend	5-1-2009
177-085-0015	11-23-2008	Amend(T)	1-1-2009	259-008-0010	1-1-2009	Amend	1-1-2009
177-085-0015	1-4-2009	Amend	1-1-2009	259-008-0011	1-1-2009	Amend	1-1-2009
177-085-0015	3-1-2009	Amend	4-1-2009	259-008-0011	7-13-2009	Amend	8-1-2009
177-085-0015(T)	3-1-2009	Repeal	4-1-2009	259-008-0020	7-13-2009	Amend	8-1-2009
177-085-0020	1-4-2009	Amend	1-1-2009	259-008-0025	4-8-2009	Amend	5-1-2009
177-085-0025	1-4-2009	Amend	1-1-2009	259-008-0025	9-15-2009	Amend(T)	10-1-2009
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177-085-0035	1-4-2009	Amend	1-1-2009	259-008-0060	4-8-2009	Amend	5-1-2009
177-085-0040	1-4-2009	Amend	1-1-2009	259-008-0065	4-8-2009	Amend	5-1-2009
177-085-0045	1-4-2009	Amend	1-1-2009	259-008-0068	6-26-2009	Amend(T)	8-1-2009
177-085-0050	1-4-2009	Amend	1-1-2009	259-008-0068	7-13-2009	Amend	8-1-2009
177-085-0065	1-4-2009	Amend	1-1-2009	259-008-0068(T)	7-13-2009	Repeal	8-1-2009
177-094-0020	11-23-2008	Amend(T)	1-1-2009	259-008-0070	1-1-2009	Amend	1-1-2009
177-094-0020	3-1-2009	Amend	4-1-2009	259-009-0005	7-13-2009	Amend	8-1-2009
177-094-0020(T)	3-1-2009	Repeal	4-1-2009	259-009-0059	7-13-2009	Amend	8-1-2009
177-099-0100	8-26-2009	Amend(T)	10-1-2009	259-009-0062	7-13-2009	Amend	8-1-2009
213-003-0001	1-1-2010	Amend(T)	5-1-2009	259-009-0070	7-13-2009	Amend	8-1-2009
213-003-0001	1-1-2010	Amend(T)	5-1-2009	259-020-0010	12-29-2008	Amend(T)	2-1-2009
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213-017-0004	1-1-2010	Amend(T)	5-1-2009	259-020-0010(T)	2-2-2009	Repeal	3-1-2009
213-017-0006	1-1-2009	Amend(T)	2-1-2009	259-020-0015	2-2-2009	Amend	3-1-2009
213-017-0006	6-17-2009	Amend(T)	8-1-2009	259-020-0020	2-2-2009	Amend	3-1-2009
213-017-0006	1-1-2010	Amend(T)	5-1-2009	259-020-0025	2-2-2009	Amend	3-1-2009
213-017-0009	6-17-2009	Amend(T)	8-1-2009	259-020-0025	9-15-2009	Amend	10-1-2009
213-017-0009	1-1-2010	Amend(T)	5-1-2009	291-019-0130	5-22-2009	Amend	7-1-2009
250-018-0060	7-1-2009	Amend	8-1-2009	291-022-0115	11-25-2008	Amend(T)	1-1-2009
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250-018-0110	7-1-2009	Amend	8-1-2009	291-022-0160	11-25-2008	Amend(T)	1-1-2009
250-020-0261	5-1-2009	Amend	5-1-2009	291-022-0160	5-23-2009	Amend	7-1-2009
250-020-0290	5-1-2009	Repeal	5-1-2009	291-022-0161	11-25-2008	Adopt(T)	1-1-2009
255-032-0007	6-26-2009	Adopt(T)	8-1-2009	291-022-0161	5-23-2009	Adopt	7-1-2009
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291-039-0010	7-14-2009	Amend	8-1-2009	291-097-0023	8-31-2009	Adopt(T)	10-1-2009
291-039-0015	12-16-2008	Amend(T)	2-1-2009	291-097-0025	3-10-2009	Amend	4-1-2009
291-039-0015	7-14-2009	Amend	8-1-2009	291-097-0025	8-31-2009	Amend(T)	10-1-2009
291-042-0005	1-22-2009	Amend	3-1-2009	291-097-0040	3-10-2009	Amend	4-1-2009
291-042-0010	1-22-2009	Amend	3-1-2009	291-097-0040	8-31-2009	Amend(T)	10-1-2009
291-042-0011	1-22-2009	Amend	3-1-2009	291-097-0050	3-10-2009	Amend	4-1-2009
291-042-0015	1-22-2009	Amend	3-1-2009	291-097-0060	3-10-2009	Amend	4-1-2009
291-042-0025	1-22-2009	Amend	3-1-2009	291-097-0070	3-10-2009	Amend	4-1-2009
291-042-0035	1-22-2009	Amend	3-1-2009	291-097-0080	3-10-2009	Amend	4-1-2009
291-042-0045	1-22-2009	Repeal	3-1-2009	291-097-0080	8-31-2009	Amend(T)	10-1-2009
291-058-0010	5-29-2009	Amend	7-1-2009	291-097-0100	3-10-2009	Amend	4-1-2009
291-058-0020	5-29-2009	Amend	7-1-2009	291-097-0100	8-31-2009	Amend(T)	10-1-2009
291-058-0030	5-29-2009	Amend	7-1-2009	291-097-0110	3-10-2009	Am. & Ren.	4-1-2009
291-058-0040	5-29-2009	Amend	7-1-2009	291-097-0120	3-10-2009	Amend	4-1-2009
291-058-0045	5-29-2009	Amend	7-1-2009	291-105-0015	7-1-2009	Amend	8-1-2009
291-058-0046	5-29-2009	Adopt	7-1-2009	291-127-0240	5-15-2009	Amend	6-1-2009
291-058-0050	5-29-2009	Amend	7-1-2009	291-127-0260	12-16-2008	Amend(T)	2-1-2009
291-058-0060	5-29-2009	Amend	7-1-2009	291-127-0260	5-15-2009	Amend	6-1-2009
291-058-0065	5-29-2009	Adopt	7-1-2009	291-127-0260(T)	5-15-2009	Repeal	6-1-2009
291-062-0100	3-20-2009	Amend(T)	5-1-2009	291-158-0005	12-26-2008	Amend	2-1-2009
291-062-0100	7-13-2009	Amend	8-1-2009	291-158-0010	12-26-2008	Amend	2-1-2009
291-062-0100(T)	7-13-2009	Repeal	8-1-2009	291-158-0015	12-26-2008	Amend	2-1-2009
291-062-0110	3-20-2009	Amend(T)	5-1-2009	291-158-0025	12-26-2008	Amend	2-1-2009
291-062-0110	7-13-2009	Amend	8-1-2009	291-158-0035	12-26-2008	Amend	2-1-2009
291-062-0110(T)	7-13-2009	Repeal	8-1-2009	291-158-0045	12-26-2008	Amend	2-1-2009
291-062-0120	3-20-2009	Amend(T)	5-1-2009	291-158-0055	12-26-2008	Amend	2-1-2009
291-062-0120	7-13-2009	Amend	8-1-2009	291-158-0065	12-26-2008	Amend	2-1-2009
291-062-0120(T)	7-13-2009	Repeal	8-1-2009	291-158-0075	12-26-2008	Amend	2-1-2009
291-062-0130	3-20-2009	Amend(T)	5-1-2009	291-203-0020	5-15-2009	Amend(T)	6-1-2009
291-062-0130	7-13-2009	Amend	8-1-2009	291-203-0040	5-15-2009	Amend(T)	6-1-2009
291-062-0130(T)	7-13-2009	Repeal	8-1-2009	291-203-0050	5-15-2009	Amend(T)	6-1-2009
291-062-0140	3-20-2009	Amend(T)	5-1-2009	309-040-0410	8-6-2009	Amend(T)	9-1-2009
291-062-0140	7-13-2009	Amend	8-1-2009	309-114-0005	1-23-2009	Amend(T)	3-1-2009
291-062-0140(T)	7-13-2009	Repeal	8-1-2009	309-114-0005	4-2-2009	Amend(T)	5-1-2009
291-062-0150	3-20-2009	Amend(T)	5-1-2009	309-114-0005	6-26-2009	Amend	8-1-2009
291-062-0150	7-13-2009	Amend	8-1-2009	309-114-0005(T)	4-2-2009	Suspend	5-1-2009
291-062-0150(T)	7-13-2009	Repeal	8-1-2009	309-114-0005(T)	6-26-2009	Repeal	8-1-2009
291-062-0160	3-20-2009	Amend(T)	5-1-2009	309-114-0010	1-23-2009	Amend(T)	3-1-2009
291-062-0160	7-13-2009	Amend	8-1-2009	309-114-0010	6-26-2009	Amend	8-1-2009
291-062-0160(T)	7-13-2009	Repeal	8-1-2009	309-114-0010(T)	6-26-2009	Repeal	8-1-2009
291-062-0170	3-20-2009	Adopt(T)	5-1-2009	309-114-0020	1-23-2009	Amend(T)	3-1-2009
291-062-0170	7-13-2009	Adopt	8-1-2009	309-114-0020	6-26-2009	Amend	8-1-2009
291-062-0170(T)	7-13-2009	Repeal	8-1-2009	309-114-0020(T)	6-26-2009	Repeal	8-1-2009
291-070-0120	12-16-2008	Amend(T)	2-1-2009	309-114-0025	6-26-2009	Amend	8-1-2009
291-070-0120	7-14-2009	Amend	8-1-2009	325-005-0015	6-26-2009	Amend	8-1-2009
291-077-0033	7-1-2009	Amend	8-1-2009	330-001-0020	7-27-2009	Adopt(T)	9-1-2009
291-084-0010	7-2-2009	Suspend	8-1-2009	330-061-0005	12-5-2008	Amend	1-1-2009
291-084-0020	7-2-2009	Suspend	8-1-2009	330-061-0025	12-5-2008	Amend	1-1-2009
291-084-0030	7-2-2009	Suspend	8-1-2009	330-061-0030	12-5-2008	Amend	1-1-2009
291-084-0040	7-2-2009	Suspend	8-1-2009	331-001-0000	6-1-2009	Amend	7-1-2009
291-097-0005	3-10-2009	Amend	4-1-2009	331-001-0010	6-1-2009	Amend	7-1-2009
291-097-0005	8-31-2009	Amend(T)	10-1-2009	331-010-0000	6-1-2009	Amend	7-1-2009
291-097-0010	3-10-2009	Amend	4-1-2009	331-010-0020	6-1-2009	Amend	7-1-2009
291-097-0010	8-31-2009	Amend(T)	10-1-2009	331-010-0030	6-1-2009	Amend	7-1-2009
291-097-0015	3-10-2009	Amend	4-1-2009	331-010-0040	6-1-2009	Amend	7-1-2009
291-097-0015	8-31-2009	Amend(T)	10-1-2009	331-020-0030	6-1-2009	Amend	7-1-2009

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331-020-0060	6-1-2009	Amend	7-1-2009	333-054-0050	6-1-2009	Amend	7-1-2009
331-020-0070	6-1-2009	Amend	7-1-2009	333-054-0055	6-1-2009	Adopt	7-1-2009
331-030-0000	12-1-2008	Amend(T)	1-1-2009	333-054-0060	6-1-2009	Amend	7-1-2009
331-030-0000	6-1-2009	Amend	7-1-2009	333-054-0065	6-1-2009	Adopt	7-1-2009
331-030-0004	6-1-2009	Adopt	7-1-2009	333-054-0070	6-1-2009	Amend	7-1-2009
331-030-0005	12-1-2008	Adopt(T)	1-1-2009	333-060-0125	6-17-2009	Amend(T)	8-1-2009
331-030-0010	12-1-2008	Amend(T)	1-1-2009	333-060-0127	6-17-2009	Adopt(T)	8-1-2009
331-030-0010	6-1-2009	Amend	7-1-2009	333-060-0505	6-17-2009	Amend(T)	8-1-2009
331-030-0020	6-1-2009	Amend	7-1-2009	333-060-0510	6-17-2009	Amend(T)	8-1-2009
331-030-0025	6-1-2009	Adopt	7-1-2009	333-061-0020	5-18-2009	Amend	7-1-2009
331-030-0030	6-1-2009	Am. & Ren.	7-1-2009	333-061-0025	5-18-2009	Amend	7-1-2009
331-030-0040	6-1-2009	Adopt	7-1-2009	333-061-0030	5-18-2009	Amend	7-1-2009
331-810-0038	12-1-2008	Adopt	1-1-2009	333-061-0031	5-18-2009	Amend	7-1-2009
332-015-0070	4-1-2009	Amend	5-1-2009	333-061-0032	5-18-2009	Amend	7-1-2009
332-020-0010	4-1-2009	Amend	5-1-2009	333-061-0034	5-18-2009	Amend	7-1-2009
333-004-0010	3-2-2009	Amend	4-1-2009	333-061-0036	5-18-2009	Amend	7-1-2009
333-004-0020	3-2-2009	Amend	4-1-2009	333-061-0040	5-18-2009	Amend	7-1-2009
333-004-0030	3-2-2009	Amend	4-1-2009	333-061-0042	5-18-2009	Amend	7-1-2009
333-004-0040	3-2-2009	Amend	4-1-2009	333-061-0043	5-18-2009	Amend	7-1-2009
333-004-0050	3-2-2009	Amend	4-1-2009	333-061-0045	5-18-2009	Amend	7-1-2009
333-004-0060	3-2-2009	Amend	4-1-2009	333-061-0050	5-18-2009	Amend	7-1-2009
333-004-0070	3-2-2009	Amend	4-1-2009	333-061-0058	5-18-2009	Amend	7-1-2009
333-004-0080	3-2-2009	Amend	4-1-2009	333-061-0060	5-18-2009	Amend	7-1-2009
333-004-0090	3-2-2009	Repeal	4-1-2009	333-061-0064	5-18-2009	Amend	7-1-2009
333-004-0100	3-2-2009	Amend	4-1-2009	333-061-0065	5-18-2009	Amend	7-1-2009
333-004-0110	3-2-2009	Amend	4-1-2009	333-061-0070	5-18-2009	Amend	7-1-2009
333-004-0120	3-2-2009	Amend	4-1-2009	333-061-0071	5-18-2009	Amend	7-1-2009
333-004-0140	3-2-2009	Amend	4-1-2009	333-061-0076	5-18-2009	Amend	7-1-2009
333-004-0150	3-2-2009	Amend	4-1-2009	333-061-0077	5-18-2009	Amend	7-1-2009
333-004-0160	3-2-2009	Amend	4-1-2009	333-061-0090	5-18-2009	Amend	7-1-2009
333-010-0200	2-13-2009	Adopt	3-1-2009	333-061-0097	5-18-2009	Amend	7-1-2009
333-010-0205	2-13-2009	Adopt	3-1-2009	333-061-0220	5-18-2009	Amend	7-1-2009
333-010-0210	2-13-2009	Adopt	3-1-2009	333-061-0225	5-18-2009	Amend	7-1-2009
333-010-0215	2-13-2009	Adopt	3-1-2009	333-061-0270	5-18-2009	Amend	7-1-2009
333-010-0220	2-13-2009	Adopt	3-1-2009	333-062-0100	6-17-2009	Amend(T)	8-1-2009
333-010-0225	2-13-2009	Adopt	3-1-2009	333-062-0102	6-17-2009	Adopt(T)	8-1-2009
333-010-0230	2-13-2009	Adopt	3-1-2009	333-565-0000	1-1-2009	Amend	2-1-2009
333-010-0235	2-13-2009	Adopt	3-1-2009	333-565-0010	4-20-2009	Adopt	6-1-2009
333-010-0240	2-13-2009	Adopt	3-1-2009	333-675-0050	1-1-2009	Amend	2-1-2009
333-010-0245	2-13-2009	Adopt	3-1-2009	334-001-0000	3-1-2009	Amend	3-1-2009
333-010-0250	2-13-2009	Adopt	3-1-2009	334-001-0012	7-2-2009	Amend	8-1-2009
333-010-0255	2-13-2009	Adopt	3-1-2009	334-001-0035	3-1-2009	Amend	3-1-2009
333-010-0260	2-13-2009	Adopt	3-1-2009	334-001-0045	3-1-2009	Amend	3-1-2009
333-010-0265	2-13-2009	Adopt	3-1-2009	334-001-0051	6-26-2009	Adopt(T)	8-1-2009
333-010-0270	2-13-2009	Adopt	3-1-2009	334-001-0060	3-1-2009	Amend	3-1-2009
333-010-0275	2-13-2009	Adopt	3-1-2009	334-001-0060	7-2-2009	Amend	8-1-2009
333-010-0280	2-13-2009	Adopt	3-1-2009	334-010-0005	3-1-2009	Amend	3-1-2009
333-010-0285	2-13-2009	Adopt	3-1-2009	334-010-0005	7-2-2009	Amend	8-1-2009
333-010-0290	2-13-2009	Adopt	3-1-2009	334-010-0010	3-1-2009	Amend	3-1-2009
333-012-0500	7-20-2009	Amend(T)	9-1-2009	334-010-0010	7-2-2009	Amend	8-1-2009
333-018-0015	9-1-2009	Amend(T)	10-1-2009	334-010-0012	3-1-2009	Amend	3-1-2009
333-054-0010	6-1-2009	Amend	7-1-2009	334-010-0015	3-1-2009	Amend	3-1-2009
333-054-0020	6-1-2009	Amend	7-1-2009	334-010-0016	3-1-2009	Repeal	3-1-2009
333-054-0025	6-1-2009	Amend	7-1-2009	334-010-0017	3-1-2009	Amend	3-1-2009
333-054-0027	6-1-2009	Adopt	7-1-2009	334-010-0017	7-2-2009	Amend	8-1-2009
333-054-0030	6-1-2009	Amend	7-1-2009	334-010-0025	3-1-2009	Amend	3-1-2009
333-054-0035	6-1-2009	Adopt	7-1-2009	334-010-0031	3-1-2009	Repeal	3-1-2009

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334-010-0033	7-2-2009	Amend	8-1-2009	340-054-0108	5-1-2009	Adopt(T)	6-1-2009
334-010-0041	3-1-2009	Am. & Ren.	3-1-2009	340-054-0110	9-4-2009	Adopt(T)	10-1-2009
334-010-0046	3-1-2009	Amend	3-1-2009	340-054-0112	9-4-2009	Adopt(T)	10-1-2009
334-010-0046	7-2-2009	Amend	8-1-2009	340-054-0114	9-4-2009	Adopt(T)	10-1-2009
334-010-0047	3-1-2009	Amend	3-1-2009	340-054-0116	9-4-2009	Adopt(T)	10-1-2009
334-010-0050	3-1-2009	Amend	3-1-2009	340-054-0118	9-4-2009	Adopt(T)	10-1-2009
334-010-0050	7-2-2009	Amend	8-1-2009	340-093-0030	9-14-2009	Amend	10-1-2009
334-020-0005	3-1-2009	Amend	3-1-2009	340-093-0050	9-14-2009	Amend	10-1-2009
334-020-0015	3-1-2009	Amend	3-1-2009	340-093-0070	9-14-2009	Amend	10-1-2009
334-020-0020	3-1-2009	Repeal	3-1-2009	340-093-0100	9-14-2009	Amend	10-1-2009
334-020-0025	3-1-2009	Repeal	3-1-2009	340-093-0105	9-14-2009	Amend	10-1-2009
334-020-0030	3-1-2009	Repeal	3-1-2009	340-093-0130	9-14-2009	Amend	10-1-2009
334-020-0035	3-1-2009	Repeal	3-1-2009	340-093-0140	9-14-2009	Amend	10-1-2009
334-020-0040	3-1-2009	Repeal	3-1-2009	340-093-0150	9-14-2009	Amend	10-1-2009
334-020-0045	3-1-2009	Repeal	3-1-2009	340-096-0001	9-14-2009	Amend	10-1-2009
334-020-0050	3-1-2009	Amend	3-1-2009	340-096-0010	9-14-2009	Amend	10-1-2009
334-020-0050	7-2-2009	Amend	8-1-2009	340-096-0020	9-14-2009	Repeal	10-1-2009
334-020-0055	3-1-2009	Amend	3-1-2009	340-096-0024	9-14-2009	Repeal	10-1-2009
334-020-0060	3-1-2009	Repeal	3-1-2009	340-096-0028	9-14-2009	Repeal	10-1-2009
334-020-0065	3-1-2009	Repeal	3-1-2009	340-096-0050	9-14-2009	Amend	10-1-2009
334-020-0070	3-1-2009	Repeal	3-1-2009	340-096-0060	9-14-2009	Adopt	10-1-2009
334-020-0075	3-1-2009	Repeal	3-1-2009	340-096-0070	9-14-2009	Adopt	10-1-2009
334-020-0080	3-1-2009	Repeal	3-1-2009	340-096-0080	9-14-2009	Adopt	10-1-2009
334-020-0085	3-1-2009	Repeal	3-1-2009	340-096-0090	9-14-2009	Adopt	10-1-2009
334-020-0090	3-1-2009	Repeal	3-1-2009	340-096-0100	9-14-2009	Adopt	10-1-2009
334-030-0001	3-1-2009	Amend	3-1-2009	340-096-0110	9-14-2009	Adopt	10-1-2009
334-030-0002	3-1-2009	Repeal	3-1-2009	340-096-0120	9-14-2009	Adopt	10-1-2009
334-030-0005	3-1-2009	Amend	3-1-2009	340-096-0130	9-14-2009	Adopt	10-1-2009
334-030-0010	3-1-2009	Repeal	3-1-2009	340-096-0140	9-14-2009	Adopt	10-1-2009
334-030-0025	3-1-2009	Am. & Ren.	3-1-2009	340-096-0150	9-14-2009	Adopt	10-1-2009
334-040-0001	3-1-2009	Adopt	3-1-2009	340-097-0110	9-14-2009	Amend	10-1-2009
335-005-0010	7-1-2009	Amend	7-1-2009	340-097-0120	9-14-2009	Amend	10-1-2009
335-005-0020	7-1-2009	Amend	7-1-2009	340-100-0002	6-25-2009	Amend	8-1-2009
335-005-0025	7-1-2009	Amend	7-1-2009	340-102-0060	6-25-2009	Repeal	8-1-2009
335-060-0010	7-1-2009	Amend	7-1-2009	340-102-0065	6-25-2009	Amend	8-1-2009
335-060-0020	7-1-2009	Amend	7-1-2009	340-104-0021	6-25-2009	Adopt	8-1-2009
335-070-0055	7-1-2009	Amend	7-1-2009	340-105-0140	6-25-2009	Adopt	8-1-2009
335-070-0060	7-1-2009	Amend	7-1-2009	340-200-0040	12-31-2008	Amend	2-1-2009
335-070-0075	7-1-2009	Amend	7-1-2009	340-200-0040	6-30-2009	Amend	8-1-2009
335-070-0080	7-1-2009	Amend	7-1-2009	340-216-0020	12-31-2008	Amend	2-1-2009
335-070-0085	7-1-2009	Amend	7-1-2009	340-216-0060	12-31-2008	Amend	2-1-2009
335-095-0010	7-1-2009	Amend	7-1-2009	340-220-0030	8-27-2009	Amend(T)	10-1-2009
335-095-0030	7-1-2009	Amend	7-1-2009	340-220-0040	8-27-2009	Amend(T)	10-1-2009
335-095-0050	7-1-2009	Amend	7-1-2009	340-220-0050	8-27-2009	Amend(T)	10-1-2009
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339-010-0023	1-1-2009	Amend	1-1-2009	340-223-0020	6-30-2009	Adopt	8-1-2009
339-010-0035	1-1-2009	Amend	1-1-2009	340-223-0030	6-30-2009	Adopt	8-1-2009
339-010-0050	1-1-2009	Amend	1-1-2009	340-223-0040	6-30-2009	Adopt	8-1-2009
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340-054-0025	5-1-2009	Amend(T)	6-1-2009	340-228-0602	12-31-2008	Amend	2-1-2009
340-054-0035	5-1-2009	Amend(T)	6-1-2009	340-228-0603	12-31-2008	Amend	2-1-2009
340-054-0098	5-1-2009	Adopt(T)	6-1-2009	340-228-0604	12-31-2008	Repeal	2-1-2009
340-054-0100	5-1-2009	Adopt(T)	6-1-2009	340-228-0605	12-31-2008	Repeal	2-1-2009
340-054-0102	5-1-2009	Adopt(T)	6-1-2009	340-228-0606	12-31-2008	Amend	2-1-2009
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340-228-0610	12-31-2008	Repeal	2-1-2009	340-230-0359	12-31-2008	Adopt	2-1-2009
340-228-0611	12-31-2008	Adopt	2-1-2009	340-232-0070	12-31-2008	Repeal	2-1-2009
340-228-0612	12-31-2008	Repeal	2-1-2009	340-238-0040	12-31-2008	Amend	2-1-2009
340-228-0613	12-31-2008	Adopt	2-1-2009	340-238-0050	12-31-2008	Repeal	2-1-2009
340-228-0614	12-31-2008	Repeal	2-1-2009	340-238-0060	12-31-2008	Amend	2-1-2009
340-228-0615	12-31-2008	Adopt	2-1-2009	340-238-0090	12-31-2008	Amend	2-1-2009
340-228-0616	12-31-2008	Repeal	2-1-2009	340-242-0520	12-31-2008	Amend	2-1-2009
340-228-0617	12-31-2008	Adopt	2-1-2009	340-244-0020	12-31-2008	Amend	2-1-2009
340-228-0618	12-31-2008	Repeal	2-1-2009	340-244-0030	12-31-2008	Amend	2-1-2009
340-228-0619	12-31-2008	Adopt	2-1-2009	340-244-0100	12-31-2008	Amend	2-1-2009
340-228-0620	12-31-2008	Repeal	2-1-2009	340-244-0110	12-31-2008	Repeal	2-1-2009
340-228-0621	12-31-2008	Adopt	2-1-2009	340-244-0120	12-31-2008	Repeal	2-1-2009
340-228-0622	12-31-2008	Repeal	2-1-2009	340-244-0130	12-31-2008	Repeal	2-1-2009
340-228-0623	12-31-2008	Adopt	2-1-2009	340-244-0140	12-31-2008	Repeal	2-1-2009
340-228-0624	12-31-2008	Repeal	2-1-2009	340-244-0150	12-31-2008	Repeal	2-1-2009
340-228-0625	12-31-2008	Adopt	2-1-2009	340-244-0160	12-31-2008	Repeal	2-1-2009
340-228-0626	12-31-2008	Repeal	2-1-2009	340-244-0170	12-31-2008	Repeal	2-1-2009
340-228-0627	12-31-2008	Adopt	2-1-2009	340-244-0180	12-31-2008	Repeal	2-1-2009
340-228-0628	12-31-2008	Repeal	2-1-2009	340-244-0210	12-31-2008	Amend	2-1-2009
340-228-0629	12-31-2008	Adopt	2-1-2009	340-244-0220	12-31-2008	Amend	2-1-2009
340-228-0630	12-31-2008	Repeal	2-1-2009	340-244-0232	12-31-2008	Adopt	2-1-2009
340-228-0631	12-31-2008	Adopt	2-1-2009	340-244-0234	12-31-2008	Adopt	2-1-2009
340-228-0632	12-31-2008	Repeal	2-1-2009	340-244-0236	12-31-2008	Adopt	2-1-2009
340-228-0633	12-31-2008	Adopt	2-1-2009	340-244-0238	12-31-2008	Adopt	2-1-2009
340-228-0634	12-31-2008	Repeal	2-1-2009	340-244-0240	12-31-2008	Adopt	2-1-2009
340-228-0635	12-31-2008	Adopt	2-1-2009	340-244-0242	12-31-2008	Adopt	2-1-2009
340-228-0636	12-31-2008	Repeal	2-1-2009	340-244-0244	12-31-2008	Adopt	2-1-2009
340-228-0637	12-31-2008	Adopt	2-1-2009	340-244-0246	12-31-2008	Adopt	2-1-2009
340-228-0638	12-31-2008	Repeal	2-1-2009	340-244-0248	12-31-2008	Adopt	2-1-2009
340-228-0640	12-31-2008	Repeal	2-1-2009	340-244-0250	12-31-2008	Adopt	2-1-2009
340-228-0642	12-31-2008	Repeal	2-1-2009	340-244-0252	12-31-2008	Adopt	2-1-2009
340-228-0644	12-31-2008	Repeal	2-1-2009	350-040-0020	1-14-2009	Amend(T)	2-1-2009
340-228-0646	12-31-2008	Repeal	2-1-2009	350-040-0020	5-1-2009	Amend	5-1-2009
340-228-0648	12-31-2008	Repeal	2-1-2009	350-040-0040	1-14-2009	Amend(T)	2-1-2009
340-228-0650	12-31-2008	Repeal	2-1-2009	350-040-0040	5-1-2009	Amend	5-1-2009
340-228-0652	12-31-2008	Repeal	2-1-2009	350-050-0020	1-14-2009	Amend(T)	2-1-2009
340-228-0654	12-31-2008	Repeal	2-1-2009	350-050-0020	5-1-2009	Amend	5-1-2009
340-228-0656	12-31-2008	Repeal	2-1-2009	350-050-0060	1-14-2009	Amend(T)	2-1-2009
340-228-0658	12-31-2008	Repeal	2-1-2009	350-050-0060	5-1-2009	Amend	5-1-2009
340-228-0660	12-31-2008	Repeal	2-1-2009	407-001-0000	12-5-2008	Amend	1-1-2009
340-228-0662	12-31-2008	Repeal	2-1-2009	407-001-0005	12-5-2008	Amend	1-1-2009
340-228-0664	12-31-2008	Repeal	2-1-2009	407-001-0010	12-5-2008	Amend	1-1-2009
340-228-0666	12-31-2008	Repeal	2-1-2009	407-007-0200	1-1-2009	Amend	2-1-2009
340-228-0668	12-31-2008	Repeal	2-1-2009	407-007-0200	4-1-2009	Amend	5-1-2009
340-228-0670	12-31-2008	Repeal	2-1-2009	407-007-0210	1-1-2009	Amend	2-1-2009
340-228-0671	12-31-2008	Repeal	2-1-2009	407-007-0210	4-1-2009	Amend	5-1-2009
340-228-0672	12-31-2008	Repeal	2-1-2009	407-007-0220	1-1-2009	Amend	2-1-2009
340-228-0673	12-31-2008	Repeal	2-1-2009	407-007-0220	4-1-2009	Amend	5-1-2009
340-228-0674	12-31-2008	Repeal	2-1-2009	407-007-0230	1-1-2009	Amend	2-1-2009
340-228-0676	12-31-2008	Repeal	2-1-2009	407-007-0230	4-1-2009	Amend	5-1-2009
340-228-0678	12-31-2008	Repeal	2-1-2009	407-007-0240	1-1-2009	Amend	2-1-2009
340-230-0300	12-31-2008	Amend	2-1-2009	407-007-0240	4-1-2009	Amend	5-1-2009
340-230-0310	12-31-2008	Amend	2-1-2009	407-007-0250	1-1-2009	Amend	2-1-2009
340-230-0320	12-31-2008	Amend	2-1-2009	407-007-0250	4-1-2009	Amend	5-1-2009
340-230-0330	12-31-2008	Amend	2-1-2009	407-007-0260	1-1-2009	Repeal	2-1-2009
340-230-0335	12-31-2008	Adopt	2-1-2009	407-007-0270	1-1-2009	Repeal	2-1-2009

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407-007-0280	4-1-2009	Amend	5-1-2009	409-023-0015	7-1-2009	Amend	8-1-2009
407-007-0290	1-1-2009	Amend	2-1-2009	410-014-0000	7-1-2009	Am. & Ren.	8-1-2009
407-007-0290	4-1-2009	Amend	5-1-2009	410-014-0010	7-1-2009	Am. & Ren.	8-1-2009
407-007-0300	1-1-2009	Amend	2-1-2009	410-014-0020	7-1-2009	Am. & Ren.	8-1-2009
407-007-0310	1-1-2009	Repeal	2-1-2009	410-014-0030	7-1-2009	Am. & Ren.	8-1-2009
407-007-0320	1-1-2009	Amend	2-1-2009	410-014-0040	7-1-2009	Am. & Ren.	8-1-2009
407-007-0320	4-1-2009	Amend	5-1-2009	410-014-0050	7-1-2009	Am. & Ren.	8-1-2009
407-007-0330	1-1-2009	Amend	2-1-2009	410-014-0060	7-1-2009	Am. & Ren.	8-1-2009
407-007-0330	4-1-2009	Amend	5-1-2009	410-014-0070	7-1-2009	Am. & Ren.	8-1-2009
407-007-0340	1-1-2009	Amend	2-1-2009	410-050-0861	7-1-2009	Amend	8-1-2009
407-007-0340	4-1-2009	Amend	5-1-2009	410-050-0861	7-15-2009	Amend(T)	8-1-2009
407-007-0350	1-1-2009	Amend	2-1-2009	410-050-0861	9-1-2009	Amend	10-1-2009
407-007-0350	4-1-2009	Amend	5-1-2009	410-050-0861(T)	9-1-2009	Repeal	10-1-2009
407-007-0355	1-1-2009	Adopt	2-1-2009	410-120-0000	12-1-2008	Amend	1-1-2009
407-007-0355	4-1-2009	Amend	5-1-2009	410-120-0000	7-1-2009	Amend	7-1-2009
407-007-0360	1-1-2009	Repeal	2-1-2009	410-120-0027	1-12-2009	Adopt(T)	2-1-2009
407-007-0370	1-1-2009	Amend	2-1-2009	410-120-0027	1-16-2009	Amend(T)	3-1-2009
407-007-0380	1-1-2009	Repeal	2-1-2009	410-120-0027	5-1-2009	Amend(T)	6-1-2009
407-043-0010	9-14-2009	Adopt(T)	10-1-2009	410-120-0027	6-12-2009	Amend	7-1-2009
407-045-0250	5-1-2009	Amend	6-1-2009	410-120-0027(T)	1-16-2009	Suspend	3-1-2009
407-045-0260	5-1-2009	Amend	6-1-2009	410-120-0027(T)	5-1-2009	Suspend	6-1-2009
407-045-0270	5-1-2009	Repeal	6-1-2009	410-120-0027(T)	6-12-2009	Repeal	7-1-2009
407-045-0280	5-1-2009	Amend	6-1-2009	410-120-0030	10-1-2009	Amend(T)	10-1-2009
407-045-0290	5-1-2009	Amend	6-1-2009	410-120-1140	12-1-2008	Amend	1-1-2009
407-045-0300	5-1-2009	Amend	6-1-2009	410-120-1180	12-1-2008	Amend	1-1-2009
407-045-0310	5-1-2009	Amend	6-1-2009	410-120-1195	12-1-2008	Amend	1-1-2009
407-045-0320	5-1-2009	Amend	6-1-2009	410-120-1260	12-1-2008	Amend	1-1-2009
407-045-0330	5-1-2009	Amend	6-1-2009	410-120-1280	12-1-2008	Amend	1-1-2009
407-045-0340	5-1-2009	Amend	6-1-2009	410-120-1295	10-1-2009	Amend(T)	10-1-2009
407-045-0350	5-1-2009	Amend	6-1-2009	410-120-1340	12-1-2008	Amend	1-1-2009
407-045-0360	5-1-2009	Amend	6-1-2009	410-120-1340	1-1-2009	Amend	1-1-2009
407-120-0300	12-27-2008	Amend	2-1-2009	410-120-1560	7-1-2009	Amend	7-1-2009
407-120-0300(T)	12-27-2008	Repeal	2-1-2009	410-120-1570	7-1-2009	Amend	7-1-2009
407-120-0310	12-27-2008	Amend	2-1-2009	410-120-1580	7-1-2009	Amend	7-1-2009
407-120-0310(T)	12-27-2008	Repeal	2-1-2009	410-120-1600	7-1-2009	Amend	7-1-2009
407-120-0320	12-27-2008	Amend	2-1-2009	410-120-1680	7-1-2009	Repeal	7-1-2009
407-120-0320(T)	12-27-2008	Repeal	2-1-2009	410-120-1700	7-1-2009	Repeal	7-1-2009
407-120-0325	12-27-2008	Adopt	2-1-2009	410-121-0000	1-1-2009	Amend	1-1-2009
407-120-0325(T)	12-27-2008	Repeal	2-1-2009	410-121-0000	7-1-2009	Amend	7-1-2009
407-120-0330	12-27-2008	Amend	2-1-2009	410-121-0030	1-1-2009	Amend	1-1-2009
407-120-0330(T)	12-27-2008	Repeal	2-1-2009	410-121-0032	1-1-2009	Amend	1-1-2009
407-120-0340	12-27-2008	Amend	2-1-2009	410-121-0032	7-1-2009	Amend	7-1-2009
407-120-0340(T)	12-27-2008	Repeal	2-1-2009	410-121-0040	12-1-2008	Amend	1-1-2009
407-120-0350	12-27-2008	Amend	2-1-2009	410-121-0040	7-1-2009	Amend	7-1-2009
407-120-0350(T)	12-27-2008	Repeal	2-1-2009	410-121-0060	12-1-2008	Amend	1-1-2009
407-120-0360	12-27-2008	Amend	2-1-2009	410-121-0060	1-1-2009	Amend	1-1-2009
407-120-0360(T)	12-27-2008	Repeal	2-1-2009	410-121-0140	12-1-2008	Amend	1-1-2009
407-120-0370	12-27-2008	Amend	2-1-2009	410-121-0140	1-1-2009	Repeal	1-1-2009
407-120-0370(T)	12-27-2008	Repeal	2-1-2009	410-121-0150	12-1-2008	Amend	1-1-2009
407-120-0380	12-27-2008	Amend	2-1-2009	410-121-0150	7-1-2009	Amend	7-1-2009
407-120-0380(T)	12-27-2008	Repeal	2-1-2009	410-121-0155	4-1-2009	Amend(T)	5-1-2009
407-120-0400	1-12-2009	Adopt(T)	2-1-2009	410-121-0155	7-1-2009	Amend	7-1-2009
407-120-0400	7-10-2009	Adopt	8-1-2009	410-121-0157	12-1-2008	Amend	1-1-2009
407-120-0400(T)	7-10-2009	Repeal	8-1-2009	410-121-0185	1-1-2009	Amend	1-1-2009
409-023-0000	7-1-2009	Amend	8-1-2009	410-121-0200	12-1-2008	Amend	1-1-2009
409-023-0010	7-1-2009	Amend	8-1-2009	410-121-0300	1-1-2009	Amend	1-1-2009
409-023-0012	7-1-2009	Adopt	8-1-2009	410-121-0320	12-1-2008	Amend	1-1-2009

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410-122-0040	12-1-2008	Amend	1-1-2009	410-125-0085	1-1-2009	Amend	1-1-2009
410-122-0080	7-1-2009	Amend	7-1-2009	410-125-0125	12-1-2008	Amend	1-1-2009
410-122-0180	7-1-2009	Amend	7-1-2009	410-125-0141	5-1-2009	Amend(T)	6-1-2009
410-122-0182	1-1-2009	Amend	1-1-2009	410-125-0155	1-1-2009	Amend	1-1-2009
410-122-0186	7-1-2009	Amend	7-1-2009	410-125-0181	1-1-2009	Amend	1-1-2009
410-122-0200	1-1-2009	Amend	1-1-2009	410-125-0195	1-1-2009	Amend	1-1-2009
410-122-0202	1-1-2009	Amend(T)	2-1-2009	410-125-0195	5-1-2009	Amend(T)	6-1-2009
410-122-0202	6-1-2009	Amend	7-1-2009	410-125-0210	12-1-2008	Amend	1-1-2009
410-122-0202(T)	6-1-2009	Repeal	7-1-2009	410-125-0220	12-1-2008	Amend	1-1-2009
410-122-0203	1-1-2009	Amend	1-1-2009	410-125-0360	12-1-2008	Amend	1-1-2009
410-122-0204	1-1-2009	Amend	1-1-2009	410-125-0400	12-1-2008	Amend	1-1-2009
410-122-0205	7-1-2009	Amend	7-1-2009	410-125-0600	12-1-2008	Amend	1-1-2009
410-122-0208	7-1-2009	Amend	7-1-2009	410-125-0640	12-1-2008	Amend	1-1-2009
410-122-0211	1-1-2009	Adopt	1-1-2009	410-125-0720	12-1-2008	Amend	1-1-2009
410-122-0320	7-1-2009	Amend	7-1-2009	410-125-1020	1-1-2009	Amend	1-1-2009
410-122-0325	7-1-2009	Amend	7-1-2009	410-125-1070	12-1-2008	Amend	1-1-2009
410-122-0330	1-1-2009	Amend	1-1-2009	410-127-0080	12-1-2008	Amend	1-1-2009
410-122-0340	1-1-2009	Amend	1-1-2009	410-129-0080	12-1-2008	Amend	1-1-2009
410-122-0340	7-1-2009	Amend	7-1-2009	410-130-0163	7-1-2009	Amend	7-1-2009
410-122-0365	1-1-2009	Amend	1-1-2009	410-130-0180	12-1-2008	Amend	1-1-2009
410-122-0375	7-1-2009	Amend	7-1-2009	410-130-0180	7-1-2009	Amend	7-1-2009
410-122-0400	7-1-2009	Amend	7-1-2009	410-130-0200	7-1-2009	Amend	7-1-2009
410-122-0420	7-1-2009	Amend	7-1-2009	410-130-0220	7-1-2009	Amend	7-1-2009
410-122-0500	7-1-2009	Amend	7-1-2009	410-130-0240	7-1-2009	Amend	7-1-2009
410-122-0520	7-1-2009	Amend	7-1-2009	410-130-0255	7-1-2009	Amend	7-1-2009
410-122-0560	1-1-2009	Amend	1-1-2009	410-130-0365	7-1-2009	Amend	7-1-2009
410-122-0580	1-1-2009	Amend	1-1-2009	410-130-0595	7-1-2009	Amend	7-1-2009
410-122-0580	7-1-2009	Amend	7-1-2009	410-132-0100	12-1-2008	Amend	1-1-2009
410-122-0590	7-1-2009	Amend	7-1-2009	410-133-0000	7-1-2009	Amend	7-1-2009
410-122-0600	7-1-2009	Amend	7-1-2009	410-133-0040	12-28-2008	Amend	2-1-2009
410-122-0620	7-1-2009	Amend	7-1-2009	410-133-0040	7-1-2009	Amend	7-1-2009
410-122-0630	1-1-2009	Amend	1-1-2009	410-133-0060	7-1-2009	Amend	7-1-2009
410-122-0655	1-1-2009	Amend	1-1-2009	410-133-0080	7-1-2009	Amend	7-1-2009
410-122-0700	7-1-2009	Amend	7-1-2009	410-133-0090	12-28-2008	Amend	2-1-2009
410-122-0720	7-1-2009	Amend	7-1-2009	410-133-0090	7-1-2009	Amend	7-1-2009
410-123-1060	7-1-2009	Amend	7-1-2009	410-133-0100	12-28-2008	Amend	2-1-2009
410-123-1085	1-1-2009	Amend	1-1-2009	410-133-0100	7-1-2009	Amend	7-1-2009
410-123-1100	7-1-2009	Amend	7-1-2009	410-133-0120	7-1-2009	Amend	7-1-2009
410-123-1160	1-1-2009	Amend	1-1-2009	410-133-0140	12-28-2008	Amend	2-1-2009
410-123-1160	7-1-2009	Amend	7-1-2009	410-133-0140	7-1-2009	Amend	7-1-2009
410-123-1220	1-1-2009	Amend	1-1-2009	410-133-0160	7-1-2009	Amend	7-1-2009
410-123-1220	7-1-2009	Amend	7-1-2009	410-133-0180	7-1-2009	Amend	7-1-2009
410-123-1230	1-1-2009	Amend	1-1-2009	410-133-0200	7-1-2009	Amend	7-1-2009
410-123-1240	1-1-2009	Amend	1-1-2009	410-133-0220	12-28-2008	Amend	2-1-2009
410-123-1260	1-1-2009	Amend	1-1-2009	410-133-0220	7-1-2009	Amend	7-1-2009
410-123-1260	7-1-2009	Amend	7-1-2009	410-133-0245	7-1-2009	Amend	7-1-2009
410-123-1490	1-1-2009	Amend	1-1-2009	410-133-0280	12-28-2008	Amend	2-1-2009
410-123-1490	7-1-2009	Amend	7-1-2009	410-133-0280	7-1-2009	Amend	7-1-2009
410-123-1600	7-1-2009	Amend	7-1-2009	410-133-0320	7-1-2009	Amend	7-1-2009
410-123-1620	1-1-2009	Amend	1-1-2009	410-136-0240	12-1-2008	Amend	1-1-2009
410-123-1620	7-1-2009	Amend	7-1-2009	410-136-0240	4-1-2009	Amend(T)	5-1-2009
410-123-1670	1-1-2009	Amend	1-1-2009	410-136-0260	12-1-2008	Amend	1-1-2009
410-123-1670	7-1-2009	Amend	7-1-2009	410-136-0300	12-1-2008	Amend	1-1-2009
410-125-0020	1-1-2009	Amend	1-1-2009	410-136-0300	4-1-2009	Amend(T)	5-1-2009
410-125-0041	1-1-2009	Amend	1-1-2009	410-137-0080	7-1-2009	Repeal	7-1-2009
410-125-0045	1-1-2009	Amend	1-1-2009	410-138-0000	12-28-2008	Amend	2-1-2009
410-125-0080	1-1-2009	Amend	1-1-2009	410-138-0005	12-28-2008	Adopt	2-1-2009

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410-138-0009	12-28-2008	Adopt	2-1-2009	410-147-0160	12-1-2008	Amend	1-1-2009
410-138-0020	12-28-2008	Amend	2-1-2009	410-147-0180	12-1-2008	Amend	1-1-2009
410-138-0080	12-28-2008	Amend	2-1-2009	410-147-0200	12-1-2008	Amend	1-1-2009
410-138-0300	12-28-2008	Amend	2-1-2009	410-147-0220	12-1-2008	Amend	1-1-2009
410-138-0320	12-28-2008	Amend	2-1-2009	410-147-0320	12-1-2008	Amend	1-1-2009
410-138-0380	12-28-2008	Amend	2-1-2009	410-147-0340	12-1-2008	Amend	1-1-2009
410-138-0500	12-28-2008	Amend	2-1-2009	410-147-0360	12-1-2008	Amend	1-1-2009
410-138-0520	12-28-2008	Amend	2-1-2009	410-147-0460	12-1-2008	Amend	1-1-2009
410-138-0560	12-28-2008	Amend	2-1-2009	410-147-0480	12-1-2008	Amend	1-1-2009
410-138-0600	12-28-2008	Amend	2-1-2009	410-147-0540	12-1-2008	Amend	1-1-2009
410-138-0620	12-28-2008	Amend	2-1-2009	410-147-0560	12-1-2008	Amend	1-1-2009
410-138-0680	12-28-2008	Amend	2-1-2009	410-147-0610	12-1-2008	Amend	1-1-2009
410-138-0700	12-28-2008	Amend	2-1-2009	410-147-0620	12-1-2008	Amend	1-1-2009
410-138-0720	12-28-2008	Amend	2-1-2009	410-148-0100	7-1-2009	Amend	7-1-2009
410-138-0740	12-28-2008	Amend	2-1-2009	410-148-0140	7-1-2009	Amend	7-1-2009
410-138-0780	12-28-2008	Amend	2-1-2009	410-148-0260	7-1-2009	Amend	7-1-2009
410-140-0140	7-1-2009	Amend	7-1-2009	411-001-0010	3-3-2009	Repeal	4-1-2009
410-140-0160	7-1-2009	Amend	7-1-2009	411-030-0002	1-1-2009	Amend	2-1-2009
410-141-0000	12-1-2008	Amend	1-1-2009	411-030-0020	1-1-2009	Amend	2-1-2009
410-141-0020	12-1-2008	Amend	1-1-2009	411-030-0033	1-1-2009	Amend	2-1-2009
410-141-0120	1-1-2009	Amend	1-1-2009	411-030-0040	1-1-2009	Amend	2-1-2009
410-141-0220	12-1-2008	Amend	1-1-2009	411-030-0050	1-1-2009	Amend	2-1-2009
410-141-0266	1-1-2009	Amend	1-1-2009	411-030-0055	1-1-2009	Amend	2-1-2009
410-141-0425	1-5-2009	Adopt(T)	2-1-2009	411-030-0070	1-1-2009	Amend	2-1-2009
410-141-0520	1-1-2009	Amend	1-1-2009	411-030-0080	1-1-2009	Amend	2-1-2009
410-141-0520	1-30-2009	Amend(T)	3-1-2009	411-030-0090	1-1-2009	Amend	2-1-2009
410-141-0520	4-1-2009	Amend(T)	5-1-2009	411-030-0100	1-1-2009	Amend	2-1-2009
410-141-0520	4-17-2009	Amend(T)	6-1-2009	411-050-0499	7-1-2009	Adopt	8-1-2009
410-141-0520	8-5-2009	Amend	9-1-2009	411-054-0005	1-1-2009	Amend	2-1-2009
410-141-0520	10-1-2009	Amend(T)	10-1-2009	411-054-0008	1-1-2009	Repeal	2-1-2009
410-141-0520(T)	1-1-2009	Repeal	1-1-2009	411-054-0012	1-1-2009	Amend	2-1-2009
410-141-0520(T)	4-1-2009	Suspend	5-1-2009	411-054-0105	1-1-2009	Amend	2-1-2009
410-141-0520(T)	4-17-2009	Suspend	6-1-2009	411-054-0125	3-3-2009	Adopt	4-1-2009
410-141-0520(T)	8-5-2009	Repeal	9-1-2009	411-054-0125(T)	3-3-2009	Repeal	4-1-2009
410-146-0021	12-1-2008	Amend	1-1-2009	411-070-0005	7-1-2009	Amend(T)	8-1-2009
410-146-0040	1-1-2009	Amend	1-1-2009	411-070-0442	7-1-2009	Amend(T)	8-1-2009
410-146-0060	12-1-2008	Amend	1-1-2009	411-300-0100	8-1-2009	Amend	9-1-2009
410-146-0080	12-1-2008	Amend	1-1-2009	411-300-0110	8-1-2009	Amend	9-1-2009
410-146-0085	12-1-2008	Amend	1-1-2009	411-300-0120	8-1-2009	Amend	9-1-2009
410-146-0085	7-1-2009	Amend	7-1-2009	411-300-0130	8-1-2009	Amend	9-1-2009
410-146-0086	12-1-2008	Amend	1-1-2009	411-300-0140	8-1-2009	Amend	9-1-2009
410-146-0100	12-1-2008	Amend	1-1-2009	411-300-0150	8-1-2009	Amend	9-1-2009
410-146-0120	12-1-2008	Amend	1-1-2009	411-300-0155	8-1-2009	Adopt	9-1-2009
410-146-0130	12-1-2008	Amend	1-1-2009	411-300-0160	8-1-2009	Repeal	9-1-2009
410-146-0140	12-1-2008	Amend	1-1-2009	411-300-0170	8-1-2009	Amend	9-1-2009
410-146-0340	12-1-2008	Amend	1-1-2009	411-300-0180	8-1-2009	Repeal	9-1-2009
410-146-0380	12-1-2008	Amend	1-1-2009	411-300-0190	8-1-2009	Amend	9-1-2009
410-146-0380	7-1-2009	Amend	7-1-2009	411-300-0200	8-1-2009	Amend	9-1-2009
410-146-0440	12-1-2008	Amend	1-1-2009	411-300-0205	8-1-2009	Adopt	9-1-2009
410-147-0020	12-1-2008	Amend	1-1-2009	411-300-0210	8-1-2009	Amend	9-1-2009
410-147-0040	1-1-2009	Amend	1-1-2009	411-300-0220	8-1-2009	Amend	9-1-2009
410-147-0060	12-1-2008	Amend	1-1-2009	411-305-0010	6-1-2009	Amend	7-1-2009
410-147-0120	12-1-2008	Amend	1-1-2009	411-305-0020	6-1-2009	Amend	7-1-2009
410-147-0120	7-1-2009	Amend	7-1-2009	411-305-0030	6-1-2009	Amend	7-1-2009
410-147-0125	12-1-2008	Amend	1-1-2009	411-305-0040	6-1-2009	Repeal	7-1-2009
410-147-0125	7-1-2009	Amend	7-1-2009	411-305-0050	6-1-2009	Amend	7-1-2009
410-147-0140	12-1-2008	Amend	1-1-2009	411-305-0060	6-1-2009	Am. & Ren.	7-1-2009

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411-305-0080	6-1-2009	Amend	7-1-2009	411-340-0100	7-1-2009	Amend	8-1-2009
411-305-0080	7-28-2009	Amend(T)	9-1-2009	411-340-0110	7-1-2009	Amend	8-1-2009
411-305-0090	6-1-2009	Amend	7-1-2009	411-340-0120	7-1-2009	Amend	8-1-2009
411-305-0100	6-1-2009	Am. & Ren.	7-1-2009	411-340-0130	7-1-2009	Amend	8-1-2009
411-305-0110	6-1-2009	Amend	7-1-2009	411-340-0140	7-1-2009	Amend	8-1-2009
411-305-0120	6-1-2009	Amend	7-1-2009	411-340-0150	7-1-2009	Amend	8-1-2009
411-305-0130	6-1-2009	Am. & Ren.	7-1-2009	411-340-0160	7-1-2009	Amend	8-1-2009
411-305-0140	6-1-2009	Amend	7-1-2009	411-340-0170	7-1-2009	Amend	8-1-2009
411-305-0150	6-1-2009	Am. & Ren.	7-1-2009	411-340-0180	7-1-2009	Amend	8-1-2009
411-305-0160	6-1-2009	Amend	7-1-2009	411-350-0010	3-1-2009	Amend	4-1-2009
411-305-0170	6-1-2009	Amend	7-1-2009	411-350-0020	3-1-2009	Amend	4-1-2009
411-305-0180	6-1-2009	Amend	7-1-2009	411-350-0030	3-1-2009	Amend	4-1-2009
411-308-0010	7-1-2009	Adopt(T)	8-1-2009	411-350-0040	3-1-2009	Amend	4-1-2009
411-308-0020	7-1-2009	Adopt(T)	8-1-2009	411-350-0050	3-1-2009	Amend	4-1-2009
411-308-0030	7-1-2009	Adopt(T)	8-1-2009	411-350-0060	3-1-2009	Am. & Ren.	4-1-2009
411-308-0040	7-1-2009	Adopt(T)	8-1-2009	411-350-0070	3-1-2009	Repeal	4-1-2009
411-308-0050	7-1-2009	Adopt(T)	8-1-2009	411-350-0080	3-1-2009	Amend	4-1-2009
411-308-0060	7-1-2009	Adopt(T)	8-1-2009	411-350-0090	3-1-2009	Repeal	4-1-2009
411-308-0070	7-1-2009	Adopt(T)	8-1-2009	411-350-0100	3-1-2009	Amend	4-1-2009
411-308-0080	7-1-2009	Adopt(T)	8-1-2009	411-350-0110	3-1-2009	Amend	4-1-2009
411-308-0090	7-1-2009	Adopt(T)	8-1-2009	411-350-0115	3-1-2009	Adopt	4-1-2009
411-308-0100	7-1-2009	Adopt(T)	8-1-2009	411-350-0120	3-1-2009	Amend	4-1-2009
411-308-0110	7-1-2009	Adopt(T)	8-1-2009	413-010-0500	7-1-2009	Amend(T)	8-1-2009
411-308-0120	7-1-2009	Adopt(T)	8-1-2009	413-010-0500	7-1-2009	Amend(T)	8-1-2009
411-308-0130	7-1-2009	Adopt(T)	8-1-2009	413-010-0500	9-1-2009	Amend(T)	10-1-2009
411-308-0140	7-1-2009	Adopt(T)	8-1-2009	413-010-0500(T)	9-1-2009	Suspend	10-1-2009
411-308-0150	7-1-2009	Adopt(T)	8-1-2009	413-010-0505	8-12-2009	Adopt(T)	9-1-2009
411-320-0010	7-13-2009	Amend	8-1-2009	413-010-0505(T)	8-12-2009	Suspend	9-1-2009
411-320-0020	7-13-2009	Amend	8-1-2009	413-010-0510	7-1-2009	Adopt(T)	8-1-2009
411-320-0030	7-13-2009	Amend	8-1-2009	413-010-0515	7-1-2009	Adopt(T)	8-1-2009
411-320-0040	7-13-2009	Amend	8-1-2009	413-010-0515	8-12-2009	Adopt(T)	9-1-2009
411-320-0045	7-13-2009	Adopt	8-1-2009	413-010-0515(T)	8-12-2009	Suspend	9-1-2009
411-320-0050	7-13-2009	Amend	8-1-2009	413-010-0520	7-1-2009	Adopt(T)	8-1-2009
411-320-0060	7-13-2009	Amend	8-1-2009	413-010-0525	7-1-2009	Adopt(T)	8-1-2009
411-320-0070	7-13-2009	Amend	8-1-2009	413-010-0530	7-1-2009	Adopt(T)	8-1-2009
411-320-0080	7-13-2009	Amend	8-1-2009	413-010-0535	7-1-2009	Adopt(T)	8-1-2009
411-320-0090	7-13-2009	Amend	8-1-2009	413-015-0470	8-3-2009	Amend	9-1-2009
411-320-0100	7-13-2009	Amend	8-1-2009	413-020-0200	7-1-2009	Amend(T)	8-1-2009
411-320-0110	7-13-2009	Amend	8-1-2009	413-020-0210	7-1-2009	Amend(T)	8-1-2009
411-320-0120	7-13-2009	Amend	8-1-2009	413-020-0230	7-1-2009	Amend(T)	8-1-2009
411-320-0130	7-13-2009	Amend	8-1-2009	413-020-0233	7-1-2009	Amend(T)	8-1-2009
411-320-0140	7-13-2009	Amend	8-1-2009	413-020-0236	7-1-2009	Amend(T)	8-1-2009
411-320-0150	7-13-2009	Amend	8-1-2009	413-020-0240	7-1-2009	Amend(T)	8-1-2009
411-320-0160	7-13-2009	Amend	8-1-2009	413-020-0245	7-1-2009	Amend(T)	8-1-2009
411-320-0170	7-13-2009	Amend	8-1-2009	413-020-0255	7-1-2009	Amend(T)	8-1-2009
411-320-0175	7-13-2009	Adopt	8-1-2009	413-030-0405	9-1-2009	Amend(T)	10-1-2009
411-320-0180	7-13-2009	Amend	8-1-2009	413-030-0410	9-1-2009	Amend(T)	10-1-2009
411-320-0190	7-13-2009	Amend	8-1-2009	413-030-0415	9-1-2009	Amend(T)	10-1-2009
411-320-0200	7-13-2009	Amend	8-1-2009	413-030-0445	9-1-2009	Amend(T)	10-1-2009
411-340-0010	7-1-2009	Amend	8-1-2009	413-030-0450	9-1-2009	Amend(T)	10-1-2009
411-340-0020	7-1-2009	Amend	8-1-2009	413-040-0005	7-1-2009	Amend(T)	8-1-2009
411-340-0030	7-1-2009	Amend	8-1-2009	413-040-0006	7-1-2009	Amend(T)	8-1-2009
411-340-0040	7-1-2009	Amend	8-1-2009	413-040-0010	7-1-2009	Amend(T)	8-1-2009
411-340-0050	7-1-2009	Amend	8-1-2009	413-040-0011	7-1-2009	Amend(T)	8-1-2009
411-340-0060	7-1-2009	Amend	8-1-2009	413-040-0013	7-1-2009	Amend(T)	8-1-2009
411-340-0070	7-1-2009	Amend	8-1-2009	413-040-0016	7-1-2009	Amend(T)	8-1-2009
411-340-0080	7-1-2009	Amend	8-1-2009	413-040-0024	7-1-2009	Amend(T)	8-1-2009

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413-050-0005	3-19-2009	Amend	4-1-2009	413-070-0982	7-1-2009	Amend(T)	8-1-2009
413-050-0010	3-19-2009	Amend	4-1-2009	413-080-0000	7-1-2009	Amend(T)	8-1-2009
413-050-0020	3-19-2009	Amend	4-1-2009	413-080-0010	7-1-2009	Amend(T)	8-1-2009
413-050-0030	3-19-2009	Amend	4-1-2009	413-080-0020	7-1-2009	Amend(T)	8-1-2009
413-050-0040	3-19-2009	Amend	4-1-2009	413-080-0030	7-1-2009	Amend(T)	8-1-2009
413-050-0050	3-19-2009	Amend	4-1-2009	413-080-0040	7-1-2009	Amend(T)	8-1-2009
413-070-0620	7-1-2009	Amend(T)	8-1-2009	413-080-0050	7-1-2009	Amend(T)	8-1-2009
413-070-0625	7-1-2009	Amend(T)	8-1-2009	413-080-0055	7-1-2009	Amend(T)	8-1-2009
413-070-0630	7-1-2009	Amend(T)	8-1-2009	413-080-0059	7-1-2009	Amend(T)	8-1-2009
413-070-0640	7-1-2009	Amend(T)	8-1-2009	413-080-0063	7-1-2009	Amend(T)	8-1-2009
413-070-0900	3-31-2009	Amend(T)	5-1-2009	413-090-0000	7-1-2009	Amend(T)	8-1-2009
413-070-0900	7-1-2009	Amend(T)	8-1-2009	413-090-0000	8-12-2009	Amend(T)	9-1-2009
413-070-0900(T)	7-1-2009	Suspend	8-1-2009	413-090-0000	9-1-2009	Amend(T)	10-1-2009
413-070-0905	3-31-2009	Amend(T)	5-1-2009	413-090-0000(T)	8-12-2009	Suspend	9-1-2009
413-070-0905	7-1-2009	Amend(T)	8-1-2009	413-090-0000(T)	9-1-2009	Suspend	10-1-2009
413-070-0905(T)	7-1-2009	Suspend	8-1-2009	413-090-0005	7-1-2009	Amend(T)	8-1-2009
413-070-0910	3-31-2009	Suspend	5-1-2009	413-090-0005	9-1-2009	Amend(T)	10-1-2009
413-070-0915	3-31-2009	Amend(T)	5-1-2009	413-090-0005(T)	9-1-2009	Suspend	10-1-2009
413-070-0915	7-1-2009	Amend(T)	8-1-2009	413-090-0010	7-1-2009	Amend(T)	8-1-2009
413-070-0915(T)	7-1-2009	Suspend	8-1-2009	413-090-0010	8-12-2009	Amend(T)	9-1-2009
413-070-0917	3-31-2009	Amend(T)	5-1-2009	413-090-0010	9-1-2009	Amend(T)	10-1-2009
413-070-0917	7-1-2009	Amend(T)	8-1-2009	413-090-0010(T)	8-12-2009	Suspend	9-1-2009
413-070-0917(T)	7-1-2009	Suspend	8-1-2009	413-090-0010(T)	9-1-2009	Suspend	10-1-2009
413-070-0920	3-31-2009	Amend(T)	5-1-2009	413-090-0021	7-1-2009	Adopt(T)	8-1-2009
413-070-0920	7-1-2009	Amend(T)	8-1-2009	413-090-0030	7-1-2009	Amend(T)	8-1-2009
413-070-0920(T)	7-1-2009	Suspend	8-1-2009	413-090-0030	8-12-2009	Amend(T)	9-1-2009
413-070-0925	3-31-2009	Amend(T)	5-1-2009	413-090-0030(T)	8-12-2009	Suspend	9-1-2009
413-070-0925	7-1-2009	Amend(T)	8-1-2009	413-090-0040	7-1-2009	Amend(T)	8-1-2009
413-070-0925(T)	7-1-2009	Suspend	8-1-2009	413-090-0050	7-1-2009	Amend(T)	8-1-2009
413-070-0930	3-31-2009	Amend(T)	5-1-2009	413-090-0100	7-1-2009	Amend(T)	8-1-2009
413-070-0930	7-1-2009	Amend(T)	8-1-2009	413-090-0110	7-1-2009	Amend(T)	8-1-2009
413-070-0930(T)	7-1-2009	Suspend	8-1-2009	413-090-0120	7-1-2009	Amend(T)	8-1-2009
413-070-0935	3-31-2009	Amend(T)	5-1-2009	413-090-0130	7-1-2009	Amend(T)	8-1-2009
413-070-0935	7-1-2009	Amend(T)	8-1-2009	413-090-0130	8-12-2009	Amend(T)	9-1-2009
413-070-0935(T)	7-1-2009	Suspend	8-1-2009	413-090-0130(T)	8-12-2009	Suspend	9-1-2009
413-070-0937	3-31-2009	Amend(T)	5-1-2009	413-090-0135	7-1-2009	Adopt(T)	8-1-2009
413-070-0937	7-1-2009	Amend(T)	8-1-2009	413-090-0135	8-12-2009	Adopt(T)	9-1-2009
413-070-0937(T)	7-1-2009	Suspend	8-1-2009	413-090-0135(T)	8-12-2009	Suspend	9-1-2009
413-070-0940	3-31-2009	Amend(T)	5-1-2009	413-090-0140	7-1-2009	Amend(T)	8-1-2009
413-070-0940	7-1-2009	Amend(T)	8-1-2009	413-090-0150	7-1-2009	Amend(T)	8-1-2009
413-070-0940(T)	7-1-2009	Suspend	8-1-2009	413-090-0150	8-12-2009	Amend(T)	9-1-2009
413-070-0945	3-31-2009	Amend(T)	5-1-2009	413-090-0150(T)	8-12-2009	Suspend	9-1-2009
413-070-0945	7-1-2009	Amend(T)	8-1-2009	413-090-0160	7-1-2009	Suspend	8-1-2009
413-070-0945(T)	7-1-2009	Suspend	8-1-2009	413-090-0170	7-1-2009	Suspend	8-1-2009
413-070-0950	3-31-2009	Suspend	5-1-2009	413-090-0180	7-1-2009	Suspend	8-1-2009
413-070-0955	3-31-2009	Amend(T)	5-1-2009	413-090-0190	7-1-2009	Suspend	8-1-2009
413-070-0955	7-1-2009	Amend(T)	8-1-2009	413-090-0200	7-1-2009	Suspend	8-1-2009
413-070-0955(T)	7-1-2009	Suspend	8-1-2009	413-090-0210	7-1-2009	Amend(T)	8-1-2009
413-070-0960	3-31-2009	Amend(T)	5-1-2009	413-120-0400	2-2-2009	Amend	3-1-2009
413-070-0960	7-1-2009	Amend(T)	8-1-2009	413-120-0400(T)	2-2-2009	Repeal	3-1-2009
413-070-0960(T)	7-1-2009	Suspend	8-1-2009	413-120-0410	2-2-2009	Repeal	3-1-2009
413-070-0965	3-31-2009	Amend(T)	5-1-2009	413-120-0420	2-2-2009	Amend	3-1-2009
413-070-0965	7-1-2009	Suspend	8-1-2009	413-120-0420(T)	2-2-2009	Repeal	3-1-2009
413-070-0970	3-31-2009	Amend(T)	5-1-2009	413-120-0440	2-2-2009	Amend	3-1-2009
413-070-0970	7-1-2009	Suspend	8-1-2009	413-120-0440(T)	2-2-2009	Repeal	3-1-2009
413-070-0980	3-31-2009	Amend(T)	5-1-2009	413-120-0450	2-2-2009	Amend	3-1-2009
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413-120-0455(T)	2-2-2009	Repeal	3-1-2009	413-200-0388	2-2-2009	Amend	3-1-2009
413-120-0460	2-2-2009	Amend	3-1-2009	413-200-0390	2-2-2009	Amend	3-1-2009
413-120-0460(T)	2-2-2009	Repeal	3-1-2009	413-200-0393	2-2-2009	Amend	3-1-2009
413-120-0470	2-2-2009	Amend	3-1-2009	413-200-0395	2-2-2009	Amend	3-1-2009
413-120-0470(T)	2-2-2009	Repeal	3-1-2009	413-200-0396	2-2-2009	Amend	3-1-2009
413-130-0000	7-1-2009	Amend(T)	8-1-2009	416-340-0010	4-17-2009	Amend	5-1-2009
413-130-0010	7-1-2009	Amend(T)	8-1-2009	416-340-0020	4-17-2009	Amend	5-1-2009
413-130-0020	7-1-2009	Amend(T)	8-1-2009	416-340-0030	4-17-2009	Amend	5-1-2009
413-130-0030	7-1-2009	Amend(T)	8-1-2009	416-340-0040	4-17-2009	Amend	5-1-2009
413-130-0040	7-1-2009	Amend(T)	8-1-2009	416-340-0060	4-17-2009	Amend	5-1-2009
413-130-0045	7-1-2009	Adopt(T)	8-1-2009	416-340-0070	4-17-2009	Amend	5-1-2009
413-130-0050	7-1-2009	Amend(T)	8-1-2009	416-440-0015	7-27-2009	Amend	9-1-2009
413-130-0060	7-1-2009	Amend(T)	8-1-2009	416-440-0020	7-27-2009	Amend	9-1-2009
413-130-0070	7-1-2009	Amend(T)	8-1-2009	416-440-0035	7-27-2009	Amend	9-1-2009
413-130-0075	7-1-2009	Amend(T)	8-1-2009	416-530-0070	2-2-2009	Amend	3-1-2009
413-130-0080	7-1-2009	Amend(T)	8-1-2009	423-001-0006	12-12-2008	Amend(T)	1-1-2009
413-130-0090	7-1-2009	Amend(T)	8-1-2009	423-001-0006	6-24-2009	Amend	8-1-2009
413-130-0100	7-1-2009	Amend(T)	8-1-2009	423-010-0023	12-12-2008	Amend	1-1-2009
413-130-0110	7-1-2009	Amend(T)	8-1-2009	436-009-0004	7-1-2009	Amend	7-1-2009
413-130-0115	7-1-2009	Amend(T)	8-1-2009	436-009-0005	1-1-2009	Amend	1-1-2009
413-130-0120	7-1-2009	Amend(T)	8-1-2009	436-009-0008	1-1-2009	Amend	1-1-2009
413-130-0125	7-1-2009	Amend(T)	8-1-2009	436-009-0010	7-1-2009	Amend	7-1-2009
413-130-0127	7-1-2009	Suspend	8-1-2009	436-009-0015	7-1-2009	Amend	7-1-2009
413-130-0130	7-1-2009	Amend(T)	8-1-2009	436-009-0018	1-1-2009	Adopt	1-1-2009
413-200-0270	2-2-2009	Amend	3-1-2009	436-009-0018	7-1-2009	Amend	7-1-2009
413-200-0272	2-2-2009	Amend	3-1-2009	436-009-0020	1-1-2009	Amend	1-1-2009
413-200-0272(T)	2-2-2009	Repeal	3-1-2009	436-009-0020	7-1-2009	Amend	7-1-2009
413-200-0274	2-2-2009	Amend	3-1-2009	436-009-0022	1-1-2009	Amend	1-1-2009
413-200-0274(T)	2-2-2009	Repeal	3-1-2009	436-009-0022	7-1-2009	Amend	7-1-2009
413-200-0276	2-2-2009	Amend	3-1-2009	436-009-0030	1-1-2009	Amend	1-1-2009
413-200-0278	2-2-2009	Amend	3-1-2009	436-009-0030	7-1-2009	Amend	7-1-2009
413-200-0278(T)	2-2-2009	Repeal	3-1-2009	436-009-0035	1-1-2009	Amend	1-1-2009
413-200-0281	2-2-2009	Amend	3-1-2009	436-009-0040	1-1-2009	Amend	1-1-2009
413-200-0281(T)	2-2-2009	Repeal	3-1-2009	436-009-0040	7-1-2009	Amend	7-1-2009
413-200-0283	2-2-2009	Amend	3-1-2009	436-009-0050	7-1-2009	Amend	7-1-2009
413-200-0283(T)	2-2-2009	Repeal	3-1-2009	436-009-0060	7-1-2009	Amend	7-1-2009
413-200-0287	2-2-2009	Amend	3-1-2009	436-009-0070	1-1-2009	Amend	1-1-2009
413-200-0287(T)	2-2-2009	Repeal	3-1-2009	436-009-0080	1-1-2009	Amend	1-1-2009
413-200-0292	2-2-2009	Amend	3-1-2009	436-009-0090	1-1-2009	Amend	1-1-2009
413-200-0292(T)	2-2-2009	Repeal	3-1-2009	436-009-0090	7-1-2009	Amend	7-1-2009
413-200-0296	2-2-2009	Amend	3-1-2009	436-009-0095	1-1-2009	Adopt	1-1-2009
413-200-0301	2-2-2009	Amend	3-1-2009	436-009-0100	1-1-2009	Amend	1-1-2009
413-200-0305	2-2-2009	Amend	3-1-2009	436-010-0230	7-1-2009	Amend	7-1-2009
413-200-0306	2-2-2009	Amend	3-1-2009	436-010-0275	7-1-2009	Amend	7-1-2009
413-200-0306(T)	2-2-2009	Repeal	3-1-2009	436-015-0007	1-1-2009	Adopt	1-1-2009
413-200-0308	2-2-2009	Amend	3-1-2009	436-015-0120	1-1-2009	Amend	1-1-2009
413-200-0314	2-2-2009	Amend	3-1-2009	436-060-0005	1-1-2009	Amend	1-1-2009
413-200-0314(T)	2-2-2009	Repeal	3-1-2009	436-060-0009	1-1-2009	Amend	1-1-2009
413-200-0335	2-2-2009	Amend	3-1-2009	436-060-0010	1-1-2009	Amend	1-1-2009
413-200-0354	2-2-2009	Amend	3-1-2009	436-060-0015	1-1-2009	Amend	1-1-2009
413-200-0358	2-2-2009	Amend	3-1-2009	436-060-0017	1-1-2009	Amend	1-1-2009
413-200-0362	2-2-2009	Amend	3-1-2009	436-060-0018	1-1-2009	Amend	1-1-2009
413-200-0371	2-2-2009	Amend	3-1-2009	436-060-0020	1-1-2009	Amend	1-1-2009
413-200-0371(T)	2-2-2009	Repeal	3-1-2009	436-060-0025	1-1-2009	Amend	1-1-2009
413-200-0379	2-2-2009	Amend	3-1-2009	436-060-0035	1-1-2009	Amend	1-1-2009
413-200-0383	2-2-2009	Amend	3-1-2009	436-060-0060	1-1-2009	Amend	1-1-2009
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436-060-0147	1-1-2009	Amend	1-1-2009	441-730-0165	6-2-2009	Adopt	7-1-2009
436-060-0150	1-1-2009	Amend	1-1-2009	441-730-0170	6-2-2009	Amend	7-1-2009
436-060-0153	1-1-2009	Adopt	1-1-2009	441-730-0180	6-2-2009	Amend	7-1-2009
436-060-0155	1-1-2009	Amend	1-1-2009	441-730-0200	6-2-2009	Amend	7-1-2009
436-060-0500	1-1-2009	Amend	1-1-2009	441-730-0205	6-2-2009	Amend	7-1-2009
437-001-0015	2-3-2009	Amend	3-1-2009	441-730-0210	6-2-2009	Amend	7-1-2009
437-001-0160	2-3-2009	Amend	3-1-2009	441-730-0246	8-21-2009	Amend(T)	10-1-2009
437-001-0205	2-3-2009	Amend	3-1-2009	441-730-0250	6-2-2009	Amend	7-1-2009
437-001-0760	2-3-2009	Amend	3-1-2009	441-730-0255	6-2-2009	Amend	7-1-2009
437-001-1015	2-3-2009	Amend	3-1-2009	441-730-0270	6-2-2009	Repeal	7-1-2009
437-001-1020	2-3-2009	Amend	3-1-2009	441-730-0271	6-2-2009	Adopt	7-1-2009
437-002-0005	5-29-2009	Amend	7-1-2009	441-730-0272	6-2-2009	Adopt	7-1-2009
437-002-0067	4-17-2009	Repeal	5-1-2009	441-730-0275	6-2-2009	Amend	7-1-2009
437-002-0069	4-17-2009	Repeal	5-1-2009	441-730-0280	6-2-2009	Amend	7-1-2009
437-002-0071	4-17-2009	Repeal	5-1-2009	441-730-0310	6-2-2009	Amend	7-1-2009
437-002-0072	4-17-2009	Adopt	5-1-2009	441-730-0320	6-2-2009	Amend	7-1-2009
437-002-0073	4-17-2009	Repeal	5-1-2009	441-755-0300	9-9-2009	Amend	10-1-2009
437-002-0074	4-17-2009	Adopt	5-1-2009	441-755-0310	9-9-2009	Amend	10-1-2009
437-002-0075	4-17-2009	Repeal	5-1-2009	441-760-0020	9-25-2009	Repeal	10-1-2009
437-002-0076	4-17-2009	Adopt	5-1-2009	441-760-0030	9-25-2009	Repeal	10-1-2009
437-002-0080	5-29-2009	Amend	7-1-2009	441-760-0040	9-25-2009	Repeal	10-1-2009
437-002-0120	5-29-2009	Amend	7-1-2009	441-760-0050	9-25-2009	Repeal	10-1-2009
437-002-0180	5-29-2009	Amend	7-1-2009	441-760-0060	9-25-2009	Repeal	10-1-2009
437-002-0182	10-1-2009	Amend	8-1-2009	441-760-0070	9-25-2009	Repeal	10-1-2009
437-002-0187	12-31-2008	Amend	2-1-2009	441-760-0080	9-25-2009	Repeal	10-1-2009
437-002-0256	7-21-2009	Amend	8-1-2009	441-760-0090	9-25-2009	Repeal	10-1-2009
437-002-0320	4-17-2009	Amend	5-1-2009	441-760-0100	9-25-2009	Repeal	10-1-2009
437-002-0360	5-29-2009	Amend	7-1-2009	441-760-0110	9-25-2009	Repeal	10-1-2009
437-003-0001	5-29-2009	Amend	7-1-2009	441-760-0120	9-25-2009	Repeal	10-1-2009
437-004-1120	1-26-2009	Amend	3-1-2009	441-760-0130	9-25-2009	Repeal	10-1-2009
437-005-0001	5-29-2009	Amend	7-1-2009	441-760-0140	9-25-2009	Repeal	10-1-2009
437-005-0002	5-29-2009	Amend	7-1-2009	441-760-0150	9-25-2009	Repeal	10-1-2009
437-005-0002	6-5-2009	Amend	7-1-2009	441-760-0160	9-25-2009	Repeal	10-1-2009
437-005-0003	5-29-2009	Amend	7-1-2009	441-760-0170	9-25-2009	Repeal	10-1-2009
437-005-0003	6-5-2009	Amend	7-1-2009	441-760-0180	9-25-2009	Repeal	10-1-2009
441-005-0010	9-25-2009	Amend	10-1-2009	441-760-0190	9-25-2009	Repeal	10-1-2009
441-025-0060	2-3-2009	Adopt	3-1-2009	441-760-0200	9-25-2009	Repeal	10-1-2009
441-500-0020	2-3-2009	Amend	3-1-2009	441-760-0210	9-25-2009	Repeal	10-1-2009
441-500-0020	9-25-2009	Amend	10-1-2009	441-760-0220	9-25-2009	Repeal	10-1-2009
441-505-3046	8-21-2009	Amend(T)	10-1-2009	441-760-0230	9-25-2009	Repeal	10-1-2009
441-505-3070	8-7-2009	Adopt	9-1-2009	441-760-0240	9-25-2009	Repeal	10-1-2009
441-505-3075	8-7-2009	Adopt	9-1-2009	441-760-0250	9-25-2009	Repeal	10-1-2009
441-505-3080	8-7-2009	Adopt	9-1-2009	441-760-0260	9-25-2009	Repeal	10-1-2009
441-505-3085	8-7-2009	Adopt	9-1-2009	441-760-0265	9-25-2009	Repeal	10-1-2009
441-505-4010	9-25-2009	Amend	10-1-2009	441-760-0270	9-25-2009	Repeal	10-1-2009
441-710-0540	8-21-2009	Amend(T)	10-1-2009	441-760-0280	9-25-2009	Repeal	10-1-2009
441-730-0010	6-2-2009	Amend	7-1-2009	441-760-0290	9-25-2009	Repeal	10-1-2009
441-730-0015	6-2-2009	Amend	7-1-2009	441-760-0300	9-25-2009	Repeal	10-1-2009
441-730-0025	6-2-2009	Amend	7-1-2009	441-760-0310	9-25-2009	Repeal	10-1-2009
441-730-0030	2-3-2009	Amend	3-1-2009	441-850-0042	8-21-2009	Amend(T)	10-1-2009
441-730-0030	6-2-2009	Amend	7-1-2009	441-865-0025	12-10-2008	Adopt	1-1-2009
441-730-0050	6-2-2009	Amend	7-1-2009	441-910-0000	8-14-2009	Amend(T)	9-1-2009
441-730-0070	6-2-2009	Amend	7-1-2009	441-910-0092	8-14-2009	Suspend	9-1-2009
441-730-0080	6-2-2009	Amend	7-1-2009	441-910-0095	8-14-2009	Suspend	9-1-2009
441-730-0100	6-2-2009	Amend	7-1-2009	441-910-9000	8-14-2009	Adopt(T)	9-1-2009
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441-925-0030	1-1-2010	Repeal	10-1-2009	459-030-0025	2-12-2009	Amend	3-1-2009
441-925-0040	1-1-2010	Repeal	10-1-2009	459-030-0030	2-12-2009	Amend	3-1-2009
442-001-0000	1-1-2009	Amend	2-1-2009	459-050-0037	11-26-2008	Amend	1-1-2009
442-001-0005	1-1-2009	Amend	2-1-2009	459-050-0075	2-12-2009	Amend	3-1-2009
442-001-0010	1-1-2009	Repeal	2-1-2009	459-070-0001	2-12-2009	Amend	3-1-2009
442-001-0015	1-1-2009	Repeal	2-1-2009	459-075-0060	7-21-2009	Adopt	9-1-2009
442-001-0050	1-1-2009	Adopt	2-1-2009	459-075-0175	11-26-2008	Adopt	1-1-2009
442-001-0060	1-1-2009	Adopt	2-1-2009	459-075-0300	7-21-2009	Adopt	9-1-2009
442-001-0070	1-1-2009	Adopt	2-1-2009	459-076-0001	2-12-2009	Amend	3-1-2009
442-001-0080	1-1-2009	Adopt	2-1-2009	459-080-0060	7-21-2009	Adopt	9-1-2009
442-001-0090	1-1-2009	Adopt	2-1-2009	459-080-0100	2-12-2009	Amend	3-1-2009
442-001-0100	1-1-2009	Adopt	2-1-2009	459-080-0200	4-6-2009	Amend	6-1-2009
442-001-0110	1-1-2009	Adopt	2-1-2009	459-080-0250	4-6-2009	Amend	6-1-2009
442-001-0120	1-1-2009	Adopt	2-1-2009	459-080-0300	7-21-2009	Adopt	9-1-2009
442-001-0130	1-1-2009	Adopt	2-1-2009	461-001-0000	1-1-2009	Amend	2-1-2009
442-001-0140	1-1-2009	Adopt	2-1-2009	461-001-0000	4-1-2009	Amend	5-1-2009
442-001-0150	1-1-2009	Adopt	2-1-2009	461-001-0000	7-1-2009	Amend	8-1-2009
442-001-0160	1-1-2009	Adopt	2-1-2009	461-001-0025	1-1-2009	Amend	2-1-2009
443-002-0070	2-12-2009	Amend(T)	3-1-2009	461-001-0030	7-1-2009	Amend	8-1-2009
443-002-0070	4-15-2009	Amend	5-1-2009	461-101-0010	1-1-2009	Amend	2-1-2009
443-002-0070(T)	4-15-2009	Repeal	5-1-2009	461-110-0330	1-1-2009	Amend	2-1-2009
443-002-0180	4-15-2009	Amend	5-1-2009	461-110-0330	5-1-2009	Amend(T)	6-1-2009
459-005-0001	2-12-2009	Amend	3-1-2009	461-110-0350	1-1-2009	Amend	2-1-2009
459-005-0055	7-21-2009	Amend	9-1-2009	461-110-0350	4-1-2009	Amend	5-1-2009
459-005-0058	7-21-2009	Repeal	9-1-2009	461-110-0370	4-1-2009	Amend	5-1-2009
459-005-0060	7-21-2009	Amend	9-1-2009	461-110-0530	5-1-2009	Amend(T)	6-1-2009
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459-005-0525	11-26-2008	Amend	1-1-2009	461-110-0530	7-1-2009	Amend(T)	8-1-2009
459-005-0535	11-26-2008	Amend	1-1-2009	461-110-0530(T)	7-1-2009	Repeal	8-1-2009
459-005-0545	11-26-2008	Amend	1-1-2009	461-110-0630	7-1-2009	Amend	8-1-2009
459-007-0001	4-6-2009	Amend	5-1-2009	461-115-0030	8-28-2009	Amend(T)	10-1-2009
459-007-0005	4-6-2009	Amend	6-1-2009	461-115-0050	1-1-2009	Amend	2-1-2009
459-007-0015	4-6-2009	Amend	5-1-2009	461-115-0050	7-1-2009	Amend	8-1-2009
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459-007-0025	4-6-2009	Amend	5-1-2009	461-115-0050	8-28-2009	Amend(T)	10-1-2009
459-007-0050	4-6-2009	Amend	5-1-2009	461-115-0050(T)	8-28-2009	Suspend	10-1-2009
459-007-0060	4-6-2009	Amend	5-1-2009	461-115-0530	1-1-2009	Amend	2-1-2009
459-007-0080	4-6-2009	Amend	5-1-2009	461-115-0705	5-6-2009	Amend(T)	6-1-2009
459-007-0110	4-6-2009	Amend	5-1-2009	461-120-0110	4-1-2009	Amend(T)	4-1-2009
459-007-0230	4-6-2009	Amend	5-1-2009	461-120-0110	4-1-2009	Amend(T)	5-1-2009
459-007-0240	4-6-2009	Amend	5-1-2009	461-120-0110(T)	4-1-2009	Suspend	5-1-2009
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459-007-0320	4-6-2009	Adopt	6-1-2009	461-120-0125	5-1-2009	Amend(T)	6-1-2009
459-007-0330	4-6-2009	Adopt	6-1-2009	461-120-0125(T)	4-1-2009	Repeal	5-1-2009
459-007-0340	4-6-2009	Adopt	6-1-2009	461-120-0310	7-1-2009	Amend(T)	8-1-2009
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459-007-0410	4-6-2009	Adopt	6-1-2009	461-125-0170	8-1-2009	Amend(T)	9-1-2009
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459-007-0900	4-6-2009	Amend	5-1-2009	461-135-0010	1-1-2009	Amend	2-1-2009
459-010-0010	11-26-2008	Amend	1-1-2009	461-135-0010	4-1-2009	Amend(T)	5-1-2009
459-010-0300	6-3-2009	Adopt	7-1-2009	461-135-0010	5-6-2009	Amend(T)	6-1-2009
459-011-0100	2-12-2009	Amend	3-1-2009	461-135-0010(T)	5-6-2009	Suspend	6-1-2009
459-011-0110	2-12-2009	Amend	3-1-2009	461-135-0070	5-1-2009	Amend(T)	6-1-2009
459-013-0260	11-26-2008	Amend	1-1-2009	461-135-0070	8-1-2009	Amend(T)	9-1-2009
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461-135-0075	7-1-2009	Amend(T)	8-1-2009	461-150-0050	1-1-2009	Amend	2-1-2009
461-135-0075	7-1-2009	Amend(T)	8-1-2009	461-150-0050	7-1-2009	Amend	8-1-2009
461-135-0075(T)	1-1-2009	Repeal	2-1-2009	461-150-0055	7-1-2009	Amend	8-1-2009
461-135-0075(T)	7-1-2009	Repeal	8-1-2009	461-150-0060	7-1-2009	Amend	8-1-2009
461-135-0082	5-1-2009	Amend(T)	6-1-2009	461-150-0070	7-1-2009	Amend	8-1-2009
461-135-0085	1-1-2009	Amend	2-1-2009	461-150-0080	7-1-2009	Amend	8-1-2009
461-135-0089	1-1-2009	Amend	2-1-2009	461-150-0090	7-1-2009	Amend	8-1-2009
461-135-0400	4-1-2009	Amend(T)	4-1-2009	461-150-0100	7-1-2009	Amend	8-1-2009
461-135-0400	4-1-2009	Amend(T)	5-1-2009	461-155-0030	5-1-2009	Amend(T)	6-1-2009
461-135-0400(T)	4-1-2009	Suspend	5-1-2009	461-155-0150	4-1-2009	Amend(T)	4-1-2009
461-135-0405	5-1-2009	Amend(T)	6-1-2009	461-155-0180	1-27-2009	Amend	3-1-2009
461-135-0415	7-1-2009	Amend	8-1-2009	461-155-0190	4-1-2009	Amend(T)	5-1-2009
461-135-0475	4-1-2009	Amend(T)	5-1-2009	461-155-0190	7-1-2009	Amend	8-1-2009
461-135-0475	7-1-2009	Amend(T)	8-1-2009	461-155-0190(T)	7-1-2009	Repeal	8-1-2009
461-135-0475(T)	7-1-2009	Suspend	8-1-2009	461-155-0235	1-27-2009	Amend	3-1-2009
461-135-0730	1-1-2009	Amend	2-1-2009	461-155-0250	1-1-2009	Amend	2-1-2009
461-135-0745	1-1-2009	Amend	2-1-2009	461-155-0250	3-1-2009	Amend(T)	4-1-2009
461-135-0780	1-1-2009	Amend	2-1-2009	461-155-0250	7-1-2009	Amend	8-1-2009
461-135-0832	1-1-2009	Amend	2-1-2009	461-155-0250(T)	7-1-2009	Repeal	8-1-2009
461-135-0900	5-1-2009	Amend(T)	6-1-2009	461-155-0270	1-1-2009	Amend	2-1-2009
461-135-1102	1-1-2009	Amend	2-1-2009	461-155-0290	4-1-2009	Amend(T)	5-1-2009
461-135-1110	7-1-2009	Amend	8-1-2009	461-155-0290	7-1-2009	Amend	8-1-2009
461-135-1125	8-28-2009	Amend(T)	10-1-2009	461-155-0290(T)	7-1-2009	Repeal	8-1-2009
461-135-1175	4-1-2009	Amend	5-1-2009	461-155-0291	4-1-2009	Amend(T)	5-1-2009
461-135-1175	6-1-2009	Amend(T)	7-1-2009	461-155-0291	7-1-2009	Amend	8-1-2009
461-135-1195	1-1-2009	Amend	2-1-2009	461-155-0291(T)	7-1-2009	Repeal	8-1-2009
461-135-1195	7-1-2009	Amend(T)	8-1-2009	461-155-0295	1-1-2009	Amend	2-1-2009
461-135-1230	4-1-2009	Amend	5-1-2009	461-155-0295	4-1-2009	Amend(T)	5-1-2009
461-135-1250	1-1-2009	Amend(T)	2-1-2009	461-155-0295	7-1-2009	Amend	8-1-2009
461-135-1250	4-1-2009	Amend	5-1-2009	461-155-0295(T)	7-1-2009	Repeal	8-1-2009
461-135-1250(T)	4-1-2009	Repeal	5-1-2009	461-155-0300	1-1-2009	Amend	2-1-2009
461-140-0040	4-1-2009	Amend	5-1-2009	461-155-0320	1-1-2009	Amend	2-1-2009
461-145-0080	7-1-2009	Amend(T)	8-1-2009	461-155-0500	1-1-2009	Amend	2-1-2009
461-145-0143	3-3-2009	Adopt(T)	4-1-2009	461-155-0500(T)	1-1-2009	Repeal	2-1-2009
461-145-0143	8-31-2009	Adopt	10-1-2009	461-155-0526	1-1-2009	Amend	2-1-2009
461-145-0143	9-1-2009	Amend(T)	10-1-2009	461-155-0526(T)	1-1-2009	Repeal	2-1-2009
461-145-0330	7-29-2009	Amend(T)	9-1-2009	461-155-0600	1-1-2009	Amend	2-1-2009
461-145-0330(T)	9-1-2009	Suspend	10-1-2009	461-155-0600(T)	1-1-2009	Repeal	2-1-2009
461-145-0380	1-1-2009	Amend	2-1-2009	461-155-0610	1-1-2009	Amend	2-1-2009
461-145-0380	7-1-2009	Amend	8-1-2009	461-155-0610(T)	1-1-2009	Repeal	2-1-2009
461-145-0380	7-29-2009	Amend(T)	9-1-2009	461-155-0660	7-1-2009	Amend	8-1-2009
461-145-0380(T)	9-1-2009	Suspend	10-1-2009	461-155-0700	1-1-2009	Adopt	2-1-2009
461-145-0455	4-1-2009	Amend	5-1-2009	461-155-0700(T)	1-1-2009	Repeal	2-1-2009
461-145-0460	4-1-2009	Amend	5-1-2009	461-155-0710	1-1-2009	Adopt	2-1-2009
461-145-0540	1-1-2009	Amend	2-1-2009	461-155-0710(T)	1-1-2009	Repeal	2-1-2009
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461-145-0550	8-31-2009	Amend	10-1-2009	461-160-0060	4-1-2009	Amend	5-1-2009
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461-145-0820	1-1-2009	Amend	2-1-2009	461-160-0300	7-1-2009	Amend	8-1-2009
461-145-0830	1-1-2009	Amend	2-1-2009	461-160-0410	1-1-2009	Amend	2-1-2009
461-145-0840	1-1-2009	Repeal	2-1-2009	461-160-0410	4-1-2009	Amend	5-1-2009
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461-150-0030	7-1-2009	Amend	8-1-2009	461-160-0550	4-1-2009	Amend	5-1-2009
461-150-0042	7-1-2009	Amend	8-1-2009	461-160-0550	7-1-2009	Amend	8-1-2009
461-150-0047	7-1-2009	Repeal	8-1-2009	461-160-0550(T)	4-1-2009	Repeal	5-1-2009
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461-160-0620	7-1-2009	Amend	8-1-2009	461-193-0046	4-1-2009	Repeal	5-1-2009
461-165-0010	7-1-2009	Amend	8-1-2009	461-193-0130	4-1-2009	Amend	5-1-2009
461-165-0030	1-1-2009	Amend	2-1-2009	461-193-0185	4-1-2009	Amend	5-1-2009
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461-165-0060	7-1-2009	Amend	8-1-2009	461-193-0240	4-1-2009	Amend	5-1-2009
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461-165-0060(T)	7-1-2009	Repeal	8-1-2009	461-193-0470	4-1-2009	Amend	5-1-2009
461-165-0130	7-1-2009	Amend	8-1-2009	461-193-0560	4-1-2009	Amend	5-1-2009
461-165-0140	7-1-2009	Amend	8-1-2009	461-193-0610	4-1-2009	Repeal	5-1-2009
461-165-0180	4-1-2009	Amend	5-1-2009	461-193-0640	4-1-2009	Repeal	5-1-2009
461-165-0410	4-1-2009	Amend	5-1-2009	461-193-0650	4-1-2009	Amend	5-1-2009
461-165-0420	4-1-2009	Amend	5-1-2009	461-193-0650	7-1-2009	Repeal	8-1-2009
461-170-0010	1-1-2009	Amend	2-1-2009	461-193-0660	4-1-2009	Repeal	5-1-2009
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461-170-0015	1-1-2009	Am. & Ren.	2-1-2009	461-193-0690	4-1-2009	Amend	5-1-2009
461-170-0020	1-1-2009	Am. & Ren.	2-1-2009	461-193-0890	4-1-2009	Amend	5-1-2009
461-170-0025	1-1-2009	Am. & Ren.	2-1-2009	461-193-0940	4-1-2009	Amend	5-1-2009
461-170-0030	1-1-2009	Am. & Ren.	2-1-2009	461-193-0960	4-1-2009	Amend	5-1-2009
461-170-0035	1-1-2009	Am. & Ren.	2-1-2009	461-193-1200	4-1-2009	Amend	5-1-2009
461-170-0100	1-1-2009	Amend	2-1-2009	461-193-1230	4-1-2009	Amend	5-1-2009
461-170-0101	1-1-2009	Amend	2-1-2009	461-193-1310	4-1-2009	Repeal	5-1-2009
461-170-0101	4-1-2009	Amend	5-1-2009	461-195-0501	7-1-2009	Amend	8-1-2009
461-170-0102	1-1-2009	Amend	2-1-2009	461-195-0521	4-1-2009	Amend(T)	5-1-2009
461-170-0102	4-1-2009	Amend	5-1-2009	461-195-0521	7-1-2009	Amend	8-1-2009
461-170-0103	4-1-2009	Amend	5-1-2009	461-195-0521(T)	7-1-2009	Repeal	8-1-2009
461-170-0104	4-1-2009	Amend	5-1-2009	461-195-0621	7-1-2009	Amend	8-1-2009
461-170-0120	1-1-2009	Amend	2-1-2009	462-110-0010	10-1-2009	Amend	10-1-2009
461-170-0150	1-1-2009	Amend	2-1-2009	462-120-0030	10-1-2009	Amend	10-1-2009
461-170-0150	4-1-2009	Amend	5-1-2009	462-120-0040	10-1-2009	Amend	10-1-2009
461-170-0150	7-1-2009	Amend	8-1-2009	462-120-0050	10-1-2009	Amend	10-1-2009
461-170-0160	1-1-2009	Amend	2-1-2009	462-120-0100	10-1-2009	Amend	10-1-2009
461-170-0160	4-1-2009	Amend	5-1-2009	462-120-0110	10-1-2009	Amend	10-1-2009
461-170-0170	1-1-2009	Repeal	2-1-2009	462-120-0110	10-1-2009	Amend	10-1-2009
461-170-0200	1-1-2009	Amend	2-1-2009	462-130-0010	10-1-2009	Amend	10-1-2009
461-175-0220	1-1-2009	Amend	2-1-2009	462-130-0040	10-1-2009	Amend	10-1-2009
461-175-0240	1-1-2009	Amend	2-1-2009	462-130-0070	10-1-2009	Amend	10-1-2009
461-175-0270	1-1-2009	Amend	2-1-2009	462-140-0040	10-1-2009	Amend	10-1-2009
461-175-0280	1-1-2009	Amend	2-1-2009	462-140-0060	10-1-2009	Amend	10-1-2009
461-175-0280	4-1-2009	Amend	5-1-2009	462-140-0070	10-1-2009	Amend	10-1-2009
461-175-0305	1-1-2009	Amend	2-1-2009	462-140-0130	10-1-2009	Amend	10-1-2009
461-180-0005	1-1-2009	Amend	2-1-2009	462-140-0150	10-1-2009	Amend	10-1-2009
461-180-0006	4-1-2009	Amend	5-1-2009	462-140-0250	10-1-2009	Amend	10-1-2009
461-180-0070	4-1-2009	Amend	5-1-2009	462-140-0340	10-1-2009	Amend	10-1-2009
461-180-0090	1-1-2009	Amend	2-1-2009	462-140-0350	10-1-2009	Amend	10-1-2009
461-180-0125	1-1-2009	Amend	2-1-2009	462-150-0010	10-1-2009	Amend	10-1-2009
461-190-0360	5-1-2009	Amend(T)	6-1-2009	462-150-0020	10-1-2009	Amend	10-1-2009
461-193-0000	4-1-2009	Amend	5-1-2009	462-150-0030	10-1-2009	Amend	10-1-2009
461-193-0001	4-1-2009	Repeal	5-1-2009	462-150-0040	10-1-2009	Amend	10-1-2009
461-193-0005	4-1-2009	Repeal	5-1-2009	462-150-0060	10-1-2009	Amend	10-1-2009
461-193-0007	4-1-2009	Repeal	5-1-2009	462-150-0070	10-1-2009	Amend	10-1-2009
461-193-0010	4-1-2009	Amend	5-1-2009	462-150-0080	10-1-2009	Amend	10-1-2009
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462-200-0340	10-1-2009	Amend	10-1-2009	573-075-0140	8-14-2009	Repeal	9-1-2009
462-200-0370	10-1-2009	Amend	10-1-2009	573-075-0150	8-14-2009	Repeal	9-1-2009
462-200-0380	10-1-2009	Repeal	10-1-2009	573-075-0160	8-14-2009	Repeal	9-1-2009
462-210-0030	7-1-2009	Amend	6-1-2009	573-075-0170	8-14-2009	Repeal	9-1-2009
462-220-0030	7-1-2009	Amend	6-1-2009	573-075-0180	8-14-2009	Repeal	9-1-2009
462-220-0070	7-1-2009	Amend	6-1-2009	573-075-0190	8-14-2009	Repeal	9-1-2009
471-007-0200	8-5-2009	Adopt(T)	9-1-2009	573-075-0200	8-14-2009	Amend	9-1-2009
471-007-0210	8-5-2009	Adopt(T)	9-1-2009	573-075-0210	8-14-2009	Repeal	9-1-2009
471-007-0220	8-5-2009	Adopt(T)	9-1-2009	573-075-0220	8-14-2009	Repeal	9-1-2009
471-007-0230	8-5-2009	Adopt(T)	9-1-2009	573-076-0000	8-14-2009	Adopt	9-1-2009
471-007-0240	8-5-2009	Adopt(T)	9-1-2009	573-076-0010	8-14-2009	Adopt	9-1-2009
471-007-0250	8-5-2009	Adopt(T)	9-1-2009	573-076-0020	8-14-2009	Adopt	9-1-2009
471-007-0260	8-5-2009	Adopt(T)	9-1-2009	573-076-0030	8-14-2009	Adopt	9-1-2009
471-007-0270	8-5-2009	Adopt(T)	9-1-2009	573-076-0040	8-14-2009	Adopt	9-1-2009
471-007-0280	8-5-2009	Adopt(T)	9-1-2009	573-076-0050	8-14-2009	Adopt	9-1-2009
471-007-0285	8-5-2009	Adopt(T)	9-1-2009	573-076-0060	8-14-2009	Adopt	9-1-2009
471-007-0290	8-5-2009	Adopt(T)	9-1-2009	573-076-0070	8-14-2009	Adopt	9-1-2009
471-007-0300	8-5-2009	Adopt(T)	9-1-2009	573-076-0080	8-14-2009	Adopt	9-1-2009
471-007-0310	8-5-2009	Adopt(T)	9-1-2009	573-076-0090	8-14-2009	Adopt	9-1-2009
471-010-0025	12-1-2008	Adopt	1-1-2009	573-076-0100	8-14-2009	Adopt	9-1-2009
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471-030-0012	7-1-2009	Adopt(T)	8-1-2009	573-076-0120	8-14-2009	Adopt	9-1-2009
471-030-0038	6-29-2009	Amend(T)	8-1-2009	573-076-0130	8-14-2009	Adopt	9-1-2009
471-030-0150	6-29-2009	Amend(T)	8-1-2009	574-031-0000	7-29-2009	Amend	9-1-2009
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471-031-0151	12-1-2008	Amend	1-1-2009	574-031-0040	7-29-2009	Amend	9-1-2009
471-031-0190	12-1-2008	Adopt	1-1-2009	574-032-0020	7-29-2009	Amend	9-1-2009
471-031-0195	12-1-2008	Adopt	1-1-2009	574-032-0030	7-29-2009	Amend	9-1-2009
471-031-0200	12-1-2008	Adopt	1-1-2009	574-032-0040	7-29-2009	Amend	9-1-2009
471-031-0205	12-1-2008	Adopt	1-1-2009	574-032-0120	7-29-2009	Amend	9-1-2009
471-031-0210	12-1-2008	Adopt	1-1-2009	574-032-0150	7-29-2009	Amend	9-1-2009
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543-060-0030	3-2-2009	Amend	4-1-2009	576-003-0005(T)	8-12-2009	Repeal	9-1-2009
543-060-0040	3-2-2009	Amend	4-1-2009	576-003-0010	6-9-2009	Adopt(T)	7-1-2009
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573-075-0020	8-14-2009	Repeal	9-1-2009	576-003-0040(T)	8-12-2009	Repeal	9-1-2009
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573-075-0050	8-14-2009	Repeal	9-1-2009	576-003-0050(T)	8-12-2009	Repeal	9-1-2009
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576-003-0080	8-12-2009	Adopt	9-1-2009	577-070-0045	9-15-2009	Amend	9-1-2009
576-003-0080(T)	8-12-2009	Repeal	9-1-2009	577-070-0050	9-15-2009	Amend	9-1-2009
576-003-0090	6-9-2009	Adopt(T)	7-1-2009	577-072-0030	1-1-2010	Adopt	9-1-2009
576-003-0090	8-12-2009	Adopt	9-1-2009	578-041-0030	9-2-2009	Amend	10-1-2009
576-003-0090(T)	8-12-2009	Repeal	9-1-2009	579-020-0006	3-12-2009	Amend	4-1-2009
576-003-0100	6-9-2009	Adopt(T)	7-1-2009	579-020-0006	8-14-2009	Amend	9-1-2009
576-003-0100	8-12-2009	Adopt	9-1-2009	580-021-0027	3-13-2009	Adopt(T)	4-1-2009
576-003-0100(T)	8-12-2009	Repeal	9-1-2009	580-040-0035	1-22-2009	Amend	3-1-2009
576-003-0110	6-9-2009	Adopt(T)	7-1-2009	580-040-0040	2-20-2009	Amend(T)	4-1-2009
576-003-0110	8-12-2009	Adopt	9-1-2009	580-040-0040	3-13-2009	Amend(T)	4-1-2009
576-003-0110(T)	8-12-2009	Repeal	9-1-2009	580-040-0040	7-20-2009	Amend(T)	9-1-2009
576-003-0120	6-9-2009	Adopt(T)	7-1-2009	580-040-0040(T)	3-13-2009	Suspend	4-1-2009
576-003-0120	8-12-2009	Adopt	9-1-2009	581-001-0100	12-19-2008	Amend	2-1-2009
576-003-0120(T)	8-12-2009	Repeal	9-1-2009	581-011-0050	6-29-2009	Amend	8-1-2009
576-010-0000	7-1-2009	Amend	8-1-2009	581-011-0052	6-29-2009	Amend	8-1-2009
576-030-0015	7-1-2009	Amend	8-1-2009	581-011-0055	6-29-2009	Amend	8-1-2009
576-030-0020	7-1-2009	Amend	8-1-2009	581-011-0060	6-29-2009	Amend	8-1-2009
576-030-0025	7-1-2009	Amend	8-1-2009	581-011-0065	6-29-2009	Amend	8-1-2009
576-030-0030	7-1-2009	Repeal	8-1-2009	581-011-0066	6-29-2009	Amend	8-1-2009
576-030-0035	7-1-2009	Amend	8-1-2009	581-011-0067	6-29-2009	Amend	8-1-2009
576-030-0040	7-1-2009	Amend	8-1-2009	581-011-0070	6-29-2009	Amend	8-1-2009
576-030-0045	7-1-2009	Amend	8-1-2009	581-011-0071	6-29-2009	Amend	8-1-2009
576-030-0050	7-1-2009	Amend	8-1-2009	581-011-0072	6-29-2009	Repeal	8-1-2009
576-030-0055	7-1-2009	Amend	8-1-2009	581-011-0073	6-29-2009	Repeal	8-1-2009
576-030-0060	7-1-2009	Amend	8-1-2009	581-011-0074	6-29-2009	Repeal	8-1-2009
576-030-0070	7-1-2009	Amend	8-1-2009	581-011-0075	6-29-2009	Amend	8-1-2009
576-030-0090	7-1-2009	Amend	8-1-2009	581-011-0076	6-29-2009	Repeal	8-1-2009
576-060-0031	7-1-2009	Amend	8-1-2009	581-011-0077	6-29-2009	Repeal	8-1-2009
577-031-0125	9-28-2009	Amend	9-1-2009	581-011-0078	6-29-2009	Repeal	8-1-2009
577-031-0130	9-28-2009	Amend	9-1-2009	581-011-0079	6-29-2009	Repeal	8-1-2009
577-031-0131	9-28-2009	Amend	9-1-2009	581-011-0080	6-29-2009	Amend	8-1-2009
577-031-0132	9-28-2009	Amend	9-1-2009	581-011-0086	6-29-2009	Amend	8-1-2009
577-031-0133	9-28-2009	Amend	9-1-2009	581-011-0087	6-29-2009	Adopt	8-1-2009
577-031-0135	9-28-2009	Amend	9-1-2009	581-011-0090	6-29-2009	Amend	8-1-2009
577-031-0136	9-28-2009	Amend	9-1-2009	581-011-0095	6-29-2009	Amend	8-1-2009
577-031-0137	9-28-2009	Amend	9-1-2009	581-011-0114	6-29-2009	Adopt	8-1-2009
577-031-0138	9-28-2009	Adopt	9-1-2009	581-011-0117	6-29-2009	Amend	8-1-2009
577-031-0139	9-28-2009	Adopt	9-1-2009	581-011-0118	6-29-2009	Repeal	8-1-2009
577-031-0140	9-28-2009	Amend	9-1-2009	581-011-0119	6-29-2009	Repeal	8-1-2009
577-031-0141	9-28-2009	Amend	9-1-2009	581-011-0120	6-29-2009	Repeal	8-1-2009
577-031-0142	9-28-2009	Amend	9-1-2009	581-011-0125	6-29-2009	Repeal	8-1-2009
577-031-0143	9-28-2009	Amend	9-1-2009	581-011-0130	6-29-2009	Repeal	8-1-2009
577-031-0144	9-28-2009	Adopt	9-1-2009	581-011-0131	6-29-2009	Repeal	8-1-2009
577-031-0145	9-28-2009	Amend	9-1-2009	581-011-0135	6-29-2009	Repeal	8-1-2009
577-031-0146	9-28-2009	Amend	9-1-2009	581-011-0136	2-24-2009	Adopt(T)	4-1-2009
577-031-0147	9-28-2009	Amend	9-1-2009	581-011-0140	6-29-2009	Repeal	8-1-2009
577-031-0148	9-28-2009	Amend	9-1-2009	581-011-0142	2-24-2009	Adopt(T)	4-1-2009
577-060-0020	5-14-2009	Amend(T)	6-1-2009	581-011-0145	6-29-2009	Repeal	8-1-2009
577-060-0020	8-1-2009	Amend	8-1-2009	581-011-0210	6-29-2009	Repeal	8-1-2009
577-060-0020	8-24-2009	Amend(T)	10-1-2009	581-022-0610	12-19-2008	Amend	2-1-2009
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577-070-0015	9-15-2009	Amend	9-1-2009	581-022-1060	6-29-2009	Amend	8-1-2009
577-070-0020	9-15-2009	Amend	9-1-2009	581-022-1130	6-30-2009	Amend(T)	8-1-2009
577-070-0025	9-15-2009	Amend	9-1-2009	581-022-1131	4-23-2009	Amend	6-1-2009
577-070-0030	9-15-2009	Amend	9-1-2009	581-022-1310	6-29-2009	Amend	8-1-2009

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581-022-1640	6-29-2009	Amend	8-1-2009	584-048-0006	5-15-2009	Amend(T)	6-1-2009
581-022-1650	6-29-2009	Amend	8-1-2009	584-048-0010	5-15-2009	Suspend	6-1-2009
581-045-0190	6-29-2009	Amend	8-1-2009	584-048-0015	5-15-2009	Suspend	6-1-2009
581-045-0500	6-29-2009	Amend	8-1-2009	584-048-0020	5-15-2009	Suspend	6-1-2009
581-045-0505	6-29-2009	Amend	8-1-2009	584-048-0025	5-15-2009	Amend(T)	6-1-2009
581-045-0515	6-29-2009	Amend	8-1-2009	584-048-0030	5-15-2009	Amend(T)	6-1-2009
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581-045-0525	6-29-2009	Amend	8-1-2009	584-048-0067	5-15-2009	Suspend	6-1-2009
581-045-0530	6-29-2009	Amend	8-1-2009	584-048-0070	5-15-2009	Amend(T)	6-1-2009
581-045-0535	6-29-2009	Amend	8-1-2009	584-048-0085	5-15-2009	Amend(T)	6-1-2009
581-045-0538	6-29-2009	Adopt	8-1-2009	584-048-0090	5-15-2009	Suspend	6-1-2009
581-045-0545	6-29-2009	Amend	8-1-2009	584-048-0095	5-15-2009	Amend(T)	6-1-2009
581-045-0550	6-29-2009	Amend	8-1-2009	584-048-0105	5-15-2009	Suspend	6-1-2009
581-045-0555	6-29-2009	Amend	8-1-2009	584-048-0110	5-15-2009	Amend(T)	6-1-2009
581-045-0565	6-29-2009	Amend	8-1-2009	584-048-0115	5-15-2009	Suspend	6-1-2009
581-045-0570	6-29-2009	Amend	8-1-2009	584-050-0004	3-12-2009	Am. & Ren.	4-1-2009
581-045-0575	6-29-2009	Repeal	8-1-2009	584-050-0040	3-12-2009	Amend	4-1-2009
581-053-0517	6-29-2009	Amend	8-1-2009	584-050-0042	3-12-2009	Am. & Ren.	4-1-2009
582-001-0003	12-19-2008	Amend(T)	2-1-2009	584-050-0043	3-12-2009	Am. & Ren.	4-1-2009
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582-001-0003(T)	3-27-2009	Repeal	5-1-2009	584-052-0027	3-12-2009	Amend	4-1-2009
582-001-0005	12-19-2008	Amend(T)	2-1-2009	584-052-0030	3-12-2009	Amend	4-1-2009
582-001-0005	3-27-2009	Amend	5-1-2009	584-052-0031	3-12-2009	Amend	4-1-2009
582-001-0005(T)	3-27-2009	Repeal	5-1-2009	584-052-0032	3-12-2009	Amend	4-1-2009
582-001-0010	12-19-2008	Amend(T)	2-1-2009	584-052-0033	3-12-2009	Amend	4-1-2009
582-001-0010	3-27-2009	Amend	5-1-2009	584-060-0002	5-15-2009	Amend(T)	6-1-2009
582-001-0010(T)	3-27-2009	Repeal	5-1-2009	584-060-0012	5-15-2009	Amend(T)	6-1-2009
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582-010-0010	2-11-2009	Suspend	3-1-2009	584-060-0014	5-15-2009	Amend(T)	6-1-2009
582-010-0015	2-11-2009	Suspend	3-1-2009	584-060-0022	5-15-2009	Amend(T)	6-1-2009
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582-010-0021	2-11-2009	Suspend	3-1-2009	584-060-0091	3-12-2009	Repeal	4-1-2009
582-010-0022	2-11-2009	Suspend	3-1-2009	584-060-0171	3-12-2009	Amend	4-1-2009
582-010-0025	2-11-2009	Suspend	3-1-2009	584-060-0171	5-15-2009	Amend(T)	6-1-2009
582-010-0030	2-11-2009	Suspend	3-1-2009	584-060-0181	3-12-2009	Amend	4-1-2009
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582-070-0010	2-11-2009	Amend(T)	3-1-2009	584-060-0210	3-12-2009	Amend	4-1-2009
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582-080-0020	2-11-2009	Amend(T)	3-1-2009	584-070-0022	5-15-2009	Amend(T)	6-1-2009
582-080-0030	2-11-2009	Amend(T)	3-1-2009	584-070-0211	5-15-2009	Amend(T)	6-1-2009
582-080-0040	2-11-2009	Amend(T)	3-1-2009	584-070-0221	5-15-2009	Amend(T)	6-1-2009
582-080-0050	2-11-2009	Amend(T)	3-1-2009	584-070-0310	5-15-2009	Amend(T)	6-1-2009
582-085-0004	2-11-2009	Suspend	3-1-2009	584-080-0002	5-15-2009	Amend(T)	6-1-2009
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584-021-0105	5-15-2009	Amend(T)	6-1-2009	584-100-0006	3-12-2009	Amend	4-1-2009
584-021-0140	5-15-2009	Amend(T)	6-1-2009	585-005-0015	6-11-2009	Adopt	7-1-2009
584-021-0150	5-15-2009	Amend(T)	6-1-2009	585-005-0020	6-11-2009	Adopt	7-1-2009
584-021-0210	5-15-2009	Amend(T)	6-1-2009	585-005-0025	6-11-2009	Adopt	7-1-2009
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585-005-0060	6-11-2009	Adopt	7-1-2009	603-057-0515	1-23-2009	Suspend	3-1-2009
585-005-0065	6-11-2009	Adopt	7-1-2009	603-057-0515	5-7-2009	Repeal	6-1-2009
585-005-0070	6-11-2009	Adopt	7-1-2009	603-057-0520	1-23-2009	Amend(T)	3-1-2009
585-005-0075	6-11-2009	Adopt	7-1-2009	603-057-0520	5-7-2009	Amend	6-1-2009
585-010-0310	4-13-2009	Amend	5-1-2009	603-057-0520(T)	5-7-2009	Repeal	6-1-2009
585-020-0005	4-13-2009	Amend	5-1-2009	603-057-0525	1-23-2009	Amend(T)	3-1-2009
585-020-0010	8-7-2009	Amend	9-1-2009	603-057-0525	5-7-2009	Amend	6-1-2009
585-020-0015	8-7-2009	Amend	9-1-2009	603-057-0525(T)	5-7-2009	Repeal	6-1-2009
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585-020-0020	8-7-2009	Amend	9-1-2009	603-057-0530	5-7-2009	Amend	6-1-2009
585-020-0025	4-13-2009	Amend	5-1-2009	603-057-0530(T)	5-7-2009	Repeal	6-1-2009
585-020-0025	8-7-2009	Amend	9-1-2009	603-057-0532	1-23-2009	Adopt(T)	3-1-2009
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589-020-0225	12-29-2008	Amend	2-1-2009	619-005-0020	12-17-2008	Adopt	2-1-2009
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603-011-0620	9-1-2009	Amend(T)	10-1-2009	619-005-0050	12-17-2008	Adopt	2-1-2009
603-027-0410	7-24-2009	Amend(T)	9-1-2009	619-005-0060	12-17-2008	Adopt	2-1-2009
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603-027-0490	7-24-2009	Amend(T)	9-1-2009	629-022-0030	2-1-2009	Amend	2-1-2009
603-052-0129	2-13-2009	Amend	3-1-2009	629-022-0035	2-1-2009	Adopt	2-1-2009
603-052-0153	2-13-2009	Amend	3-1-2009	629-022-0040	2-1-2009	Amend	2-1-2009
603-052-0160	2-13-2009	Amend	3-1-2009	629-022-0050	2-1-2009	Adopt	2-1-2009
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603-052-1230	4-9-2009	Amend	5-1-2009	629-022-0120	2-1-2009	Amend	2-1-2009
603-052-1250	4-9-2009	Amend	5-1-2009	629-022-0130	2-1-2009	Amend	2-1-2009
603-057-0110	7-15-2009	Amend	8-1-2009	629-022-0140	2-1-2009	Amend	2-1-2009
603-057-0145	7-15-2009	Amend	8-1-2009	629-022-0150	2-1-2009	Amend	2-1-2009
603-057-0160	7-15-2009	Adopt	8-1-2009	629-022-0160	2-1-2009	Amend	2-1-2009
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603-057-0502	5-7-2009	Adopt	6-1-2009	629-022-0300	2-1-2009	Amend	2-1-2009
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629-022-0400	2-1-2009	Amend	2-1-2009	635-004-0017	7-1-2009	Amend(T)	8-1-2009
629-022-0410	2-1-2009	Amend	2-1-2009	635-004-0017	7-18-2009	Amend(T)	9-1-2009
629-022-0500	2-1-2009	Repeal	2-1-2009	635-004-0017(T)	7-18-2009	Suspend	9-1-2009
629-022-0600	2-1-2009	Repeal	2-1-2009	635-004-0018	4-27-2009	Amend	6-1-2009
629-022-0700	2-1-2009	Repeal	2-1-2009	635-004-0019	12-4-2008	Amend(T)	1-1-2009
629-022-0800	2-1-2009	Adopt	2-1-2009	635-004-0019	1-5-2009	Amend(T)	2-1-2009
629-022-0810	2-1-2009	Adopt	2-1-2009	635-004-0019	3-18-2009	Amend(T)	5-1-2009
629-022-0820	2-1-2009	Adopt	2-1-2009	635-004-0019	4-27-2009	Amend	6-1-2009
629-022-0830	2-1-2009	Adopt	2-1-2009	635-004-0019	5-1-2009	Amend(T)	6-1-2009
629-022-0840	2-1-2009	Adopt	2-1-2009	635-004-0019	7-2-2009	Amend(T)	8-1-2009
629-022-0850	2-1-2009	Adopt	2-1-2009	635-004-0019(T)	12-4-2008	Suspend	1-1-2009
629-041-0100	3-25-2009	Amend(T)	5-1-2009	635-004-0019(T)	3-18-2009	Suspend	5-1-2009
629-041-0100	9-21-2009	Amend	10-1-2009	635-004-0019(T)	4-27-2009	Repeal	6-1-2009
632-030-0005	5-15-2009	Amend	6-1-2009	635-004-0019(T)	7-2-2009	Suspend	8-1-2009
632-030-0010	5-15-2009	Amend	6-1-2009	635-004-0020	11-21-2008	Amend	1-1-2009
632-030-0015	5-15-2009	Amend	6-1-2009	635-004-0025	8-10-2009	Amend	9-1-2009
632-030-0016	5-15-2009	Amend	6-1-2009	635-004-0027	1-1-2009	Amend(T)	2-1-2009
632-030-0017	5-15-2009	Amend	6-1-2009	635-004-0033	1-1-2009	Amend(T)	2-1-2009
632-030-0018	5-15-2009	Amend	6-1-2009	635-004-0033	3-1-2009	Amend(T)	4-1-2009
632-030-0019	5-15-2009	Amend	6-1-2009	635-004-0033	4-27-2009	Amend	6-1-2009
632-030-0020	5-15-2009	Amend	6-1-2009	635-004-0033	7-1-2009	Amend(T)	8-1-2009
632-030-0021	5-15-2009	Amend	6-1-2009	635-004-0033(T)	3-1-2009	Suspend	4-1-2009
632-030-0022	5-15-2009	Amend	6-1-2009	635-004-0033(T)	4-27-2009	Repeal	6-1-2009
632-030-0024	5-15-2009	Amend	6-1-2009	635-004-0035	11-21-2008	Amend	1-1-2009
632-030-0025	5-15-2009	Amend	6-1-2009	635-004-0042	6-1-2009	Adopt(T)	6-1-2009
632-030-0026	5-15-2009	Adopt	6-1-2009	635-004-0042	8-10-2009	Adopt	9-1-2009
632-030-0027	5-15-2009	Amend	6-1-2009	635-004-0042(T)	8-10-2009	Repeal	9-1-2009
632-030-0030	5-15-2009	Amend	6-1-2009	635-004-0048	11-21-2008	Amend	1-1-2009
632-030-0033	5-15-2009	Amend	6-1-2009	635-004-0050	11-21-2008	Amend	1-1-2009
632-030-0035	5-15-2009	Amend	6-1-2009	635-004-0060	11-21-2008	Amend	1-1-2009
632-030-0040	5-15-2009	Amend	6-1-2009	635-004-0090	1-1-2009	Amend(T)	2-1-2009
632-030-0041	5-15-2009	Adopt	6-1-2009	635-004-0090	4-27-2009	Amend	6-1-2009
632-030-0042	5-15-2009	Amend	6-1-2009	635-004-0090(T)	4-27-2009	Repeal	6-1-2009
632-030-0045	5-15-2009	Amend	6-1-2009	635-004-0135	11-21-2008	Amend	1-1-2009
632-030-0049	5-15-2009	Adopt	6-1-2009	635-004-0170	11-21-2008	Amend	1-1-2009
632-030-0052	5-15-2009	Adopt	6-1-2009	635-005-0001	11-21-2008	Amend	1-1-2009
632-030-0056	5-15-2009	Amend	6-1-2009	635-005-0005	11-21-2008	Amend	1-1-2009
632-030-0061	8-10-2009	Adopt(T)	9-1-2009	635-005-0005	12-17-2008	Amend	2-1-2009
632-030-0070	5-15-2009	Amend	6-1-2009	635-005-0016	11-21-2008	Amend	1-1-2009
635-001-0050	1-14-2009	Amend(T)	2-1-2009	635-005-0045	11-21-2008	Amend	1-1-2009
635-003-0003	5-18-2009	Amend	7-1-2009	635-005-0047	11-21-2008	Amend	1-1-2009
635-003-0004	3-15-2009	Amend(T)	4-1-2009	635-005-0048	11-21-2008	Amend	1-1-2009
635-003-0004	5-18-2009	Amend	7-1-2009	635-005-0055	11-21-2008	Amend	1-1-2009
635-003-0004(T)	5-18-2009	Repeal	7-1-2009	635-005-0055	12-1-2008	Amend(T)	1-1-2009
635-003-0074	5-18-2009	Amend	7-1-2009	635-005-0055	5-29-2009	Amend(T)	7-1-2009
635-003-0077	5-18-2009	Amend	7-1-2009	635-005-0055	8-29-2009	Amend(T)	10-1-2009
635-003-0085	5-18-2009	Amend	7-1-2009	635-005-0055(T)	5-29-2009	Suspend	7-1-2009
635-003-0085	9-1-2009	Amend(T)	10-1-2009	635-005-0064	12-17-2008	Amend	2-1-2009
635-004-0005	4-27-2009	Amend	6-1-2009	635-005-0065	11-21-2008	Amend	1-1-2009
635-004-0009	4-27-2009	Amend	6-1-2009	635-005-0065	12-17-2008	Amend	2-1-2009
635-004-0012	4-22-2009	Adopt	6-1-2009	635-005-0067	12-17-2008	Amend	2-1-2009
635-004-0014	11-21-2008	Amend	1-1-2009	635-005-0068	12-17-2008	Adopt	2-1-2009
635-004-0016	1-1-2009	Amend(T)	2-1-2009	635-005-0069	12-17-2008	Adopt	2-1-2009
635-004-0016	2-23-2009	Amend(T)	4-1-2009	635-005-0084	11-21-2008	Amend	1-1-2009
635-004-0016	4-22-2009	Amend	6-1-2009	635-005-0090	11-21-2008	Amend	1-1-2009
635-004-0016(T)	2-23-2009	Suspend	4-1-2009	635-005-0095	11-21-2008	Amend	1-1-2009
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635-005-0145	11-21-2008	Amend	1-1-2009	635-013-0003	5-18-2009	Amend	7-1-2009
635-005-0180	11-21-2008	Amend	1-1-2009	635-013-0004	1-1-2009	Amend	2-1-2009
635-006-0001	11-21-2008	Amend	1-1-2009	635-013-0007	5-18-2009	Amend	7-1-2009
635-006-0001	8-10-2009	Amend	9-1-2009	635-013-0007	8-1-2009	Amend(T)	9-1-2009
635-006-0132	11-21-2008	Amend	1-1-2009	635-013-0009	3-15-2009	Amend(T)	4-1-2009
635-006-0133	11-21-2008	Amend	1-1-2009	635-013-0009	8-1-2009	Amend(T)	9-1-2009
635-006-0145	11-21-2008	Amend	1-1-2009	635-013-0009(T)	8-1-2009	Suspend	9-1-2009
635-006-0150	11-21-2008	Amend	1-1-2009	635-014-0080	1-1-2009	Amend	2-1-2009
635-006-0160	8-10-2009	Amend	9-1-2009	635-014-0090	1-1-2009	Amend	2-1-2009
635-006-0165	11-21-2008	Amend	1-1-2009	635-014-0090	5-22-2009	Amend(T)	6-1-2009
635-006-0200	11-21-2008	Amend	1-1-2009	635-014-0090	6-15-2009	Amend(T)	7-1-2009
635-006-0205	11-21-2008	Amend	1-1-2009	635-014-0090	8-1-2009	Amend(T)	9-1-2009
635-006-0205	8-10-2009	Amend	9-1-2009	635-014-0090	9-1-2009	Amend(T)	10-1-2009
635-006-0207	11-21-2008	Amend	1-1-2009	635-014-0090(T)	6-15-2009	Suspend	7-1-2009
635-006-0210	11-21-2008	Amend	1-1-2009	635-014-0090(T)	8-1-2009	Suspend	9-1-2009
635-006-0211	11-21-2008	Amend	1-1-2009	635-014-0090(T)	9-1-2009	Suspend	10-1-2009
635-006-0212	6-16-2009	Amend(T)	7-1-2009	635-016-0080	1-1-2009	Amend	2-1-2009
635-006-0213	11-21-2008	Amend	1-1-2009	635-016-0090	1-1-2009	Amend	2-1-2009
635-006-0215	11-21-2008	Amend	1-1-2009	635-016-0090	6-1-2009	Amend(T)	7-1-2009
635-006-0215	6-16-2009	Amend(T)	7-1-2009	635-016-0090	7-1-2009	Amend(T)	8-1-2009
635-006-0215	6-25-2009	Amend(T)	8-1-2009	635-016-0090	8-1-2009	Amend(T)	9-1-2009
635-006-0215(T)	6-25-2009	Suspend	8-1-2009	635-016-0090(T)	7-1-2009	Suspend	8-1-2009
635-006-0225	11-21-2008	Amend	1-1-2009	635-017-0080	1-1-2009	Amend	2-1-2009
635-006-0225	6-16-2009	Amend(T)	7-1-2009	635-017-0090	1-1-2009	Amend	2-1-2009
635-006-0230	11-21-2008	Amend	1-1-2009	635-017-0090	2-25-2009	Amend	4-1-2009
635-006-0232	1-13-2009	Amend	2-1-2009	635-017-0090	3-1-2009	Amend(T)	3-1-2009
635-006-0235	11-21-2008	Amend	1-1-2009	635-017-0090	6-30-2009	Amend(T)	8-1-2009
635-006-0412	11-21-2008	Amend	1-1-2009	635-017-0090	9-1-2009	Amend(T)	10-1-2009
635-006-0425	11-21-2008	Amend	1-1-2009	635-017-0090(T)	2-25-2009	Repeal	4-1-2009
635-006-0810	11-21-2008	Amend	1-1-2009	635-017-0095	1-1-2009	Amend	2-1-2009
635-006-0850	12-17-2008	Amend	2-1-2009	635-017-0095	1-1-2009	Amend(T)	2-1-2009
635-006-0910	12-17-2008	Amend	2-1-2009	635-017-0095	2-25-2009	Amend	4-1-2009
635-006-1015	4-22-2009	Amend	6-1-2009	635-017-0095(T)	2-25-2009	Repeal	4-1-2009
635-006-1035	11-21-2008	Amend	1-1-2009	635-018-0080	1-1-2009	Amend	2-1-2009
635-006-1035	12-17-2008	Amend	2-1-2009	635-018-0090	1-1-2009	Amend	2-1-2009
635-006-1035	4-22-2009	Amend	6-1-2009	635-018-0090	4-15-2009	Amend(T)	4-1-2009
635-006-1075	11-21-2008	Amend	1-1-2009	635-018-0090	8-1-2009	Amend(T)	7-1-2009
635-006-1075	4-22-2009	Amend	6-1-2009	635-018-0090	9-1-2009	Amend(T)	10-1-2009
635-006-1085	12-17-2008	Amend	2-1-2009	635-019-0080	1-1-2009	Amend	2-1-2009
635-006-1085	2-26-2009	Amend(T)	4-1-2009	635-019-0090	1-1-2009	Amend	2-1-2009
635-006-1085	4-22-2009	Amend	6-1-2009	635-021-0080	1-1-2009	Amend	2-1-2009
635-006-1085(T)	4-22-2009	Repeal	6-1-2009	635-021-0090	1-1-2009	Amend	2-1-2009
635-008-0050	8-12-2009	Amend	9-1-2009	635-021-0090	5-30-2009	Amend(T)	7-1-2009
635-008-0055	4-27-2009	Amend	6-1-2009	635-021-0090	6-13-2009	Amend(T)	7-1-2009
635-008-0095	6-10-2009	Amend	7-1-2009	635-021-0090	7-5-2009	Amend(T)	8-1-2009
635-008-0123	4-27-2009	Amend	6-1-2009	635-021-0090(T)	6-13-2009	Suspend	7-1-2009
635-008-0140	4-27-2009	Amend	6-1-2009	635-021-0090(T)	7-5-2009	Suspend	8-1-2009
635-008-0145	1-15-2009	Amend	2-1-2009	635-023-0080	1-1-2009	Amend	2-1-2009
635-008-0147	3-11-2009	Amend(T)	4-1-2009	635-023-0090	1-1-2009	Amend	2-1-2009
635-008-0147	3-30-2009	Amend(T)	5-1-2009	635-023-0095	1-1-2009	Amend	2-1-2009
635-008-0147	8-12-2009	Amend	9-1-2009	635-023-0095	1-1-2009	Amend(T)	2-1-2009
635-008-0155	8-12-2009	Amend	9-1-2009	635-023-0095	2-26-2009	Amend	4-1-2009
635-008-0210	8-26-2009	Adopt(T)	10-1-2009	635-023-0095	4-13-2009	Amend(T)	5-1-2009
635-010-0170	12-9-2008	Amend(T)	1-1-2009	635-023-0095	6-6-2009	Amend(T)	7-1-2009
635-010-0170	5-14-2009	Amend(T)	6-1-2009	635-023-0095	7-9-2009	Amend(T)	8-1-2009
635-010-0170(T)	5-14-2009	Suspend	6-1-2009	635-023-0095	7-24-2009	Amend(T)	9-1-2009

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635-023-0095(T)	7-9-2009	Suspend	8-1-2009	635-041-0076(T)	5-27-2009	Suspend	7-1-2009
635-023-0095(T)	7-24-2009	Suspend	9-1-2009	635-041-0076(T)	6-16-2009	Suspend	7-1-2009
635-023-0125	1-1-2009	Amend	2-1-2009	635-041-0076(T)	6-30-2009	Suspend	8-1-2009
635-023-0125	2-26-2009	Amend	4-1-2009	635-041-0076(T)	7-8-2009	Suspend	8-1-2009
635-023-0125	3-1-2009	Amend(T)	3-1-2009	635-041-0076(T)	7-15-2009	Suspend	8-1-2009
635-023-0125	5-15-2009	Amend(T)	6-1-2009	635-041-0510	11-21-2008	Amend	1-1-2009
635-023-0125	6-12-2009	Amend(T)	7-1-2009	635-041-0520	11-21-2008	Amend	1-1-2009
635-023-0125(T)	2-26-2009	Repeal	4-1-2009	635-041-0600	11-21-2008	Amend	1-1-2009
635-023-0125(T)	6-12-2009	Suspend	7-1-2009	635-042-0001	11-21-2008	Amend	1-1-2009
635-023-0128	1-1-2009	Amend	2-1-2009	635-042-0007	11-21-2008	Amend	1-1-2009
635-023-0128	5-18-2009	Amend	7-1-2009	635-042-0022	11-21-2008	Amend	1-1-2009
635-023-0128	6-16-2009	Amend(T)	7-1-2009	635-042-0022	3-27-2009	Amend(T)	5-1-2009
635-023-0130	1-1-2009	Amend	2-1-2009	635-042-0022	4-7-2009	Amend(T)	5-1-2009
635-023-0130	5-18-2009	Amend	7-1-2009	635-042-0022	4-14-2009	Amend(T)	5-1-2009
635-023-0134	1-1-2009	Amend	2-1-2009	635-042-0022(T)	4-7-2009	Suspend	5-1-2009
635-023-0134	5-30-2009	Amend(T)	7-1-2009	635-042-0022(T)	4-14-2009	Suspend	5-1-2009
635-023-0134	7-1-2009	Amend(T)	8-1-2009	635-042-0027	6-18-2009	Amend(T)	7-1-2009
635-023-0134(T)	7-1-2009	Suspend	8-1-2009	635-042-0031	8-4-2009	Amend(T)	9-1-2009
635-039-0080	1-1-2009	Amend	2-1-2009	635-042-0031	8-8-2009	Amend(T)	9-1-2009
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635-039-0085	1-1-2009	Amend	2-1-2009	635-042-0031	8-25-2009	Amend(T)	10-1-2009
635-039-0085	4-27-2009	Amend	6-1-2009	635-042-0031	8-27-2009	Amend(T)	10-1-2009
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635-039-0085	8-16-2009	Amend(T)	9-1-2009	635-042-0031(T)	8-21-2009	Suspend	10-1-2009
635-039-0090	1-1-2009	Amend	2-1-2009	635-042-0031(T)	8-25-2009	Suspend	10-1-2009
635-039-0090	2-2-2009	Amend(T)	3-1-2009	635-042-0031(T)	8-27-2009	Suspend	10-1-2009
635-039-0090	4-27-2009	Amend	6-1-2009	635-042-0110	11-21-2008	Amend	1-1-2009
635-039-0090	9-13-2009	Amend(T)	10-1-2009	635-042-0110	6-1-2009	Amend(T)	7-1-2009
635-039-0090(T)	4-27-2009	Repeal	6-1-2009	635-042-0130	1-1-2009	Amend(T)	2-1-2009
635-041-0005	11-21-2008	Amend	1-1-2009	635-042-0130	2-26-2009	Amend	4-1-2009
635-041-0010	11-21-2008	Amend	1-1-2009	635-042-0130(T)	2-26-2009	Repeal	4-1-2009
635-041-0030	11-21-2008	Amend	1-1-2009	635-042-0133	2-26-2009	Amend	4-1-2009
635-041-0030	2-26-2009	Amend	4-1-2009	635-042-0135	1-1-2009	Amend(T)	2-1-2009
635-041-0040	11-21-2008	Amend	1-1-2009	635-042-0135	2-2-2009	Amend(T)	3-1-2009
635-041-0045	11-21-2008	Amend	1-1-2009	635-042-0135(T)	2-2-2009	Suspend	3-1-2009
635-041-0060	11-21-2008	Amend	1-1-2009	635-042-0145	2-15-2009	Amend(T)	3-1-2009
635-041-0061	11-21-2008	Amend	1-1-2009	635-042-0145	3-11-2009	Amend(T)	4-1-2009
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635-041-0063	11-21-2008	Amend	1-1-2009	635-042-0145	8-4-2009	Amend(T)	9-1-2009
635-041-0063	2-26-2009	Amend	4-1-2009	635-042-0145	9-5-2009	Amend(T)	10-1-2009
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635-041-0065	11-21-2008	Amend	1-1-2009	635-042-0145(T)	5-17-2009	Suspend	6-1-2009
635-041-0065	2-2-2009	Amend(T)	3-1-2009	635-042-0145(T)	9-5-2009	Suspend	10-1-2009
635-041-0065	2-16-2009	Amend(T)	3-1-2009	635-042-0160	2-15-2009	Amend(T)	3-1-2009
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635-041-0075	8-1-2009	Amend(T)	9-1-2009	635-042-0160(T)	5-17-2009	Suspend	6-1-2009
635-041-0075	8-24-2009	Amend(T)	10-1-2009	635-042-0160(T)	9-5-2009	Suspend	10-1-2009
635-041-0075	9-13-2009	Amend(T)	10-1-2009	635-042-0170	2-15-2009	Amend(T)	3-1-2009
635-041-0075(T)	8-24-2009	Suspend	10-1-2009	635-042-0170	8-4-2009	Amend(T)	9-1-2009
635-041-0075(T)	9-13-2009	Suspend	10-1-2009	635-042-0170	9-5-2009	Amend(T)	10-1-2009
635-041-0076	5-16-2009	Amend(T)	6-1-2009	635-042-0170(T)	9-5-2009	Suspend	10-1-2009
635-041-0076	5-27-2009	Amend(T)	7-1-2009	635-042-0180	2-15-2009	Amend(T)	3-1-2009
635-041-0076	6-16-2009	Amend(T)	7-1-2009	635-042-0180	3-6-2009	Amend(T)	4-1-2009
635-041-0076	6-30-2009	Amend(T)	8-1-2009	635-042-0180	4-7-2009	Amend(T)	5-1-2009

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635-042-0180	8-4-2009	Amend(T)	9-1-2009	635-065-0765	1-9-2009	Amend	2-1-2009
635-042-0180	9-5-2009	Amend(T)	10-1-2009	635-066-0000	1-1-2009	Amend	2-1-2009
635-042-0180	9-13-2009	Amend(T)	10-1-2009	635-066-0010	1-1-2009	Amend	2-1-2009
635-042-0180(T)	3-6-2009	Suspend	4-1-2009	635-066-0020	1-1-2009	Amend	2-1-2009
635-042-0180(T)	4-7-2009	Suspend	5-1-2009	635-067-0000	1-1-2009	Amend	2-1-2009
635-042-0180(T)	5-17-2009	Suspend	6-1-2009	635-067-0000	6-10-2009	Amend	7-1-2009
635-042-0180(T)	9-5-2009	Suspend	10-1-2009	635-067-0004	1-1-2009	Amend	2-1-2009
635-042-0180(T)	9-13-2009	Suspend	10-1-2009	635-067-0030	9-9-2009	Amend(T)	10-1-2009
635-043-0105	4-13-2009	Amend(T)	5-1-2009	635-068-0000	3-1-2009	Amend	4-1-2009
635-043-0105	8-11-2009	Amend(T)	9-1-2009	635-068-0000	6-10-2009	Amend	7-1-2009
635-043-0105(T)	8-11-2009	Suspend	9-1-2009	635-069-0000	2-3-2009	Amend	3-1-2009
635-044-0002	9-8-2009	Amend	10-1-2009	635-069-0000	6-10-2009	Amend	7-1-2009
635-044-0005	9-8-2009	Amend	10-1-2009	635-070-0000	4-1-2009	Amend	5-1-2009
635-044-0015	9-8-2009	Amend	10-1-2009	635-070-0000	6-10-2009	Amend	7-1-2009
635-044-0035	9-8-2009	Amend	10-1-2009	635-071-0000	4-1-2009	Amend	5-1-2009
635-044-0060	9-8-2009	Amend	10-1-2009	635-071-0000	6-10-2009	Amend	7-1-2009
635-044-0130	9-8-2009	Amend	10-1-2009	635-072-0000	1-1-2009	Amend	2-1-2009
635-045-0000	1-1-2009	Amend	2-1-2009	635-073-0000	2-3-2009	Amend	3-1-2009
635-045-0000	8-12-2009	Amend	9-1-2009	635-073-0000	6-10-2009	Amend	7-1-2009
635-045-0002	1-1-2009	Amend	2-1-2009	635-073-0065	2-3-2009	Amend	3-1-2009
635-045-0002	9-8-2009	Amend	10-1-2009	635-073-0070	2-3-2009	Amend	3-1-2009
635-048-0080	5-7-2009	Amend(T)	6-1-2009	635-075-0005	5-5-2009	Amend(T)	6-1-2009
635-049-0025	6-10-2009	Amend	7-1-2009	635-075-0005	6-10-2009	Amend	7-1-2009
635-049-0055	6-10-2009	Repeal	7-1-2009	635-075-0005(T)	6-10-2009	Repeal	7-1-2009
635-049-0065	6-10-2009	Adopt	7-1-2009	635-080-0050	1-1-2009	Amend	2-1-2009
635-049-0067	6-10-2009	Adopt	7-1-2009	635-080-0051	1-1-2009	Amend	2-1-2009
635-049-0069	6-10-2009	Adopt	7-1-2009	635-080-0062	1-1-2009	Amend	2-1-2009
635-049-0071	6-10-2009	Adopt	7-1-2009	635-080-0063	1-1-2009	Amend	2-1-2009
635-049-0073	6-10-2009	Adopt	7-1-2009	635-100-0001	9-8-2009	Amend	10-1-2009
635-049-0090	6-10-2009	Repeal	7-1-2009	635-100-0040	9-8-2009	Amend	10-1-2009
635-049-0200	5-6-2009	Repeal	6-1-2009	635-195-0000	11-24-2008	Adopt	1-1-2009
635-049-0205	11-24-2008	Amend	1-1-2009	635-195-0010	11-24-2008	Adopt	1-1-2009
635-049-0210	1-1-2009	Repeal	2-1-2009	643-010-0010	9-1-2009	Amend	10-1-2009
635-049-0235	1-1-2009	Adopt	2-1-2009	647-010-0010	7-1-2009	Amend	6-1-2009
635-049-0255	5-6-2009	Adopt	6-1-2009	660-024-0000	4-16-2009	Amend	5-1-2009
635-051-0000	8-12-2009	Amend	9-1-2009	660-024-0010	4-16-2009	Amend	5-1-2009
635-051-0075	8-28-2009	Amend(T)	10-1-2009	660-024-0020	4-16-2009	Amend	5-1-2009
635-052-0000	8-12-2009	Amend	9-1-2009	660-024-0030	4-16-2009	Amend	5-1-2009
635-053-0000	8-12-2009	Amend	9-1-2009	660-024-0040	4-16-2009	Amend	5-1-2009
635-054-0000	8-12-2009	Amend	9-1-2009	660-024-0050	4-16-2009	Amend	5-1-2009
635-055-0035	1-1-2009	Amend	2-1-2009	660-024-0060	4-16-2009	Amend	5-1-2009
635-055-0035	5-15-2009	Amend(T)	4-1-2009	660-024-0070	4-16-2009	Amend	5-1-2009
635-055-0037	1-1-2009	Adopt	2-1-2009	660-024-0080	4-16-2009	Adopt	5-1-2009
635-060-0000	1-1-2009	Amend	2-1-2009	660-033-0120	1-2-2009	Amend	2-1-2009
635-060-0000	8-12-2009	Amend	9-1-2009	660-033-0130	1-2-2009	Amend	2-1-2009
635-060-0008	5-12-2009	Amend(T)	6-1-2009	660-041-0000	8-18-2009	Amend(T)	10-1-2009
635-060-0008	5-14-2009	Amend(T)	6-1-2009	660-041-0010	4-2-2009	Amend	5-1-2009
635-060-0009	1-1-2009	Amend	2-1-2009	660-041-0010	8-18-2009	Amend(T)	10-1-2009
635-060-0009	5-28-2009	Amend(T)	7-1-2009	660-041-0020	8-18-2009	Amend(T)	10-1-2009
635-060-0046	6-10-2009	Amend	7-1-2009	660-041-0080	8-18-2009	Amend(T)	10-1-2009
635-060-0055	1-1-2009	Amend	2-1-2009	660-041-0095	8-18-2009	Adopt(T)	10-1-2009
635-065-0001	1-1-2009	Amend	2-1-2009	660-041-0110	4-2-2009	Amend	5-1-2009
635-065-0015	6-10-2009	Amend	7-1-2009	660-041-0170	4-2-2009	Adopt	5-1-2009
635-065-0015	9-2-2009	Amend(T)	10-1-2009	661-010-0015	8-5-2009	Amend(T)	9-1-2009
635-065-0401	1-1-2009	Amend	2-1-2009	661-010-0038	8-5-2009	Amend(T)	9-1-2009
635-065-0625	1-1-2009	Amend	2-1-2009	661-010-0050	8-5-2009	Amend(T)	9-1-2009
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670-010-0010	7-1-2009	Amend	7-1-2009	732-030-0015	8-24-2009	Adopt(T)	10-1-2009
670-010-0011	7-1-2009	Amend	7-1-2009	732-030-0020	8-24-2009	Adopt(T)	10-1-2009
690-180-0005	7-30-2009	Adopt(T)	9-1-2009	732-030-0025	8-24-2009	Adopt(T)	10-1-2009
690-180-0005	9-2-2009	Amend(T)	10-1-2009	732-030-0030	8-24-2009	Adopt(T)	10-1-2009
690-180-0005(T)	9-2-2009	Suspend	10-1-2009	732-030-0035	8-24-2009	Adopt(T)	10-1-2009
690-180-0010	7-30-2009	Adopt(T)	9-1-2009	733-030-0006	4-3-2009	Amend	5-1-2009
690-180-0100	7-30-2009	Adopt(T)	9-1-2009	733-030-0011	4-3-2009	Amend	5-1-2009
690-180-0200	7-30-2009	Adopt(T)	9-1-2009	733-030-0016	4-3-2009	Amend	5-1-2009
690-180-0300	7-30-2009	Adopt(T)	9-1-2009	733-030-0021	4-3-2009	Amend	5-1-2009
690-180-0300(T)	9-2-2009	Suspend	10-1-2009	733-030-0026	4-3-2009	Amend	5-1-2009
690-200-0050	1-2-2009	Amend	2-1-2009	733-030-0036	4-3-2009	Amend	5-1-2009
690-205-0200	1-2-2009	Amend	2-1-2009	733-030-0045	4-3-2009	Amend	5-1-2009
690-205-0205	1-2-2009	Adopt	2-1-2009	733-030-0050	4-3-2009	Amend	5-1-2009
690-215-0005	1-2-2009	Amend	2-1-2009	733-030-0055	4-3-2009	Amend	5-1-2009
690-215-0006	1-2-2009	Adopt	2-1-2009	733-030-0060	4-3-2009	Amend	5-1-2009
690-215-0025	1-2-2009	Adopt	2-1-2009	733-030-0065	4-3-2009	Amend	5-1-2009
690-215-0030	1-2-2009	Amend	2-1-2009	733-030-0080	4-3-2009	Amend	5-1-2009
690-215-0035	1-2-2009	Adopt	2-1-2009	733-030-0085	4-3-2009	Amend	5-1-2009
690-215-0040	1-2-2009	Amend	2-1-2009	733-030-0090	4-3-2009	Amend	5-1-2009
690-220-0030	1-2-2009	Amend	2-1-2009	733-030-0095	4-3-2009	Amend	5-1-2009
690-220-0040	1-2-2009	Amend	2-1-2009	733-030-0100	4-3-2009	Amend	5-1-2009
690-220-0050	1-2-2009	Amend	2-1-2009	733-030-0105	4-3-2009	Amend	5-1-2009
690-220-0060	1-2-2009	Repeal	2-1-2009	733-030-0110	4-3-2009	Amend	5-1-2009
690-220-0070	1-2-2009	Amend	2-1-2009	733-030-0115	4-3-2009	Amend	5-1-2009
690-220-0080	1-2-2009	Amend	2-1-2009	733-030-0120	4-3-2009	Amend	5-1-2009
690-220-0115	1-2-2009	Adopt	2-1-2009	733-030-0125	4-3-2009	Amend	5-1-2009
690-240-0010	1-2-2009	Amend	2-1-2009	733-030-0130	4-3-2009	Amend	5-1-2009
690-240-0035	1-2-2009	Amend	2-1-2009	733-030-0135	4-3-2009	Amend	5-1-2009
690-240-0375	1-2-2009	Amend	2-1-2009	733-030-0140	4-3-2009	Repeal	5-1-2009
690-240-0385	1-2-2009	Adopt	2-1-2009	733-030-0150	4-3-2009	Amend	5-1-2009
690-380-0090	6-18-2009	Amend	8-1-2009	733-030-0155	4-3-2009	Amend	5-1-2009
690-380-0100	6-18-2009	Amend	8-1-2009	733-030-0160	4-3-2009	Amend	5-1-2009
690-380-4010	6-18-2009	Amend	8-1-2009	733-030-0180	4-3-2009	Amend	5-1-2009
690-382-0100	6-18-2009	Amend	8-1-2009	733-030-0190	4-3-2009	Amend	5-1-2009
690-382-0300	6-18-2009	Amend	8-1-2009	733-030-0250	4-3-2009	Amend	5-1-2009
690-382-0500	6-18-2009	Amend	8-1-2009	733-030-0260	4-3-2009	Amend	5-1-2009
690-382-0700	6-18-2009	Amend	8-1-2009	733-030-0270	4-3-2009	Amend	5-1-2009
690-512-0040	7-1-2009	Amend	8-1-2009	733-030-0280	4-3-2009	Amend	5-1-2009
690-512-0100	7-1-2009	Adopt	8-1-2009	733-030-0290	4-3-2009	Amend	5-1-2009
731-050-0030	5-20-2009	Adopt(T)	7-1-2009	733-030-0300	4-3-2009	Amend	5-1-2009
731-070-0240	7-29-2009	Amend(T)	9-1-2009	733-030-0320	4-3-2009	Amend	5-1-2009
731-070-0245	7-29-2009	Adopt(T)	9-1-2009	733-030-0330	4-3-2009	Amend	5-1-2009
732-005-0000	8-24-2009	Amend(T)	10-1-2009	733-030-0340	4-3-2009	Amend	5-1-2009
732-005-0010	8-24-2009	Amend(T)	10-1-2009	733-030-0350	4-3-2009	Amend	5-1-2009
732-005-0016	8-24-2009	Amend(T)	10-1-2009	733-030-0400	6-1-2009	Adopt	7-1-2009
732-005-0021	8-24-2009	Amend(T)	10-1-2009	733-030-0410	6-1-2009	Adopt	7-1-2009
732-005-0027	8-24-2009	Amend(T)	10-1-2009	733-030-0420	6-1-2009	Adopt	7-1-2009
732-005-0031	8-24-2009	Amend(T)	10-1-2009	733-030-0430	6-1-2009	Adopt	7-1-2009
732-005-0036	8-24-2009	Amend(T)	10-1-2009	733-030-0440	6-1-2009	Adopt	7-1-2009
732-005-0046	8-24-2009	Amend(T)	10-1-2009	733-030-0450	6-1-2009	Adopt	7-1-2009
732-005-0051	8-24-2009	Amend(T)	10-1-2009	733-030-0460	6-1-2009	Adopt	7-1-2009
732-005-0056	8-24-2009	Amend(T)	10-1-2009	733-030-0470	6-1-2009	Adopt	7-1-2009
732-005-0061	8-24-2009	Amend(T)	10-1-2009	733-030-0480	6-1-2009	Adopt	7-1-2009
732-005-0066	8-24-2009	Amend(T)	10-1-2009	734-059-0015	2-20-2009	Amend	4-1-2009
732-005-0076	8-24-2009	Amend(T)	10-1-2009	734-060-0000	3-23-2009	Adopt	5-1-2009
732-005-0081	8-24-2009	Amend(T)	10-1-2009	734-060-0010	2-20-2009	Amend	4-1-2009
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734-062-0005	7-20-2009	Amend	9-1-2009	735-062-0096	3-20-2009	Adopt	5-1-2009
734-062-0010	7-20-2009	Amend	9-1-2009	735-062-0140	2-20-2009	Amend	4-1-2009
734-062-0015	7-20-2009	Amend	9-1-2009	735-063-0000	2-20-2009	Adopt	4-1-2009
734-062-0020	7-20-2009	Amend	9-1-2009	735-063-0050	2-20-2009	Amend	4-1-2009
734-062-0025	7-20-2009	Repeal	9-1-2009	735-063-0055	2-20-2009	Repeal	4-1-2009
734-062-0030	7-20-2009	Amend	9-1-2009	735-063-0060	2-20-2009	Amend	4-1-2009
734-062-0035	7-20-2009	Amend	9-1-2009	735-063-0065	2-20-2009	Amend	4-1-2009
734-062-0040	7-20-2009	Amend	9-1-2009	735-063-0070	2-20-2009	Amend	4-1-2009
734-062-0045	7-20-2009	Repeal	9-1-2009	735-063-0075	2-20-2009	Amend	4-1-2009
734-062-0100	3-23-2009	Adopt	5-1-2009	735-064-0020	6-25-2009	Amend	8-1-2009
734-062-0105	3-23-2009	Adopt	5-1-2009	735-064-0040	6-25-2009	Amend	8-1-2009
734-062-0110	3-23-2009	Adopt	5-1-2009	735-064-0110	12-15-2008	Amend	1-1-2009
734-062-0115	3-23-2009	Adopt	5-1-2009	735-070-0043	1-26-2009	Adopt	3-1-2009
734-062-0120	3-23-2009	Adopt	5-1-2009	735-070-0043(T)	1-26-2009	Repeal	3-1-2009
734-062-0125	3-23-2009	Adopt	5-1-2009	735-150-0005	3-20-2009	Amend	5-1-2009
734-071-0010	12-15-2008	Amend	1-1-2009	735-158-0000	3-20-2009	Amend	5-1-2009
734-072-0010	3-20-2009	Amend	5-1-2009	735-158-0005	3-20-2009	Adopt	5-1-2009
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734-072-0030	3-20-2009	Amend	5-1-2009	735-160-0011	2-20-2009	Amend	4-1-2009
734-073-0110	12-15-2008	Amend	1-1-2009	735-160-0012	2-20-2009	Repeal	4-1-2009
734-073-0120	12-15-2008	Repeal	1-1-2009	735-160-0013	2-20-2009	Repeal	4-1-2009
734-075-0010	3-20-2009	Amend	5-1-2009	735-160-0075	2-20-2009	Amend	4-1-2009
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734-078-0017	4-17-2009	Adopt	6-1-2009	735-160-0085	2-20-2009	Repeal	4-1-2009
734-082-0015	3-20-2009	Amend	5-1-2009	735-160-0093	2-20-2009	Repeal	4-1-2009
734-082-0025	3-20-2009	Amend	5-1-2009	735-160-0125	2-20-2009	Amend	4-1-2009
734-082-0040	3-20-2009	Amend	5-1-2009	735-170-0000	7-1-2009	Amend	7-1-2009
735-010-0130	1-1-2009	Amend	1-1-2009	735-170-0010	7-1-2009	Amend	7-1-2009
735-010-0130(T)	1-1-2009	Repeal	1-1-2009	735-170-0020	7-1-2009	Amend	7-1-2009
735-016-0030	6-1-2009	Amend	7-1-2009	735-170-0030	7-1-2009	Repeal	7-1-2009
735-016-0070	6-1-2009	Amend	7-1-2009	735-170-0040	7-1-2009	Amend	7-1-2009
735-022-0090	8-24-2009	Amend	10-1-2009	735-170-0045	7-1-2009	Amend	7-1-2009
735-032-0036	2-20-2009	Adopt	4-1-2009	735-170-0050	7-1-2009	Amend	7-1-2009
735-040-0097	8-24-2009	Amend(T)	10-1-2009	735-170-0060	7-1-2009	Repeal	7-1-2009
735-040-0098	8-24-2009	Adopt(T)	10-1-2009	735-170-0070	7-1-2009	Repeal	7-1-2009
735-046-0010	8-24-2009	Amend(T)	10-1-2009	735-170-0080	7-1-2009	Repeal	7-1-2009
735-046-0050	8-24-2009	Amend(T)	10-1-2009	735-170-0090	7-1-2009	Amend	7-1-2009
735-050-0000	8-24-2009	Amend	10-1-2009	735-170-0100	7-1-2009	Amend	7-1-2009
735-060-0040	7-1-2009	Amend	8-1-2009	735-170-0105	7-1-2009	Adopt	7-1-2009
735-060-0055	7-1-2009	Amend	8-1-2009	735-170-0110	7-1-2009	Amend	7-1-2009
735-060-0057	7-1-2009	Amend	8-1-2009	735-170-0115	7-1-2009	Adopt	7-1-2009
735-060-0065	7-1-2009	Amend	8-1-2009	735-170-0120	7-1-2009	Amend	7-1-2009
735-060-0105	7-1-2009	Amend	8-1-2009	735-170-0130	7-1-2009	Amend	7-1-2009
735-060-0110	7-1-2009	Amend	8-1-2009	735-170-0140	7-1-2009	Amend	7-1-2009
735-060-0120	7-1-2009	Amend	8-1-2009	735-174-0000	7-1-2009	Amend	7-1-2009
735-060-0130	7-1-2009	Amend	8-1-2009	735-174-0010	7-1-2009	Amend	7-1-2009
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735-062-0015	1-1-2009	Amend	1-1-2009	735-174-0040	7-1-2009	Amend	7-1-2009
735-062-0015(T)	1-1-2009	Repeal	1-1-2009	735-174-0045	7-1-2009	Adopt	7-1-2009
735-062-0020	1-1-2009	Amend	1-1-2009	735-176-0000	7-1-2009	Amend	7-1-2009
735-062-0020(T)	1-1-2009	Repeal	1-1-2009	735-176-0010	7-1-2009	Amend	7-1-2009
735-062-0040	2-20-2009	Amend	4-1-2009	735-176-0015	7-1-2009	Repeal	7-1-2009
735-062-0078	2-20-2009	Adopt	4-1-2009	735-176-0017	7-1-2009	Adopt	7-1-2009

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735-176-0019	7-1-2009	Adopt	7-1-2009	740-100-0070	4-1-2009	Amend	5-1-2009
735-176-0020	7-1-2009	Amend	7-1-2009	740-100-0080	4-1-2009	Amend	5-1-2009
735-176-0021	7-1-2009	Adopt	7-1-2009	740-100-0085	4-1-2009	Adopt	5-1-2009
735-176-0022	7-1-2009	Adopt	7-1-2009	740-100-0090	4-1-2009	Amend	5-1-2009
735-176-0030	7-1-2009	Amend	7-1-2009	740-100-0100	4-1-2009	Amend	5-1-2009
735-176-0040	7-1-2009	Amend	7-1-2009	740-110-0010	4-1-2009	Amend	5-1-2009
735-176-0045	7-1-2009	Adopt	7-1-2009	740-110-0080	4-1-2009	Amend	5-1-2009
736-004-0062	12-15-2008	Amend	1-1-2009	741-100-0005	2-20-2009	Adopt	4-1-2009
736-004-0062	6-18-2009	Amend	8-1-2009	741-100-0020	2-20-2009	Amend	4-1-2009
736-010-0040	12-15-2008	Amend	1-1-2009	741-100-0030	2-20-2009	Amend	4-1-2009
736-010-0040	6-18-2009	Amend	8-1-2009	741-100-0040	2-20-2009	Adopt	4-1-2009
736-010-0055	12-15-2008	Amend	1-1-2009	741-105-0010	2-20-2009	Repeal	4-1-2009
736-010-0055	6-18-2009	Amend	8-1-2009	741-105-0020	2-20-2009	Repeal	4-1-2009
736-015-0015	8-1-2009	Amend	7-1-2009	741-105-0030	2-20-2009	Repeal	4-1-2009
736-015-0020	2-10-2009	Amend	3-1-2009	741-110-0020	2-20-2009	Amend	4-1-2009
736-015-0035	6-2-2009	Amend	7-1-2009	741-110-0030	2-20-2009	Amend	4-1-2009
736-015-0040	2-10-2009	Amend	3-1-2009	741-110-0040	2-20-2009	Amend	4-1-2009
736-018-0045	2-1-2009	Amend	2-1-2009	741-110-0050	2-20-2009	Amend	4-1-2009
736-018-0045	4-1-2009	Amend	4-1-2009	741-110-0060	2-20-2009	Amend	4-1-2009
736-018-0045	5-1-2009	Amend	5-1-2009	741-110-0070	2-20-2009	Amend	4-1-2009
736-018-0045	5-1-2009	Amend	5-1-2009	741-110-0080	2-20-2009	Amend	4-1-2009
736-018-0045	6-1-2009	Amend	6-1-2009	741-110-0090	2-20-2009	Amend	4-1-2009
736-018-0045	9-3-2009	Amend	10-1-2009	741-115-0030	2-20-2009	Amend	4-1-2009
736-018-0045	10-1-2009	Amend	10-1-2009	741-115-0040	2-20-2009	Amend	4-1-2009
736-140-0010	6-2-2009	Adopt(T)	7-1-2009	741-115-0060	2-20-2009	Amend	4-1-2009
736-140-0020	6-2-2009	Adopt(T)	7-1-2009	741-115-0070	2-20-2009	Amend	4-1-2009
736-146-0010	12-15-2008	Amend	1-1-2009	741-120-0020	2-20-2009	Amend	4-1-2009
736-146-0012	12-15-2008	Amend	1-1-2009	741-120-0040	2-20-2009	Amend	4-1-2009
736-146-0015	12-15-2008	Amend	1-1-2009	741-125-0020	2-20-2009	Repeal	4-1-2009
736-146-0020	12-15-2008	Amend	1-1-2009	741-200-0010	2-20-2009	Amend	4-1-2009
736-146-0025	12-15-2008	Repeal	1-1-2009	741-200-0040	2-20-2009	Amend	4-1-2009
736-146-0030	12-15-2008	Repeal	1-1-2009	741-200-0065	2-20-2009	Adopt	4-1-2009
736-146-0040	12-15-2008	Repeal	1-1-2009	800-010-0020	2-5-2009	Amend	3-1-2009
736-146-0050	12-15-2008	Amend	1-1-2009	800-010-0025	2-5-2009	Amend	3-1-2009
736-146-0060	12-15-2008	Amend	1-1-2009	800-010-0030	2-5-2009	Amend	3-1-2009
736-146-0070	12-15-2008	Amend	1-1-2009	800-010-0040	2-5-2009	Amend	3-1-2009
736-146-0080	12-15-2008	Amend	1-1-2009	800-010-0041	2-5-2009	Amend	3-1-2009
736-146-0090	12-15-2008	Amend	1-1-2009	800-010-0042	2-5-2009	Amend	3-1-2009
736-146-0100	12-15-2008	Amend	1-1-2009	800-015-0005	2-5-2009	Amend	3-1-2009
736-146-0110	12-15-2008	Amend	1-1-2009	800-015-0010	2-5-2009	Amend	3-1-2009
736-146-0120	12-15-2008	Amend	1-1-2009	800-015-0015	2-5-2009	Amend	3-1-2009
736-146-0130	12-15-2008	Amend	1-1-2009	800-015-0020	2-5-2009	Amend	3-1-2009
736-146-0140	12-15-2008	Amend	1-1-2009	800-015-0030	2-5-2009	Amend	3-1-2009
736-147-0010	12-15-2008	Amend	1-1-2009	800-020-0015	2-5-2009	Amend	3-1-2009
736-147-0020	12-15-2008	Repeal	1-1-2009	800-020-0020	2-5-2009	Amend	3-1-2009
736-147-0030	12-15-2008	Amend	1-1-2009	800-020-0025	2-5-2009	Amend	3-1-2009
736-147-0040	12-15-2008	Adopt	1-1-2009	800-020-0030	2-5-2009	Amend	3-1-2009
736-147-0050	12-15-2008	Amend	1-1-2009	800-020-0035	2-5-2009	Amend	3-1-2009
736-147-0060	12-15-2008	Amend	1-1-2009	800-025-0020	2-5-2009	Amend	3-1-2009
736-147-0070	12-15-2008	Adopt	1-1-2009	800-025-0023	2-5-2009	Amend	3-1-2009
736-148-0010	12-15-2008	Amend	1-1-2009	800-025-0025	2-5-2009	Amend	3-1-2009
736-148-0020	12-15-2008	Amend	1-1-2009	800-025-0027	2-5-2009	Amend	3-1-2009
736-149-0010	12-15-2008	Amend	1-1-2009	800-025-0030	2-5-2009	Amend	3-1-2009
740-015-0020	12-15-2008	Amend	1-1-2009	800-025-0040	2-5-2009	Amend	3-1-2009
740-015-0040	12-15-2008	Amend	1-1-2009	800-025-0050	2-5-2009	Amend	3-1-2009
740-100-0010	4-1-2009	Amend	5-1-2009	800-025-0060	2-5-2009	Amend	3-1-2009
740-100-0060	4-1-2009	Amend	5-1-2009	800-025-0070	2-5-2009	Amend	3-1-2009

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800-030-0050	2-5-2009	Amend	3-1-2009	812-012-0170	6-1-2009	Adopt	6-1-2009
801-001-0035	1-1-2009	Amend	2-1-2009	812-020-0050	11-20-2008	Adopt	1-1-2009
801-010-0010	1-1-2009	Amend	2-1-2009	812-020-0055	11-20-2008	Adopt	1-1-2009
801-010-0050	1-1-2009	Amend	2-1-2009	812-020-0060	11-20-2008	Adopt	1-1-2009
801-010-0115	1-1-2009	Amend	2-1-2009	812-020-0062	11-20-2008	Adopt	1-1-2009
801-010-0345	1-1-2009	Amend	2-1-2009	812-020-0065	11-20-2008	Adopt	1-1-2009
801-030-0020	1-1-2009	Amend	2-1-2009	812-020-0070	11-20-2008	Adopt	1-1-2009
801-040-0010	1-1-2009	Amend	2-1-2009	812-020-0070	2-1-2009	Amend	3-1-2009
801-040-0090	1-1-2009	Amend	2-1-2009	812-020-0071	7-1-2009	Adopt	8-1-2009
804-001-0002	7-1-2009	Amend	7-1-2009	812-020-0072	11-20-2008	Adopt	1-1-2009
806-001-0003	5-14-2009	Amend	6-1-2009	812-020-0080	11-20-2008	Adopt	1-1-2009
806-001-0003	7-1-2009	Amend	7-1-2009	812-020-0082	11-20-2008	Adopt	1-1-2009
806-010-0020	7-10-2009	Amend	8-1-2009	812-020-0085	11-20-2008	Adopt	1-1-2009
806-010-0037	7-10-2009	Amend	8-1-2009	812-020-0087	11-20-2008	Adopt	1-1-2009
806-010-0095	2-5-2009	Amend	3-1-2009	812-020-0090	11-20-2008	Adopt	1-1-2009
808-001-0008	7-1-2009	Amend	7-1-2009	812-021-0000	7-1-2009	Adopt	8-1-2009
808-002-0480	6-1-2009	Amend	7-1-2009	812-021-0005	7-1-2009	Adopt	8-1-2009
808-002-0780	2-1-2009	Amend	3-1-2009	812-021-0010	7-1-2009	Adopt	8-1-2009
808-003-0045	7-1-2009	Amend	7-1-2009	812-021-0011	7-1-2009	Adopt	8-1-2009
808-003-0095	6-3-2009	Amend(T)	7-1-2009	812-021-0015	7-1-2009	Adopt	8-1-2009
808-003-0100	7-1-2009	Amend	7-1-2009	812-021-0019	7-1-2009	Adopt	8-1-2009
808-003-0105	7-1-2009	Amend	7-1-2009	812-021-0023	7-1-2009	Adopt	8-1-2009
808-003-0130	7-1-2009	Amend	7-1-2009	812-021-0025	7-1-2009	Adopt	8-1-2009
808-040-0020	5-13-2009	Amend(T)	6-1-2009	812-021-0028	7-1-2009	Adopt	8-1-2009
808-040-0050	5-13-2009	Amend(T)	6-1-2009	812-021-0030	7-1-2009	Adopt	8-1-2009
808-040-0080	5-13-2009	Amend(T)	6-1-2009	812-021-0031	7-1-2009	Adopt	8-1-2009
809-010-0025	7-1-2009	Amend	7-1-2009	812-021-0032	7-1-2009	Adopt	8-1-2009
811-015-0025	12-23-2008	Amend	2-1-2009	812-021-0033	7-1-2009	Adopt	8-1-2009
811-015-0030	1-29-2009	Amend	3-1-2009	812-021-0034	7-1-2009	Adopt	8-1-2009
812-001-0200	2-23-2009	Amend(T)	4-1-2009	812-021-0035	7-1-2009	Adopt	8-1-2009
812-001-0200	6-1-2009	Amend	6-1-2009	812-021-0037	7-1-2009	Adopt	8-1-2009
812-001-0200(T)	6-1-2009	Repeal	6-1-2009	812-021-0040	7-1-2009	Adopt	8-1-2009
812-001-0220	6-1-2009	Adopt	6-1-2009	812-021-0042	7-1-2009	Adopt	8-1-2009
812-002-0060	11-20-2008	Amend	1-1-2009	812-021-0045	7-1-2009	Adopt	8-1-2009
812-002-0262	2-1-2009	Adopt	3-1-2009	812-021-0047	7-1-2009	Adopt	8-1-2009
812-002-0420	11-20-2008	Amend	1-1-2009	813-110-0010	2-9-2009	Amend(T)	3-1-2009
812-002-0420	6-1-2009	Amend	6-1-2009	813-110-0010	8-5-2009	Amend	9-1-2009
812-003-0120	6-1-2009	Amend	6-1-2009	813-110-0010(T)	8-5-2009	Repeal	9-1-2009
812-003-0140	2-1-2009	Amend	3-1-2009	817-005-0005	6-1-2009	Amend	7-1-2009
812-003-0140	9-1-2009	Amend	10-1-2009	817-010-0101	6-1-2009	Amend	7-1-2009
812-003-0141	2-1-2009	Adopt	3-1-2009	817-020-0005	6-1-2009	Am. & Ren.	7-1-2009
812-003-0200	6-1-2009	Amend	6-1-2009	817-020-0011	6-1-2009	Am. & Ren.	7-1-2009
812-003-0320	6-1-2009	Amend	6-1-2009	817-020-0012	6-1-2009	Am. & Ren.	7-1-2009
812-003-0325	9-1-2009	Adopt	10-1-2009	817-020-0015	6-1-2009	Amend	7-1-2009
812-003-0330	6-1-2009	Amend	6-1-2009	817-030-0005	12-1-2008	Amend(T)	1-1-2009
812-003-0330	9-1-2009	Amend	10-1-2009	817-030-0005	6-1-2009	Amend	7-1-2009
812-003-0450	11-20-2008	Repeal	1-1-2009	817-030-0015	12-1-2008	Amend(T)	1-1-2009
812-005-0280	11-20-2008	Amend	1-1-2009	817-030-0015	6-1-2009	Amend	7-1-2009
812-005-0280	6-1-2009	Amend	6-1-2009	817-030-0020	12-1-2008	Amend(T)	1-1-2009
812-005-0280	9-1-2009	Amend	10-1-2009	817-030-0020	6-1-2009	Amend	7-1-2009
812-005-0800	11-20-2008	Amend	1-1-2009	817-030-0040	12-1-2008	Amend(T)	1-1-2009
812-005-0800	2-1-2009	Amend	3-1-2009	817-030-0040	6-1-2009	Amend	7-1-2009
812-005-0800	6-1-2009	Amend	6-1-2009	817-030-0045	12-1-2008	Amend(T)	1-1-2009
812-005-0800	9-1-2009	Amend	10-1-2009	817-030-0045	6-1-2009	Amend	7-1-2009
812-006-0100	11-20-2008	Amend	1-1-2009	817-030-0065	12-1-2008	Amend(T)	1-1-2009
812-006-0200	11-20-2008	Amend	1-1-2009	817-030-0065	6-1-2009	Amend	7-1-2009
812-006-0300	6-1-2009	Amend	6-1-2009	817-030-0100	12-1-2008	Suspend	1-1-2009

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817-035-0010	6-1-2009	Amend	7-1-2009	836-043-0062	1-1-2009	Amend	1-1-2009
817-035-0030	12-1-2008	Amend(T)	1-1-2009	836-043-0064	1-1-2009	Amend	1-1-2009
817-035-0030	6-1-2009	Amend	7-1-2009	836-043-0066	1-1-2009	Amend	1-1-2009
817-035-0050	6-1-2009	Amend	7-1-2009	836-043-0068	1-1-2009	Amend	1-1-2009
817-035-0070	6-1-2009	Amend	7-1-2009	836-043-0070	1-1-2009	Repeal	1-1-2009
817-035-0090	6-1-2009	Amend	7-1-2009	836-043-0071	1-1-2009	Adopt	1-1-2009
817-035-0110	6-1-2009	Amend	7-1-2009	836-043-0076	1-1-2009	Amend	1-1-2009
817-040-0003	7-1-2009	Amend(T)	8-1-2009	836-043-0079	1-1-2009	Amend	1-1-2009
818-001-0087	7-1-2009	Amend(T)	7-1-2009	836-043-0082	1-1-2009	Amend	1-1-2009
820-010-0215	12-12-2008	Amend	1-1-2009	836-043-0086	1-1-2009	Repeal	1-1-2009
820-010-0325	5-15-2009	Amend	6-1-2009	836-043-0087	1-1-2009	Adopt	1-1-2009
820-010-0635	5-15-2009	Amend	6-1-2009	836-043-0089	1-1-2009	Amend	1-1-2009
820-030-0060	5-15-2009	Amend	6-1-2009	836-051-0106	12-9-2008	Amend	1-1-2009
820-040-0005	5-15-2009	Amend	6-1-2009	836-051-0750	12-9-2008	Adopt	1-1-2009
830-001-0000	7-1-2009	Amend	8-1-2009	836-051-0755	12-9-2008	Adopt	1-1-2009
830-011-0000	7-1-2009	Amend	8-1-2009	836-051-0760	12-9-2008	Adopt	1-1-2009
830-011-0020	7-1-2009	Amend	8-1-2009	836-051-0765	12-9-2008	Adopt	1-1-2009
830-011-0040	7-1-2009	Amend	8-1-2009	836-051-0770	12-9-2008	Adopt	1-1-2009
830-020-0030	7-1-2009	Amend	8-1-2009	836-051-0775	12-9-2008	Adopt	1-1-2009
830-030-0000	7-1-2009	Amend	8-1-2009	836-052-0119	7-1-2009	Amend	8-1-2009
830-030-0050	7-1-2009	Amend	8-1-2009	836-052-0129	7-1-2009	Amend	8-1-2009
830-030-0060	7-1-2009	Amend	8-1-2009	836-052-0132	7-1-2009	Adopt	8-1-2009
830-040-0000	7-1-2009	Amend	8-1-2009	836-052-0133	7-1-2009	Amend	8-1-2009
830-040-0040	7-1-2009	Amend	8-1-2009	836-052-0134	7-1-2009	Amend	8-1-2009
833-020-0050	12-26-2008	Amend	2-1-2009	836-052-0141	7-1-2009	Adopt	8-1-2009
833-020-0164	12-26-2008	Amend	2-1-2009	836-052-0142	7-1-2009	Amend	8-1-2009
833-025-0050	12-26-2008	Amend	2-1-2009	836-052-0192	7-1-2009	Adopt	8-1-2009
833-030-0001	12-26-2008	Amend	2-1-2009	836-052-0900	10-1-2009	Amend	9-1-2009
833-030-0010	12-26-2008	Amend	2-1-2009	836-053-0850	4-28-2009	Adopt(T)	6-1-2009
833-060-0001	12-26-2008	Am. & Ren.	2-1-2009	836-053-0855	4-28-2009	Adopt(T)	6-1-2009
833-060-0001	12-26-2008	Am. & Ren.	2-1-2009	836-053-0860	4-28-2009	Adopt(T)	6-1-2009
833-060-0001	12-26-2008	Am. & Ren.	2-1-2009	836-053-0865	4-28-2009	Adopt(T)	6-1-2009
833-060-0001	12-26-2008	Am. & Ren.	2-1-2009	836-072-0001	12-10-2008	Adopt	1-1-2009
833-060-0001	12-26-2008	Am. & Ren.	2-1-2009	836-072-0005	12-10-2008	Adopt	1-1-2009
833-060-0001	12-26-2008	Am. & Ren.	2-1-2009	836-072-0010	12-10-2008	Adopt	1-1-2009
833-060-0001	12-26-2008	Am. & Ren.	2-1-2009	836-072-0015	12-10-2008	Adopt	1-1-2009
836-011-0000	1-29-2009	Amend	3-1-2009	836-072-0020	12-10-2008	Adopt	1-1-2009
836-012-0331	7-9-2009	Adopt(T)	8-1-2009	836-072-0025	12-10-2008	Adopt	1-1-2009
836-042-0045	1-1-2009	Amend	2-1-2009	836-072-0030	12-10-2008	Adopt	1-1-2009
836-043-0005	1-1-2009	Amend	1-1-2009	836-072-0035	12-10-2008	Adopt	1-1-2009
836-043-0009	1-1-2009	Amend	1-1-2009	836-072-0040	12-10-2008	Adopt	1-1-2009
836-043-0017	1-1-2009	Amend	1-1-2009	836-072-0045	12-10-2008	Adopt	1-1-2009
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836-043-0024	1-1-2009	Amend	1-1-2009	837-012-0625	4-10-2009	Amend	5-1-2009
836-043-0028	1-1-2009	Amend	1-1-2009	837-012-0750	4-10-2009	Amend	5-1-2009
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836-043-0034	1-1-2009	Adopt	1-1-2009	837-040-0015	12-31-2008	Adopt	2-1-2009
836-043-0036	1-1-2009	Repeal	1-1-2009	837-040-0020	12-31-2008	Amend	2-1-2009
836-043-0037	1-1-2009	Repeal	1-1-2009	837-046-0000	6-2-2009	Adopt(T)	7-1-2009
836-043-0041	1-1-2009	Amend	1-1-2009	837-046-0020	6-2-2009	Adopt(T)	7-1-2009
836-043-0044	1-1-2009	Amend	1-1-2009	837-046-0040	6-2-2009	Adopt(T)	7-1-2009
836-043-0046	1-1-2009	Amend	1-1-2009	837-046-0060	6-2-2009	Adopt(T)	7-1-2009
836-043-0046	8-14-2009	Amend	9-1-2009	837-046-0080	6-2-2009	Adopt(T)	7-1-2009
836-043-0048	1-1-2009	Amend	1-1-2009	837-046-0100	6-2-2009	Adopt(T)	7-1-2009
836-043-0050	1-1-2009	Amend	1-1-2009	837-046-0120	6-2-2009	Adopt(T)	7-1-2009
836-043-0053	1-1-2009	Amend	1-1-2009	837-046-0140	6-2-2009	Adopt(T)	7-1-2009
836-043-0056	8-14-2009	Amend	9-1-2009	837-046-0160	6-2-2009	Adopt(T)	7-1-2009

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839-003-0005	12-5-2008	Amend	1-1-2009	839-025-0700	7-16-2009	Amend	9-1-2009
839-003-0010	12-5-2008	Amend	1-1-2009	839-025-0700	7-22-2009	Amend	9-1-2009
839-003-0020	12-5-2008	Amend	1-1-2009	839-025-0700	7-29-2009	Amend	9-1-2009
839-003-0025	12-5-2008	Amend	1-1-2009	839-025-0700	8-18-2009	Amend	10-1-2009
839-003-0040	12-5-2008	Amend	1-1-2009	839-025-0700	9-14-2009	Amend	10-1-2009
839-003-0045	12-5-2008	Amend	1-1-2009	839-025-0750	3-1-2009	Amend	4-1-2009
839-003-0050	12-5-2008	Amend	1-1-2009	839-025-0750	4-16-2009	Amend	5-1-2009
839-003-0055	12-5-2008	Amend	1-1-2009	845-001-0005	8-1-2009	Amend	8-1-2009
839-003-0060	12-5-2008	Amend	1-1-2009	845-005-0320	7-1-2009	Amend	8-1-2009
839-003-0065	12-5-2008	Amend	1-1-2009	845-005-0321	7-1-2009	Adopt	8-1-2009
839-003-0070	12-5-2008	Amend	1-1-2009	845-005-0405	4-1-2009	Amend	5-1-2009
839-003-0080	12-5-2008	Amend	1-1-2009	845-005-0410	4-1-2009	Amend	5-1-2009
839-003-0085	12-5-2008	Amend	1-1-2009	845-005-0415	4-1-2009	Amend	5-1-2009
839-003-0090	12-5-2008	Amend	1-1-2009	845-005-0415	7-15-2009	Amend(T)	8-1-2009
839-003-0095	12-5-2008	Amend	1-1-2009	845-005-0431	11-1-2009	Adopt	10-1-2009
839-003-0100	12-5-2008	Amend	1-1-2009	845-006-0335	4-1-2009	Amend	5-1-2009
839-003-0200	12-5-2008	Amend	1-1-2009	845-006-0345	5-1-2009	Amend	6-1-2009
839-003-0205	12-5-2008	Amend	1-1-2009	845-006-0425	7-1-2009	Amend	8-1-2009
839-003-0210	12-5-2008	Amend	1-1-2009	845-006-0452	11-1-2009	Adopt	10-1-2009
839-003-0215	12-5-2008	Amend	1-1-2009	845-006-0500	5-1-2009	Amend	6-1-2009
839-003-0220	12-5-2008	Amend	1-1-2009	845-007-0025	9-1-2009	Repeal	10-1-2009
839-003-0225	12-5-2008	Amend	1-1-2009	845-008-0045	7-1-2009	Am. & Ren.	8-1-2009
839-003-0230	12-5-2008	Amend	1-1-2009	845-010-0154	12-20-2008	Adopt	2-1-2009
839-003-0235	12-5-2008	Amend	1-1-2009	845-013-0050	5-1-2009	Amend	6-1-2009
839-003-0240	12-5-2008	Amend	1-1-2009	845-013-0060	5-1-2009	Amend	6-1-2009
839-003-0245	12-5-2008	Amend	1-1-2009	845-020-0025	1-1-2009	Amend	2-1-2009
839-005-0000	12-5-2008	Amend	1-1-2009	845-020-0035	1-1-2009	Amend	2-1-2009
839-005-0003	12-5-2008	Amend	1-1-2009	847-001-0030	5-1-2009	Amend	6-1-2009
839-005-0010	12-5-2008	Amend	1-1-2009	847-005-0005	1-22-2009	Amend	3-1-2009
839-005-0016	12-5-2008	Amend	1-1-2009	847-005-0005	9-11-2009	Amend(T)	10-1-2009
839-005-0026	12-5-2008	Amend	1-1-2009	847-008-0020	1-22-2009	Amend	3-1-2009
839-005-0195	12-5-2008	Amend	1-1-2009	847-008-0040	1-22-2009	Amend	3-1-2009
839-005-0200	12-5-2008	Amend	1-1-2009	847-008-0060	5-1-2009	Amend	6-1-2009
839-005-0205	12-5-2008	Amend	1-1-2009	847-008-0070	1-22-2009	Adopt	3-1-2009
839-005-0220	12-5-2008	Amend	1-1-2009	847-010-0054	1-22-2009	Repeal	3-1-2009
839-020-0050	1-12-2009	Amend	2-1-2009	847-010-0055	1-22-2009	Repeal	3-1-2009
839-025-0013	8-5-2009	Amend(T)	9-1-2009	847-010-0073	5-1-2009	Amend	6-1-2009
839-025-0020	8-5-2009	Amend(T)	9-1-2009	847-010-0100	1-22-2009	Amend	3-1-2009
839-025-0030	8-5-2009	Amend(T)	9-1-2009	847-020-0130	1-22-2009	Amend	3-1-2009
839-025-0035	8-5-2009	Amend(T)	9-1-2009	847-020-0170	4-9-2009	Amend(T)	5-1-2009
839-025-0085	8-5-2009	Amend(T)	9-1-2009	847-035-0030	5-1-2009	Amend	6-1-2009
839-025-0200	8-5-2009	Amend(T)	9-1-2009	847-035-0030	7-20-2009	Amend	9-1-2009
839-025-0210	8-5-2009	Amend(T)	9-1-2009	847-050-0037	7-14-2009	Amend(T)	8-1-2009
839-025-0530	8-5-2009	Amend(T)	9-1-2009	847-065-0000	5-1-2009	Amend	6-1-2009
839-025-0700	12-1-2008	Amend	1-1-2009	847-070-0016	7-20-2009	Amend	9-1-2009
839-025-0700	12-29-2008	Amend	2-1-2009	847-070-0019	1-22-2009	Amend	3-1-2009
839-025-0700	1-1-2009	Amend	2-1-2009	847-070-0020	1-22-2009	Amend	3-1-2009
839-025-0700	1-6-2009	Amend	2-1-2009	847-070-0045	1-22-2009	Amend	3-1-2009
839-025-0700	1-12-2009	Amend	2-1-2009	848-005-0010	5-14-2009	Amend	6-1-2009
839-025-0700	2-11-2009	Amend	3-1-2009	848-005-0010	7-1-2009	Amend	6-1-2009
839-025-0700	3-17-2009	Amend	5-1-2009	848-010-0015	1-2-2009	Amend	2-1-2009
839-025-0700	3-24-2009	Amend	5-1-2009	848-010-0020	1-2-2009	Amend	2-1-2009
839-025-0700	4-1-2009	Amend	5-1-2009	848-010-0022	1-2-2009	Adopt	2-1-2009
839-025-0700	6-10-2009	Amend	7-1-2009	848-010-0026	1-2-2009	Amend	2-1-2009
839-025-0700	6-30-2009	Amend	8-1-2009	848-010-0044	1-2-2009	Amend	2-1-2009
839-025-0700	7-1-2009	Amend	8-1-2009	848-015-0030	1-2-2009	Amend	2-1-2009
839-025-0700	7-1-2009	Amend	8-1-2009	848-020-0030	1-2-2009	Amend	2-1-2009

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848-035-0020	1-2-2009	Amend	2-1-2009	855-007-0120	1-5-2009	Adopt(T)	2-1-2009
848-035-0030	1-2-2009	Amend	2-1-2009	855-007-0120	6-22-2009	Adopt	8-1-2009
848-035-0035	1-2-2009	Adopt	2-1-2009	855-007-0120(T)	6-22-2009	Repeal	8-1-2009
848-035-0040	1-2-2009	Amend	2-1-2009	855-060-0003	6-26-2009	Adopt(T)	8-1-2009
848-040-0100	1-2-2009	Amend	2-1-2009	855-062-0003	6-26-2009	Adopt(T)	8-1-2009
848-040-0117	1-2-2009	Amend	2-1-2009	855-062-0005	6-26-2009	Adopt(T)	8-1-2009
848-040-0145	1-2-2009	Amend	2-1-2009	855-062-0020	6-26-2009	Adopt(T)	8-1-2009
848-040-0160	1-2-2009	Amend	2-1-2009	855-062-0030	6-26-2009	Adopt(T)	8-1-2009
848-040-0175	1-2-2009	Adopt	2-1-2009	855-062-0040	6-26-2009	Adopt(T)	8-1-2009
848-045-0020	1-2-2009	Amend	2-1-2009	855-062-0050	6-26-2009	Adopt(T)	8-1-2009
850-035-0230	4-30-2009	Amend	6-1-2009	855-065-0001	6-26-2009	Amend(T)	8-1-2009
850-060-0225	12-8-2008	Amend	1-1-2009	855-065-0005	6-26-2009	Amend(T)	8-1-2009
850-060-0225	6-17-2009	Amend	8-1-2009	855-065-0006	6-26-2009	Amend(T)	8-1-2009
850-060-0226	12-8-2008	Amend	1-1-2009	855-110-0003	6-26-2009	Adopt(T)	8-1-2009
850-060-0226	6-17-2009	Amend	8-1-2009	855-110-0007	6-26-2009	Amend(T)	8-1-2009
851-031-0090	6-26-2009	Amend	8-1-2009	855-110-0010	6-26-2009	Amend(T)	8-1-2009
851-050-0138	11-26-2008	Amend	1-1-2009	856-010-0008	6-23-2009	Adopt	8-1-2009
851-056-0006	11-26-2008	Amend	1-1-2009	856-010-0010	6-23-2009	Amend	8-1-2009
851-056-0022	11-26-2008	Amend	1-1-2009	856-010-0010	8-5-2009	Amend	9-1-2009
851-061-0090	5-15-2009	Amend	6-1-2009	856-010-0015	2-10-2009	Amend(T)	3-1-2009
851-062-0020	11-26-2008	Amend	1-1-2009	856-010-0015	8-24-2009	Amend	10-1-2009
851-062-0120	6-26-2009	Amend	8-1-2009	856-010-0016	8-24-2009	Amend	10-1-2009
851-063-0035	5-15-2009	Amend	6-1-2009	856-010-0022	6-19-2009	Adopt	8-1-2009
852-005-0005	7-1-2009	Amend	7-1-2009	859-040-0010	12-17-2008	Amend(T)	2-1-2009
852-070-0005	7-1-2009	Amend	7-1-2009	859-040-0010	5-5-2009	Amend	6-1-2009
852-070-0055	7-1-2009	Amend	7-1-2009	859-040-0010(T)	5-5-2009	Repeal	6-1-2009
852-070-0060	7-1-2009	Amend	7-1-2009	859-040-0015	12-17-2008	Amend(T)	2-1-2009
855-007-0010	1-5-2009	Adopt(T)	2-1-2009	859-040-0015	5-5-2009	Amend	6-1-2009
855-007-0010	6-22-2009	Adopt	8-1-2009	859-040-0015(T)	5-5-2009	Repeal	6-1-2009
855-007-0010	8-19-2009	Amend(T)	10-1-2009	860-021-0305	8-25-2009	Amend	10-1-2009
855-007-0010(T)	6-22-2009	Repeal	8-1-2009	860-021-0405	8-25-2009	Amend	10-1-2009
855-007-0020	1-5-2009	Adopt(T)	2-1-2009	860-021-0505	8-25-2009	Amend	10-1-2009
855-007-0020	6-22-2009	Adopt	8-1-2009	860-022-0041	4-15-2009	Amend(T)	5-1-2009
855-007-0020(T)	6-22-2009	Repeal	8-1-2009	860-022-0070	3-25-2009	Amend	5-1-2009
855-007-0030	1-5-2009	Adopt(T)	2-1-2009	860-024-0010	12-29-2008	Amend	2-1-2009
855-007-0030	6-22-2009	Adopt	8-1-2009	860-024-0020	5-5-2009	Amend	6-1-2009
855-007-0030(T)	6-22-2009	Repeal	8-1-2009	860-024-0021	5-5-2009	Amend	6-1-2009
855-007-0040	1-5-2009	Adopt(T)	2-1-2009	860-027-0400	2-5-2009	Adopt	3-1-2009
855-007-0040	6-22-2009	Adopt	8-1-2009	860-032-0620	4-14-2009	Amend	5-1-2009
855-007-0040(T)	6-22-2009	Repeal	8-1-2009	860-034-0010	5-5-2009	Amend	6-1-2009
855-007-0050	1-5-2009	Adopt(T)	2-1-2009	860-034-0120	5-5-2009	Amend	6-1-2009
855-007-0050	6-22-2009	Adopt	8-1-2009	860-034-0180	8-25-2009	Amend	10-1-2009
855-007-0050(T)	6-22-2009	Repeal	8-1-2009	860-034-0260	8-25-2009	Amend	10-1-2009
855-007-0060	1-5-2009	Adopt(T)	2-1-2009	860-034-0310	5-5-2009	Amend	6-1-2009
855-007-0060	6-22-2009	Adopt	8-1-2009	860-038-0220	6-25-2009	Amend	8-1-2009
855-007-0060(T)	6-22-2009	Repeal	8-1-2009	860-038-0300	6-25-2009	Amend	8-1-2009
855-007-0080	1-5-2009	Adopt(T)	2-1-2009	860-082-0005	8-26-2009	Adopt	10-1-2009
855-007-0080	6-22-2009	Adopt	8-1-2009	860-082-0010	8-26-2009	Adopt	10-1-2009
855-007-0080(T)	6-22-2009	Repeal	8-1-2009	860-082-0015	8-26-2009	Adopt	10-1-2009
855-007-0090	1-5-2009	Adopt(T)	2-1-2009	860-082-0020	8-26-2009	Adopt	10-1-2009
855-007-0090	6-22-2009	Adopt	8-1-2009	860-082-0025	8-26-2009	Adopt	10-1-2009
855-007-0090(T)	6-22-2009	Repeal	8-1-2009	860-082-0030	8-26-2009	Adopt	10-1-2009
855-007-0100	1-5-2009	Adopt(T)	2-1-2009	860-082-0035	8-26-2009	Adopt	10-1-2009
855-007-0100	6-22-2009	Adopt	8-1-2009	860-082-0040	8-26-2009	Adopt	10-1-2009
855-007-0100(T)	6-22-2009	Repeal	8-1-2009	860-082-0045	8-26-2009	Adopt	10-1-2009
855-007-0110	1-5-2009	Adopt(T)	2-1-2009	860-082-0050	8-26-2009	Adopt	10-1-2009
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860-082-0065	8-26-2009	Adopt	10-1-2009	863-015-0195	1-1-2009	Repeal	1-1-2009
860-082-0070	8-26-2009	Adopt	10-1-2009	863-015-0200	1-1-2009	Amend	1-1-2009
860-082-0075	8-26-2009	Adopt	10-1-2009	863-015-0205	1-1-2009	Amend	1-1-2009
860-082-0080	8-26-2009	Adopt	10-1-2009	863-015-0210	1-1-2009	Amend	1-1-2009
860-082-0085	8-26-2009	Adopt	10-1-2009	863-015-0215	1-1-2009	Amend	1-1-2009
860-083-0005	6-25-2009	Adopt	8-1-2009	863-015-0220	1-1-2009	Repeal	1-1-2009
860-083-0005	8-5-2009	Amend	9-1-2009	863-015-0225	1-1-2009	Am. & Ren.	1-1-2009
860-083-0010	8-5-2009	Adopt	9-1-2009	863-015-0230	1-1-2009	Am. & Ren.	1-1-2009
860-083-0050	6-25-2009	Adopt	8-1-2009	863-015-0250	1-1-2009	Amend	1-1-2009
860-083-0100	8-5-2009	Adopt	9-1-2009	863-015-0255	1-1-2009	Amend	1-1-2009
860-083-0200	8-5-2009	Adopt	9-1-2009	863-015-0260	1-1-2009	Amend	1-1-2009
860-083-0300	8-5-2009	Adopt	9-1-2009	863-015-0265	1-1-2009	Amend	1-1-2009
860-083-0350	8-5-2009	Adopt	9-1-2009	863-015-0275	1-1-2009	Amend	1-1-2009
860-083-0400	8-5-2009	Adopt	9-1-2009	863-024-0000	1-1-2009	Adopt	1-1-2009
860-083-0500	8-5-2009	Adopt	9-1-2009	863-024-0003	1-1-2009	Adopt	1-1-2009
863-014-0000	1-1-2009	Adopt	1-1-2009	863-024-0005	1-1-2009	Adopt	1-1-2009
863-014-0003	1-1-2009	Adopt	1-1-2009	863-024-0010	1-1-2009	Adopt	1-1-2009
863-014-0038	1-1-2009	Adopt	1-1-2009	863-024-0015	1-1-2009	Adopt	1-1-2009
863-014-0042	1-1-2009	Adopt	1-1-2009	863-024-0020	1-1-2009	Adopt	1-1-2009
863-015-0000	1-1-2009	Adopt	1-1-2009	863-024-0030	1-1-2009	Adopt	1-1-2009
863-015-0005	1-1-2009	Am. & Ren.	1-1-2009	863-024-0050	1-1-2009	Adopt	1-1-2009
863-015-0010	1-1-2009	Am. & Ren.	1-1-2009	863-024-0055	1-1-2009	Adopt	1-1-2009
863-015-0015	1-1-2009	Am. & Ren.	1-1-2009	863-024-0060	1-1-2009	Adopt	1-1-2009
863-015-0020	1-1-2009	Am. & Ren.	1-1-2009	863-024-0061	1-1-2009	Adopt	1-1-2009
863-015-0025	1-1-2009	Repeal	1-1-2009	863-024-0062	1-1-2009	Adopt	1-1-2009
863-015-0030	1-1-2009	Am. & Ren.	1-1-2009	863-024-0063	1-1-2009	Adopt	1-1-2009
863-015-0035	1-1-2009	Am. & Ren.	1-1-2009	863-024-0065	1-1-2009	Adopt	1-1-2009
863-015-0040	1-1-2009	Am. & Ren.	1-1-2009	863-024-0070	1-1-2009	Adopt	1-1-2009
863-015-0045	1-1-2009	Am. & Ren.	1-1-2009	863-024-0075	1-1-2009	Adopt	1-1-2009
863-015-0050	1-1-2009	Am. & Ren.	1-1-2009	863-024-0076	1-1-2009	Adopt	1-1-2009
863-015-0055	1-1-2009	Am. & Ren.	1-1-2009	863-024-0085	1-1-2009	Adopt	1-1-2009
863-015-0060	1-1-2009	Am. & Ren.	1-1-2009	863-024-0095	1-1-2009	Adopt	1-1-2009
863-015-0061	1-1-2009	Am. & Ren.	1-1-2009	863-024-0100	1-1-2009	Adopt	1-1-2009
863-015-0062	1-1-2009	Am. & Ren.	1-1-2009	863-025-0005	1-1-2009	Amend	1-1-2009
863-015-0063	1-1-2009	Am. & Ren.	1-1-2009	863-025-0010	1-1-2009	Amend	1-1-2009
863-015-0065	1-1-2009	Am. & Ren.	1-1-2009	863-025-0015	1-1-2009	Amend	1-1-2009
863-015-0070	1-1-2009	Am. & Ren.	1-1-2009	863-025-0020	1-1-2009	Amend	1-1-2009
863-015-0075	1-1-2009	Am. & Ren.	1-1-2009	863-025-0025	1-1-2009	Amend	1-1-2009
863-015-0076	1-1-2009	Am. & Ren.	1-1-2009	863-025-0030	1-1-2009	Amend	1-1-2009
863-015-0080	1-1-2009	Am. & Ren.	1-1-2009	863-025-0035	1-1-2009	Amend	1-1-2009
863-015-0085	1-1-2009	Am. & Ren.	1-1-2009	863-025-0040	1-1-2009	Amend	1-1-2009
863-015-0095	1-1-2009	Am. & Ren.	1-1-2009	863-025-0045	1-1-2009	Amend	1-1-2009
863-015-0100	1-1-2009	Am. & Ren.	1-1-2009	863-025-0050	1-1-2009	Amend	1-1-2009
863-015-0120	1-1-2009	Am. & Ren.	1-1-2009	863-025-0055	1-1-2009	Amend	1-1-2009
863-015-0130	1-1-2009	Amend	1-1-2009	863-025-0060	1-1-2009	Amend	1-1-2009
863-015-0135	1-1-2009	Amend	1-1-2009	863-025-0065	1-1-2009	Amend	1-1-2009
863-015-0140	1-1-2009	Amend	1-1-2009	863-025-0070	1-1-2009	Amend	1-1-2009
863-015-0145	1-1-2009	Amend	1-1-2009	863-025-0080	1-1-2009	Amend	1-1-2009
863-015-0150	1-1-2009	Amend	1-1-2009	863-027-0000	1-1-2009	Adopt	1-1-2009
863-015-0155	1-1-2009	Amend	1-1-2009	863-027-0005	1-1-2009	Adopt	1-1-2009
863-015-0160	1-1-2009	Am. & Ren.	1-1-2009	863-050-0000	1-1-2009	Amend	1-1-2009
863-015-0165	1-1-2009	Repeal	1-1-2009	863-050-0015	1-1-2009	Amend	1-1-2009
863-015-0175	1-1-2009	Amend	1-1-2009	863-050-0020	1-1-2009	Amend	1-1-2009
863-015-0180	1-1-2009	Repeal	1-1-2009	863-050-0025	1-1-2009	Amend	1-1-2009
863-015-0185	1-1-2009	Repeal	1-1-2009	863-050-0030	1-1-2009	Amend	1-1-2009
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