

OREGON BULLETIN

Supplements the 2011 *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 on-line *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual print publication containing the complete text of Oregon Administrative Rules (OARs) filed during the previous year through November 15, or the last workday before that if the 15th falls on a weekend or holiday. The *Oregon Bulletin* is a monthly on-line supplement that contains rule text amended after publication of the print *Compilation*, as well as proposed rulemaking and rulemaking hearing notices. The *Bulletin* also publishes certain non-OAR items such as Executive Orders of the Governor, Opinions of the Attorney General, and Department of Environmental Quality cleanup notices.

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.

How to Cite

Every administrative rule uses the same numbering sequence of a three-digit chapter number followed by a three-digit division number and a four-digit rule number (000-000-0000). Example: Oregon Administrative Rules, chapter 166, division 500, rule 0020 (short form: OAR 166-500-0020).

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 on-line *OAR Compilation* is updated on the first of each month to include all rule actions filed with the Administrative Rules Unit, Secretary of State’s office by the 15th of the previous month, or by the last workday before the 15th if that date falls on a weekend or holiday. The annual printed *OAR Compilation* contains the full text of all rules filed during the previous year through November 15, or the last workday before that if the 15th falls on a weekend or holiday. Subsequent changes to individual administrative rules are listed by rule number in the OAR Revision Cumulative Index which is published monthly in the on-line *Oregon Bulletin*. These listings include the effective date, the specific rulemaking action, and the

issue of the *Bulletin* that contains the full text of the amended rule. The *Bulletin* contains the full text of permanent and temporary rules filed for publication.

Locating Administrative Rules Unit Publications

The *Oregon Administrative Rules Compilation* and the *Oregon Bulletin* are available on-line through the Oregon State Archives web site at <<http://arcweb.sos.state.or.us>>. Printed volumes of the *Compilation* are deposited in Oregon’s Public Documents Depository Libraries listed in OAR 543-070-0000. Complete sets and individual volumes of the *Compilation* 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

2010–2011 Oregon Bulletin Publication Schedule

The Administrative Rules Unit accepts proposed rulemaking notices and administrative rule filings Monday through Friday, 8:00 am to 5:00 pm, 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 deadlines:

Submission Deadline — Publishing Date

December 15, 2010	January 1, 2011
January 14, 2011	February 1, 2011
February 15, 2011	March 1, 2011
March 15, 2011	April 1, 2011
April 15, 2011	May 1, 2011
May 13, 2011	June 1, 2011
June 15, 2011	July 1, 2011
July 15, 2011	August 1, 2011
August 15, 2011	September 1, 2011
September 15, 2011	October 1, 2011
October 14, 2011	November 1, 2011
November 15, 2011	December 1, 2011

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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A CHANCE TO COMMENT ON PROPOSED CHANGES TO THE MEDIATION CONFIDENTIALITY RULES DEVELOPED BY THE ATTORNEY GENERAL PURSUANT TO ORS 36.224

COMMENT DUE: July 31, 2011

PROPOSAL: The Department of Justice is reviewing and amending the ORS 36.224 Mediation Confidentiality rules. The proposed rule changes are available at: <http://www.doj.state.or.us/adr/rules.shtml>

HOW TO COMMENT: The public comment period will end on July 31, 2011. A public meeting has been scheduled for Tuesday, July 12th from 3:00 to 4:00 pm to receive input on and answer questions regarding the proposed rule changes. This meeting will be held in the Redwood Room DOJ Robertson Building, 1215 State Street Salem, OR 97301. Comments may also be directed to the DOJ ADR Coordinator:

Mike Niemeyer
Department of Justice
1162 Court street NE,
Salem, Or 97301
mike.niemeyer@state.or.us

THE NEXT STEP: DOJ will consider all public comments received before making a final decision regarding these rules.

PUBLIC NOTICE PROPOSED REMEDIAL ACTION FOR STURDICRAFT SITE, KLAMATH FALLS, OR

COMMENTS DUE: July 30, 2011

PROJECT LOCATION: 2742 Homedale Road, Klamath County
PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to issue a No Further Action decision regarding cleanup activities at the above referenced site based upon an approval of work done to date and a proposed Risk-Based Corrective Action Plan.

HIGHLIGHTS: The Sturdi-Craft property was used for manufacturing particle-board furniture. One 5,000-gallon steel underground storage tank (UST) that was used to store gasoline, one 10,000-gallon steel UST that stored diesel, and one 10,000-gallon steel UST that was used to store heating oil were decommissioned by removal in 1994. Site investigations confirmed the presence of petroleum impacted soil and groundwater. In an effort to remove the source of contamination, approximately 48 cubic yards of suspected petroleum contaminated soil (PCS) was excavated from the site and taken to the Klamath County Landfill for disposal. The groundwater contaminant plume at the site has been shown to be stable and that it does not migrate off of the property. The contamination occurs at depths of 5-feet or greater below ground surface, which is considered to be protective of human health, welfare, and the environment.

A conceptual site model was developed and a risk-based assessment performed showing that residual petroleum hydrocarbons do not pose an unacceptable risk through all reasonably likely complete exposure pathways.

If implemented as proposed, this risk-based corrective action plan will achieve protective conditions at the site as defined in OAR 340-122-0040.

COMMENT: All documents and reports pertaining to the recommendation of acceptance of the proposed remedial action may be reviewed by appointment, at DEQ's office in Bend, 475 NE Bellevue Drive, Bend, OR 97701. To schedule an appointment or make inquiries, contact the project manager, Joe Klemz at (541) 633-2015. Written comments should be sent to the attention of Mr. Klemz at the address listed above and must be received by 5 PM July 30, 2011. Questions or comments may also be directed to Mr. Klemz via email at klemz.joe@deq.state.or.us.

NEXT STEP: DEQ will consider all comments received. A final decision concerning the proposed remedial actions will be made after consideration of any public comments received.

PUBLIC NOTICE PROPOSED REMEDIAL ACTION FOR CHILOQUIN CHRISTIAN CENTER, CHILOQUIN, OR

COMMENTS DUE: July 30, 2011

PROJECT LOCATION: 301 S. Chiloquin Blvd, Chiloquin, Klamath County

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to issue a No Further Action decision regarding cleanup activities at the above referenced site based upon an approval of work done to date and a proposed Risk-Based Corrective Action Plan.

HIGHLIGHTS: A release of heating oil from an above ground storage tank occurred at the Chiloquin Christian Center in the summer of 2010. The cause of the release, a damaged product line, was discovered and repaired in the fall of 2010. A site investigation confirmed the presence of petroleum impacted soil and groundwater. The groundwater contaminant plume at the site has been shown to be stable and that contamination does not migrate off of the property. The contamination occurs at depths of 5-feet or greater below ground surface, which is considered to be protective of human health, welfare, and the environment.

A conceptual site model was developed and a risk-based assessment performed showing that residual petroleum hydrocarbons do not pose an unacceptable risk through all reasonably likely complete exposure pathways.

If implemented as proposed, this risk-based corrective action plan will achieve protective conditions at the site as defined in OAR 340-122-0040.

COMMENT: All documents and reports pertaining to the recommendation of acceptance of the proposed remedial action may be reviewed by appointment, at DEQ's office in Bend, 475 NE Bellevue Drive, Bend, OR 97701. To schedule an appointment or make inquiries, contact the project manager, Joe Klemz at (541) 633-2015. Written comments should be sent to the attention of Mr. Klemz at the address listed above and must be received by 5 PM July 30, 2011. Questions or comments may also be directed to Mr. Klemz via email at klemz.joe@deq.state.or.us.

NEXT STEP: DEQ will consider all comments received. A final decision concerning the proposed remedial actions will be made after consideration of any public comments received.

A CHANCE TO COMMENT ON PROPOSED REMEDIAL ACTION FOR ASTORIA AREA WIDE PETROLEUM SITE AREA 4

COMMENTS DUE: Monday August 1, 2011

PROJECT LOCATION: Port of Astoria; Astoria Area-Wide (AAW) Petroleum Site; Astoria, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, the Department of Environmental Quality (DEQ) issues this notice of a proposed remedial action for a portion of the Port of Astoria's property. The DEQ will consider public comments in finalizing its selection of a final remedy. Send written comments on the proposed remedial action to Anna Coates, Oregon DEQ, Northwest Region, 2020 SW 4th Ave., Suite 400, Portland, Oregon 97201, or e-mail to coates.anna@deq.state.or.us by 5 p.m. on Monday August 1, 2011.

HIGHLIGHTS: The Port of Astoria facility is part of a larger investigation and cleanup site referred to as the "Astoria Area Wide Cleanup Site". It is divided into five areas. Area 4 that is the focus of this proposal includes Port property where the former Mobil/Niemi Oil bulk plant operated, several petroleum distribution pipelines, a Port maintenance shop, a former Port vehicle service facility, and portions of former steelworks and furniture manufacturing facilities. Area 4 extends to the head of Slip 2 where an ongoing petroleum seep discharges into the Columbia River sediment bed and surface water.

In December 2001, DEQ issued an order (DEQ No. ECSR-NWR-01-11) to the Port, several oil companies and several other current and past owners and operators at and adjacent to the Port's facilities where releases of petroleum fuels occurred that required investigation and cleanup of petroleum contamination. Investigations and

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interim measures to control petroleum seeps to the river have been ongoing since that time. Other interim actions taken include re-routing the sewer system, decommissioning of pipelines and two underground fuel storage tanks, upgrades to the HVAC system for Port's offices and engineering controls for the redevelopment of the former Niemi Oil bulk plant area.

The proposed remedial action for Area 4 includes: construction of a treatment barrier and sediment cap in Slip 2 to control on-going releases to the river and prevent exposure to petroleum-impacted sediments, excavation and off-site disposal of surface soil in a limited area, and implementation of institutional controls to prevent exposure to petroleum-impacted media. Institutional controls would include inspection and maintenance of previously implemented engineering controls (capping and building venting), and groundwater monitoring to document the progress of reducing the concentration and mobility of petroleum contamination remaining at the site. The estimated cost for the cleanup, including operations and maintenance, is approximately \$3.6 million. The design data collection and remedial design is expected to take approximately nine months to complete.

HOW TO COMMENT: Written comments can be sent to DEQ Northwest Region at 2020 SW Fourth Ave., Suite 400, Portland, Oregon 97201-4987. To view the project files please call Dawn Weinberger, File Review Specialist, at (503) 229-6729 to schedule an appointment (ask for ECSI file #2277). If you have any questions, please call the DEQ project manager, Anna Coates, at 503-229-5213 or by email at coates.anna@deq.state.or.us

THE NEXT STEP: Once the public comment period has closed DEQ will consider all comments before making a decision concerning the final cleanup remedy.

DEQ CONDITIONAL NO FURTHER ACTION DETERMINATION, DEQ APPROVES CLEANUP OF A PORTLAND MUNICIPAL WATER WELL

June 14, 2011

PROJECT LOCATION: Portland Water Bureau municipal water well PW-14 is located in the City of Fairview at the west end of Blue Lake Regional Park, near the intersection of NE Marine Drive and NE Interlachen Lane.

PROPOSAL: The Oregon Department of Environmental Quality approves cleanup action performed by the Portland Water Bureau at municipal well PW-14 to remove a small amount of mercury (less than a gram) released to the well from a failed submersible pump. DEQ approves this cleanup work as a conditional no further action determination.

HIGHLIGHTS: DEQ reviewed the results of the cleanup work and agrees with the Portland Water Bureau's conclusion that this well is safe for resumed use in the Portland municipal water system.

Laboratory data reviewed by DEQ indicates that water pumped from well PW-14, which is representative of the public water supply, contains no detectable mercury.

DEQ has determined that no further action is required because the site no longer poses a risk that exceeds the acceptable risk level defined in Oregon law.

Following cleanup actions, and before the pump was replaced, the final discrete deep well water sampled (at 350 feet) contained detectable mercury. The detected concentration of mercury slightly exceeded the Environmental Protection Agency Maximum Contaminant Level established for mercury in drinking water.

DEQ is confident in its proposed conditional cleanup approval determination for the following reasons:

- Water pumped from PW-14 has been repeatedly sampled at the wellhead and consistently found to contain no detectable mercury.
- DEQ does not expect that water from the 350 foot depth in this well circulates to the well pump at the 235 foot depth.
- Following cleanup actions, and collection of the final deep well water sample, millions of gallons of water were pumped from the well prior to resumed use as a public supply well. This action further removed any residual mercury from the well.

- Water from PW-14 is combined with water from up to 26 other wells and surface water sources, prior to treatment and distribution to municipal water customers.

The conditions placed on this no further action determination are the following institutional controls agreed to by the City of Portland Water Bureau:

- PW-14 will not be deepened.
- PW-14 maintenance and operation will not to disturb the grout seal at the bottom of the well placed as a remedial action.

- These requirements will be maintained with the PW-14 records.

Questions can be addressed to DEQ Project Manager Ken Thiessen, DEQ Northwest Region Office, 2020 SW 4th Ave., Suite 400, Portland, Oregon 97201, or Thiessen.Kenneth@deq.state.or.us

Review the file by appointment at DEQ Northwest Region Office, 2020 SW 4th Ave., Ste 400, Portland, Oregon. Call File Review Specialist, Dawn Weinberger at 503-229-6729 to schedule an appointment.

To access site information and the *Conditional No Further Action Determination Municipal Well PW-14 Mercury Spill Cleanup*, go to <http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=5323>.

DEQ considered all public comments received during the March 2011 comment period before making the conditional No Further Action decision.

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) 229-5263 or toll free in Oregon at (800) 452-4011; fax to 503-229-6899; or e-mail to deqinfo@deq.state.or.us

People with hearing impairments may call DEQ's TTY number 711.

REQUEST FOR COMMENTS PROPOSED SETTLEMENT REGARDING FORMER FRONTIER LEATHER AND KEN FOSTER FARM SITES

COMMENTS DUE: August 1, 2011, 5 PM

PROJECT LOCATION: The former Frontier Leather site is located at 15104 SW Oregon Street (formerly 1210 NE Oregon Street), in Sherwood, Oregon. The Ken Foster Farm ("KFF") property is a 40-acre tract of former pasture land located at 23000 to 23500 SE Murdock Road in the southeast corner of Sherwood, Washington County, Oregon.

PROPOSAL: DEQ is proposing to enter a settlement with the potentially liable parties for cleanup of these sites. The parties include Linke Enterprises, the owner and operator of the Frontier Leather site, Don Nelson who worked for Frontier Leather Company as plant manager from 1966 to 1972 and as general manager from 1972 until 1988, Wells Fargo Bank who managed the Frontier Leather facility as a trustee for Linke Enterprises, James Wilson, who served on the Board of Directors of Frontier Leather Company, and acted as Wells Fargo's representative in managing operations at the Tannery, Craig E. and Pamela A. Bowen, and Michael C. Gibbons who were former owners of portions of the KFF property, Patrick D. and Tamara L. Husky and Ironwood Homes, Inc. who currently own several lots at the KFF site. The settlement would resolve on-going litigation between the parties concerning cleanup of these properties and would be in the form of a consent judgment pursuant to ORS 465.325. The settlement would require the parties to pay DEQ specified amounts to be used by DEQ for future cleanup of these sites and wetlands restoration. In return, the settling parties would receive a covenant not to sue from the State and contribution protection as to third parties regarding the matters addressed by the settlement.

HIGHLIGHTS: The Frontier Leather Company began operating a tannery at the site in 1947. Two 3-acre sedimentation lagoons were constructed between late 1964 to early 1965, and placed in service in March 1965. Frontier discharged wastewater to the sedimentation lagoons intermittently between 1965 and 1982. Between 1971 and 1974, chromium-treated hide splits were both stockpiled on Tax Lot 600 and buried at the facility. Frontier Leather land-filled an

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estimated 21,000 cubic yards of chromium-containing wastes including chromium-treated hide splits and chromium-containing vacuum filter sludge. Some of the hide splits were later covered with approximately 2 feet of soil, but a large percentage of the landfill was not adequately consolidated and capped to control possible direct contact or surface water runoff. Land filling of hide splits was discontinued in 1973 after analytical results from a hide split samples collected by DEQ suggested that the hides could adversely impact soil, groundwater, or surface water quality.

In January 2002, Pacific III, LLC, entered into a Prospective Purchaser Agreement with DEQ prior to acquiring Tax Lots 400 and 500 from Transpacific. These parcels included the former tannery building, wastewater treatment facility, and former battery manufacturing building. The agreement defined the cleanup to be performed by Pacific III LLC in exchange for DEQ limiting the company's future liability for cleanup costs at the site. Work required under the agreement was completed leading to DEQ issuance of No Further Action decisions for each parcel.

DEQ designated the remaining tax lots comprising the Frontier Leather facility excluded from the Prospective Purchaser Agreement as an "Orphan" site in 2002. DEQ completed an investigation and feasibility study during 2003 and 2004 but did not finalize a remedy due to lack of funds to complete the work.

DEQ uncovered records from the former tannery indicating that tannery wastes were land-applied to pasture land at Ken Foster Farms during the 1960's. Mr. Foster was an employee of the Frontier Leather Company. DEQ initiated evaluation of the farm land and referred the site to the United States Environmental Protection Agency (EPA) for further evaluation following DEQ's preliminary assessment in 2005. Investigations of the farm confirmed presence of high concentrations of chromium in surface soils consistent with land application of the tannery wastes. The original 40-acre farm was subdivided into approximately 10 separate lots for residential use.

In 2007, EPA, published findings of their assessment of the former Ken Foster Farm site. The EPA work confirmed that several heavy metals, primarily chromium, lead, and mercury were present at elevated concentrations in site soils in many areas on the former farm site. A wetland pond at the KFF site also was found to be contaminated. Sampling performed to date indicates the metals lead and chromium in site soils are attributable to historical land application of tannery wastes at the site.

HOW TO COMMENT: DEQ will hold a **public information meeting and hearing from 6:30 to 8:30 PM on July 26, 2011 at the Sherwood Senior Center located at 21907 SW Sherwood Blvd., Sherwood.** The proposed settlement is available at DEQ's Northwest Region Office, 2020 SW 4th Ave., 4th floor or from DEQ's web site: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCcontroller.aspx?SourceId=2638&SourceIdType=11>

To review files at DEQ's office, please contact DEQ's file review coordinator at (503) 229-6729 to make an appointment. Comments may be submitted, by August 1, 2011, 5:00 p.m., to Mark Pugh, DEQ Cleanup Project Manager, by email at pugh.mark@deq.state.or.us; by mail at DEQ, 2020 SW 4th Ave., Suite 400, Portland, OR 97201; or by fax at 503-229-6945.

THE NEXT STEP: DEQ will review and consider all comments received during the comment period. If DEQ then determines to enter the consent judgment, the consent judgment will be executed by the parties and filed with the Washington County Circuit Court. The court must approve the consent judgment for it to take effect. If approved by DEQ, the Consent Judgment will supersede the consent judgment with Linke and Nelson proposed by DEQ through public notice on April 1, 2011.

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. People with hearing impairments may call DEQ's TTY number, (503) 229-6993.

CHANCE TO COMMENT ON... PROPOSED CONDITIONAL NO FURTHER ACTION ELKS CLEANERS SITE (ECSI #4954)

COMMENTS DUE: August 1, 2011

PROJECT LOCATION: 1010-1018 N. Killingsworth, Portland, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rules, OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on its proposal to issue a conditional no further action (NFA) for the former Elks Cleaners site (ECSI File #4954).

HIGHLIGHTS: The former Elks Cleaners site operated a dry cleaning business from approximately 1924 to 2006. Stoddard solvent was likely used during initial operations. The most recent dry cleaner operator used perchloroethene (PCE) as a solvent from 1993 to 2006.

A series of environmental investigations found high concentrations of PCE in shallow soil (generally less than 5 feet in depth) beneath the southwest part of the building. The contamination appears related to leaks in a floor drain and associated trench drain and piping.

In 2009, approximately 57 tons of contaminated soil was excavated and trucked off-site for disposal at a permitted landfill. The removal action included installation of a vapor control system within the excavation area consisting of perforated piping connected to a fan and vented to the atmosphere, placement of a vapor barrier over the excavation footprint, and sealing the entire building floor with a commercial radon seal product.

Soil gas from beneath the building and indoor air monitoring was performed until April 2011 to determine whether the ventilation system needed to continue to operate to protect indoor air quality. Monitoring results showed PCE and related contaminants in indoor air were within protective standards for air for typical commercial/occupational uses conditioned upon continued operation of the fan, and maintenance of the floor and vapor barrier. The vapor control system and fan operation will need to be maintained unless subsequent sampling shows indoor air levels are protective without controls in place.

DEQ reviewed the existing environmental information for the site and concludes that the site currently does not present an unacceptable risk to human health or the environment, and that a conditional no further action determination (NFA) is warranted for the site. DEQ will conduct a review of the site in 5 years to evaluate whether vapor controls need to be maintained.

HOW TO COMMENT: To access additional detail on the site, please view the DEQ Staff Report in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet at <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>. Enter 4954 in the "Site ID" box and click "Submit" at the bottom of the page. Next, click the link labeled 4954 in the Site ID/Info column. Next, click on the staff report under Site Documents. You can review the administrative record for the proposed conditional no further action at DEQ's Northwest Region office located at 2020 SW 4th Avenue, Suite 400, Portland, Oregon. For an appointment to review the files call (503)229-6729; toll free at (800)452-4011; or TTY at (503)229-5471. Please send written comments to Mark Pugh, Project Manager, DEQ Northwest Region, 2020 S.W. Fourth Ave., Suite 400, Portland, Oregon, 97201 or via email at: pugh.mark@deq.state.or.us. **DEQ must receive written comments by 5 p.m. on August 1, 2011.**

DEQ will hold a public meeting to receive verbal comments if 10 or more persons, or a group with membership of 10 or more, requests such a meeting. Interest in holding a public meeting must be submitted in writing to DEQ. If a public meeting is held, a separate public notice announcing the date, time, and location of any public meeting would be published in this publication.

DEQ is committed to accommodating people with disabilities at our hearings. 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 and Outreach at (503) 229-5696 or toll free in Oregon at (800)452-4011. People with hearing impairments may call DEQ's TTY number, (503)229-5471.

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THE NEXT STEP: DEQ will consider all public comments received by the deadline. In the absence of comments, DEQ will issue a conditional No Further Action for the site.

REQUEST FOR COMMENTS

PROPOSED: INTERIM REMEDIAL ACTION MEASURE DETERMINATION REGARDING SALEM-KEIZER SCHOOL DISTRICT (NEW) EAST ELEMENTARY SCHOOL, SALEM, MARION COUNTY

COMMENTS DUE: July 30, 2011

LOCATION OF CONTAMINATION: The site is located at 2170 Walker Road NE, Salem, Oregon.

HIGHLIGHTS: The site has historically been used for agriculture purposes to grow crops, including grass seed. As a standard practice in growing agriculture crops, herbicides and pesticides are used. Soil testing was done at various depths to determine if these constituents were present at unacceptable concentrations. The insecticide Dieldrin was identified in soil at levels exceeding the DEQ's Risk-Based Concentration (RBCs) for a residential scenario. The residential scenario is the most protective scenario. Dieldrin was not detected at unacceptable concentrations in groundwater. Dieldrin contaminated soil at the site poses an unacceptable risk to site occupants by direct exposure. The Salem Keizer School District (SKSD) has proposed capping the contamination by covering the areas not covered by asphalt, concrete, or the school building(s) with a 1-foot thick layer of compacted clean soil. This cap eliminates the risk posed by the underlying contaminated soil on this site. However, in order to be an effective remedy, the cap will require regular inspection/maintenance and limit who is authorized to penetrate the cap with proper handling/disposal of contaminated soil under a deed restriction.

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) considers the cap as an acceptable way to protect school occupants or nearby residents from contaminated soils beneath the site. DEQ proposes to prepare a deed restriction requiring the SKSD or other future owners to maintain the cap indefinitely. The deed restriction will also require the SKSD to maintain control in order to prevent unauthorized penetration through the soil cap. DEQ considers the cap to be an interim action measure, which means that, while it is likely to be part of the final remedy, the need for applying other cleanup technologies at the site will be evaluated as part of a Focused Feasibility Study. Once the study is complete, DEQ may prepare a "conditional no further action" determination for the site, requiring long-term maintenance of the cap and recording of the deed restriction with Marion County. From July 1 through July 30, 2011, DEQ is accepting comments from the public on the proposed determination.

HOW TO COMMENT: A staff report describing the proposed determination is available at DEQ's Western Region Office, 750 Front Street NE, Salem, Oregon 97301, or electronically by request to scherzinger.bruce@deq.state.or.us. To review files at DEQ's office, please contact Ginny Deck, DEQ's file review coordinator at (503) 378-5046 to make an appointment. Written comments may be submitted to Bruce Scherzinger, DEQ Cleanup Project Manager, by email at scherzinger.bruce@deq.state.or.us; by mail at DEQ, 750 Front Street NE, Suite 120, Salem, Oregon 97301; or by fax at 503-373-7944. Comments must be submitted in writing not later than July 30, 2011. Upon written request by 10 or more persons or by a group

having 10 or more members submitted by July 30, 2011, DEQ will conduct a public meeting for the purpose of receiving verbal comments regarding the proposed settlement.

THE NEXT STEP: DEQ will review and consider all comments received during the comment period. After considering public comments, DEQ will accept, modify, or reject the proposed remedy for the site. If DEQ accepts the proposed remedy, the next step will be to prepare a letter of No Further Action for the site.

REQUEST FOR COMMENTS

PROPOSED NO FURTHER ACTION DETERMINATION FOR BROADWAY RECOVER CENTER

COMMENTS DUE: August 1, 2011, 4:30 pm

PROJECT LOCATION: 707 W. Burnside St., Portland

PROPOSAL: The Department of Environmental Quality is proposing to issue a No Further Action determination following soil and groundwater sampling, and removal and offsite disposal of a buried tank and contaminated soil and debris from this site. This determination is based on approval of investigation and remedial measures conducted to date. Public notification is required by ORS 465.320. **HIGHLIGHTS:** DEQ reviewed documentation regarding environmental investigation and cleanup at the northwest corner of Burnside and NW Broadway in Portland. The site is now being developed as the Broadway Recovery Center, a health care clinic for the local population. A closed Burger King restaurant was recently demolished as part of this redevelopment.

Primary environmental issues at this site included contaminated soil and debris in the northeast corner, a buried underground petroleum storage tank on the east side, and former service stations along the south side of the property. Cleanup contractors removed approximately 900 tons of contaminated soil and debris, which were taken to Hillsboro Landfill for disposal. The excavated tank was cleaned and the steel was recycled.

Sampling of soil, groundwater and soil gas showed that residual contamination had been reduced to safe levels.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Columbia Gorge office, 400 E. Scenic Drive, Suite 307, in The Dalles. Comments and questions should be directed to Bob Schwarz, project manager, by phone at 541-298-7255 ext. 230, by email at schwarz.bob@deq.state.or.us, or by mail at the address above. To access site summary information and DEQ's staff report 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 ECSI# 5413 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #5413 in the Site ID/Info column. Comments must be received by 4:30 PM on the due date in order to be considered in DEQ's decision.

THE NEXT STEP: Following the public comment period, DEQ will issue the No Further Action determination unless public comments indicate the need to reconsider that decision.

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

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 Speech-Language Pathology and Audiology
Chapter 335

Rule Caption: Outlines licensing requirements; designates accrediting bodies; clarifies SLPA supervisor qualifications; clarifies reporting requirements.

Date: 7-20-11 **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 & 676

Proposed Adoptions: 335-060-0006, 335-060-0007

Proposed Amendments: 335-010-0005, 335-005-0010, 335-080-0005, 335-080-0010, 335-080-0015, 335-080-0025, 335-095-0030, 335-095-0040, 335-095-0050

Last Date for Comment: 8-1-11

Summary: • Outlines educational and other requirements for licensure of speech-language pathologists (SLPs) and audiologists to be consistent with updated American Speech-Language Hearing Association (ASHA) standards.

- Specifies requirements for all licensees regarding English language fluency.
- Specifies approved accrediting bodies for training programs.
- Clarifies SLPA supervision requirements and reporting guidelines.
- Lists qualifications for SLPA supervision by SLPs licensed by Board or Teacher Standards and Practices Commission.
- Conforms rules to changes in ORS 681 made in 2011 and ORS 676 made in 2009 Legislative Session.
- Changes miscellaneous text for clarity.

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

Board of Medical Imaging Chapter 337

Rule Caption: Allows certain non-licensed cardiac professional to position a patient during irradiation, under supervision of physician.

Stat. Auth.: ORS 688.405-688.605

Stats. Implemented:

Proposed Amendments: 337-010-0006

Last Date for Comment: 7-21-11

Summary: Under current rules, a person who positions a patient during medical imaging is required to be licensed by the Oregon Board of Medical Imaging. This proposed rule amends Board of Medical Imaging administrative rules to additionally allow for limited positioning (moving the table) of a patient during medical imaging examination or radiation therapy by a person who does not possess an Oregon medical imaging license, so long as the person who positions the patient is registered by Cardiovascular Credentialing International as a Cardiac Electrophysiology Specialist or Cardiac Invasive Specialist, and so long as the specialist is operating under the direct supervision of the licensed physician who is in the same room and who is supervising the imaging.

Submit comments via email to ed.conlow@state.or.us or through regular mail to Ed Conlow, Executive Director, Oregon Board of Medical Imaging, 800 NE Oregon St, Portland, OR 97232.

Rules Coordinator: Ed Conlow

Address: Board of Medical Imaging, 800 NE Oregon St., Portland, OR 97232

Telephone: (971) 673-0216

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Board of Optometry
Chapter 852

Rule Caption: Expand and revise the list of definitions related to licensing, practice, and regulation of optometry.

Date: 8-12-11 **Time:** 1 p.m. **Location:** 1900 Hines St. SE
Salem, OR 97309

Hearing Officer: Robert Mans, OD

Stat. Auth.: ORS 683 & 182

Stats. Implemented: ORS 182.468, 683.010 & 683.335

Proposed Amendments: 852-001-0002

Last Date for Comment: 8-11-11

Summary: The Board has determined that an expanded list of definitions would provide more information concerning the licensing, standards of practice, and regulation of optometry to both the Board's licensees and to the public, particularly patients. Providing this information would further the Board's primary mission of protecting the public.

Rules Coordinator: Kelly Paige

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

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

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Rule Caption: Add language to Records rule regarding custody of patient records.

Date: 8-12-11 **Time:** 1 p.m. **Location:** 1900 Hines St. SE
Salem, OR 97309

Hearing Officer: Robert Mans, OD

Stat. Auth.: ORS 683 & 182

Stats. Implemented: ORS 683.140(c) & 182.466

Proposed Amendments: 852-010-0051

Last Date for Comment: 8-11-11

Summary: The Board has determined that, in certain circumstances, the Board may require that patient records be temporarily transferred to the custody of the Board.

Rules Coordinator: Kelly Paige

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

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

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Revise the Failure to Notify the Board of Practice Location fee on the Schedule of Fees.

Date: 8-12-11
Time: 1 p.m.
Location: 1900 Hines St. SE
Salem, OR 97309

Hearing Officer: Robert Mans, OD

Stat. Auth.: ORS 683, 182 & 431

Stats. Implemented: ORS 683.270, 182.466 & 431.972

Proposed Amendments: 852-010-0080

Last Date for Comment: 8-11-11

Summary: The Board has determined that the fee for Failure to notify the Board of Practice Locations should be reduced to \$50 per occurrence instead of a graduated fee requiring costly administrative oversight.

Rules Coordinator: Kelly Paige

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

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

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Rule Caption: Amends language regarding the fee for lapsed CPR certification.

Date: 8-12-11
Time: 1 p.m.
Location: 1900 Hines St. SE
Salem, OR 97309

Hearing Officer: Robert Mans, OD

Stat. Auth.: ORS 683, 182 & 431

Stats. Implemented: ORS 683.070, 683.100, 683.120, 683.270, 182.466 & 431.972

Proposed Amendments: 852-050-0006

Last Date for Comment: 8-11-11

Summary: The Board has determined that it may require the payment of a fee if CPR certification lapsed at any time during the licensing period. However, if the lapse is only discovered at renewal, but the certification is current at the time of renewal, the license must be issued.

Rules Coordinator: Kelly Paige

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

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

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Rule Caption: Revise language regarding Failure to Notify the Board of Practice Location fee.

Date: 8-12-11
Time: 1 p.m.
Location: 1900 Hines St. SE
Salem, OR 97309

Hearing Officer: Robert Mans, OD

Stat. Auth.: ORS 683 & 182

Stats. Implemented: ORS 683.070, 683.100, 683.120 & 683.270

Proposed Amendments: 852-050-0016

Last Date for Comment: 8-11-11

Summary: The Board has determined that the fee for Failure to notify the Board of Practice Locations should be reduced to \$50 per occurrence instead of a graduated fee requiring costly administrative oversight.

Rules Coordinator: Kelly Paige

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

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

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Rule Caption: Deletes obsolete fee language.

Date: 8-12-11
Time: 1 p.m.
Location: 1900 Hines St. SE
Salem, OR 97309

Hearing Officer: Robert Mans, OD

Stat. Auth.: ORS 683.210 & 182.466

Stats. Implemented:

Proposed Repeals: 852-070-0040

Last Date for Comment: 8-11-11

Summary: Other Oregon Administrative Rules in this Chapter were amended that made this rule obsolete. This fee was formerly a distinct fee, but it has been absorbed into the Active status renewal license fee, and removed from the Fee Schedule.

Rules Coordinator: Kelly Paige

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

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

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Department of Agriculture Chapter 603

Rule Caption: Noxious weed regulation including responsibilities for "A" and "B" weeds.

Date: 7-22-11
Time: 11 a.m.
Location: Oregon Dept. of Agriculture,
Hearings Rm.
635 Capitol St. NE
Salem, OR 97301

Hearing Officer: Stephanie Page

Stat. Auth.: ORS 561.190, 561.510 & 569

Other Auth.: ORS 570.305

Stats. Implemented: ORS 561.510

Proposed Amendments: 603-052-1200

Last Date for Comment: 7-29-11

Summary: Oregon's Noxious Weed Statutes were consolidated and updated in ORS 569 in 2009. The proposed amendments to the noxious weed quarantine clarify the responsibilities of ODA, County Weed Inspectors and landowners relative to "A" and "B" weeds. "A" weeds are targets for exclusion and/or early detection and rapid response (EDRR). "B" weeds are targeted for management on a priority basis as resources allow. Changes to the list, deletes: skeleton leaf bursage, Texas blueweed, giant horsetail and quackgrass; adds Spanish heath and creeping water primrose.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

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Rule Caption: Inland Rogue Agricultural Water Quality Management Area Rules.

Date: 8-2-11
Time: 7 p.m.
Location: USDA Service Center Conf. Rm.
573 Parsons Dr. #102
Medford, OR 97501

8-3-11
7 p.m.
Josephine Co. Office Bldg.
102 S. Redwood Hwy.
Cave Junction, OR 97523

Hearing Officer: Staff

Stat. Auth.: ORS 561.190-561.191 & 568.912

Stats. Implemented: ORS 568.900-568.933

Proposed Adoptions: 603-095-1460

Proposed Amendments: 603-095-1400, 603-095-1420, 603-095-1440

Proposed Repeals: 603-095-0200, 603-095-095-0220, 603-095-0240, 603-095-0260, 603-095-0280

Last Date for Comment: 8-12-11

Summary: The Rules effectuate the implementation of the Inland Rogue Agricultural Water Quality Management Area Plan developed under ORS 568.900 though 568.933 and OAR chapter 603, division 90.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

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Rule Caption: Develops criteria exempting persons from pesticide licensing for specified pesticide applications in residential landscapes.

Date: 8-4-11
Time: 9 a.m.
Location: Dept. of Agriculture
635 Capitol St. NE
Salem, OR 97301

Hearing Officer: Dan Hilburn

Stat. Auth.: ORS 634

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: ORS 634

Proposed Adoptions: 603-057-0220

Proposed Amendments: 603-057-0110

Last Date for Comment: 8-12-11, 5 p.m.

Summary: This rule implements the licensing exemption described in ORS 634.106(5). It limits the persons that qualify for the exemption by designating pesticides that are authorized to be used or applied in specified circumstances, and by designating pesticides that are prohibited from use or application. Clarifying the criteria as to who qualifies for an exemption from pesticide licensing and under what conditions, has been a goal of the department for many years. Uncertainty in statute interpretation has resulted in an "uneven playing field" for the companies competing for common business. This section of the statute has also presented challenges in enforcement without further clarification provided in administrative rule.

For the consumer, being able to hire either a licensed pesticide applicator or a person who qualifies for the exemption from pesticide licensing allows them a choice of the person they could hire to conduct such business on their property. A person who will be exempt from licensing is limited in the types of pesticides they may apply and limited to the type of property they may make pesticide applications. Person exempt from pesticide licensing are not required to demonstrate a minimum level of competency related to pesticide application activities nor meet continuing education/recertification requirements as required of persons subject to pesticide licensing requirements.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

Rule Caption: Modifications to Sudden Oak Death Quarantine.

Date:	Time:	Location:
7-26-11	6 p.m.	Chetco Community Public Library 405 Alder St. Brookings, OR

Hearing Officer: Janet Fults

Stat. Auth.: ORS 561.190 & 561.510

Other Auth.: ORS 570.305

Stats. Implemented: ORS 561.510

Proposed Amendments: 603-052-1230

Last Date for Comment: 7-29-11

Summary: The sudden oak death (*Phytophthora ramorum*) program in Curry County is transitioning from an eradication program to a slow-the-spread program. The proposed amendment would allow different response actions depending on whether the infected site was inside the generally-infected core area or isolated from it. Isolated sites would continue to be eradicated, subject to available funds. Inside the generally-infected core area, the goal would be disease suppression.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

Rule Caption: Housekeeping amendments to update scientific names of threatened or endangered plants.

Stat. Auth.: ORS 561.190

Stats. Implemented: ORS 564.110

Proposed Amendments: 603-073-0070

Last Date for Comment: 7-29-11

Summary: Update scientific names for nine species of threatened or endangered plants: pink sand-verbena, northern wormwood, Snake River goldenweed, Cusick's lupine, rough popcornflower, white-topped aster, wayside aster, barren milk-vetch, and Oregon or Kincaid's lupine. Eliminate Dallas Mountain buttercup, *Ranunculus reconditis*, from the list of endangered plants as this species is no longer considered taxonomically valid.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Adopting consumer disclosure requirement for individual and small employer health benefit plan rate filings.

Date:	Time:	Location:
8-9-11	10 a.m.*	Labor & Industries Bldg. Conference Rm. 350 Winter St. NE, Salem, OR

Hearing Officer: John Atkins

Stat. Auth.: ORS 731.244, 743.018, 743.019, 743.020

Other Auth.: ORS 743.018, 743.019 & 743.020

Stats. Implemented: ORS 742.003, 742.005, 742.007, 743.018, 743.019, 743.020, 743.030 & 743.067

Proposed Amendments: 836-053-0471

Last Date for Comment: 8-16-11

Summary: *Note: The hearing will begin at 10 a.m. and end when all present who wish to testify have done so.

This rule amendments will require health insurers to include, as a component of a small employer or individual health benefit plan rate filing, a document containing, among other important disclosures, summary information breaking down the expenditure of premium contributions, and further breaking down expenditures on medical claims. The Department of Consumer and Business Services intends to reference a federal form that contains these and other disclosures, which insurers will already be required to submit for certain rate filings.

The department requests public comment on the content of the federal document and whether it will meet the needs of the department and consumers to clarify the basis for a rate change, including information about medical claims costs and a breakdown of insurer expenditures that make up the average rate. The department would also request comments on the administrative costs of implementing this requirement.

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: Reporting of e-mail addresses for insurers, self-insured employers, and service companies (TPAs).

Date:	Time:	Location:
7-25-11	9 a.m.*	Labor & Industries Bldg., Rm. F 350 Winter Street NE Salem, OR

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 656.726(4), 656.430, 656.455 & 731.475

Stats. Implemented: ORS 656, 656.430, 656.455 & 731.475

Proposed Amendments: 436-050-0110, 436-050-0160, 436-050-0210, 436-050-0220, 436-050-0230, 436-050-0260

Last Date for Comment: 7-29-11

Summary: *NOTE: The hearing will begin at 9:00 a.m. and end when all present who wish to testify have done so. Written testimony will be accepted through July 29, 2011.

The agency proposes to amend OAR chapter 436, division 050 to require Oregon workers' compensation insurers and self-insured employers to report to the director e-mail addresses for their organizations and any service companies (TPAs) that service their claims.

NOTICES OF PROPOSED RULEMAKING

The proposed rules also include some “housekeeping” changes to enhance clarity: use of plain-language and minor reorganization.

Address questions or requests for paper copies of the rules 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 website: <http://wcd.oregon.gov/policy/rules/rules.html#proprules>

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

Department of Corrections Chapter 291

Rule Caption: Capital Punishment (Death by Lethal Injection).

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Proposed Amendments: 291-024-0005 – 291-024-0090

Last Date for Comment: 8-5-11

Summary: On May 18, 2011, Marion County Circuit Court Judge Joseph C. Guimond issued a Death Warrant in *State v. Gary Haugen*, Marion County Circuit Court Case No. 04C46224, authorizing and commanding the Superintendent of the Oregon State Penitentiary to execute the court’s judgment that defendant Gary Haugen be punished by death. Adoption of these rule amendments is necessary in order for ODOC to conform to its rules to ODOC’s current organizational structure and personnel, to conform to the existing rule regarding media interviews with condemned inmates to ODOC policies regarding the same as established in ODOC’s rule on Media Access to Designated Inmates, OAR 291-204-0060, and to make desired changes in operational policies and procedures, including changing the time of day that executions will be carried out by the Superintendent.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Rule Caption: Prohibited Inmate Conduct and Processing Disciplinary Actions.

Stat. Auth.: ORS 179.040, 421.068, 421.180, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.068, 421.180, 421.185, 421.190, 423.020, 423.030 & 423.075

Proposed Amendments: 291-105-0005 – 291-105-0100

Last Date for Comment: 8-5-11

Summary: The rule violations for inmate misconduct were revised significantly in June, 2009. Staff has expressed concern in the application of certain rule violation. There rule amendments are necessary to define terms; clarify and update rule violations; add a provision authorizing designated Department officials in the interest of justice, to withdraw an inmate disciplinary order and direct that a hearing be reopened for a Department hearings officer to reconsider new or additional evidence; and address a number of housekeeping issues.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Rule Caption: Correctional Case Management of Inmates.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Proposed Adoptions: 291-207-0005 – 291-097-0030

Last Date for Comment: 8-5-11

Summary: These rules are necessary to establish uniform business for case management of DOC inmates from admission to release, targeting resources to those inmates most likely to recidivate using the Oregon Accountability Model and evidence-based practices.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Department of Fish and Wildlife Chapter 635

Rule Caption: Amendments regarding harvest of game birds, season dates, open areas and bag limits.

Date:	Time:	Location:
8-5-11	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 486.146, 496.162 & 498.002

Stats. Implemented: ORS 496.012, 496.138, 486.146, 496.162 & 498.002

Proposed Amendments: Rules in 635-008, 635-010, 635-043, 635-045, 635-051, 635-052, 635-053, 635-054, 635-060

Last Date for Comment: 8-5-11

Summary: Amend rules regarding the harvest of game birds including 2011-2012 season dates, open areas, regulations and bag limits. Amend rules regarding wildlife harassment permit if using a dog to harass migratory birds.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

Rule Caption: Amend Rules Related to the Public Process for Angling Regulation Development.

Date:	Time:	Location:
8-5-11	8 a.m.	Dept. of Fish & Wildlife Commission Rm. 3406 Cherry Ave. NE. Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Proposed Adoptions: Rules in 635-011

Proposed Amendments: Rules in 635-011

Proposed Repeals: Rules in 635-011

Last Date for Comment: 8-5-11

Summary: Amended rules relate to the 5-step public process for angling regulation development and promulgation. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

Rule Caption: Amend rules related to 2012 Oregon Sport Fishing Regulations.

Date:	Time:	Location:
8-5-11	8 a.m.	Dept. of Fish & Wildlife Commission Rm. 3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146, 496.162, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.138, 496.146, 496.162 & 506.129

Proposed Adoptions: Rules in 635-011, 635-013, 635-014, 635-016, 635-017, 635-018, 635-019, 635-021, 635-023, 635-039

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: Rules in 635-011, 635-013, 635-014, 635-016, 635-017, 635-018, 635-019, 635-021, 635-023, 635-039

Proposed Repeals: Rules in 635-011, 635-013, 635-014, 635-016, 635-017, 635-018, 635-019, 635-021, 635-023, 635-039

Last Date for Comment: 8-5-11

Summary: Amended rules to adopt sport fishing regulations for fin-fish, shellfish, and marine invertebrates for 2012.

Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

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Rule Caption: Amend Rules Relating to Falconry Licenses, Permits and Requirements.

Date:	Time:	Location:
8-5-11	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Proposed Amendments: Rules in 635-055

Last Date for Comment: 8-5-11

Summary: Amend rules relating to falconry licenses, permits and requirements to be in compliance with new federal regulations.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

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Rule Caption: Rules for Oregon's Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead.

Date:	Time:	Location:
8-5-11	8 a.m.	Dept. of Fish & Wildlife Commission Rm. 3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Other Auth.: Native Fish Conservation Policy (OAR 635-007-0502-0509); Federal Endangered Species Act

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Proposed Adoptions: Rules in 635-500

Proposed Amendments: Rules in 635-500

Proposed Repeals: Rules in 635-500

Last Date for Comment: 8-5-11

Summary: Adopt or amend rules, as necessary, relating to the Upper Willamette River Conservation and *Recovery Plan for Chinook Salmon and Steelhead*.

Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

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Rule Caption: Rules for Oregon's Lower Columbia River White Sturgeon Conservation Plan.

Date:	Time:	Location:
8-5-11	8 a.m.	Dept. of Fish & Wildlife Commission Rm. 3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Other Auth.: Native Fish Conservation Policy (OAR 635-007-0502-0509)

Stats. Implemented: ORS 506.109

Proposed Adoptions: Rules in 635-500

Proposed Amendments: Rules in 635-500

Proposed Repeals: Rules in 635-500

Last Date for Comment: 8-5-11

Summary: Adopt or amend rules, as necessary, relating to the *Lower Columbia River White Sturgeon Conservation Plan*.

Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

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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.

Date:	Time:	Location:
7-21-11	8:30 a.m.	500 Summer St. NE, Rm. 257 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Proposed Amendments: 413-070-0514, 413-070-0516, 413-070-0518, 413-070-0519

Last Date for Comment: 7-25-11, 5 p.m.

Summary: OAR 413-070-0514 about working with a child's team regarding a permanency plan and concurrent permanency plan is being amended to clarify the individual who can make a decision on behalf of the Department to change a child's permanency plan to APPLA prior to approaching the court. This rule is also being amended to clarify when a caseworker must determine the Department has taken action on potential permanency resources prior to considering a change in the permanency plan.

OAR 413-070-0516 about the use of a permanency committee is being amended to clarify and reference an exception to the process described in these rules to use a permanency committee to make a recommendation that a foster parent be considered as a child's potential adoptive resource.

OAR 413-070-0518 about the composition, scheduling, responsibilities, and recommendation of the permanency committee is being amended to modify its description of who is considered a member of the permanency committee and broaden the individuals who may be invited to come and present information to the permanency committee.

OAR 413-070-0519 about the decision of the permanency committee and the notice of that decision is being amended to modify the rule title to better match the content of the rule.

These four rules are also being amended to make permanent the temporary rule changes adopted on March 22, 2011.

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

Written comments may be submitted until July 25, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

Rules Coordinator: Annette Tesch

NOTICES OF PROPOSED RULEMAKING

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.

Date:	Time:	Location:
7-21-11	8:30 a.m.	500 Summer St. NE, Rm. 257 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005 & 419A.004

Proposed Amendments: 413-070-0550

Last Date for Comment: 7-25-11, 5 p.m.

Summary: OAR 413-070-0550 about the approval and implementation of an APPLA permanency plan is being amended to clarify the individual who can make a decision on behalf of the Department to change a child's permanency plan to APPLA prior to approaching the court. This rule is also being amended to make permanent the temporary rule changes adopted on March 22, 2011.

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

Written comments may be submitted until July 25, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

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.

Date:	Time:	Location:
7-21-11	8:30 a.m.	500 Summer St. NE, Rm. 257 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005 & 419B.192

Proposed Amendments: 413-110-0132

Last Date for Comment: 7-25-11, 5 p.m.

Summary: OAR 413-110-0132 about the process to be followed and considerations to be made when separating siblings for purposes of adoption is being amended to clarify when the Department utilizes a permanency committee process for seeking a sibling separation decision, clarify when this is not required, and to make the rule easier to follow. This rule is also being amended to make permanent temporary rule changes adopted on April 4, 2011.

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

Written comments may be submitted until July 25, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

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.

Date:	Time:	Location:
7-21-11	8:30 a.m.	500 Summer St. NE, Rm. 257 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 418.280, 418.285, 418.305, 418.937, 419A.255, 419B.100 & 419B.192

Proposed Amendments: 413-120-0020, 413-120-0021, 413-120-0035, 413-120-0060

Last Date for Comment: 7-25-11, 5 p.m.

Summary: OAR 413-120-0020 about adoption placement selection options is being amended to clarify the actions the Department may be taking in searching for a child's relatives when considering how to move forward with adoption selection processes. This rule is also being amended to clarify how an adoption selection is made when the Department has granted an exception to the order of preference in adoption selection.

OAR 413-120-0021 about adoption placement selection by a case-worker is being amended to clarify the actions the Department may take when a relative first expresses interest in being considered as a potential adoptive resource at a later stage in the process.

OAR 413-120-0035 about the invitation to and notification of the adoption committee is being amended to clarify the actions the Department may take when a relative first expresses interest in being considered as a potential adoptive resource at a later stage in the adoption committee process. This rule is also being amended to state when an exception to timelines set forth in the rule can be implemented.

OAR 413-120-0060 is being amended to clarify the Department staff who must receive notice upon receipt of a request for the review of an adoption selection decision.

These rules are also being amended to make permanent the temporary rule changes adopted on March 22, 2011.

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

Written comments may be submitted until July 25, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

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.

Date:	Time:	Location:
7-21-11	8:30 a.m.	500 Summer St. NE, Rm. 257 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 109.309 & 418.005

Stats. Implemented: ORS 109.309, 418.005 & 419B.192

Proposed Amendments: 413-120-0730, 413-120-0750, 413-120-0760

Last Date for Comment: 7-25-11, 5 p.m.

Summary: OAR 413-120-0730 is being amended to clarify the order of preference in identifying potential adoptive resources for a child.

OAR 413-120-0750 is being amended to clarify when an exception can be made for the required recruitment efforts seeking an appropriate adoptive resource for a child.

OAR 413-120-0760 is being amended to clarify the identification of potential adoptive resources for a child. This rule is also being amended to state the considerations and circumstances to grant an

NOTICES OF PROPOSED RULEMAKING

exception to the order of preference in the selection of potential adoptive resources.

These three rules are also being amended to make permanent changes adopted by temporary rule on March 22, 2011.

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

Written comments may be submitted until July 25, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

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

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**Department of Human Services,
Children, Adults and Families Division:
Vocational Rehabilitation Services
Chapter 582**

Rule Caption: Amending standards for provision of program services, definitions, and rates of payment.

Date:	Time:	Location:
7-25-11	10 a.m.	N Portland OVRS Conference Rm. 4744 N Interstate Ave. Portland, OR
7-26-11	10:10 a.m.	Bend VR Office Conference Rm. 1230 NE 3rd St. Bend, OR
7-27-11	10:10 a.m.	DHS Office - Jobs Rm. 726 NE 7th St. Grants Pass, OR

Hearing Officer: Peter Fox

Stat. Auth.: ORS 344.530

Other Auth.: 34 CFR 361

Stats. Implemented: ORS 344.350, 344.540 & 344.550

Proposed Adoptions: 582-030-0050

Proposed Amendments: 582-001-0010, 582-050-0000, 582-050-0005, 582-050-0010, 582-050-0020, 582-050-0060, 582-060-0010, 582-060-0020, 582-070-0010, 582-070-0020, 582-070-0025, 582-070-0030, 582-070-0040, 582-070-0042, 582-070-0043, 582-070-0044

Last Date for Comment: 8-1-11

Summary: These proposed rules revise the Office of Vocational Rehabilitation services (OVRS) provision of services and process for providing transportation, modifying vehicles, requirements for maintaining vehicle insurance, requirements for closing case files and updates definitions. The revisions more precisely describe the general purpose of these services, scope and nature of services, OVRS requirements and individual rights and responsibilities.

Rules Coordinator: Peter Fox

Address: Department of Human Services, Children, Adults and Families Division: Vocational Rehabilitation Services, 500 Summer St. NE, Salem, OR 97301

Telephone: (503) 945-6695

.....
**Department of Human Services,
Seniors and People with Disabilities Division
Chapter 411**

Rule Caption: Long-Term Support for Children with Developmental Disabilities.

Date:	Time:	Location:
7-21-11	3:30 p.m.	Human Services Bldg. 500 Summer St. NE, Rms. 137CD Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050 & 410.070

Other Auth.: ORS 291.261

Stats. Implemented: ORS 427.005, 427.007 & 430.610-430.670

Proposed Amendments: 411-308-0020, 411-308-0050, 411-308-0060, 411-308-0070, 411-308-0080, 411-308-0090, 411-308-0120

Proposed Repeals: 411-308-0020(T), 411-308-0050(T), 411-308-0060(T), 411-308-0070,(T) 411-308-0080(T), 411-308-0090(T), 411-308-0120(T)

Last Date for Comment: 7-25-11, 5 p.m.

Summary: The Department of Human Services (DHS), Senior and People with Disabilities Division (SPD) is proposing to permanently amend the long-term support for children with developmental disabilities rules in OAR chapter 411, division 308 to:

- Implement a limitation on the maximum amount of support available to each child;
- Clarify the requirement to fully utilize all appropriate alternate resources, prior to and during enrollment, to reduce per care costs; and
- Clarify that the eight hours of unpaid support the child's family is expected to provide excludes sleeping hours.

The proposed rulemaking allows SPD to continue to provide long-term support. Long-term support allows children to remain in their family homes and prevents out of home placement.

Rules Coordinator: Christina Hartman

Address: Department of Human Services, Seniors and People with Disabilities Division, 500 Summer St. NE, E-10, Salem, OR 97301

Telephone: (503) 945-6398

.....
**Department of Public Safety Standards and Training
Chapter 259**

Rule Caption: Amends rule to reflect current contested case procedures as prescribed by the Administrative Procedures Act.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Proposed Amendments: 259-020-0031

Proposed Repeals: 259-020-0031(T)

Last Date for Comment: 7-21-11, Close of Business

Summary: This rule update amends the contested case procedures for complaints, denials, suspensions, and revocations of polygraph examiner's and trainee's licensure to reflect the procedures prescribed by the Administrative Procedures Act. Plain language standards are also implemented.

Rules Coordinator: Linsay Bassler

Address: Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

.....
Rule Caption: Define NFPA Dive Rescue and NFPA Surf Rescue.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Proposed Amendments: 259-009-0005

Last Date for Comment: 7-21-11, Close of Business

Summary: The Fire Policy Committee met on November 19, 2010 and reviewed NFPA 1006 Technical Rescuer Professional Qualifications. The standard was approved by the Fire Policy Committee and the Board on Public Safety Standards and Training and adopted into Oregon Administrative Rule. The definitions for NFPA Dive Rescue and NFPA Surf Rescue were inadvertently omitted from the original proposed rule language. This rule update corrects that error by adding the omitted definitions.

Rules Coordinator: Linsay Bassler

Address: Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Decrease private security licensing and certification fees.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Proposed Amendments: 259-060-0500

Proposed Repeals: 259-060-0500(T)

Last Date for Comment: 7-21-11, Close of Business

Summary: The licensing and certification fees are the primary revenue source for the private security and private investigator program. During the 2009–2011 biennium, a permanent rule was approved to increase the certification and licensing fees to cover a projected budget shortfall. Due to Oregon’s current economic climate, the Oregon State Legislature voted and approved a fee decrease for certain private security certificates and licenses.

Rules Coordinator: Linsay Bassler

Address: Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

Department of Transportation, Highway Division Chapter 734

Rule Caption: Traffic Control devices; Authority.

Stat. Auth.: ORS 184.616, 184.619, 366.205, 810.200 & 810.210

Stats. Implemented: ORS 810.200 & 810.210

Proposed Amendments: 734-020-0005

Proposed Repeals: 734-020-0055

Last Date for Comment: 7-21-11

Summary: The proposed amendment of OAR 734-020-0005 adopts the 2009 Edition of the Manual on Uniform traffic Control Devices, Oregon Supplemental to the Manual on Uniform traffic Control Devices, and the Oregon Temporary traffic Control handbook as standards for traffic control devices in Oregon in accordance with ORS 810.200. The amended rules as proposed, complies with federal requirements set forth in Title 23, united States Code, Section 109(d) and Title 23, Code of Federal Regulations, Part 655.603, which requires states to adopt the 2009 Edition of the Manual on Uniform traffic Control devices and any supplements within tow years of issuance. The proposed amendment also recognizes the traffic Control Devices Committee as the official advisory body to the State Traffic Engineer on uniform standards for traffic control devices in this state, repeals OAR 734-020-0055 because it is covered in the referenced documents of OAR 734-020-0005.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Highway Division, 3930 Fairview Industrial Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

Rule Caption: ODOT intends to amend rules governing the requirements for oversized load signs.

Stat. Auth.: ORS 184.616 & 184.619

Stats. Implemented: ORS 815.275, 818.220 & 818.225

Proposed Amendments: 734-082-0037

Last Date for Comment: 7-21-11

Summary: These rules describe sign requirements for over-length or over-width vehicles transporting over-length or over-width loads. Currently, signs warning of an oversize vehicle or load are required to be placed on the front and rear of the vehicle and must be seven feet wide by 18 inches high. A number of fixed load vehicles, self-propelled cranes, or oversized trailers do not have enough space on the front or rear of the vehicle to accommodate a sign the size required by rule without clocking headlights, turn signals, license plate, brake lights or taillights. The proposed amendment will provide carriers with an additional method to meet the rule requirements by allowing a vehicle’s bumpers to be painted yellow and bear the

words “OVERSIZE LOAD” painted or decaled in black. Such signage requirements on the bumper of the signage is in compliance with the vehicle’s base state rules governing warning signs.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Highway Division, 3930 Fairview Industrial Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

Employment Department Chapter 471

Rule Caption: Employer notification requirements in amended monetary determinations.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657

Proposed Amendments: 471-030-0048

Last Date for Comment: 7-23-11, 5 p.m.

Summary: Adds additional consideration for employer notification during amended monetary determination.

Rules Coordinator: Courtney Brooks

Address: Employment Department, 875 Union St. NE, Salem, OR 97311

Telephone: (503) 947-1724

Oregon Commission on Children and Families Chapter 423

Rule Caption: Remove “Preservation services” from Program Area title and from portion of Service Area.

Stat. Auth.: ORS 417.705–417.797 & 419.170

Stats. Implemented: ORS 417.705–417.797 & 419.170

Proposed Amendments: 423-010-0024

Last Date for Comment: 7-21-11

Summary: The use of Federal Title IV-B2 funds received by Agency was clarified by Children’s Bureau/ACYF/ACF – Region 10 of the US Department of Health and Human Services. Agency is directed by federal guidance to target use of Title IV-B2 funds received by Agency to the “Family Support” portion of the act. Agency may nol longer use these funds for Family Preservation services.

Rules Coordinator: Marsha Clark

Address: Oregon Commission on Children and Families, 530 Center St. NE–Suite 405, Salem, OR 97301

Telephone: (503) 373-1283

Oregon Health Authority, Addictions and Mental Health Division: Addiction Services Chapter 415

Rule Caption: Health Professionals’ Services Program.

Date:	Time:	Location:
7-19-11	1 p.m.	500 Summer St. NE, Rm. 137-C Salem, OR

Hearing Officer: Rick Luthé

Stat. Auth.: ORS 409.050, 676.190 & 413.042

Stats. Implemented: ORS 676.185–676.200

Proposed Adoptions: 415-065-0055

Proposed Amendments: 415-065-0010

Last Date for Comment: 8-2-11

Summary: This proposed rule activity adds a definition for “comply continuously” and one sub-section to existing rules related to a statewide health professionals’ monitoring program for licensees of participating health licensing boards, as required by ORS 676.190, who are unable to practice with professional skill and safety due to substance abuse disorders, mental health disorders or both types of disorders.

The new sub-section will authorize the treatment vendor, upon receipt of a court order, to release identifying information to a

NOTICES OF PROPOSED RULEMAKING

licensee's board, including a report of substantial non-compliance, if a licensee has revoked his or her consent to release information.

Rules Coordinator: Richard Luthe

Address: Oregon Health Authority, Addictions and Mental Health Division: Addiction Services, 500 Summer St. NE, E-86, Salem, OR 97301

Telephone: (503) 947-1186

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**Oregon Health Authority,
Addictions and Mental Health Division:
Mental Health Services
Chapter 309**

Rule Caption: Revisions to Projects for Assistance in Transition from Homelessness (PATH) rules.

Date:	Time:	Location:
7-18-11	10 a.m.	DHS Bldg., Rm. 160 500 Summer St. NE Salem, OR 97301

Hearing Officer: Rick Luthe

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 430.610-430.695

Proposed Amendments: 309-032-0175, 309-032-0180, 309-032-0185, 309-032-0195, 309-032-0200, 309-032-0205

Proposed Repeals: 309-032-0190, 309-032-0210

Last Date for Comment: 7-22-11

Summary: The Addictions and Mental Health Division is revising the OAR 309-032 "Projects in transition from Homelessness" (PATH) rules in order to update the rules and address conformity with federal requirements.

Rules Coordinator: Richard Luthe

Address: Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E-86, Salem, OR 97301

Telephone: (503) 947-1186

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**Oregon Health Authority,
Division of Medical Assistance Programs
Chapter 410**

Rule Caption: Re-file due to federal input to implement, administer and audit the Medicaid EHR Incentive Program.

Date:	Time:	Location:
7-15-11	10:30 a.m.	DHS Bldg., Hearing Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 413.042

Stats. Implemented: 414.025, 414.065 & 409.010

Proposed Adoptions: 410-165-0060

Last Date for Comment: 7-18-11, Close of Business

Summary: The Medicaid Electronic Health Record (EHR) Incentive Program administrative rules govern Division of Medical Assistance Programs payments to certain providers. The Division needs to adopt 410-165-0060 because Section 4201 of the American Reinvestment and Recovery Act of 2009 established a voluntary program to disburse incentive payments to Medicaid providers who adopt, implement, or upgrade, or become meaningful users of certified electronic health record systems. This rule and others outline the Medicaid Electronic Health Record (EHR) Incentive Program criteria for participation of eligible professionals and eligible hospitals that adopt, implement, or upgrade, or successfully demonstrate meaningful use of certified electronic health record technology, and who are qualified by the program.

Notice of proposed rulemaking was filed for this and other rules in May 2011 and a Public Comment Period is currently underway for these rules. However, due to clarification from the Centers for Medicare and Medicaid Services (CMS), the Division revised 410-165-0060, (2) (b) (C) and Table 165-0060-1 related to the eligibility criteria for patient volume requirements of eligible professionals

practicing in Federally Qualified Health Centers and Rural Health Clinics. The Division determined this to be a substantive change requiring the need to re-file the rule with the Secretary of State and allow a new Public Comment Period to end July 18, giving adequate opportunity for public input.

Implementation of this rule is pending approval from CMS.

Proposed rules are available on the DMAP Website: <http://www.dhs.state.or.us/policy/healthplan/rules/notices.html>

For hardcopy requests, call: (503) 947-5081

Rules Coordinator: Darlene Nelson

Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....
**Oregon Housing and Community Services Department
Chapter 813**

Rule Caption: Landlord Notice Requirements to Tenants When a Manufactured Dwelling Park or Marina is Closed.

Date:	Time:	Location:
7-22-11	1:30 p.m.	725 Summer St. NE, Rm. 124B Salem, OR

Hearing Officer: Theresa Wingard

Stat. Auth.: ORS 90.645, 90.650, 90.671 & 446.543

Stats. Implemented: ORS 90.645, 90.650, 90.671 & 446.543

Proposed Adoptions: 813-065-0120, 813-065-0130, 813-065-0140, 813-065-0150, 813-065-0210, 813-065-0220, 813-065-0230, 813-065-0240

Proposed Repeals: 813-008-0010, 813-008-0020, 813-008-0025, 813-008-0030, 813-008-0040, 813-065-0120(T), 813-065-0130(T), 813-065-0140(T), 813-065-0150(T), 813-065-0210(T), 813-065-0220(T), 813-065-0230(T), 813-065-0240(T)

Proposed Ren. & Amends: 813-008-0005 to 813-065-0100; 813-008-0015 to 813-065-0110

Last Date for Comment: 8-12-11, 5 p.m.

Summary: 813-065-0100 through 813-065-0150 This set of rules include new and amended notice requirements of landlords to tenants when a manufactured dwelling park is closed.

813-065-0200 through 813-065-0210 These are new rules that provide that notice requirements of landlords to tenants when a marina is closed.

Rules Coordinator: Sandy McDonnell

Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301

Telephone: (503) 986-2012

.....
**Oregon Public Employees Retirement System
Chapter 459**

Rule Caption: Repeal rule given the specific loss of membership standard for school employees in ORS 238.095.

Date:	Time:	Location:
8-23-11	2 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.095

Proposed Repeals: 459-010-0205

Last Date for Comment: 9-1-11

Summary: This rule is obsolete and unnecessary given the specific loss of membership standard for school employees in ORS 238.095.

Copies of the proposed rules are available to any person upon request. The rules are also available at http://www.oregon.gov/PERS/about_us.shtml. Public comment may be mailed to the above address or sent via email to Daniel.Rivas@state.or.us

Rules Coordinator: Daniel Rivas

NOTICES OF PROPOSED RULEMAKING

Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

Rule Caption: Clarify administration of disability retirement allowances and update disability rules.

Date:	Time:	Location:
8-23-11	2 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 183.310–183.550, 238.650, 238A.120, 238A.140, 238A.450 & 45 CFR parts 160 & 164

Stats. Implemented: ORS 238.175, 238.320–238.345, 238.715, 238A.230 & 238A.235

Proposed Amendments: 459-015-0001, 459-015-0005, 459-015-0020, 459-015-0045, 459-015-0050, 459-076-0001, 459-076-0005, 459-076-0020, 459-076-0025, 459-076-0050, 459-076-0055

Proposed Repeals: 459-076-0000

Last Date for Comment: 9-1-11

Summary: Staff has reviewed all the disability rules in division 15 and 76 and started rulemaking in order to clarify the administration of disability retirement allowances and update disability rules.

- Rule modifications include but are not limited to edits that will:
- Clarify requirements for total disability; resolve differences.
- Update definitions; add definitions.
- Clarify application requirements for inactive members.
- Clarify return to work provisions and medical documentation on periodic review; clarify treatment of transferred variable accounts at disability retirement when the member returns to work and the account is rebuilt; define other income is deemed earned when paid.
- Resolve contradictions within rules.
- Update legal citations.
- Update rules/definitions in division 76 for consistency with division 15.
- Reference contested case hearings rules 459-015-0030, 459-015-0035, and 459-015-0040.

Copies of the proposed rules are available to any person upon request. The rules are also available at http://www.oregon.gov/PERS/about_us.shtml. Public comment may be mailed to the above address or sent via email to Daniel.Rivas@state.or.us

Rules Coordinator: Daniel Rivas

Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281

Telephone: (503) 603-7713

Oregon State Lottery Chapter 177

Rule Caption: Authorizes Lottery player loyalty programs, and sets forth requirements.

Date:	Time:	Location:
7-18-11	2–2:30 p.m.	Oregon Lottery 500 Airport Rd. SE Salem, OR

Hearing Officer: Mark Hohlt

Stat. Auth.: ORS 461

Other Auth.: OR Const., Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.300 & 461.200

Proposed Adoptions: 177-051-0035

Proposed Amendments: 177-051-0000, 177-051-0010, 177-051-0030, 177-051-0040, 177-051-0120, 177-051-0130

Proposed Repeals: 177-051-0020, 177-051-0050, 177-051-0060, 177-051-0070, 177-051-0080, 177-051-0090, 177-051-0100, 177-051-0110

Last Date for Comment: 7-18-11, 3 pm.

Summary: The Oregon State Lottery has initiated permanent rulemaking to adopt, repeal, and amend the above referenced administrative rules to substantially revise its rules related to Lottery player

loyalty programs and to specifically authorize Oregon Lottery® to offer player loyalty promotional programs where persons may register to become a member and may participate in special promotional activities, drawings, and giveaways offered by the Lottery.

Rules Coordinator: Mark W. Hohlt

Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301

Telephone: (503) 540-1417

Oregon University System, Western Oregon University Chapter 574

Rule Caption: Revisions to special course fees and general services fees.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Proposed Amendments: 574-050-0005

Last Date for Comment: 7-21-11

Summary: Amendments will allow for increases, additions, and revisions of special course fees and general services fees.

Rules Coordinator: Debra L. Charlton

Address: Oregon University System, Western Oregon University, 345 N Monmouth Ave., Monmouth, OR 97361

Telephone: (503) 838-8597

Public Utility Commission Chapter 860

Rule Caption: Rulemaking to Implement Carrier of Last Resort Obligations as set forth in ORS 759.506.

Date:	Time:	Location:
7-26-11	1 p.m.	Main Hearing Rm. 550 Capital St. NE, 1st Floor Salem, OR 97301

Hearing Officer: Traci Kirkpatrick

Stat. Auth.: ORS 756.060, 759.036 & 759.506

Stats. Implemented: ORS 759.506

Proposed Adoptions: 860-025-0055, 860-025-0060, 860-025-0065

Last Date for Comment: 8-2-11, Close of Business

Summary: These rules are proposed to implement the requirements of ORS 759.506 (HB 2097 from the 2009 legislative session). The proposed rules provide telecommunications carriers with information to petition for exemption from Carrier of Last Resort (COLR) obligations and clarify when they may do so, provide instruction for residents and occupants of affected property on how to petition the PUC for reinstatement of COLR obligations; and provide guidance on the allocation of reinstatement costs.

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 551 on comments and file them by e-mail to the Commission's Filing Center at PUC.FilingCenter/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=16841>. A copy of the Commission Staff's proposed rules are available online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=16841>. The proposed rule language will be attached to the notice of rule-making hearing.

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business July 22, 2011, 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 of Oregon, PO Box 2148, Salem, OR 97308

Telephone: (503) 378-4372

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Revising Electric Service Reliability Rules to Reflect Current National Standards

Stat. Auth.: ORS Ch. 183, 756 & 757

Stats. Implemented: ORS 757.020

Proposed Adoptions: 860-023-0081, 860-023-0084

Proposed Amendments: 860-023-0090, 860-023-0100, 860-023-0110, 860-023-0130, 860-023-0150, 860-023-0160

Proposed Repeals: 860-023-0080, 860-023-0120, 860-023-0140

Last Date for Comment: 7-29-11, Close of Business

Summary: The Commission's existing electric service reliability rules need to be revised to reflect the current national standards. By adopting these proposed rules, Oregon's electric investor-owned utilities will be analyzing and reporting statistical reliability performance using one methodology – consistent with many other electrical utilities across the nation. For electric investor-owned utilities operating in various states (i.e., Idaho Power, PacifiCorp), reporting by more than one methodology is especially burdensome. Trade and other organizations need to have consistent information available that complies with national standards to compare electric utility reliability performance. The proposed rules update the Commission rules to comply with the latest version of the Institute of Electrical and Electronic Engineers (IEEE) Standard – 1366, which is the industry-recognized national standard by which electric distribution utilities are to report reliability performance. By adopting this current standard, future updates to the national standard will be more easily adopted into Oregon's rules.

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 552 on comments and file them by e-mail to the Commission's Filing Center at 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=16868>.

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, PO Box 2148, Salem, OR 97308

Telephone: (503) 378-4372

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Teacher Standards and Practices Commission
Chapter 584

Rule Caption: Amends rules regarding reinstatement of suspended and revoked licenses, registrations, and certificates. Adds school nurse certificates to the sanction rules by including "certificates" in the sanction procedures.

Date:
7-21-11

Time:
11 a.m.

Location:
University of Portland
5000 N Willamette Blvd.
Portland, OR 97203

Hearing Officer: Lynn Beaton

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120–342.430, 342.455–342.495 & 342.553

Proposed Amendments: 584-050-0015, 584-050-0016, 584-050-0018

Last Date for Comment: 7-21-11, 2 p.m.

Summary: 584-050-0015 – *Reinstatement of Suspended, Revoked, or Surrendered License or Registration Generally* – Adds school nurse certificates to rules related to sanctions, Corrects statutory references.

584-050-0016 – *Reinstatement of Suspended License, Registration, or Right to Apply for a License or Registration* – Adds "certificate" to rule Corrects statutory reference and passive language.

584-050-0018 – *Reinstatement of Revoked License, Registration, or Right to Apply for a License, Certificate or Registration* – Clarifies application procedures for reinstatement of revoked license, certificate or registration. Correct statutory references.

Rules Coordinator: Lynn Beaton

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

Telephone: (503) 373-0981

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Travel Information Council
Chapter 733

Rule Caption: Amend rules to add the approved Supplemental Messages and clarify Interstate Oasis verbiage.

Stat. Auth.: ORS 377.700–377.840

Stats. Implemented: ORS 183.310–183.550

Proposed Amendments: Rules in 733-030

Last Date for Comment: 7-22-11

Summary: The travel Information Council held a quarterly meeting on June 2, 2011. The Council proposed to amend rules to add to the list of approved Supplemental Messages and clarify the Interstate Oasis verbiage.

Rules Coordinator: Diane Cheyne

Address: Travel Information Council, 1500 Liberty St. SE, Suite 150, Salem, OR 97302

Telephone: (503) 378-4508

ADMINISTRATIVE RULES

Board of Architect Examiners Chapter 806

Rule Caption: Board's Biennial Budget.
Adm. Order No.: BAE 1-2011
Filed with Sec. of State: 6-6-2011
Certified to be Effective: 7-1-11
Notice Publication Date: 4-1-2011
Rules Amended: 806-001-0003
Subject: To adopt the Board's 2011–13 biennial budget, with an expenditure limit of \$821,000.
Rules Coordinator: Carol Moeller—(503) 763-0662

806-001-0003 Biennial Budget

Pursuant to the provisions of ORS 182.462, the Board adopts by reference the Oregon State Board of Architect Examiners' 2011–2013 Biennial Budget of \$821,000 covering the period July 1, 2011, through June 30, 2013. The Board Administrator will amend budgeted accounts as necessary, within the approved budget of \$821,000, for the effective operation of the Board. The Board will not exceed the approved budget amount without amending this rule, notifying holders of licenses, and holding a public hearing. Copies of the budget are available from the Board's office.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 671.120, 671.125, 182.462 & 183.705

Stats. Implemented: ORS 671.125 & 182.462

Hist.: AE 1-1997(Temp), f. & cert. ef. 7-25-97; AE 3-1997, f. & cert. ef. 12-11-97; BAE2-1998, f. & cert. ef. 6-22-98; BAE 2-1999, f. & cert. ef. 5-25-99; BAE 2-2001, f. 6-6-01, cert. ef. 7-1-01; BAE 2-2003, f. 4-11-03 cert. ef. 7-1-03; BAE 1-2005, f. 3-14-05, cert. ef. 7-1-05; BAE 1-2007, f. 5-8-07, cert. ef. 7-1-07; BAE 2-2009, f. & cert. ef. 5-14-09; BAE 3-2009, f. 5-22-09, cert. ef. 7-1-09; BAE 1-2011, f. 6-6-11, cert. ef. 7-1-11

**Board of Chiropractic Examiners
Chapter 811**

Rule Caption: Establishes minimum educational and other requirements for dry needling.
Adm. Order No.: BCE 1-2011
Filed with Sec. of State: 5-31-2011
Certified to be Effective: 6-13-11
Notice Publication Date: 3-1-2011
Rules Adopted: 811-015-0036
Subject: Establishes minimum educational and other requirements for dry needling.
Rules Coordinator: Donna Dougan—(503) 378-5816, ext. 24

811-015-0036 Dry Needling

Dry needling is within the chiropractic physicians scope of practice for the treatment of myofascial triggerpoint pursuant to ORS 684.010(2).

(1) Dry Needling is a technique used to evaluate and treat myofascial trigger points that uses a dry needle, without medication, that is inserted into a trigger point that has been identified by examination in accordance with OAR 811-015-0010 with the goal of releasing/inactivating the trigger points, relieving pain and/or improving function.

(2) A chiropractic physician licensed in Oregon who wishes to practice dry needling must,

- (a) Register with the Board on the form prescribed by the Board and,
- (b) Provide proof of the basic Board approved course hour requirements before engaging in the practice of dry needling, and
- (c) Perform all aspects of needle insertion and removal.

(3) In order to perform dry needling, chiropractic physicians must complete a minimum of 24 hours of education with practicum specific to dry needling within the curriculum of an accredited chiropractic college, or through post graduate continuing education on dry needling approved by the Oregon Board of Chiropractic Examiners.

(4) Chiropractic physicians must obtain a written Board approved informed consent from every patient treated with dry needling regarding the clinical purpose of dry needling and must state clearly that dry needling is not acupuncture.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.155(b)

Hist.: BCE 1-2011, f. 5-31-11, cert. ef. 6-13-11

Board of Nursing Chapter 851

Rule Caption: Correction to errors in wording (2) in Rules for Authorized Duties and Standards for Certified Nursing Assistants.
Adm. Order No.: BN 1-2011(Temp)
Filed with Sec. of State: 6-6-2011
Certified to be Effective: 6-23-11 thru 12-20-11
Notice Publication Date:
Rules Amended: 851-063-0030
Subject: Under OAR 851-063-0030 Authorized Duties and Standards for Certified Nursing Assistants, (1)(c)(A)(vi) Preventing hydration should read: Preventing dehydration. In addition, OAR 851-063-0030(1)(a)(B)(vi) Providing catheter care including the application of an removal of external urinary catheters should read: Providing catheter care including the application of and removal of external urinary catheters.
Rules Coordinator: Peggy A. Lightfoot—(971) 673-0638

851-063-0030 Authorized Duties and Standards for Certified Nursing Assistants

(1) Under the supervision of a licensed nurse, the CNA may provide care and assist clients with the following tasks:

(a) Tasks associated with infection control and Standard or Transmission Based Precautions:

- (A) Bedmaking and handling of linen;
- (B) Caring for the client's environment;
- (C) Handling and disposal of hazardous wastes;
- (D) Handling of contaminated materials;
- (E) Handwashing and hand hygiene;
- (F) Maintaining client cleanliness and grooming; and
- (G) Utilizing personal protective equipment.

(b) Tasks associated with safety and emergency procedures:

- (A) Moving and transferring clients;
- (B) Transporting clients in wheelchairs and specialized chairs;
- (C) Turning and positioning clients;
- (D) Using lifts and safe client handling devices;
- (E) Turning oxygen on and off or transferring oxygen between wall and tank at pre-established flow rate for stable clients;
- (F) Managing hazards in the workplace;
- (G) Preventing burns;
- (H) Preventing falls; and
- (I) Performing cardiopulmonary resuscitation.

(c) Tasks associated with activities of daily living (ADL):

- (A) Assisting with nutrition and hydration:
 - (i) Assisting with feeding;
 - (ii) Measuring and recording height and weight;
 - (iii) Measuring and recording intake and output;
 - (iv) Positioning clients for nutritional and fluid intake;
 - (v) Preventing choking and aspiration; and
 - (vi) Preventing dehydration.
- (B) Assisting with elimination:

(i) Administering bowel evacuation suppositories that are available without a prescription;

- (ii) Administering enemas;
- (iii) Assisting with the use of bedpan and urinal;
- (iv) Assisting with toileting;
- (v) Collecting specimens; sputum, stool, and urine including clean catch urine specimens;

(vi) Providing catheter care including the application of and removal of external urinary catheters;

(vii) Providing ostomy care for established, healthy ostomy including cleaning the ostomy site and emptying the ostomy bag or changing the ostomy bag which does not adhere to the skin; and

(viii) Providing perineal and incontinence care.

(C) Assisting with personal care:

- (i) Bathing;
- (ii) Providing comfort care;
- (iii) Dressing and undressing;
- (iv) Grooming to include: application and care of dentures, eye glasses, and hearing aides.

(v) Nail care;

(vi) Oral hygiene;

(vii) Shampooing and caring for hair;

ADMINISTRATIVE RULES

(viii) Shaving; and
(ix) Skin Care to include: application of non-prescription pediculicides; application of topical, non-prescription barrier creams and ointments for prophylactic skin care; maintenance of skin integrity; prevention of pressure, friction, and shearing; and use of anti-pressure devices.

(D) Assisting with positioning devices and restraints;

(E) Assisting with restorative care:

(i) Ambulating;

(ii) Assisting with and encouraging the use of self-help devices for eating, grooming and other personal care tasks;

(iii) Assisting with bowel and bladder training;

(iv) Assisting with feeding and ADL programs;

(v) Assisting with the use of crutches, walkers, or wheelchairs;

(vi) Caring for, applying, and removing antiembolus stockings, braces, orthotic devices, and prosthetic devices.

(vii) Elevating extremities;

(viii) Maintaining alignment;

(ix) Performing range of motion exercises;

(x) Using footboards; and

(xi) Utilizing and assisting clients with devices for transferring, ambulation, and alignment.

(d) Tasks associated with observation and reporting:

(A) Assisting with coughing and deep breathing;

(B) Observing and reporting changes of condition to licensed nurse; and

(C) Measuring and recording:

(i) Temperature, apical and radial pulse, respiration and blood pressure (manual and electronic-upper arm only and orthostatic blood pressure readings);

(ii) Emesis;

(iii) Liquid stool;

(iv) Pain level using a facility approved pain scale;

(v) Pulse oximetry; and

(vi) Urinary output, both voided and from urinary drainage systems.

(e) Tasks associated with documentation.

(f) Tasks associated with end of life care.

(2) The CNA may, as an unlicensed person, provide care as delegated or assigned by a nurse pursuant to the terms and conditions in OAR 851-047-0000 through 851-047-0040.

(3) ORS 678.440(5) defines the term "nursing assistant" as a person who assists licensed nursing personnel in the provision of nursing care. Consistent with that definition, a CNA must either:

(a) Be regularly supervised by a licensed nurse; or

(b) Work in a community-based care setting or other setting where there is no regularly scheduled presence of a licensed nurse provided there is periodic supervision and evaluation of clients under the provisions of OAR 851-047-0000 through 851-047-0040.

(4) Under no circumstance shall a CNA work independently without supervision or monitoring by a licensed nurse who provides assessment of clients as described in OAR 851-063-0030(3)(a)(b).

(5) A CNA may accept verbal or telephone orders for medication from a licensed health care professional who is authorized to independently diagnose and treat only when working in the following settings under the specified administrative rule:

(a) When working in Adult Foster Homes, as permitted under OAR Chapter 411, division 050;

(b) When working in Residential Care Facilities, as permitted under OAR Chapter 411, division 054; and

(c) When working in Assisted Living Facilities, as permitted under OAR Chapter 411, division 054.

(6) Standards of Care for Certified Nursing Assistants. In the process of client care the CNA shall consistently:

(a) Apply standard precautions according to the Centers for Disease Control and Prevention guidelines;

(b) Use hand hygiene between episodes of care;

(c) Use appropriate body mechanics to prevent injury to self and client;

(d) Follow the care plan as directed by the licensed nurse;

(e) Use appropriate communication with client, client's family and friends, and coworkers;

(f) Use alternatives to physical restraints, or apply physical restraints as directed by the licensed nurse;

(g) Determine absence of pulse and/or respiration, and initiate an emergency response;

(h) Report to the licensed nurse any recognized abnormality in client's signs and symptoms;

(i) Record observations and measurements, tasks completed, and client statements about condition or care;

(j) Apply safety concepts in the workplace;

(k) Report signs of abuse, neglect, mistreatment, misappropriation or exploitation;

(l) Demonstrate respect for rights and property of clients and coworkers; and

(m) Maintain client confidentiality.

Stat. Auth.: ORS 678.440, 678.442 & 678.444

Stats. Implemented: ORS 678.440, 678.442 & 678.444

Hist.: BN 6-1999, f. & cert. ef. 7-8-99; BN 3-2004, f. 1-29-04, cert. ef. 2-12-04; BN 11-2009,

f. & cert. ef. 12-17-09; BN 11-2010, f. & cert. ef. 6-25-10; BN 1-2011(Temp), f. 6-6-11, cert.

ef. 6-23-11 thru 12-20-11

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Prison Term Hearings for Inmates Found Likely to be Rehabilitated.

Adm. Order No.: PAR 4-2011(Temp)

Filed with Sec. of State: 5-25-2011

Certified to be Effective: 5-26-11 thru 11-21-11

Notice Publication Date:

Rules Adopted: 255-032-0036

Subject: The Oregon Supreme Court (*Janoowski/Fleming v. Board of Parole*, 349 Or 432 (2010); *Severy/Wilson v. Board of Parole*, 349 Or 461 (2010)) has found that for each inmate who has been convicted of aggravated murder and subsequently been found likely to be rehabilitated within a reasonable period of time under ORS 163.105, the Board must hold a hearing, using procedures it deems appropriate, to set the inmate's parole release date according to the matrix in effect when he committed his crime. This rule establishes the procedure and rules to be applied under the court ruling.

Rules Coordinator: Michelle Mooney—(503) 945-0914

255-032-0036

Prison Term Hearings for Inmates Found Likely to be Rehabilitated

(1) The Board shall hold a prison term hearing for an adult inmate convicted of murder as defined in ORS 163.115 or Aggravated Murder as defined in ORS 163.095 committed on or before October 22, 1999, whose sentence has been converted to life with the possibility of parole based on the Board's determination that the inmate is likely to be rehabilitated within a reasonable period of time.

(2) The Board will conduct the hearing under the provisions of Division 030 of the Board's rules in place at the time the hearing is conducted, and will establish the prison term or take other action authorized under the law and administrative rules in place at the time the inmate committed the crime.

Stat. Auth.: ORS 144.120; Other Auth: OAR 255-030-0012(1982), 255-032-0005(1)(1985),

255-032-0005(1)(1982)(1985), *janowski/Fleming v. Board of Parole*, 349 OR 432(2010),

Severy/Wilson v. Board of Parole, 349 OR 461(2010)

Stats. Implemented: ORS 144.120,

Hist.: PAR 4-2011(Temp), f. 5-25-11, cert. ef. 5-26-11 thru 11-21-11

Board of Psychologist Examiners Chapter 858

Rule Caption: Rule correction and updates; require licensees provide Board with address, phone, and name changes.

Adm. Order No.: BPE 2-2011

Filed with Sec. of State: 5-31-2011

Certified to be Effective: 5-31-11

Notice Publication Date: 5-1-2011

Rules Adopted: 858-010-0061

Rules Amended: 858-010-0010, 858-010-0016, 858-010-0017, 858-010-0036, 858-010-0065, 858-020-0085, 858-040-0035

Subject: Adds requirements that licensees notify the Board in writing within 30 days of address, phone, and name changes. Removes requirements that supervised work experience consist if at least 50% face-to-face client contact. Other minor housekeeping items.

Rules Coordinator: Debra Orman McHugh—(503) 373-1155

ADMINISTRATIVE RULES

858-010-0010

Education Requirements — Psychologist

(1) To meet the education requirement of ORS 675.030(1), an applicant must possess either:

(a) A doctoral degree in psychology from a program accredited by the American Psychological Association as of the date the degree was awarded; or

(b) A doctoral degree in psychology from a program at a college or university that is regionally accredited at the doctoral level by any one of the following regional accrediting associations: Northwest, North Central, Western, New England, Middle States or Southern; or

(c) A foreign degree from a program evaluated to be equivalent to American Psychological Association accreditation as of the date the degree was awarded. Evaluation must be completed by a credentialing body recognized by the Board. Submission of proof of foreign degree equivalency and cost of the foreign degree equivalency determination are the responsibility of the applicant; and

(d) A minimum of three academic years of full-time graduate study including at least one year which is in residence at the institution from which the degree is granted, or its equivalent. Residence requires interaction with psychology faculty and other matriculated psychology students; one year's residence or its equivalent is defined as follows:

(i) Thirty semester hours or 45 quarter hours or the equivalent; or

(ii) A minimum of 500 hours of student-faculty contact involving face-to-face individual or group educational meetings. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least 90 percent of the time, be documented by the applicant and the institution, and relate substantially to the program components specified.

(2) The program under sections (1)(a) or (b) must be defined as follows:

(a) Organizational Structure. The organizational structure of the graduate program must be defined as follows:

(A) The program must be identified and labeled as a program in psychology;

(B) The program must stand as a recognized entity within the institution;

(C) There must be an authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines;

(D) There must be a sequence of study planned by those responsible for the program to provide an appropriate, integrated experience covering the field;

(E) There must be a faculty and a person administratively responsible for the program;

(F) There must be a body of students selected on the basis of high ability and appropriate educational preparation.

(b) Curriculum. The curriculum of the program must require applicant's successful completion of the following:

(A) 40 semester hours (60 quarter hours) of graduate courses identified by title and course content as psychology, that may include clinical, counseling, industrial/ organizational and school psychology, excluding thesis and practica;

(B) An original dissertation or equivalent that was psychological in nature that meets the requirement for an approved doctoral program;

(C) Three or more graduate semester hours (five or more graduate quarter hours) each in biological basis of behavior (including, but not limited to physiological psychology, comparative psychology, neuropsychology, psychopharmacology, sensation and perception, biological basis of development); cognitive-affective basis of behavior (including, but not limited to learning, thinking, motivation, emotion, cognitive development); social basis of behavior (including, but not limited to social psychology, organization theory, community psychology, social development); individual differences (including, but not limited to human development, personality theory, psychopathology); and

(D) At least one graduate course each in research design and methodology; statistics and psychometrics; and scientific and professional ethics.

Stat. Auth.: ORS 675.030

Stats. Implemented: ORS 675.030(1)(b)(c)

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1992, f. & cert. ef. 1-16-92; PE 3-1992, f. & cert. ef. 7-14-92; PE 1-1996, f. & cert. ef. 6-25-96; PE 1-1997, f. & cert. ef. 6-17-97; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 1-2011, f. & cert. ef. 1-25-11; BPE 2-2011, f. & cert. ef. 5-31-11

858-010-0016

Standard Application Procedure

Filing of Applications. Upon receipt of an application for licensure, the Board shall process the application and determine if the application is complete. An application is considered complete when the following items have been received:

(1) Proof of Master's or Doctorate Degree;

(a) Final Graduate Level Transcript imprinted with date degree was awarded; or

(b) A Verification of Educational Degree Form;

(2) University Accreditation Form (non-APA accredited schools only);

(3) Reference Forms;

(4) Educational Record in Psychology Form (non-APA accredited schools only);

(5) Social Security Number Authorization Form;

(6) Verification of pre-degree supervised work;

(7) Verification of post-degree supervised work experience (if any);

(8) National Written Examination (EPPP) score (if any);

(9) Verification of Licensure in other states (if any);

(10) Verification of ABPP status (if any);

(11) Application Fee;

(12) Criminal Background Check Fee, and

(13) Other clarifying information requested by the Board.

Stat. Auth.: ORS 675.030

Stats. Implemented: ORS 675.030(1)(a)(b)(c)(d)(e)(2)

Hist.: BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 2-2011, f. & cert. ef. 5-31-11

858-010-0017

Non-Standard Application Procedure

(1) ABPP Board Certified. If an applicant is ABPP Board Certified by the American Board of Professional Psychology (ABPP), the applicant's ABPP file will be accepted as primary source documentation and the Board may issue a license if the applicant:

(a) Has a doctoral degree in psychology;

(b) Submits a complete application for licensure;

(c) Requests ABPP to send a copy of the applicant's Certification file directly to the Oregon Board;

(d) Passes the Oregon jurisprudence examination;

(e) Pays the criminal background check fee; and

(f) Pays the application fee.

(2) Certificate of Professional Qualification (CPQ). If an applicant holds a valid Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Board (ASPPB), the applicant's CPQ file will be accepted as primary source documentation and the Board may issue a license if the applicant:

(a) Has a doctoral degree in psychology;

(b) Submits a complete application for licensure;

(c) Requests ASPPB to send a copy of the applicant's CPQ file directly to the Oregon Board;

(d) Passes the Oregon jurisprudence examination;

(e) Pays the criminal background check fee; and

(f) Pays the application fee.

(3) Health Service Provider in Psychology (HSPP). If an applicant holds a valid HSPP credential issued by the National Register, the Board may issue a license if the applicant:

(a) Has a doctoral degree in psychology;

(b) Possesses and has maintained an active license as a psychologist in another state for at least five years;

(c) Submits a complete application for licensure;

(d) Requests the National Register to send a copy of the applicant's HSPP file directly to the Board;

(e) Passes the Oregon jurisprudence examination;

(f) Pays the criminal background check fee; and

(g) Pays the application fee.

(4) Senior Psychologist. The Board may issue a license if the applicant:

(a) Possesses and has maintained for at least 15 years a license to practice based on a doctoral degree in psychology that is issued by a board that is a member jurisdiction of the Association of State and Provincial Psychology Boards;

(b) Submits a complete application for licensure;

(c) Requests the state(s) in which the applicant is licensed to send a copy of the applicant's licensure file directly to the Oregon Board;

(d) Passes the Oregon jurisprudence examination;

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- (e) Pays the criminal background check fee; and
 - (f) Pays the application fee.
- Stat. Auth.: ORS 675.030
Stats. Implemented: ORS 675.030
Hist.: BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 2-2011, f. & cert. ef. 5-31-11

858-010-0036

Guidelines for Supervised Work Experience Psychologists

(1) Policy. Two years of supervised work experience is required for licensure. A minimum of one year of the required work experience must take place after the doctorate degree is conferred.

(a) One year of supervised work experience is defined as 1,500 hours of psychological work performed over a period not less than twelve months.

(b) The Board may approve one year of pre-doctoral supervised work experience if the experience was a formal requirement of the applicant's doctoral program.

(c) Psychological work is defined as psychotherapy and treatment for an individual or group; diagnosis and assessment; completing documentation related to diagnosis or treatment provided; treatment planning; termination reports; chart reviews; client care meetings and consultation; psychological testing; research related to client care; report writing; and receiving formal training including workshops and conferences.

(d) For the purposes of licensure, psychological work does not include business development; credentialing activities; marketing; purchasing; creating forms; administrative billing or other business management activities.

(2) The following guidelines shall be used by the Board to define supervised employment. While obtaining postdoctoral supervised work experience, the applicant must be in a Board approved Resident Supervision Contract:

(a) Working under the supervision of an Oregon licensed psychologist licensed in Oregon for at least two years; or

(b) Working under the supervision of an Oregon licensed psychologist licensed for at least two years in a state with licensing standards comparable to Oregon.

(c) Supervised employment in other jurisdictions must be in a formal supervised work experience arrangement under the supervision of a psychologist who has been licensed for at least two years in a state with licensing standards comparable to Oregon or

(d) For the period April 8, 2008 through December 31, 2009, an employee of an institution or agency exempt from licensure under ORS 675.090 (1)(e), who provides documentation of supervision by a psychologist licensed for at least two years may, at the discretion of the Board, receive supervised employment credit.

(3) Applicants whose educational credentials and professional references have been approved by the Board shall be eligible to enter into a Resident Supervision Contract as described in subsection (2)(a) of this rule.

(a) Resident status shall begin the date the Board approves the Resident Supervision Contract.

(b) Termination of a Resident Supervision Contract will be granted by the Board at the written request of the supervisor or the resident. The termination shall be effective at the time the Board approves the request in writing, or on the date indicated by the supervisor in the final residency evaluation, whichever is later.

(c) If the supervisor is to be paid for supervision payment must be in the form of a per-hour fee.

(d) Supervision of more than two residents concurrently shall require prior approval by the Board.

(4) Resident's Responsibilities. The resident's conduct must conform to the following standards:

(a) Title. The resident must be designated at all times by the title "psychologist resident." All signed materials, letterheads, business cards, telephone directory listings, Internet postings; brochures, insurance billings and any other public or private representation must include the individual's title as "psychologist resident" and the supervisor's name and designation "supervisor."

(b) Scope of Practice. The resident will only offer services in those areas that the supervisor is competent.

(c) Nature of Supervision. The resident must obtain frequent and regular supervision meetings throughout the duration of the Resident Supervision Contract. The resident must provide the supervisor with a periodic evaluation of all cases and psychological activities in which the resident is engaged. The resident's practice must comply with Oregon laws and administrative rules.

(d) The supervisor is not required to be working on-site with the resident.

(e) Non-routine individual supervision may occur by electronic means when geographical distance, weather or emergency prohibit a face-to-face meeting.

(f) Frequency. If a resident works 1-20 hours in a week the resident must at least one hour of individual supervision every week. If a resident works more than 21 hours in a week the resident must receive at least two hours of supervision every week. One hour must be individual and one hour may be group supervision. On a non-routine basis individual supervision may be delayed up to 14 days to accommodate vacations, illness, travel or inclement weather.

(A) Group supervision must be:

(i) A formal and on-going group of at least three mental health professionals;

(ii) Facilitated by a licensed mental health professional;

(iii) Approved by the resident's supervisor; and

(iv) All legal and ethical issues must be referred back to the supervisor if the group facilitator is not a licensed psychologist.

(g) Duration. The resident status is a transitional step toward licensure and is not intended as a means to avoid licensure. A Psychologist Resident Contract shall be effective for a period, not to exceed two years from the date of Board approval. The Board may extend the contract beyond two years upon a written request from the resident and the supervisor prior to the expiration of the contract. Failure to receive a courtesy reminder notice from the Board shall not relieve the resident of the responsibility to request an extension.

(h) Confidentiality. The resident must advise all clients orally and in their informed consent policy that the supervisor may have access to all information and material relevant to the client's case.

(i) Promptly communicate to the Board any significant interruption or expected termination of the Resident Supervision Contract;

(j) The resident must provide the Board with a Supervisor Evaluation Report at the conclusion, or termination of the Resident Supervision Contract.

(5) Responsibilities of the Supervisor. The supervisor's conduct must conform to the following standards:

(a) Closely review, supervise and evaluate representative and problem cases with attention to diagnostic evaluation, treatment planning, ongoing case management, emergency intervention, recordkeeping and termination;

(b) Countersign all psychological reports and professional correspondence produced by the resident; and ensure that letterhead, business cards, telephone directory listings, brochures, insurance billing and any other public or private representation includes the appropriate title of "Psychologist Resident" or "Psychologist Associate Resident" the supervisor's name and designation as "supervisor" Client progress notes do not need to be co-signed by the supervisor.

(c) Review with the resident, Oregon laws and administrative rules related to the practice of psychology, including the 2002 APA "Ethical Principles of Psychologists and Code of Conduct," professional relationships and referrals, protection of records, billing practices, recordkeeping and report writing;

(d) Assist the psychologist resident in developing a plan to prepare for the national written exam and the Oregon jurisprudence examination;

(e) Promptly communicate to the Board any professional or ethical concerns regarding the resident's conduct or performance;

(f) Promptly communicate to the Board any significant interruption or expected termination of the Resident Supervision Contract;

(g) Ensure that the resident has access to supervision by telephone to discuss urgent matters, if the supervisor is unavailable for any reason, during a period not to exceed fourteen days;

(h) In the absence of the primary supervisor, not to exceed fourteen days, one-on-one supervision hours may be conducted retro-actively.

(i) Keep notes of each supervisory session, and provide them to the Board upon request;

(j) Maintain a record of hours of supervision and provide it to the Board upon request and

(k) Provide the Board with a Resident Evaluation Report at the conclusion, or termination, of the Resident Supervision Contract.

(6) Associate Supervisor. Any supervision of the resident by a person other than the primary supervisor must be identified in the Resident Contract and approved by the Board.

(a) The associate supervisor is responsible for providing supervision as described in section (5) of this rule in the event that the primary supervisor is unavailable for any reason; and

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(b) The associate supervisor is responsible for reporting any professional or ethical concerns regarding the resident's conduct or performance to the primary supervisor and the Board.

Stat. Auth.: ORS 675.030, 675.040, 675.045, 675.050, 675.065 & 675.110
Stats. Implemented: ORS 675.030, 675.040, 675.045, 675.050, 675.065, 675.110
Hist.: PE 1-1988, f. & cert. ef. 7-25-88; PE 1-1990, f. & cert. ef. 2-16-90; PE 1-1991, f. & cert. ef. 4-3-91; PE 2-1991, f. 8-15-91, cert. ef. 8-16-91; PE 4-1993, f. & cert. ef. 7-19-93; PE 1-1996, f. & cert. ef. 6-25-96; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 4-2002, f. & cert. ef. 10-11-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 1-2011, f. & cert. ef. 1-25-11; BPE 2-2011, f. & cert. ef. 5-31-11

858-010-0061

Notification Requirements

Licensees shall notify the Board in writing within 30 days of the following:

- (1) Change of public or mailing address.
- (2) Change of telephone number.
- (3) Any name change. Licensees must submit a change of name form provided by the Board, accompanied by a copy of the legal document showing the name change.

Stat. Auth.: ORS 675.110
Stats. Implemented: ORS 675.110
Hist.: BPE 2-2011, f. & cert. ef. 5-31-11

858-010-0065

Resignation of License Holder

(1) A person holding a valid Oregon license to practice psychology may voluntarily resign their license by submitting a written resignation with the Board's Administrator.

(2) Submission of a voluntary resignation shall not affect investigations or disciplinary actions.

Stat. Auth.: ORS 675.070
Stats. Implemented: ORS 675.070(2)(d)
Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1996, f. & cert. ef. 6-25-96; BPE 1-1999(Temp), f. & cert. ef. 3-2-99 thru 7-1-99; BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2011, f. & cert. ef. 5-31-11

858-020-0085

Board Records

If the Board determines to take disciplinary action in accordance with ORS 675.070 to restrict, suspend, or revoke a license, notice to this effect will be published in a Board publication and published on the Board's website. Final disciplinary actions will also be reported to the National Practitioner Databank (NPDB-NIPDB) and the Association of State and Provincial Psychology Boards' Disciplinary Databank.

Stat. Auth.: ORS 675.110
Stats. Implemented: ORS 675.110
Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2011, f. & cert. ef. 5-31-11

858-040-0035

Programs Which Qualify for Continuing Education Credit

Policy. Acceptable continuing education must be a learning activity which contributes directly to the professional competence of the licensee.

(1) Program Prerequisites. Continuing Education programs shall qualify for credit if:

(a) The subject matter deals primarily with substantive psychological issues, skills or laws, rules and ethical standards related to one's role as a psychologist or psychologist associate.

(b) The program is conducted by a qualified instructor or discussion leader. A qualified instructor or discussion leader is a person whose background, training, education, or experience makes it appropriate for the person to make a presentation or lead a discussion on the subject matter; and

(c) A record of attendance, such as a certificate of completion, is obtained.

(2) Qualifying Programs. The following shall qualify for continuing education credit provided they comply with all other CE requirements:

(a) Substantive professional development programs of recognized mental health organizations;

(b) University or college courses. Each classroom hour shall equal one qualifying hour;

(c) Formally organized work place educational programs;

(d) Formally organized study groups that comply with the following:

(A) At least two other mental health professionals attend;

(B) The study group prepares and preserves a syllabus of meeting dates and study topics in advance;

(C) A record is kept of each study group meeting. The record must include the names of the participants present, the subject matter and references which relate to any written material utilized; and

(e) Supervision or Consultation Received for a fee from an Oregon licensed Psychologist.

(A) Credit shall be given only to the licensee receiving supervision or consultation, not to the licensee providing supervision or consultation.

(B) No credit shall be given to licensees receiving supervision to fulfill licensure or discipline requirements.

(f) Home Study including non-interactive internet and tele-courses.

(g) Published articles and books on substantive psychological issues.

(h) Service as Lecturer, Discussion Leader, or Speaker on substantive psychological issues.

(A) Credit as a lecturer, discussion leader, or speaker may be claimed for work that is either paid or unpaid.

(B) Credit shall be allowed for the first time a course is taught. No credit shall be allowed for repeat presentations unless an instructor can demonstrate that the program content was substantially changed and such change required significant additional study or research.

(i) Ethics.

(j) Oregon Board of Psychologist Examiners committee volunteer.

(k) Ethics Committee meetings of professional associations.

(l) Pain Management.

(m) Office records organization; records maintenance and security procedures; office procedures; office staff training related to records maintenance and security procedures; billing software instruction.

Stat. Auth.: ORS 675.110
Stats. Implemented: ORS 675.110(14)
Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02, 858-040-0035(2) Renumbered from 858-040-0045; BPE 4-2002, f. & cert. ef. 10-11-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 2-2011, f. & cert. ef. 5-31-11

Board of Tax Practitioners Chapter 800

Rule Caption: Includes additional 2010 overhauls of OAR's based on recommendations made by the Rules Advisory Committee. Some of these amendments required Legislative approval prior to adoption which agency has not received.

Adm. Order No.: BTP 3-2011

Filed with Sec. of State: 6-3-2011

Certified to be Effective: 7-1-12

Notice Publication Date: 12-1-2010

Rules Amended: 800-010-0050, 800-020-0015

Subject: The amendments to the OAR's result from the Board's Rules Advisory Committee, Assistant Attorney General and Board staff and reflect the "norm" in industry standards and the practices of other state agencies. Amendments requiring Legislative approval have received the necessary authorization. These changes conform to the current standards the Board is operating under.

Changes include the following:

(1) Amendments to OAR 800-010-0050 requires that all business advertising include the board issued registration number and/or the license number of the firm's Designated Consultant. Requires that all individual advertising include the licensee's board issued license number.

(2) Amendments to OAR 800-020-0015 increases hours of work experienced required to qualify to take the Consultant examination from 780 to 1100.

Rules Coordinator: Jane Billings—(503) 378-4034

800-010-0050

Advertising and Solicitation

(1) As used in this rule, "advertise" and "advertising" means any form of printed, broadcast or electronic material that makes known professional income tax services. This includes, but is not limited to, business cards and stationery, and all web and e-commerce advertising of an individual or tax preparation business.

(2) No licensee or tax preparation business shall advertise or solicit clients in a false, fraudulent, deceptive or misleading manner.

(3) All advertising must include the name of a firm that has complied with ORS 673.643 or state the name of the firms Designated Licensed Tax Consultant.

(a) Only a person holding a valid Tax Consultant's License may use the designation "L.T.C.", "LTC" or the titles "Licensed Tax Consultant" or "Tax Consultant."

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(b) Only a person holding a valid Tax Preparer's License may use the designation "L.T.P.", "LTP" or the title "Licensed Tax Preparer".

(4) All advertising must be reviewed and approved in advance by the designated Licensed Tax Consultant. The designated Licensed Tax Consultant and the designating tax preparation business shall each be responsible for the business's compliance with the provisions of this rule.

(5) No licensee shall advertise to give a discount unless:

(a) The discount is based upon a basic fee schedule posted in public view in the licensee's place of business; and

(b) The fees on the posted basic fee schedule are the usual and customary charges of the tax preparation business; and

(c) The basic fee schedule must include the minimum fees charged for at least the following forms and schedules: 1040, 1040A, 1040EZ, Sch. A, Sch. B, Sch. EIC, Form 2441, Form 8812, Oregon 40 & 40S.

(6) All business advertising must include the board issued business registration number of the firm written as: "OBTP#" or the license number of the firm's Designated Licensed Tax Consultant written as: "LTC#".

(7) All individual advertising must include licensee's board issued LTC or LTP license number written as: "LTC#" or "LTP#".

Stat. Auth.: ORS 673.663

Stats. Implemented:

Hist.: TSE 6, f. & ef. 1-5-76; TSE 2-1981(Temp), f. 2-18-81, ef. 2-19-81; TSE 3-1981, f. 7-22-81, ef. 7-23-81; TSE 4-1981, f. & ef. 8-13-81; TSE 3-1982, f. & ef. 11-19-82; TSE 1-1985, f. & ef. 1-15-85; TSE 3-1986, f. & ef. 7-14-86; TSE 2-1990, f. & cert. ef. 1-25-90; TSE 2-1992, f. & cert. ef. 5-15-92; BTSE 1-2001, f. & cert. ef. 4-19-01; BTP 2-2007, f. 1-12-07, cert. ef. 2-1-07; BTP 1-2010, f. 1-19-10, cert. ef. 2-1-10; BTP 1-2011, f. 1-24-11, cert. ef. 2-1-11; BTP 3-2011, f. 6-3-11, cert. ef. 7-1-12

800-020-0015

Application for Examination

(1) Application to take the examination for a tax preparer or tax consultant must be filed with the Board on forms prescribed and furnished by the Board. The application must include the examination fee and the proctor site fee, if applicable. The application must be signed.

(2) The application and examination fee shall be filed with the Board no later than one (1) month prior to the examination date, except when the Board sets tighter deadlines due to extenuating circumstances.

(3) Completed basic course certification forms as required under OAR 800-015-0005(6) shall be submitted to the Board by the student with the initial application for a Tax Preparer License. The preparer applicant may file an application to take the examination before completing the basic tax course. Applicants shall furnish the Board a brief outline of courses completed, together with a transcript from the educational institution if the course(s) they completed has/have not received prior approval from the Board. If the Board determines the course(s) completed is/are comparable to those described in OAR 800-015-0005, the applicant shall be eligible to take the examination.

(4) A tax consultant applicant who is a Licensed Tax Preparer shall submit verification by the applicant's employer or employers, on forms prescribed and furnished by the Board, that the applicant has worked in the capacity as a Licensed Tax Preparer for not less than a cumulative total of 1100 hours during at least two (2) of the last five (5) years.

(5) A tax consultant applicant who is claiming equivalent tax preparer experience shall submit on forms prescribed and furnished by the Board:

(a) Verification by the applicant's employer or employers that the applicant has worked in the capacity as a Licensed Tax Preparer for not less than a cumulative total of 1100 hours during at least two (2) of the last five (5) years.

(i) The Board will accept employment as an income tax auditor or taxpayer service representative with the Internal Revenue Service or State Department of Revenue as being equivalent experience.

(ii) For the purpose of meeting the work experience requirement for tax consultants, one hour of experience gained through volunteer tax preparation programs such as VITA and AARP-TCE will be accepted for each five hours spent preparing, advising or assisting in the preparation of tax returns through the volunteer program, up to a maximum of 212 hours credited. To qualify for the one (1) to five (5) hour experience credit, total hours worked in the volunteer program must be verified in writing by a supervisor knowledgeable in tax preparation.

(b) To claim experience under this section, the applicant must submit a petition signed under penalty of perjury that the work experience claimed is true, correct and complete.

(6) Applicants for the tax consultant examination must have completed, within a year prior to submitting application, a minimum of 15 hours of acceptable continuing education in personal income taxation to meet the requirements of OAR 800-015-0010 to 800-015-0030. This requirement is

in addition to the required 1100 hours of work experience earned during at least two (2) of the last five (5) years.

(7) A tax practitioner applicant claiming tax consulting experience in another state shall:

(a) Submit, on a form prescribed and furnished by the Board, a petition signed under penalty of perjury, claiming self-employment as a tax practitioner for no less than two (2) of the last five (5) years; and

(b) Furnish documented proof of self-employment as a tax practitioner.

(8) A tax preparer or tax consultant applicant who has worked in the capacity as a tax practitioner in another state or in an exempt status may request Board approval to substitute work experience for up to two-thirds of the classroom hours of basic income tax education otherwise required to qualify as a tax preparer or tax consultant. Approval may be granted to substitute experience for education only if:

(a) The applicant was actively engaged in a tax preparation business within two (2) years prior to the date of application;

(b) The applicant has at least three (3) years experience in a tax preparation business;

(c) The applicant has gained a competency level through work experience that is equal to those applicants who have successfully completed the basic income tax course; and

(d) The applicant submits verification by the applicant's employer(s) or evidence of self-employment regarding the work experience.

(9) The Board may accept education credit for courses completed by a tax consultant applicant to substitute for up to 365 hours of work experience at the rate of one (1) classroom hour of education for five (5) hours of experience if:

(a) The subject matter of the course was related to taxation;

(b) The applicant completed the course within one (1) year of applying to become a Licensed Tax Consultant; and

(c) Credit for the course is not claimed to fulfill continuing education requirements.

(10) Information required of the applicant and on the application forms shall be completed before an applicant may be admitted to an examination.

Stat. Auth.: ORS 673.625

Stats. Implemented:

Hist.: TSE 8, f. & ef. 5-19-76; TSE 1-1979, f. 6-14-79, ef. 6-15-79; TSE 2-1979, f. 9-28-79, ef. 10-1-79; TSE 2-1980, f. & ef. 5-30-80; TSE 2-1982, f. & ef. 5-10-82; TSE 3-1982, f. & ef. 11-19-82; TSE 1-1985, f. & ef. 1-15-85; TSE 3-1985, f. & ef. 12-5-85; TSE 4-1988, f. & cert. ef. 11-2-88; TSE 5-1990, f. & cert. ef. 5-3-90; TSE 9-1992, f. & cert. ef. 12-22-92; BTSE 1-2001, f. & cert. ef. 4-19-01; BTP 1-2003, f. & cert. ef. 9-23-03; BTP 1-2005, f. & cert. ef. 1-5-05; BTP 3-2005, f. 8-31-05, cert. ef. 9-1-05; BTP 2-2007, f. 1-12-07, cert. ef. 2-1-07; BTP 1-2008, f. 1-14-08, cert. ef. 2-1-08; BTP 1-2009, f. & cert. ef. 2-5-09; BTP 1-2010, f. 1-19-10, cert. ef. 2-1-10; BTP 1-2011, f. 1-24-11, cert. ef. 2-1-11; BTP 3-2011, f. 6-3-11, cert. ef. 7-1-12

Bureau of Labor and Industries Chapter 839

Rule Caption: Conforms Prevailing Wage Rate rules to provisions of SB 178 (2011).

Adm. Order No.: BLI 3-2011(Temp)

Filed with Sec. of State: 6-8-2011

Certified to be Effective: 6-8-11 thru 12-4-11

Notice Publication Date:

Rules Amended: 839-025-0020, 839-025-0080, 839-025-0530

Subject: These temporary rules conform the provisions of OAR 839-025-0020, (relating to required conditions in public works contracts and contract specifications), OAR 839-025-0080, (relating to liability to workers by public agencies), and OAR 839-025-0530 (relating to civil penalties for violations of the Prevailing Wage Rate Law) to the provisions of Senate Bill 178 (2011), which amended the Prevailing Wage Rate Law as follows:

- Public agencies must include a requirement in public works contract specifications that contractors pay the higher of the applicable state or federal prevailing rate of wage to workers on public works projects subject to both state and federal prevailing wage laws.

- If a public works project is subject to both state and federal prevailing wage laws, every contract and subcontract must provide that

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workers on the public works must be paid no less than the higher of the applicable state or federal prevailing rate of wage.

This legislation, having an “emergency clause,” became effective upon signature by the governor on June 7, 2011.

The rule amendments also include other statutory provisions relating to the inclusion of information in public works contracts and contract specifications relating to public works bond requirements.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-025-0020

Public Works Contracts and Contract Specifications; Required Conditions

(1) For purposes of this rule:

(a) “Construction Manager/General Contractor contract” (or “CM/GC contract”) means a contract that typically results in a general contractor/construction manager initially undertaking various pre-construction tasks that may include, but are not limited to: design phase development, constructability reviews, value engineering, scheduling, and cost estimating, and in which a guaranteed maximum price for completion of construction-type work is typically established by amendment of the initial contract, after the pre-construction tasks are complete or substantially complete. “CM/GC” refers to the general contractor/construction manager under this form of contract. Following the design phase, the CM/GC may then act as a General Contractor and begin the subcontracting process. The CM/GC typically coordinates and manages the construction process, provides contractor expertise, and acts as a member of the project team.

(b) “Construction specifications” include the detailed description of physical characteristics of the improvement, design details, technical descriptions of the method and manner of doing the work, quantities or qualities of any materials required to be furnished, descriptions of dimensions, required units of measurement, composition or manufacturer, and descriptions of any quality, performance, or acceptance requirements.

(2) Every public works contract must contain the following:

(a) A condition or clause that, if the contractor fails, neglects, or refuses to make prompt payment of any claim for labor or services furnished to the contractor or a subcontractor by any person, or the assignee of the person, in connection with the public works contract as such claim becomes due, the proper officer or officers of the public agency may pay such claim and charge the amount of the payment against funds due or to become due the contractor by reason of the contract (Reference: ORS 279C.515);

(b) A condition that no person will be employed for more than 10 hours in any one day, or 40 hours in any one week except in cases of necessity, emergency, or where the public policy absolutely requires it, and in such cases the person so employed must be paid at least time and one-half the regular rate of pay for all time worked:

(A) For all overtime in excess of eight hours a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; or

(B) For all overtime in excess of 10 hours a day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and

(C) For all work performed on Saturday and on any legal holiday specified in ORS 279C.540;

(c) A condition that an employer must give notice to employees who work on a public works contract in writing, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work (Reference: ORS 279C.520); and

(d) A condition that the contractor must promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury, to employees of such contractor, of all sums which the contractor agrees to pay for such services and all moneys and sums which the contractor collected or deducted from the wages of the contractor’s employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service (Reference: ORS 279C.530).

(e) A condition or clause that requires the contractor to:

(A) Have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt under ORS 279C.836(4), (7), (8) or (9).

(B) Require, in every subcontract, that the subcontractor have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt under ORS 279C.836(4), (7), (8) or (9).

(3) If a public works project is subject both to ORS 279C.800 to 279C.870 and to the Davis-Bacon Act, every contract and subcontract must provide that each worker in each trade or occupation that the contractor, subcontractor or other person who is a party to the contract uses in performing all or part of the contract, must be paid not less than the higher of the applicable state or federal prevailing rate of wage.

(4)(a) The specifications for every public works contract must contain a provision that states the existing state prevailing rate of wage and, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act (40 U.S.C. 3141 et seq.). Except as provided in subsection (c) of this section and sections (6) and (7) of this rule, the existing rate of wage is the rate in effect at the time the initial specifications were first advertised for bid solicitations.

(b) If a public agency is required under subsection (a) of this section or section (6) of this rule to include the state and federal prevailing rates of wage in the specifications for a contract for public works, the public agency shall also require the contractor to pay the higher of the applicable state or federal prevailing rate of wage to all workers on the public works project.

(c) Pursuant to ORS 279C.838(4) and notwithstanding ORS 279C.830(1), if the contract is subject to both ORS 279C.800 to 279C.870 and the Davis Bacon Act (40 U.S.C. 3141 et seq.), the public agency may provide in the specifications for the contract a single date to be used to establish both the “existing state prevailing rate of wage” and the “applicable federal prevailing rate of wage” that is consistent with the federal requirements under 29 CFR 1.6.

(5)(a) The provisions described in sections (3) and (4), and sections (6) and (7) if applicable, must be included in all specifications for each contract awarded on the project, regardless of the price of any individual contract, so long as the combined price of all contracts awarded on the project is \$50,000 or more (Reference: ORS 279C.830).

(b) A statement incorporating the applicable prevailing wage rate publication and any amendments thereto or Davis-Bacon wage rate determination into the specifications by reference will satisfy these requirements. Except as provided in subsection (c), such reference must include the title of the applicable wage rates publication or determination and the date of the publication or determination as well as the date of any applicable amendments.

(c) When the prevailing wage rates are available electronically or are accessible on the Internet, the rates may be incorporated into the specifications by referring to the electronically accessible or Internet-accessible rates and by providing adequate information about how to access the rates. Such reference must include the title of the applicable wage rates publication or determination and the date of the publication or determination as well as the date of any applicable amendments. The reference requirements of this subsection will be satisfied if such reference includes Uniform Resource Locator (URL) information for a webpage or webpages showing the title of each applicable wage rates publication or determination and the date of each publication or determination as well as the date of any applicable amendments.

(6) When a public agency is a party to a CM/GC contract, the CM/GC contract becomes a public works contract either when the contract first constitutes a binding and enforceable obligation on the part of the CM/GC to perform or arrange for the performance of construction, reconstruction, major renovation or painting of an improvement that is a public works or when the CM/GC contract enters the construction phase, whichever occurs first. The prevailing wage rate in effect at that time shall apply and must be included with the construction specifications for the CM/GC contract. For example, the CM/GC will have a binding and enforceable obligation to perform or arrange for the performance of construction, reconstruction, major renovation or painting of an improvement after the public agency and CM/GC commit to the guaranteed maximum price. For purposes of this rule, the CM/GC contract enters the construction phase when the agency first authorizes the performance of early construction, reconstruction, major renovation or painting work directly related to the improvement project.

(7) A public works project described in ORS 279C.800(6)(a)(B), (C), or (D) that is not a CM/GC contract subject to section (6) of this rule is subject to the existing state prevailing rate of wage or, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act that is in effect at the time a public agency enters into an agreement with a private entity for the project. After that time, the specifications for any contract for the public works shall include the applicable prevailing rate of wage.

(8) If a project is a public works of the type described in ORS 279C.800(6)(a)(B), (C), or (D), a public agency will be deemed to have complied with the provisions of ORS 279C.830 if the public agency requires compliance with the provisions of section (5) of this rule in any

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agreement entered into by the public agency committing to provide funds for the project, to occupy or use the completed project, or authorizing the construction or installation of a solar radiation device.

(9) Public agencies may obtain, without cost, a copy of the existing state prevailing rate of wages for use in preparing the contract specifications by contacting the Prevailing Wage Rate Unit or any office of the bureau.

Stat. Auth.: ORS 279C & 651.060
Stats. Implemented: ORS 279C.800–279C.870
Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 7-1989(Temp), f. 10-2-89, cert. ef. 10-3-89; BL 5-1990, f. 3-30-90, cert. ef. 4-1-90; BL 3-1996, f. & cert. ef. 1-26-96; BL 3-1997(Temp), f. 7-31-97, cert. ef. 8-1-97; BL 1-1998, f. & cert. ef. 1-5-98; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0020, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 29-2005, f. 12-29-05, cert. ef. 1-1-06; BLI 19-2006(Temp), f. 5-12-06, cert. ef. 5-15-06 thru 11-10-06; BLI 39-2006, f. 11-8-06, cert. ef. 11-10-06; BLI 2-2007, f. & cert. ef. 1-23-07; BLI 20-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 1-27-08; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 18-2009(Temp), f. 8-3-09, cert. ef. 8-5-09 thru 1-31-10; BLI 28-2009, f. 12-1-09, cert. ef. 1-1-10; BLI 23-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 3-2011(Temp), f. & cert. ef. 6-8-11 thru 12-4-11

839-025-0080

Liability to Workers

(1) Any contractor or subcontractor or any surety thereof who fails or refuses to pay at least the prevailing wages and fringe benefits as determined by the commissioner or any overtime wages as required by ORS 279C.540 is liable to the workers affected for all the unpaid prevailing wages, including fringe benefits, and unpaid overtime wages.

(2) The contractor or subcontractor or surety thereof, referred to in section (1) of this rule, is also liable to all unpaid workers for an amount equal to the unpaid prevailing wages, including fringe benefits, as liquidated damages.

(3) The contractor or subcontractor or surety thereof, referred to in section (1) of this rule, is also liable to all unpaid workers for an amount equal to the unpaid overtime wages as liquidated damages, except that if the unpaid overtime results from willful falsification of payroll records, these liquidated damages shall be twice the amount of unpaid overtime.

(4) Any public agency that fails to include a provision in the advertisement for bids, the request for bids, the contract specifications, the accepted bid or elsewhere in the contract documents that the contractor and any subcontractor shall comply with ORS 279C.840 shall be jointly and severally liable, with any contractor or subcontractor that had notice of the requirement to comply with ORS 279C.840, to the workers affected for any unpaid minimum wages.

(5) As used in section (4) of this rule, “minimum wages” means the prevailing wage, including fringe benefits, as determined by the commissioner. “Minimum wages” does not mean overtime wages required by ORS 279C.540 nor liquidated damages referred to in sections (2) and (3) of this rule.

(6) When a public works project is subject to the Davis-Bacon Act (40 U.S.C. 3141 et seq.) and a public agency fails to include the state and federal prevailing rates of wage in the specifications for the contract for public works as required under ORS 279C.830(1)(a), or fails to provide in the contract that workers on the public works project must be paid not less than the higher of the applicable state or federal prevailing rate of wage as required under ORS 279C.830(1)(d), the public agency is liable to each affected worker for:

(a) The worker’s unpaid minimum wages, including fringe benefits, in an amount that equals, for each hour worked, the difference between the applicable higher rate of wage and the lower rate of wage; and

(b) An additional amount, equal to the amount of unpaid minimum wages due under subsection (a) of this section, as liquidated damages.

Stat. Auth.: ORS 279 & 651.060
Stats. Implemented: ORS 279.334 & 279.356
Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 4-1984, f. & ef. 3-13-84; BL 3-1997(Temp), f. 7-31-97, cert. ef. 8-1-97; BL 1-1998, f. & cert. ef. 1-5-98; Renumbered from 839-016-0080, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 3-2011(Temp), f. & cert. ef. 6-8-11 thru 12-4-11

839-025-0530

Violations for Which a Civil Penalty May Be Assessed

(1) The commissioner may assess a civil penalty for each violation of any provision of the Prevailing Wage Rate Law (ORS 279C.800 to 279C.870) and for each violation of any provision of the administrative rules adopted under the Prevailing Wage Rate Law.

(2) Civil penalties may be assessed against any contractor, subcontractor or public agency regulated under the Prevailing Wage Rate Law and are in addition to, not in lieu of, any other penalty prescribed by law.

(3) The commissioner may assess a civil penalty against a contractor or subcontractor for any of the following violations:

(a) Failure to pay the applicable prevailing rate of wage in violation of ORS 279C.840;

(b) Failure to pay all wages due and owing to the contractor’s or subcontractor’s workers on the regular payday established and maintained under ORS 652.120 in violation of ORS 279C.840(1).

(c) Failure to post the applicable prevailing wage rates in violation of ORS 279C.840(4);

(d) Failure to post the notice describing the health and welfare or pension plans in violation of ORS 279C.840(5);

(e) Failure to include a provision in a subcontract that workers shall be paid not less than the specified minimum hourly rate of wage in violation of ORS 279C.830(1)(c);

(f) If a public works project is subject to both ORS 279C.800 to ORS 279C.870 and to the Davis-Bacon Act (40 U.S.C. 3141 et seq.), failure to include a provision in a subcontract that workers must be paid not less than the higher of the applicable state or federal prevailing rate of wage in violation of ORS 279C.830(1)(d);

(g) Failure to include in a subcontract a provision requiring the subcontractor to have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt, in violation of ORS 279C.830(2);

(h) Failure to file with the Construction Contractors Board a public works bond, as required under ORS 279C.836, before starting work on a contract or subcontract for a public works project subject to the provisions of 279C.800 to 279C.870;

(i) Failure to verify that a subcontractor has filed a public works bond as required or has elected not to file a public works bond under ORS 279C.836 prior to permitting a subcontractor to start work on a public works project;

(j) Failure to file certified statements in violation of ORS 279C.845;

(k) Filing inaccurate or incomplete certified statements in violation of ORS 279C.845;

(l) Failure to retain 25 percent of the amount the first-tier subcontractor earned when the first-tier subcontractor fails to submit payroll and certified statement forms to the public agency in violation of ORS 279C.845;

(m) Paying the prevailing rate of wage in violation of ORS 279C.840(6);

(n) Reducing an employee’s pay in violation of ORS 279C.840(7);

(o) Taking action to circumvent the payment of the prevailing wage, other than subsections (k) and (m) of this section, in violation of ORS 279C.840(7);

(p) Failure to submit reports and returns in violation of ORS 279C.815(3);

(q) Failure to certify the accuracy of reports and returns in violation of ORS 279C.815(3);

(r) Failure to timely pay the fee required by ORS 279C.825 on public works contracts first advertised or solicited prior to January 1, 2008;

(s) Receiving a public works contract or subcontract while on the list of ineligible in violation of ORS 279C.860;

(t) Awarding a contract to a contractor whose name appears on the list of ineligible maintained pursuant to ORS 279C.860.

(4) The commissioner may assess a civil penalty against a public agency for any of the following violations:

(a) Failure to include in the specifications for a public works contract a provision stating the applicable existing prevailing wage rate in violation of ORS 279C.830(1)(a);

(b) If a public works project is subject to both ORS 279C.800 to ORS 279C.870 and to the Davis-Bacon Act (40 U.S.C. 3141 et seq.), failure to require the contractor to pay the higher of the applicable state prevailing rate of wage or federal prevailing rate of wage to all workers in violation of ORS 279C.830(1)(b);

(c) Failure to include a contract provision stating that workers must be paid the applicable prevailing rate of wage in violation of ORS 279C.830(1)(c);

(d) If a public works project is subject to both ORS 279C.800 to ORS 279C.870 and to the Davis-Bacon Act (40 U.S.C. 3141 et seq.), failure to include a contract provision stating that workers on public works must be paid not less than the higher of the applicable state prevailing rate of wage or federal prevailing rate of wage in violation of ORS 279C.830(1)(d);

(e) Failure to include in the specifications for a contract for a public works stating that the contractor and every subcontractor must have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt, in violation of ORS 279C.830(2);

(f) Failure to include in a contract for a public works a provision requiring the contractor to have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt, in violation of ORS 279C.830(2)(a);

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(g) Failure to include in a contract for a public works a provision requiring the contractor to include in every subcontract a provision requiring the contractor to have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt, in violation of ORS 279C.830(2)(b);

(h) Failure to notify the commissioner when a contract is awarded in violation of ORS 279C.835;

(i) Dividing a public works project in violation of ORS 279C.827;

(j) Failure to include a copy of the disclosure of first-tier subcontractors with the Notice of Award in violation of ORS 279C.835;

(k) Failure to retain 25 percent of the amount the contractor earned when the contractor fails to submit payroll and certified statement forms to the public agency in violation of ORS 279C.845;

(l) Failure to timely pay the fee required in violation of ORS 279C.825;

(m) Awarding a contract to a contractor whose name appears on the list of ineligible maintained pursuant to ORS 279C.860;

(n) Entering into an agreement with another state or a political subdivision or agency of another state agreeing that a contractor or subcontractor may pay less than the prevailing rate of wage determined in accordance with ORS 279C.815 under the terms of a contract for public works to which the contracting agency is a party or of which the contracting agency is a beneficiary in violation of ORS 279C.829.

Stat. Auth.: ORS 279 & 651.060

Stats. Implemented: ORS 279.370

Hist.: BL 3-1996, f. & cert. ef. 1-26-96; BL 1-1998, f. & cert. ef. 1-5-98; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0530, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 29-2005, f. 12-29-05, cert. ef. 1-1-06; BLI 20-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 1-27-08; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 18-2009(Temp), f. 8-3-09, cert. ef. 8-5-09 thru 1-31-10; BLI 28-2009, f. 12-1-09, cert. ef. 1-1-10; BLI 3-2011(Temp), f. & cert. ef. 6-8-11 thru 12-4-11

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**Department of Agriculture,
Oregon Salmon Commission
Chapter 646**

Rule Caption: Amend per diem rate for Oregon Salmon Commission commissioners from \$30.00 to \$50.00.

Adm. Order No.: OSC 1-2011

Filed with Sec. of State: 5-31-2011

Certified to be Effective: 5-31-11

Notice Publication Date: 4-1-2011

Rules Amended: 646-040-0000

Subject: Sets per diem for commissioners at \$50.00. The 2009 Oregon Legislature approved HB 2458 which amended ORS 576.265 to exempt commodity commissions from the per diem limits set in ORS 292.495.

Rules Coordinator: Nancy Fitzpatrick—(541) 994-2647

646-040-0000

Per Diem Compensation

(1) Subject to the availability of funds in the budget of the commission, the Oregon Salmon Commission must pay any member of the commission, other than a member who is employed in full-time public service, compensation for each day or portion thereof during which the member is actually engaged in the performance of official commission duties.

(2) The rate of compensation is \$50 per day.

(3) In order to receive compensation, a member must submit to the Oregon Salmon Commission a written claim for compensation by the 15th day of the calendar month following the quarter for which the member seeks compensation. The member must specify the amount of time the member spent on official commission duties as well as the nature of the duties performed for any day or portion thereof for which the member claims compensation.

Stat. Auth.: ORS 292.495, 576.206 & 574.416

Stats. Implemented: ORS 292.495, ORS 576.206(7), ORS 576.265

Hist.: OSC 1-2008, f. & cert. ef. 1-23-08; OSC 1-2011, f. & cert. ef. 5-31-11

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

Rule Caption: Reporting and remittance of workers' compensation premium assessment.

Adm. Order No.: WCD 3-2011

Filed with Sec. of State: 5-16-2011

Certified to be Effective: 7-1-11

Notice Publication Date: 4-1-2011

Rules Amended: 436-085-0003, 436-085-0005, 436-085-0025, 436-085-0030

Subject: Revised OAR 436-085, "Premium Assessment" rules:

- Clarify reporting and remittance requirements through the use of plain language and removal of obsolete information.

- Redefine "exempted earned premium" and "self-insured employer group."

- List key criteria for annual reporting eligibility.

Rules Coordinator: Fred Bruyns—(503) 947-7717

436-085-0003

Applicability of Rules

(1) These rules are effective July 1, 2011 to carry out the provisions of:

(a) ORS 656.612 — Consumer and Business Services Fund; purpose, administration, assessments, and collections.

(b) ORS 656.614 — Self-Insured Employers Adjustment Reserve; Self-Insured Employer Group Adjustment Reserve.

(2) The director may waive procedural rules as justice requires, unless otherwise obligated by statute.

Stat. Auth.: ORS 656.612, 656.614 & 656.726(4)

Stats. Implemented: ORS 656.612 & 656.614

Hist.: WCD 5-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 5-1987, f. 12-18-87, ef. 1-1-88; WCD 24-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 10-1991, f. 12-13-91, cert. ef. 1-1-92; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2011, f. 5-16-11, cert. ef. 7-1-11

436-085-0005

Definitions

Except where the context requires otherwise, the construction of these rules is governed by the definitions in the Workers' Compensation Law and as follows:

(1) "Assessable earned premium" means the amount of earned premium, minus exempted earned premium, plus large deductible premium credits or modifications that are subject to the premium assessment.

(2) "Direct earned premium" for the purposes of these rules means "assessable earned premium."

(3) "Director" means the director of the Department of Consumer and Business Services or the director's delegate for the matter.

(4) "Earned premium" means the amount reported to the Oregon Department of Consumer and Business Services, Insurance Division in the insurer's Annual Statement, Exhibit of Premiums and Losses (Statutory Page 14), Business in the State of Oregon, Column 2 Direct Premiums Earned, Line 16 Workers' Compensation. These premiums:

(a) Exclude reinsurance accepted and are without deduction of reinsurance ceded;

(b) Are before application of any large deductible credits or modification; and

(c) Are after application of experience rating, premium discounts, retrospective rating, audit premiums, foreign terrorism premiums, domestic terrorism and catastrophic premiums, or other individual risk rating adjustments, and are exclusive of deposit premiums.

(5) "Exempted earned premium" means premium earned on insurance under jurisdiction of the federal government (e.g., U.S. Longshore and Harbor Workers' Compensation Act, Federal Employer's Liability Act, and Jones Act), and employer liability increased limits premium as reported in the insurer's Annual Statement, Exhibit of Premiums and Losses (Statutory Page 14), Business in the State of Oregon, Column 2 Direct Premiums Earned, Line 16 Workers' Compensation. All exempted earned premium must be stated on a direct basis prior to reinsurance transactions.

(6) "Insurer" means the State Accident Insurance Fund Corporation or an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in this state.

(7) "Premium Assessments" means moneys due the director under ORS 656.612 and 656.614.

(8) "Self-Insured Employer" means an employer who has been certified under ORS 656.430 as having met the qualifications of a self-insured employer set out by ORS 656.407.

(9) "Self-Insured Employer Group" means five or more employers certified under ORS 656.430 as having met the qualifications of a self-insured employer set out by ORS 656.407 and OAR 436-050-0260 through 436-050-0340.

Stat. Auth.: ORS 656.726

Stats. Implemented: ORS 656.726

Hist.: WCD 5-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 5-1987, f. 12-18-87, ef. 1-1-88; WCD 24-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2011, f. 5-16-11, cert. ef. 7-1-11

ADMINISTRATIVE RULES

436-085-0025

Premium Assessment; Manner and Intervals for Payments: Insurers

Insurers must report and remit premium assessment moneys to the director using a completed Form 440-910 as follows:

(1) No later than the 15th day of the second month following the last day of a calendar quarter, the insurer must report and remit premium assessment based upon the insurer's assessable earned premium for that quarter.

(2) The director may allow an insurer to report and remit premium assessments annually when the annual premium assessment is less than \$1,000 for at least two consecutive years.

(3) If an eligible insurer elects not to report and pay annually, or an eligible insurer elects to revert to reporting and paying quarterly after having reported and paid annually for at least one year, it must notify the director in writing prior to the first quarter's premium assessment due date. An insurer's reporting and payment frequency remains in effect the full calendar year and cannot be changed mid-year.

(4) The director may waive an insurer's reporting liability after confirming that the insurer has no earned premium for at least four consecutive quarters. The waiver will remain in effect until premium is earned.

(5) Assessable earned premium reported by insurers will be final except for corrections made as a result of audits by the director, examinations by the Insurance Division or insurance regulator of the insurer's state of domicile, or detection by the insurer of clerical error. All such corrections will be made at the premium assessment rate in effect for the year being corrected.

(6) Each insurer, including each insurer operating within an insurer group, must submit a separate report using Form 440-910 and remittance check.

(7) The insurer must maintain sufficient documentation to support the assessable earned premium reported to the director and any adjustments or corrections. The documentation must be sufficient for the director to verify the amount reported, adjusted, or corrected.

Stat. Auth.: 656.612, 656.614 & 656.726(4)

Stats. Implemented: ORS 656.612 & 656.614

Hist.: WCD 5-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 5-1987, f. 12-18-87, ef. 1-1-88; WCD 24-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 10-1991, f. 12-13-91, cert. ef. 1-1-92; WCD 7-1995, f. 7-20-95, cert. ef. 10-1-95; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2011, f. 5-16-11, cert. ef. 7-1-11

436-085-0030

Premium Assessment; Manner and Intervals for Payments: Self-Insured Employers and Self-Insured Employer Groups

(1) As used in this rule the term "self-insured employers" includes self-insured employer groups.

(2) For premium assessment purposes the premium of all self-insured employers will be determined by using those rates filed with the Insurance Division by a single insurer effective and filed by April 1, which the director has determined will provide the lowest overall rates to all self-insured employers.

(3) Self-insured employers may elect to have their premium calculated either by using:

(a) The normal method of calculation which is manual premium modified by experience rating and premium discount; or

(b) A one-year retrospective rating plan developed and approved by the director. However, any employer becoming self-insured after July 1, may not elect a retrospective rating plan for that fiscal year.

(4) Self-insured employers are required to calculate and remit premium assessments based on the normal method of premium calculation unless the current method elected is to use the one-year retrospective rating plan.

(5) On or before May 31 of each year, the director will issue a bulletin notifying all self-insured employers of the premium rates and the retrospective rating plans developed under sections (2) and (3) of this rule.

(6) On or before July 1 of each year, every self-insured employer electing to change their current method of premium calculation must submit written notification of the election to the director. Once elected, the method may not be changed for that fiscal year and remains in effect until the self-insured employer timely elects to change the method.

(7) No later than the last calendar day of the month that follows the last day of a calendar quarter, the self-insured employer must report and remit premium assessment using Form 440-900 or Form 440-937. The premium assessment must be based upon the self-insured employer's premium for that quarter and the premium assessment rate in effect for that quarter as prescribed in OAR 440-045. For retrospective rating plans the premium assessment must be based upon 80 percent of the self-insured employer's standard premium until adjusted by retrospective rating. The director may waive the self-insured reporting requirement after confirming that the self-insured employer has no Oregon payroll for four consecutive quarters.

(8) Notwithstanding section (7) of this rule all premium adjustments resulting from retrospective rating plans or payroll audits must be made by using the premium assessment rate or rates in effect for the period being adjusted.

(9) Retrospective rating adjustments covering periods where more than one assessment rate applied will have the adjusted premium prorated in direct proportion to the self-insured employer's standard premium for each of the periods the assessment rates differed. Total premium assessment due for the entire period will be adjusted on the same basis.

(10) The director will determine an experience rating modification for each self-insurance plan. The director will use the same method as that used by the National Council on Compensation Insurance, except that the director will use only Oregon claims and payroll exposure and will assign a policy period of July 1 through the following June 30. The self-insured employer's authorized claims processing location(s) must provide the director loss information necessary to calculate the experience rating modification. If sufficient experience is not available to promulgate an experience modification based on Oregon experience only, the director will assign the self-insured employer an experience rating modification of 1.00.

(11) When the director orders an adjustment in the experience rating modification applicable for a particular policy period, the adjustment will be applied retroactively to the beginning of the period. Any resulting increase in the assessment is payable on demand. Any resulting decrease may be applied against the next quarterly assessment payment.

(12) If payroll information submitted by the self-insured employer for use in calculating the experience rating modification is inaccurate, the director or the self-insured employer may request a revision of the experience rating modification. A payroll revision may be made only for the last three calendar years. Any experience modification using that revised payroll information will be recalculated by the director.

Stat. Auth.: ORS 656.726

Stats. Implemented: ORS 656.612 & 656.614

Hist.: WCB 2-1976(Admin)(Temp), f. & ef. 4-12-76; WCD 3-1976(Admin), f. & ef. 6-15-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 3-1981(Admin)(Temp), f. 10-30-81, ef. 11-1-81; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1982(Admin), f. & ef. 4-1-82; WCD 8-1982(Admin), f. & ef. 5-17-82; WCD 10-1982(Admin), f. 9-30-82, ef. 10-1-82; WCD 1-1983(Admin)(Temp), f. 6-30-83, ef. 7-1-83; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from OAR 436-051-0020 & 0025; WCD 5-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 5-1987, f. 12-18-87, ef. 1-1-88; WCD 24-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2011, f. 5-16-11, cert. ef. 7-1-11

Department of Corrections

Chapter 291

Rule Caption: Capital Punishment (Death by Lethal Injection).

Adm. Order No.: DOC 9-2011(Temp)

Filed with Sec. of State: 5-31-2011

Certified to be Effective: 5-31-11 thru 11-27-11

Notice Publication Date:

Rules Amended: 291-024-0005, 291-024-0010, 291-024-0015, 291-024-0016, 291-024-0020, 291-024-0025, 291-024-0055, 291-024-0060, 291-024-0066, 291-024-0071, 291-024-0080

Subject: On May 18, 2011, Marion County Circuit Court Judge Joseph C. Guimond issued a Death Warrant in State v. Gary Haugen, Marion County Circuit Court Case No. 04C46224, authorizing and commanding the Superintendent of the Oregon State Penitentiary to execute the court's judgment that defendant Gary Haugen be punished by death. In accordance with the timeframe prescribed in ORS 137.463, the Death Warrant requires the Superintendent to carry out the defendant's death sentence on August 16, 2011. Immediate adoption of these temporary rule amendments is necessary in order for ODOC to conform its rules to ODOC's current organizational structure and personnel, to conform the existing rule regarding media interviews with condemned inmates to ODOC policies regarding the same as established in ODOC's rule on Media Access to Designated Inmates, OAR 291-204-0060, and to make desired changes in operational policies and procedures, including changing the time of day that executions will be carried out by the Superintendent.

Rules Coordinator: Janet R. Worley — (503) 945-0933

ADMINISTRATIVE RULES

291-024-0005

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 137.463, 137.473, 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of this rule is to establish Department of Corrections policy and specific procedures for administration of capital punishment in accordance with Oregon statutes. In addition, the rule establishes specific procedures for the care, custody and treatment of condemned inmates from the time an inmate is received through execution, and identifies responsibilities for preparation and carrying out of death sentences imposed under Oregon law.

(3) Policy:

(a) It is the policy of the Department of Corrections to discharge its statutory responsibility to carry out death sentences imposed under Oregon law in a manner that is consistent with Oregon statutes, and with the safe, secure and orderly management and operation of the Department of Corrections institution in which the execution takes place, the safety and security of Department staff and other persons directly involved in the execution process, and their families, with due regard for the dignity of the condemned inmate, and within the limitations of space and resources. Consistent with these policies, executions will be conducted in a manner designed to protect as completely as possible the anonymity of Department staff and other persons involved. All executions shall take place within the enclosure of a Department of Corrections institution designated by the Director of the Department of Corrections.

(b) Conscience Clause: Except as provided by statute, no employee of the Department of Corrections shall be required to participate in the execution of an inmate sentenced to death.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 3-1988, f. & cert. ef. 3-21-88; CD 20-1993, f. 7-20-93, cert. ef. 8-1-93; CD 10-1996, f. & cert. ef. 8-23-96; CD 2-1997, f. & cert. ef. 2-7-97; DOC 1-2003, f. & cert. ef. 2-5-03; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0010

Definitions

(1) Basic Visiting: The opportunity for an inmate and approved visitor to see and talk with each other, on a scheduled basis for a reasonable period of time, with no physical contact.

(2) Execution Camera Monitoring System: Non-recording camera installed over execution gurney with monitors for witness viewing of condemned inmate's placement in restraints on the gurney and insertion of IV's.

(3) Execution Room: The location where executions will take place.

(4) Immediate Family of the Victim: The victim's parents, spouse or domestic partner, siblings, children, grandparents, including step relationships.

(5) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post prison supervision, or probation status.

(6) Superintendent: Any person within the Department of Corrections who reports to the Assistant Director of Operations and Institutions Administrator and has the responsibility for the delivery and coordination of programs operations in a specific facility/institution.

(7) Victim: The person or persons for whose murder the inmate was sentenced to death.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030, 423.075

Hist.: CD 3-1988, f. & cert. ef. 3-21-88; CSD 20-1993, f. 7-20-93, cert. ef. 8-1-93; CD 10-1996, f. & cert. ef. 8-23-96; CD 2-1997, f. & cert. ef. 2-7-97; DOC 1-2003, f. & cert. ef. 2-5-03; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0015

Reception, Orientation, and Housing

When an inmate is received at an Oregon Department of Corrections institution with a sentence of death, the inmate will be immediately classified as maximum custody. The inmate will be housed in a Level 5 custody cell or unit at a Department of Corrections institution designated for the housing of inmates sentenced to death.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 3-1988, f. & cert. ef. 3-21-88; CD 20-1993, f. 7-20-93, cert. ef. 8-1-93; CD 10-1996, f. & cert. ef. 8-23-96; DOC 1-2003, f. & cert. ef. 2-5-03; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0016

Receipt of Death Warrant

(1) Notifications:

(a) The Superintendent will personally notify the Director that the execution will commence at 7:00 p.m. or as soon thereafter as possible on the date specified in the warrant ordering execution. Such notification will be followed by a letter from the Superintendent to the Director confirming this information. The Director will subsequently notify the Governor of the date and time of the pending execution.

(b) The Superintendent, with the Assistant Superintendent of Security, will interview the inmate to be executed, provide the inmate with a copy of the death warrant, and document the interview.

(c) The Superintendent will send a letter to the medical examiner indicating the date and time of the scheduled execution, requesting that the medical examiner or his/her representative be present at the execution and be prepared to issue the certificate of death. The letter to the medical examiner will be sent by certified mail with a return receipt requested.

(d) The Superintendent or his/her designee will notify the Oregon State Police Superintendent's Office of the scheduled date and time of the execution, followed by a letter confirming the information.

(2) Assembly of Supplies and Equipment:

(a) The Director will issue a written order to purchase the lethal substances as described in ORS 137.473 and attach a certified copy of the judgment of the court imposing the punishment. The written order and copy of the judgment shall be submitted to any wholesale drug outlet as defined in ORS 689.005, registered with the State Board of Pharmacy under ORS 689.305 at the time the lethal substances are purchased.

(b) The Superintendent or his/her designee will assemble the supplies and prepare the equipment necessary to effect the execution consistent with ORS 137.473.

(c) The Superintendent or his/her designee will ensure the execution camera monitoring system is in place and operational.

(3) Selection of Executioner(s): The selection of the executioner(s) will be the responsibility of the Superintendent. The identity of the executioner(s) will remain confidential.

(4) Arrangement will be made to ensure that the telephone company has installed two dedicated telephone lines, hereafter referred to as the emergency telephone lines, which will ring directly into the execution room. The Director will advise the Governor and the Attorney General of the telephone process.

(5) Special Security Team Preparations:

(a) The Assistant Superintendent of Security, or his/her designee subject to the Superintendent's approval, will select no less than eight primary security staff to assist in conducting the execution procedure. These selected security staff will be referred to as the Special Security Team.

(b) The Assistant Superintendent of Security or his/her designee will conduct training with the Special Security Team to ensure that all members are fully aware of their roles during the procedure, and that the team is prepared to deal with any disruptive behavior which might be demonstrated by the inmate.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 10-1996, f. & cert. ef. 8-23-96; DOC 1-2003, f. & cert. ef. 2-5-03; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0020

Programming: From Date of Receipt of Death Warrant Until Four Days Prior to the Scheduled Execution Date

(1) Media Contact: Consistent with OAR 291-204-0060(3), media interviews with the condemned inmate will generally not be permitted. Exceptions may be made by the Superintendent or designee, in his or her sole discretion, in extraordinary circumstances, with the inmate's consent, if in the judgment of the Superintendent the interview is consistent with the Department's mission and goals and the safe, secure and orderly management and operation of the facility.

(2) Visiting: All visits will be basic visiting and arranged by appointment through the institution visiting desk staff. Visitor(s) must be on the approved visiting list.

(3) Invitation to Witness the Execution:

(a) Prior to the scheduled execution date, the Superintendent shall invite the following persons to attend and witness the execution:

(A) One or more physicians;

(B) The Attorney General;

(C) The sheriff of the county in which the judgment was rendered;

(D) The district attorney of the county in which the judgment was rendered;

(E) If requested by the condemned inmate, no more than two religious representatives designated by the inmate;

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(F) If requested by a member of the immediate family of the victim, one or more members of the victim's immediate family as determined by the Superintendent; and

(G) Designated media representatives:

(i) The media representatives will consist of two persons selected by the Oregon Association of Broadcasters, two persons selected by the Oregon Newspaper Publisher's Association (one of the two persons will represent a newspaper from the county in which the judgment was rendered), and one person selected by the Associated Press (AP).

(ii) Only designated media representatives who are properly credentialed, and who agree to act as pool reporters for other media present following the execution, will be admitted inside the secure perimeter of the institution to attend and witness the execution.

(b) In addition to those persons listed above, the Superintendent may, in his/her discretion, invite the following persons to attend and witness the execution:

(A) No more than a total of five of the inmate's friends and relatives designated by the inmate, and

(B) Such other persons as the Superintendent thinks expedient, including but not limited to peace officers.

(c) The total number of persons invited to attend and witness the execution shall be determined by the Superintendent, taking into account the limitations of space and resources.

(d) In order to enter the secure perimeter of the institution, all persons witnessing the execution shall:

(A) Be 18 years of age or older;

(B) Undergo and pass a criminal history and security check;

(C) Be properly attired in accordance with the Superintendent's instructions.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 3-1988, f. & cert. ef. 3-21-88; CD 20-1993, f. 7-20-93, cert. ef. 8-1-93; CD 10-1996, f. & cert. ef. 8-23-96; CD 2-1997, f. & cert. ef. 2-7-97; DOC 1-2003, f. & cert. ef. 2-5-03; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0025

Four Days Prior to Scheduled Execution Date

(1) The Assistant Superintendent of Security or his/her designee will ensure the final preparations are made for the Special Security Team.

(2) The Assistant Superintendent of Security will notify and request assistance from the Oregon State Police so that adequate perimeter security will be established around the institution on the evening of the execution.

(3) The execution camera monitoring system shall be tested by the physical plant manager or designee.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 3-1988, f. & cert. ef. 3-21-88; CD 20-1993, f. 7-20-93, cert. ef. 8-1-93, Renumbered from 291-024-0030; CD 10-1996, f. & cert. ef. 8-23-96; DOC 1-2003, f. & cert. ef. 2-5-03; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0055

Forty-Eight Hours Prior to Execution

(1) The Superintendent or his/her designee will ensure that all arrangements as required by these rules have been accomplished.

(2) Housing Assignment:

(a) No less than two days prior to the scheduled execution date, the condemned inmate will be moved to the death watch cell.

(b) Security:

(A) Security staff will be assigned by the Assistant Superintendent of Security or his/her designee to provide a 24-hour watch on the condemned inmate. The assigned security staff will maintain a log of all activities. The log entries must be written in ink, and cross outs shall be legible and initialed. Copies of the logs will be hand-delivered to the Superintendent as requested for review.

(B) Any unusual incident shall be documented in accordance with the Department of Corrections policy on Unusual Incident Reporting Process, #40.1.6.

(3) Institutional Privileges:

(a) Mail: All incoming mail will be photocopied the last two days to ensure the inmate does not receive drug infiltrated paper. The original letters will be maintained in the condemned inmate's property and a photocopy sent to the inmate.

(b) Visiting: At the discretion of the Superintendent, there may be daily visits with members of the inmate's family, approved religious representative(s), and such other persons as approved by the Superintendent or designee, if they are on the approved visiting list and requested by the inmate. Visits must be arranged by appointment (i.e., dates, times and dura-

tions) through the Superintendent's Office. All visits will be restricted to basic visiting unless otherwise designated by the Superintendent.

(c) Telephone: Telephone privileges will be provided as approved by the Superintendent or designee.

(d) Exercise: The condemned inmate will be permitted to exercise only in his/her cell.

(e) Clothing: New institutional clothing will be issued to the inmate and will be exchanged as needed. Clothing will be maintained in the secure confines of the facility.

(4) Personal Property Disposition: The Assistant Superintendent of Security or designee will assure that a Personal Property Records form (CD 353P) is signed by the inmate for disposition of personal property.

(5) Food Preparations: The inmate will be served the same food as other inmates assigned to the facility. At the discretion of the Superintendent, the inmate may be permitted a last meal of the inmate's choosing.

(6) The Assistant Superintendent of Security or his/her designee will conduct training with the Special Security Team to ensure that all team members are familiar with their duties and responsibilities.

(7) The Assistant Superintendent of Security or his/her designee will have a process of identifying all witnesses and visitors who will be entering the institution on the evening of the execution.

(8) The Superintendent or his/her designee will ensure that a sufficient number of staff have been scheduled to work the evening of the execution.

(9) The Superintendent or his/her designee will ensure the necessary execution documents have been prepared and obtained to include:

(a) An appropriate certificate of death that reflects the cause of death as execution by lethal injection in the manner prescribed in ORS 137.473; and

(b) A form authorizing release of the body to be signed by the mortician (CD 728P).

(10) The Assistant Director of Operations and the Superintendent or their designees will jointly work to ensure that the equipment and supplies for the lethal injection are collected and deposited in secure storage located within the execution room.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075;

Hist.: CD 3-1988, f. & cert. ef. 3-21-88; CD-20-1993, f. 7-20-93, cert. ef. 8-1-93; CD 10-1996, f. & cert. ef. 8-23-96; CD 2-1997, f. & cert. ef. 2-7-97; DOC 1-2003, f. & cert. ef. 2-5-03; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0060

Final Twenty-Four Hours to Execution

(1) An up-to-date log will be maintained on all execution related events which occur during the final 24 hours.

(2) The Assistant Director of Operations or his/her designee will work with the Assistant Superintendent of Transitional Services to ensure that a medically trained individual will prepare and secure the necessary syringes with the lethal solutions. The necessary back up syringes with the lethal solutions will be prepared and secured separately. This equipment and solutions will be provided to the Assistant Superintendent of Security or his/her designee for secure storage.

(3) The Assistant Director of Operations or his/her designee will work with the Assistant Superintendent of Transitional Services to ensure that a medically-trained person or persons will be available to insert an intravenous catheter(s) into an appropriate vein(s) of the condemned inmate.

(4) The execution camera monitoring system shall be tested by the Physical Plant Manager or designee.

(5) The Assistant Superintendent of Security will ensure that:

(a) All living units will be checked regularly;

(b) The reception desk staff will be provided with a list of the approved visitors and witnesses; and

(c) Escort officers will be identified for moving witnesses and visitors to the execution area.

(6) The emergency telephone lines to the execution room will be checked periodically. The last check will be a half hour prior to the scheduled execution.

(7) Approved Witnesses and Designated Media Representatives:

(a) Upon entering institution grounds, approved witnesses will remain in a designated staging area under staff supervision. Designated media representatives will remain in the Media Center until directed by staff to move to their designated staging area.

(b) At the appropriate time, witnesses and media representatives will be properly identified, pass through the metal detector, be frisk searched and have the back of their right hand stamped.

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(c) Note pads, and pens or pencils issued by the institution to approved witnesses and media representatives will be the only items/equipment permitted inside the secure perimeter of the institution.

(d) The Department of Corrections Communications Manager will be stationed at the Media Center and will be the Department's contact person with the media.

(8) The Assistant Superintendent of Transitional Services or his/her designee will be assigned to the Administration Building and will be responsible for screening calls to the institution and ensuring that no unauthorized persons enter the institution.

(9) The Assistant Superintendent of Transitional Services or his/her designee will establish radio contact with the officer-in-charge of the unit housing the execution room to ensure that messages can be conveyed in the event that the institutional telephone line or the emergency telephone lines become inoperable.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075
Hist.: CD 3-1988, f. & cert. ef. 3-21-88; CD 20-1993, f. 7-20-93, cert. ef. 8-1-93; CD 10-1996, f. & cert. ef. 8-23-96; DOC 1-2003, f. & cert. ef. 2-5-03; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0066

Forty Minutes Prior to Execution

The Assistant Superintendent of General Services and/or other assigned personnel will escort the witnesses and all other approved visitors from the designated staging area to the processing station where they will enter the witness area. Correctional staff will be stationed and act as monitors in the witness area.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0071

Thirty Minutes Prior to Execution

(1) There will be no visits after the inmate has been moved to the execution room.

(2) Witnesses will be taken to the execution witness viewing room at a time coordinated with the Assistant Superintendent Security or his/her designee.

(3) Execution camera monitoring system will be activated.

(4) At 6:30 p.m., the Assistant Superintendent of Security or designee will confirm that the clock used in the conduct of the execution is set to the correct time.

(5) Movement of Condemned Inmate to Execution Room:

(a) The death watch is suspended. All duties are assumed by the Special Security Team.

(b) The Special Security Team Leader will supervise the activities of the Special Security Team members. The Special Security Team members will escort the inmate in security restraints from the cell and position and properly restrain the inmate on the gurney in the execution room.

(c) A trained person(s) will connect the heart monitor machine to the inmate.

(d) A medically trained person(s) will insert and connect intravenous catheters for lethal injection.

(6) At the appropriate time, the Superintendent will accompany the executioner(s) to the execution room, and ensure that the confidentiality of the executioner(s) has not been compromised.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075
Hist.: CD 3-1988, f. & cert. ef. 3-21-88; CD 20-1993, f. 7-20-93, cert. ef. 8-1-93; CD 10-1996, f. & cert. ef. 8-23-96; DOC 1-2003, f. & cert. ef. 2-5-03, Renumbered from 291-024-0065; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

291-024-0080

Execution Procedure

(1) The Assistant Superintendent of Security or his/her designee shall make a final inspection of all straps, and with the assistance of medically trained staff, make final inspection of the intravenous catheters, and the injection equipment. When it is determined all is in order, he/she shall so advise the Superintendent.

(2) Upon receiving a signal from the Superintendent, the Assistant Superintendent of Security or his/her designee shall open the window coverings so that the witnesses can see the inmate in position on the gurney.

(3) At 7:00 p.m. or as soon thereafter as possible, the Superintendent will ask the condemned inmate for a brief statement. Following the inmate's statement, the Superintendent shall signal the executioner(s) to begin injection of lethal solutions by syringe(s) into the injection port of the intravenous catheters. As prescribed by ORS 137.473, the lethal solutions will include an ultra-short acting barbiturate in combination with a chemi-

cal paralytic agent and potassium chloride or other equally effective substances sufficient to cause death.

(4) The executioner(s) shall signal the Superintendent when infusion of the lethal injection has been completed. Upon determining death of the inmate and time, the Superintendent will summon a medical professional to certify the inmate's death.

(5) Once the inmate has been pronounced dead, the witnesses will be escorted from the witness area.

(6) The camera monitoring system will be turned off.

(7) The Communications Manager will be notified of the time of the death and will inform the media assembled in the Media Center. Media witnesses will be escorted to the Media Center where they will share information as prearranged.

(8) The Assistant Superintendent of Security or his/her designee will remain with the body in the execution room and supervise the removal of the body.

Stat. Auth.: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.463, 137.473, 179.040, 423.020, 423.030 & 423.075
Hist.: CD 3-1988, f. & cert. ef. 3-21-88; CD 20-1993, f. 7-20-93, cert. ef. 8-1-93; CD 10-1996, f. & cert. ef. 8-23-96; DOC 1-2003, f. & cert. ef. 2-5-03; DOC 9-2011(Temp), f. & cert. ef. 5-31-11 thru 11-27-11

Rule Caption: Short-Term Transitional Leave for Inmates in DOC Institutions.

Adm. Order No.: DOC 10-2011

Filed with Sec. of State: 6-2-2011

Certified to be Effective: 6-2-11

Notice Publication Date: 1-1-2011

Rules Amended: 291-063-0010, 291-063-0016, 291-063-0030

Rules Repealed: 291-063-0010(T), 291-063-0016(T), 291-063-0030(T)

Subject: These rule amendments are necessary to clarify and update the eligibility requirements and approval process for granting inmates short-term transitional leave. Other amendments are necessary for housekeeping issues and organizational changes within the department.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-063-0010

Definitions

(1) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(2) Emergency Leave: A leave of ten days duration or less within the state for the specific purposes listed in 291-063-0050(2)(a) where the inmate is expected to return to the releasing facility.

(3) Employee: Any person employed full-time, part-time or under temporary appointment by the Department of Corrections.

(4) Enter Parole/Probation Record (EPR): A record on the Law Enforcement Data System (LEDS) which identifies an inmate who is in the community on parole, probation, post-prison supervision, short-term transitional leave, or emergency leave exceeding five days.

(5) Immediate Family Member: Spouse, domestic partner, parent, sibling, child, and grandparents including step-relationships of such.

(6) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.

(7) Releasing Authority: The functional unit manager or designee of the correctional facility from which the inmate is to be or has been released on 90-day transitional leave/non-prison leave from an alternative incarceration program, supervised trip, or emergency leave. For short-term transitional leave, the releasing authority is the Assistant Director of Transitional Services or designee.

(8) Short-Term Transitional Leave: A leave for a period not to exceed 30 days preceding an established projected release date which allows an inmate opportunity to secure appropriate transitional support when necessary for successful reintegration into the community. The department may grant a transitional leave of up to 90 days for inmates participating in an alternative incarceration program in accordance with ORS 421.500 and the department's rule on Alternative Incarceration Programs (OAR 291-062).

(9) Supervised Trip: Any non-routine trip outside a Department of Corrections facility within the State of Oregon which is supervised by an employee of the Department of Corrections or a person authorized to supervise or maintain custody of persons outside of correctional facilities.

Stat. Auth.: ORS 179.040, 421.166, 421.168, 423.020, 423.030 & 423.075

ADMINISTRATIVE RULES

Stats. Implemented: ORS 179.040, 421.166, 421.168, 423.020, 423.030, 423.075
Hist.: CD 1-1990, f. & cert. ef. 1-29-90; CD 21-1990(Temp), f. & cert. ef. 11-1-90; CD 11-1991, f. & cert. ef. 4-24-91; DOC 8-2003(Temp), f. & cert. ef. 4-17-03 thru 10-13-03; DOC 15-2003, f. 10-3-03, cert. ef. 10-4-03; DOC 17-2005, f. 12-30-05, cert. ef. 1-1-06; DOC 17-2010(Temp), f. 11-23-10, cert. ef. 12-1-10 thru 5-30-11; DOC 10-2011, f. & cert. ef. 6-2-11

291-063-0016

Procedures

(1) Eligibility Requirements:

(a) An inmate must be incarcerated for six months, including applicable county jail time credits, before being eligible for short-term transitional leave.

(b) Any person serving a sentence for a crime committed prior to November 1, 1989, shall not be eligible for short-term transitional leave.

(c) Persons incarcerated for parole revocation sanctions are not eligible for short-term transitional leave pursuant to ORS 421.168(1) and 144.108(3)(b).

(d) Persons incarcerated for post-prison supervision revocation sanctions are not eligible for short-term transitional leave pursuant to ORS 421.168(1) and 144.108(3)(b). However, such persons are eligible for emergency leave pursuant to ORS 421.166 and 144.108(3).

(e) Under the provisions of ORS 144.260, any inmate sentenced on or after December 4, 1986, require that a notification be distributed to the sentencing judge, district attorney, and sheriff 30 days prior to unescorted release from physical custody. Upon request, victims will be notified in the same manner.

(f) Any person serving a sentence under the provisions of ORS 137.635 shall not be eligible for short-term transitional leave.

(g) Any person serving a sentence under the provisions of ORS 161.610 shall not be eligible for short-term transitional leave until the person has served the minimum incarceration term imposed by the court less earned time under ORS 421.121.

(h) Any person serving a sentence under the provisions of ORS 163.105 for aggravated murder committed on or after November 1, 1989, shall not be eligible for short-term transitional leave. The person shall not be eligible for short-term transitional leave even after completion of the minimum incarceration term imposed by the court, or if the Board of Parole and Post Prison Supervision converts the sentence to "life with possibility of parole, release to post-prison supervision, or work release."

(i) Any person serving a sentence under the provisions of ORS 163.115 for murder:

(A) Committed on or after November 1, 1989, and prior to April 1, 1995, shall not be eligible for short-term transitional leave until the person has served the minimum incarceration term imposed by the court less earned time under ORS 421.121;

(B) Committed on or after April 1, 1995 and prior to June 30, 1995, shall not be eligible for short-term transitional leave until the person has served the minimum incarceration term imposed by the court; or

(C) Committed on or after June 30, 1995, shall not be eligible for short-term transitional leave. The person shall not be eligible for short-term transitional leave even after completion of the minimum incarceration term imposed by the court, or if the Board of Parole and Post Prison Supervision converts the sentence to "life with possibility of parole, release to post-prison supervision, or work release."

(j) Any person serving a sentence under the provisions of ORS 137.700 or ORS 137.707 for a crime:

(A) Committed prior to December 5, 1996, shall not be allowed short-term transitional leave until completion of the mandatory minimum incarceration term; or

(B) Committed on or after December 5, 1996, shall not be allowed short-term transitional leave until completion of the mandatory minimum incarceration term and only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(k) Any person serving a sentence under the provisions of ORS 137.712 for Robbery II, Kidnapping II, or Assault II committed:

(A) On or after April 1, 1995 and prior to December 5, 1996 is eligible for short-term transitional leave.

(B) On or after December 5, 1996 is eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(l) Any person serving a sentence under the provisions of ORS 137.712 for Manslaughter II committed on or after October 23, 1999 is eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(m) Any person serving a sentence under the provisions of ORS 137.712 for Rape II, Sodomy II, Unlawful Sexual Penetration II, or Sex Abuse 1 committed on or after January 1, 2002 is eligible for short-term

transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(n) Any person serving a sentence under the provisions of ORS 161.725 to ORS 161.737 (dangerous offenders) for a crime committed on or after November 1, 1989 shall not be eligible for short-term transitional leave during service of the required minimum term of incarceration (determinate sentence) imposed by the court. The person shall not be eligible for short-term transitional leave even after completion of the required minimum term of incarceration (determinate sentence) even if the Board of Parole and Post Prison Supervision finds that the condition that made the person dangerous is absent or in remission and sets a post-prison supervision release date.

(o) If otherwise eligible under Oregon law, any person serving a sentence for a crime committed on or after December 5, 1996, shall be eligible for short-term transitional leave only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(2) Criteria: In order for an inmate to be approved for any form of leave, he/she must meet the following criteria:

(a) Be classified as minimum custody in accordance with the Department of Corrections rule on Classification (Inmate) (OAR 291-104);

(b) Plan to reside within the State of Oregon;

(c) Does not have a current detainer of other charges that would result in incarceration upon release to transitional leave;

(d) Acceptable performance in the completion of correctional programming to address assessed needs and reduce the risk of future criminal behavior;

(e) Be in suitable physical and mental condition; and

(f) Institution conduct and program compliance warrant leave consideration.

(3) The supervising community corrections office must review and approve any transitional leave release plan.

Stat. Auth.: ORS 179.040, 421.166, 421.168, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.166, 421.168, 423.020, 423.030 & 423.075

Hist.: DOC 8-2003(Temp), f. & cert. ef. 4-17-03 thru 10-13-03; DOC 15-2003, f. 10-3-03, cert. ef. 10-4-03; DOC 17-2005, f. 12-30-05, cert. ef. 1-1-06; DOC 17-2010(Temp), f. 11-23-10, cert. ef. 12-1-10 thru 5-30-11; DOC 10-2011, f. & cert. ef. 6-2-11

291-063-0030

Approval of Short-Term Transitional Leaves

(1) Short-term transitional leaves may be granted from any Department of Corrections facility with proper approval of the releasing authority.

(2) Application:

(a) The inmate may initiate the short-term transitional leave process by filling out the appropriate Short-Term Transitional Leave application and submitting it to the assigned institutional counselor or designated staff member.

(c) Designated staff members will verify the information given and submit the leave recommendation and other relevant information to the releasing authority.

(3) Approval:

(a) The releasing authority or designee may grant a short-term transitional leave up to 30 days prior to the inmate's release to post-prison supervision to allow an inmate to participate in an approved release plan.

(b) No short-term transitional leave will be granted to allow the inmate to reside with a Department of Corrections employee, contractor, or volunteer unless the inmate is an immediate family member of the employee pursuant to ORS 144.108(3)(b).

(c) The releasing authority or designee will stipulate the special conditions necessary to enhance community safety. Short-term transitional leave conditions will replicate as much as possible post-prison supervision conditions. Short-term transitional leave conditions may hold an inmate to a higher standard than post-prison supervision.

Stat. Auth.: ORS 179.040, 421.166, 421.168, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.166, 421.168, 423.020, 423.030 & 423.075

Hist.: CD 1-1990, f. & cert. ef. 1-29-90; CD 21-1990(Temp), f. & cert. ef. 11-1-90; CD 11-1991, f. & cert. ef. 4-24-91; DOC 8-2003(Temp), f. & cert. ef. 4-17-03 thru 10-13-03; DOC 15-2003, f. 10-3-03, cert. ef. 10-4-03; DOC 17-2005, f. 12-30-05, cert. ef. 1-1-06; DOC 17-2010(Temp), f. 11-23-10, cert. ef. 12-1-10 thru 5-30-11; DOC 10-2011, f. & cert. ef. 6-2-11

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Rule Caption: Vacating or Withdrawing the Final Order of an Inmate Disciplinary Hearing.

Adm. Order No.: DOC 11-2011(Temp)

Filed with Sec. of State: 6-10-2011

Certified to be Effective: 6-10-11 thru 12-7-11

Notice Publication Date:

Rules Amended: 291-105-0005, 291-105-0100

ADMINISTRATIVE RULES

Subject: The Department lacks authority under its current rules to withdraw an agency disciplinary order issued to an inmate and to direct that a disciplinary hearing be reopened for consideration of new or additional evidence that was not considered by the hearings officer at the disciplinary hearing. As a result, in some instances the Department is unable to hold inmates accountable for serious violations of Department rules and orders even though sufficient evidence to establish the violations is available to the Department. These temporary rule amendments are necessary in order for the Department of Corrections to grant to designated Department officials authority to withdraw an inmate disciplinary order and direct that a hearing be reopened in order for a Department hearings officer to consider new or additional evidence when the designated officials determine in their sole discretion that doing so is in the interests of justice. The Department intends that these temporary rule amendments apply to disciplinary orders issued on, before or after the effective date of the rule amendments.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-105-0005

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 179.040, 421.068, 421.180, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of this rule is to define the rules of conduct governing inmates and outline the procedures to be followed in processing disciplinary action(s).

(3) Policy:

(a) It is the policy of the Department of Corrections to hold inmates accountable for misconduct while incarcerated, and to promote and reinforce pro-social behavior by inmates, through a system of disciplinary rules and procedures that embrace the Oregon Accountability Model.

(b) Inmates in Department of Corrections facilities shall be disciplined for violation of specified rules of prohibited inmate conduct in accordance with the procedures set forth in these rules. The primary objectives of these rules are:

(A) To provide for the safe, secure, efficient, and orderly management of Department of Corrections facilities, specifically including the safety and security of Department employees, inmates, and property of the Department of Corrections;

(B) To establish norms of acceptable inmate conduct, and consistent and fair procedures for the processing of inmate misconduct reports and the imposition of disciplinary sanctions, which are understood by both employees and inmates alike;

(C) To establish a comprehensive range of appropriate disciplinary sanctions for violation of the rules of prohibited inmate conduct; and

(D) To provide a consistent Departmental response to like types of misconduct committed by inmates with similar misconduct histories.

(c) To promote these objectives, the rules define appropriate disciplinary sanctions for each rule violation on a disciplinary sanction grid. Inmates found in violation of the rules of prohibited inmate conduct are disciplined in accordance with the sanction grid, subject to deviation upon order of the hearings officer, functional unit manager, or his/her designee for substantial reasons.

(d) The Department intends that the authorization in OAR 291-105-0100 to withdraw an order and direct the disciplinary hearing to be reopened applies retroactively to disciplinary orders issued on, before or after the effective date of the rule.

Stat. Auth.: ORS 179.040, 421.068, 421.180, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.068, 421.180, 423.020, 423.030 & 423.075

Hist.: CD 7-1979, f. & ef. 3-14-79; CD 19-1979(Temp), f. & ef. 10-19-79; CD 13-1980, f. & ef. 4-15-80; CD 25-1982, f. & ef. 11-19-82; CD 8-1985(Temp), f. & ef. 6-19-85; CD 30-1985, f. & ef. 8-16-85; CD 6-1986(Temp), f. 3-14-86, ef. 4-15-86; CD 29-1986, f. & ef. 8-20-86; CD 5-1989, f. & cert. ef. 4-21-89; CD 8-1992, f. 3-27-92, cert. ef. 4-15-92; CD 16-1996, f. 11-13-96, cert. ef. 11-15-96; DOC 6-2002, f. 4-30-02, cert. ef. 5-1-02; DOC 9-2005, f. 7-22-05, cert. ef. 7-24-05; DOC 11-2011(Temp), f. & cert. ef. 6-10-11 thru 12-7-11

291-105-0100

Vacating or Withdrawing the Final Order in the Interest of Justice

The Assistant Director for Operations or the Institutions Administrator may, in the interest of justice, vacate all or part of a final disciplinary order or withdraw the order and direct that a disciplinary hearing be reopened for consideration of new evidence.

Stat. Auth.: ORS 179.040, 421.068, 421.180, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.068, 421.180, 423.020, 423.030 & 423.075

Hist.: DOC 3-1999, f. 2-25-99, cert. ef. 3-1-99; DOC 9-2005, f. 7-22-05, cert. ef. 7-24-05; DOC 14-2008, f. & cert. ef. 6-2-08; DOC 11-2011(Temp), f. & cert. ef. 6-10-11 thru 12-7-11

Department of Fish and Wildlife Chapter 635

Rule Caption: Sport Chinook Fisheries on the Imnaha and Wallowa Rivers and Lookingglass Creek.

Adm. Order No.: DFW 49-2011(Temp)

Filed with Sec. of State: 5-16-2011

Certified to be Effective: 5-28-11 thru 9-1-11

Notice Publication Date:

Rules Amended: 635-019-0090

Subject: This amended rule allows recreational anglers opportunities to harvest adipose fin-clipped adult and jack Chinook salmon, which are in excess of the Department's hatchery production needs, in the Imnaha and Wallowa rivers and Lookingglass Creek. These fisheries are scheduled for the period from Saturday, May 28, 2011 until further notice.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-019-0090

Inclusions and Modifications

(1) The **2011 Oregon Sport Fishing Regulations** provide requirements for the Northeast 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 **2011 Oregon Sport Fishing Regulations**.

(2) The Imnaha River from the mouth to Summit Creek Bridge (River Mile 45) is open to angling for adipose fin-clipped adult Chinook salmon from May 28 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2011 Oregon Sport Fishing Regulations**, remain in effect.

(3) The Wallowa River from a deadline at the lower end of Minam State Park upstream to the confluence with the Lostine River is open to angling for adipose fin-clipped adult Chinook salmon from May 28 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the 2011 Oregon Sport Fishing Regulations, remain in effect.

(4) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is open to angling for adipose fin-clipped adult Chinook salmon from May 28 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) During the duration of the spring Chinook angling season, the area closure listed for Lookingglass Creek in the Northeast Zone Special Regulations is modified to: Lookingglass Creek closed between Jarboe Creek and 200 feet upstream of the hatchery water intake.

(c) Hook gap restrictions listed in the Northeast Zone Special Regulations for Lookingglass Creek are removed for the duration of the spring Chinook angling season.

(d) All other General, Statewide and Northeast Zone Regulations, as provided in the **2011 Oregon Sport Fishing Regulations**, remain in effect.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 9-22-00 thru 3-20-01; 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 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW

ADMINISTRATIVE RULES

70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; 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 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11

Rule Caption: Powder River Recreational Spring Chinook Fishery Opens May 28, 2011.

Adm. Order No.: DFW 50-2011(Temp)

Filed with Sec. of State: 5-16-2011

Certified to be Effective: 5-28-11 thru 9-1-11

Notice Publication Date:

Rules Amended: 635-021-0090

Subject: Amended rule implements a recreational spring Chinook salmon fishery in the Powder River from Saturday, May 28 through Thursday, September 1, 2011. Modifications allow recreational anglers opportunities to harvest spring Chinook which have been out-plant specifically for this purpose.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-021-0090

Inclusions and Modifications

(1) **2011 Oregon Sport Fishing Regulations** provide requirements for the Southeast 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 **2011 Oregon Sport Fishing Regulations**.

(2) The Powder River is open to angling for spring Chinook salmon from Hughes Lane Bridge near Baker City upstream to Mason Dam from May 28 through September 1, 2011:

(a) The daily bag limit is two (2) adipose fin-clipped Chinook; two daily limits in possession.

(b) All other General, Statewide and Southeast Zone Regulations, as provided in the 2011 Oregon Sport Fishing Regulations, remain in effect.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 76-1994(Temp), f. & cert. ef. 10-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; 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 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 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 55-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 56-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 54-2002(Temp), f. 5-24-02, cert. ef. 6-15-02 thru 12-1-02; 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 93-2002(Temp), f. 8-22-02, cert. ef. 8-24-02 thru 12-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 80-2003(Temp), f. & cert. ef. 8-22-03 thru 9-30-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 101-2005(Temp), f. 8-31-05, cert. ef. 9-2-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 36-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; DFW 54-2007(Temp), f. 7-6-07, cert. ef. 7-14-07 thru 9-30-07; DFW 62-2007(Temp), f. 7-31-07, cert. ef. 8-1-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 51-2008(Temp), f. 5-16-08, cert. ef. 5-31-08 thru 9-1-08; DFW 74-2008(Temp), f. 7-3-08, cert. ef. 7-4-08 thru 9-1-08; DFW 77-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 53-2009(Temp), f. 5-18-09, cert. ef. 5-30-09 thru 9-1-09; DFW 62-2009(Temp), f. 6-2-09, cert. ef. 6-13-09 thru 9-1-09; DFW 79-2009(Temp), f. 6-30-09, cert. ef. 7-5-09 thru 9-1-09; Administrative correction 9-29-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 52-2010(Temp), f. 4-30-10, cert. ef. 5-1-10 thru 9-30-10; DFW 60-2010(Temp), f. 5-13-10, cert. ef. 5-22-10 thru 9-30-10; DFW 67-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 9-30-10; DFW 78-2010(Temp), f. 6-10-10,

cert. ef. 6-11-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 50-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11

Rule Caption: Additional Commercial Drift Net Fishing Period for Spring Chinook In the Columbia River Mainstem.

Adm. Order No.: DFW 51-2011(Temp)

Filed with Sec. of State: 5-18-2011

Certified to be Effective: 5-18-11 thru 6-30-11

Notice Publication Date:

Rules Amended: 635-042-0022

Rules Suspended: 635-042-0022(T)

Subject: Amended rule allows a 12-hour non-Indian commercial spring Chinook fishing period in the mainstem Columbia River beginning at 5:00 p.m. Wednesday, May 18 through 5:00 a.m. Thursday, May 19, 2011. Fishing is authorized in Zones 1 through 4, from the river mouth upstream to Kelly Point. Modifications are consistent with joint state action taken May 17, 2011 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0022

Spring Chinook Gillnet and Tangle Net Fisheries

(1) Adipose fin-clipped Chinook, sockeye salmon, white sturgeon and shad may be taken by drift net for commercial purposes from the mouth of the Columbia River upstream to Kelley Point (Zones 1 3 and part of Zone 4 on Wednesday, May 18 from 5:00 p.m. to Thursday, May 19, 2011 at 5:00 a.m. (12 hours).

(a) Individual fishing periods will not exceed sixteen hours in length during small mesh fisheries.

(b) A maximum of five white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open. The weekly white sturgeon sales limit applies to the mainstem fishery only.

(c) Retention of green sturgeon is prohibited.

(2) An adipose fin clip salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(3) During the spring Chinook gillnet fishery:

(a) It is *unlawful* to use a gillnet having a mesh size less than 8 inches or more than 9 3/4 inches.

(b) Mesh size for the fishery is determined as described in OAR 635-042-0010(4).

(4) During the spring Chinook drift net fishery:

(a) It is unlawful to use other than a drift net with 8-inch minimum mesh size. Monofilament tangle nets are allowed. 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. Other permanent gear regulations remain in effect.

(b) Mesh size is determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact.

(5) Nets shall not exceed 900 feet (150 fathoms) in length. 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.

(6) On tangle nets, an optional use of a steelhead excluder panel of mesh may be hung between the corkline and the 4 1/4 inch maximum mesh size tangle net. The excluder panel web must be a minimum mesh size of 12 inches when stretched taut under hand tension. Monofilament mesh is allowed for the excluder panel. The excluder panel (including any associated hangings) must be a minimum of 5 linear feet in depth and not exceed 10 linear feet in depth, as measured from the corkline to the upper margin of the tangle net mesh as the net hangs naturally from a taut corkline. Weedlines or droppers (bobber-type) may be used in place of the steelhead excluder panel. A weedline-type excluder means the net is suspended below the corkline by lines of no less than five feet in length between the corkline and the upper margin of the tangle net. A dropper-type excluder means the entire net is suspended below the surface of the water by lines of no less than five feet in length extending from individual surface floats to a sub-

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mersed corkline. The corkline cannot be capable of floating the net in its entirety (including the leadline) independent of the attached floats. Weedlines or droppers must extend a minimum of 5 feet above the 4 1/4 inch maximum mesh size tangle net.

(a) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, may extend to a maximum length of 1,050 feet (175 fathoms).

(b) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, along with a red cork every 25 fathoms as required in section (5) above, must have two red corks at each end of the net.

(7) There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline.

(8) There are no restrictions on the use of slackers or stringers to slacken the net vertically.

(9) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(10) It is unlawful for a net in whole or in part to be anchored, tied, staked, fixed, or attached to the bottom, shore, or a beached boat; left unattended at any time it is fished; or attended by more than one boat while being fished.

(11) It is *unlawful* to fish more than one net from a licensed commercial fishing boat at any one time.

(12) Nets fished from sunset to sunrise shall have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

(13) Non-legal sturgeon, nonadipose fin-clipped Chinook salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) Non-adipose fin-clipped salmon and all steelhead that are bleeding, in lethargic condition, or appearing dead must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(14) At least one fisher on each boat engaged in the fishery must have attended a one-day workshop hosted by the Department or Washington Department of Fish and Wildlife to educate fishers on regulations and best methods for conduct of the fishery.

(15) Nothing in this section sets any precedent for any future spring Chinook fishery. The fact that an individual has attended a live capture training workshop does not entitle the individual to participate in any other fishery. If the Department authorizes a Live Capture fishery in the spring or at any other time, the Department may establish qualifications and requirements that are different from those already established. In particular, the Department may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future Live Capture fisheries.

(16) As authorized by OAR-635-006-0140 owners or operators of commercial fishing vessels must cooperate with Department fishery

observers, or observers collecting data for the Department, when asked by the Department to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery.

(17) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-B sanctuary, Abernathy Creek, Cowlitz River, Kalama-B sanctuary, and Lewis-B sanctuary are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 12-2004(Temp), f. & cert. ef. 3-1-04, thru 7-31-04; DFW 13-2004(Temp), f. & cert. ef. 3-3-04 thru 7-31-04; DFW 16-2004(Temp), f. & cert. ef. 3-8-04 thru 7-31-04; DFW 18-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 20-2004(Temp) f. & cert. ef. 3-15-04 thru 7-31-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; DFW 25-2004(Temp), f. 3-22-04, cert. ef. 3-23-04 thru 7-31-04; DFW 26-2004(Temp), f. & cert. ef. 3-25-04 thru 7-31-04; DFW 27-2004(Temp), f. & cert. ef. 3-29-04 thru 7-31-04; Administrative correction 8-19-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 9-2005(Temp), f. & cert. ef. 3-1-05 thru 7-31-05; DFW 11-2005(Temp), f. 3-2-05, cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(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; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 3-30-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 4-1-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. 3-6-06, cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 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; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. 3-31-08, cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. 3-23-09, cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. 4-6-09, cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 38-2010(Temp), f. & cert. ef. 3-30-10 thru 4-30-10; DFW 41-2010(Temp), f. 4-6-10, cert. ef. 4-7-10 thru 4-30-10; Administrative correction 5-19-10; DFW 25-2011(Temp), f. & cert. ef. 3-29-11 thru 4-1-11; DFW 27-2011(Temp), f. 4-5-11, cert. ef. 4-6-11 thru 4-10-11; Administrative correction, 4-25-11; DFW 45-2011(Temp), f. & cert. ef. 5-12-11 thru 6-30-11; DFW 51-2011(Temp), f. & cert. ef. 5-18-11 thru 6-30-11

Rule Caption: Retention of Non-adipose Fin-clipped Chinook Salmon Prohibited for 104-Hours in Youngs Bay.

Adm. Order No.: DFW 52-2011(Temp)

Filed with Sec. of State: 5-18-2011

Certified to be Effective: 5-18-11 thru 7-29-11

Notice Publication Date:

Rules Amended: 635-042-0145

Rules Suspended: 635-042-0145(T)

Subject: Amended rule prohibits the commercial harvest of non-adipose fin-clipped spring Chinook for an 104-hour period in the Youngs Bay Select Area fishery beginning at 4:00 p.m. Wednesday, May 18 through midnight Sunday, May 22, 2011. Modifications are consistent with joint state action taken May 17, 2011 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes in those waters of Youngs Bay. From 4:00 p.m. Wednesday, May 18 through midnight Sunday, May 22, 2011 retention of non-adipose fin-clipped Chinook salmon is prohibited (104 hours).

(a) The open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season:

(i) Entire Youngs Bay: Sunday, Tuesday and Thursday days from February 13 through March 10 (12 days) starting at 12:00 noon through 6:00 a.m. the following morning (18 hours).

(ii) Upstream of old Youngs Bay Bridge: 2:00 p.m. to 8:00 p.m. Monday, March 14, 2011 (6 hours) and 2:00 p.m. to 8:00 p.m. Wednesday, March 16, 2011 (6 hours).

(B) Spring Season: Entire Youngs Bay: 6:00 p.m. to midnight Monday, April 18, 2011 (6 hours); 4:00 p.m. to 9:00 p.m. Thursday, April 28 (5 hours); 4:00 p.m. to 9:00 p.m. Sunday, May 1, 2011 (5 hours); 6:00 p.m. Tuesday, May 3 to noon Wednesday, May 4, 2011 (18 hours); 6:00 p.m. Thursday, May 5 to noon Friday, May 6, 2011 (18 hours); and

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Mondays at noon through Fridays at noon (4 days), beginning Monday, May 9 through Friday, June 10, 2011 (20 days total).

(C) Summer Season: Entire Youngs Bay: 6:00 a.m. Wednesdays to 6:00 a.m. Fridays (48 hours) beginning Wednesday, June 15 through Friday, July 29, 2011 (14 fishing days).

(b) The fishing areas for the winter, spring and summer fisheries are:

(A) From February 13 through March 11 and from April 18 through July 29, 2011, the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(B) On March 14 and 16, 2011, the fishing area extends from the old Youngs Bay Bridge upstream to the upper boundary markers at the confluence of the Youngs and Klaskanine rivers.

(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 less than 7-inches during the winter season. It is unlawful to use a gill net having a mesh size that is more than 9.75-inches during the spring and summer seasons. Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(b) The use of additional weights or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries.

(3) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open. During the fishing periods identified in subsections (1)(a)(A), (1)(a)(B) and (1)(a)(C), the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & cert. ef. 8-22-79; FWC 28-1980, f. & cert. ef. 6-23-80; FWC 42-1980(Temp), f. & cert. ef. 8-22-80; FWC 30-1981, f. & cert. ef. 8-14-81; FWC 42-1981(Temp), f. & cert. ef. 11-5-81; FWC 54-1982, f. & cert. ef. 8-17-82; FWC 37-1983, f. & cert. ef. 8-18-83; FWC 61-1983(Temp), f. & cert. ef. 10-19-83; FWC 42-1984, f. & cert. ef. 8-20-84; FWC 39-1985, f. & cert. ef. 8-15-85; FWC 37-1986, f. & cert. ef. 8-11-86; FWC 72-1986(Temp), f. & cert. ef. 10-31-86; FWC 64-1987, f. & cert. ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. & cert. ef. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. & cert. ef. 8-19-90; FWC 86-1991, f. & cert. ef. 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. & cert. ef. 5-25-92; FWC 74-1992(Temp), f. & cert. ef. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. & cert. ef. 8-9-93; FWC 21-1994(Temp), f. & cert. ef. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. & cert. ef. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. & cert. ef. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. & cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. & cert. ef. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. & cert. ef. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. & 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. & 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; FWC 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; FWC 14-1998, f. & cert. ef. 3-3-98; FWC 18-1998(Temp), f. & cert. ef. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; FWC 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; FWC 67-1998, f. & cert. ef. 8-24-98; FWC 10-1999, f. & cert. ef. 2-26-99; FWC 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; FWC 55-1999, f. & cert. ef. 8-12-99; FWC 9-2000, f. & cert. ef. 2-25-00; FWC 42-2000, f. & cert. ef. 8-3-00; FWC 3-2001, f. & cert. ef. 2-6-01; FWC 66-2001(Temp), f. & cert. ef. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; FWC 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; FWC 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; FWC 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; FWC 82-2002(Temp), f. & cert. ef. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; FWC 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; FWC 12-2003, f. & cert. ef. 2-14-03; FWC 17-2003(Temp), f. & cert. ef. 3-1-03 thru 8-1-03; FWC 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; FWC 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; FWC 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; FWC 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; FWC 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; FWC 89-2003(Temp), f. & cert. ef. 9-9-03, cert. ef. 9-9-03 thru 12-31-03; FWC 11-2004, f. & cert. ef. 2-13-04; FWC 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; FWC 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; FWC 28-2004(Temp), f. & cert. ef. 4-12-04 thru 4-15-04; FWC 39-2004(Temp), f. & cert. ef. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; FWC 44-2004(Temp), f. & cert. ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; FWC 79-2004(Temp), f. & cert. ef. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; FWC 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; FWC 6-2005, f. & cert. ef. 2-14-05; FWC 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; FWC 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; FWC 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; FWC 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; FWC 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; FWC 46-2005(Temp), f. & cert. ef. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; FWC 73-2005(Temp), f. & cert. ef. 7-11-05 thru 7-31-05; FWC 77-2005(Temp), f. & cert. ef. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; FWC 85-2005(Temp), f. & cert. ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; FWC 116-2005(Temp), f. & cert. ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; FWC 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. & 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. & cert. ef. 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. & cert. ef. 8-1-06, cert. ef. 8-2-06 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 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. & cert. ef. 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. & cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. & cert. ef. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. & cert. ef. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. & cert. ef. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. & cert. ef. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. & cert. ef. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. & cert. ef. 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. & cert. ef. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. & cert. ef. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. & cert. ef. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. & cert. ef. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. & cert. ef. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. & cert. ef. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. & cert. ef. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. & cert. ef. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. & cert. ef. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. & cert. ef. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. & cert. ef. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. & cert. ef. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11

Rule Caption: 2011 Spring Season for Deep River Select Area Fishery Modified.

Adm. Order No.: DFW 53-2011(Temp)

Filed with Sec. of State: 5-18-2011

Certified to be Effective: 5-18-11 thru 6-10-11

Notice Publication Date:

Rules Amended: 635-042-0180

Rules Suspended: 635-042-0180(T)

Subject: Amended rule rescinds the Deep River Select Area commercial fishing period previously scheduled to begin Wednesday, May 18 from 7:00 p.m. to 7:00 a.m. the following morning. Further revisions schedule additional fishing periods for Mondays and Thursdays, at the same time of day, beginning May 19 through June 10, 2011. Modifications are consistent with the action taken May 17, 2011 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon, shad, and white sturgeon may be taken for commercial purposes from the US Coast Guard navigation marker #16 upstream to the Highway 4 Bridge.

(2) The fishing seasons are open:

(a) Winter season: Sunday and Wednesday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning February 13 through March 20, 2011; Sunday, March 27 from 7:00 p.m. to 7:00 a.m. the following morning (12 hours); and Sunday, April 3, 2011 from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) for 13 nights in all.

(A) From Sunday, March 27 through Monday, April 4, 2011 the authorized fishing area is reduced to extend from the Oneida Road boat ramp (approximately one-half mile up Deep River from navigation marker 16) upstream to the Highway 4 Bridge.

(b) Spring season: Sunday and Wednesday nights from 7:00 p.m. to 7:00 a.m. (12 hours) beginning April 17 through April 20, 2011; April 27 through May 16, 2011; and Monday and Thursday nights from 7:00 p.m. to 7:00 a.m. (12 hours) beginning May 19 through June 10, 2011 (15 nights).

(3) Gear restrictions are as follows:

(a) 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.

(b) It is unlawful to operate in any river, stream or channel any gill net longer than three-fourths the width of the stream. It is unlawful in any area to use, operate, or carry aboard a commercial fishing vessel a licensed net

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or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area. Nets (or parts of nets) not specifically authorized for use in these areas may be onboard a 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.

(c) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(d) During the winter season, outlined above in (2)(a), it is unlawful to use a gill net having a mesh size that is less than 7-inches;

(e) During the spring season, outlined above in (2)(b) it is unlawful to use a gill net having a mesh size that is more than 9.75-inches.

(4) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2)(a) and (2)(b) above, the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries.

(5) Transportation or possession of fish outside the fishing area (except to the sampling station) is *unlawful* until WDFW staff has biologically sampled individual catches. After sampling, fishers will be issued a transportation permit by WDFW staff. During the winter season, described in subsection (2)(a) above, fishers are required to call (360) 795-0319 for the location and time of sampling. During the spring season, described in subsection (2)(b) above, a sampling station will be established downstream of the Highway 4 Bridge at Stephen's dock.

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; DFW 112-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 10-30-09; DFW 121-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; Administrative correction 11-19-09; DFW 16-2010(Temp), f. 2-19-10, cert. ef. 2-22-10 thru 6-10-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 53-2011(Temp), f. & cert. ef. 5-18-11 thru 6-10-11

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Rule Caption: Amendment to rules regarding Parking Permits in some Wildlife Areas.

Adm. Order No.: DFW 54-2011

Filed with Sec. of State: 5-24-2011

Certified to be Effective: 5-24-11

Notice Publication Date: 12-1-2010

Rules Amended: 635-008-0151

Subject: Correction to the rules filed on January 14, 2011 to establish an access fee to certain wildlife areas administered by ODFW. This new language represents direction given by the Commission at the January 7, 2011 Commission meeting.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0151

Procedures for Issuance and Enforcement of Parking Permits for Department Wildlife Areas

The Oregon Department of Fish and Wildlife hereby adopts the following procedures relating to issuance and enforcement of parking permits for certain vehicles in Department Wildlife Area parking areas:

(1) Parking is permitted only in designated parking areas. A parking permit is required at all times for all fee parking areas.

(2) Fee parking areas are designated by the following signs:

(a) "Entering ODFW Wildlife Area — Parking Permit Required Beyond This Point";

(b) "Parking allowed only in designated areas — ODFW Wildlife Area Parking Permit Required".

(3) There are two separate permits: an annual permit and a daily permit.

(4) The fee for parking permits is \$5.00 (plus \$2.00 agent fee) for permits issued on a daily basis or \$20.00 (plus \$2.00 agent fee) for permits issued on an annual basis beginning each January 1. Beginning with 2012 licenses, any annual hunting license (including Combination and Sports Pac) will include a free annual parking permit.

(5) Permits are issued by selected local agents, Department offices that sell licenses and the Department's Online License Sales website to a party upon payment and may be transferred from vehicle to vehicle.

(6) The permits must be visible from outside the vehicle and be displayed in the front or rear window of the vehicle.

(7) No parking permits will be required for those vehicles which are owned or operated by government agencies. Notwithstanding paragraph (5), the Department reserves the right to issue free administrative parking permits for private vehicles used by volunteers while participating in official Department-related activities. Parking permits will not be required for individuals arriving in private vehicles to address fire, health or safety emergencies.

(8)(a) A person who operates or parks a motor-propelled vehicle in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 commits an offense punishable as provided in ORS 496.992;

(b) The procedure for a peace officer (or other person authorized to enforce the wildlife laws) to follow upon finding a non government vehicle parked in a designated fee parking area without a permit shall consist of the issuance of a citation which shall be either delivered to the defendant or placed in a conspicuous place upon the vehicle in the violation.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 497.071

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.071

Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; FWC 8-1993, f. & cert. ef. 2-8-93; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 74-2003(Temp), f. 8-1-03, cert. ef. 8-3-03 thru 8-7-03; Administrative correction 1-12-04; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 3-2011, f. & cert. ef. 1-14-11; DFW 54-2011, f. & cert. ef. 5-24-11

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Rule Caption: Columbia River Recreational Spring Chinook Season Opens Above Beacon Rock.

Adm. Order No.: DFW 55-2011(Temp)

Filed with Sec. of State: 5-25-2011

Certified to be Effective: 5-27-11 thru 6-15-11

Notice Publication Date:

Rules Amended: 635-023-0125

Rules Suspended: 635-023-0125(T)

Subject: This amended rule opens the Columbia River: 1) from the Rocky Point/Tongue Point line upstream to Bonneville Dam from May 27 through June 15, 2011; and 2) from the Tower Island power lines upstream to the Oregon/Washington border plus bank angling between Bonneville Dam and the Tower Island power lines from May 28 through June 2, 2011. Retention of sockeye, adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead is allowed. Daily bag limit includes up to two adult salmonids (including sockeye). Revisions are consistent with action taken May 25,

ADMINISTRATIVE RULES

2011 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0125

Spring Sport Fishery

(1) The **2011 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River 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 2011 Oregon Sport Fishing Regulations.

(2) The Columbia River is open from January 1 through February 28 from the mouth at Buoy 10 upstream to the I 5 Bridge with the following restrictions:

(a) Adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead may be retained.

(b) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(c) Catch limits of two adult adipose fin-clipped salmon or two adult adipose fin-clipped steelhead may be retained per day. Catch limits for jacks remain in effect as per the 2011 Oregon Sport Fishing Regulations.

(3) Effective through June 15, 2011, in Oregon and Washington Select Areas the hatchery adult Chinook daily bag limit will be the same as the adjacent mainstem Columbia River when the mainstem is open for adult Chinook retention. When the adjacent mainstem Columbia River is closed for adult retention, the salmon daily limit will revert to permanent rules.

(4) The mainstem Columbia River is open:

(a) May 15 through May 26, 2011 from Rocky Point/Tongue Point upstream to Beacon Rock (boat and bank angling); plus bank angling only from Beacon Rock upstream to Bonneville Dam. Legal boundary for Beacon Rock is defined as: A line projected from a sign posted on a dock on the Oregon shoreline across to the exposed downstream end of Pierce Island, then across to a sign posted on the Washington shoreline at Beacon Rock;

(b) May 27 through June 15, 2011 from Rocky Point/Tongue Point upstream to Bonneville Dam (boat and bank angling);

(c) May 28 through June 2, 2011 (6 days) from Tower Island power lines (approx. 6 miles below The Dalles Dam) upstream to the Oregon/Washington border; plus the Oregon and Washington banks between Bonneville Dam and the Tower Island power lines.

(d) Retention of sockeye, adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead is allowed. Catch limits of two adult adipose fin-clipped salmon/steelhead per day in combination, of which only one may be a Chinook downstream of Bonneville Dam. Sockeye salmon count towards the adult limit regardless of size; and

(e) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(5) For the mainstem Columbia River salmon and steelhead fishery upstream of the Rocky Point-Tongue Point line to the Oregon/Washington border from February 15 through June 15 it is unlawful when fishing from vessels which are less than 30 feet in length, substantiated by Coast Guard documentation or Marine Board registration, to totally remove from the water any salmon or steelhead required to be released.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; 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 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 37-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; 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 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 33-2007(Temp), f. 5-15-07, cert. ef. 5-16-07 thru 7-30-07; DFW 37-2007(Temp), f. & cert. ef. 5-31-07 thru 7-30-07; DFW 39-2007(Temp), f. 6-5-07, cert. ef. 6-6-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 13-2008(Temp), f. 2-21-08, cert. ef. 2-25-08 thru 8-22-08; DFW 17-2008(Temp), f. & cert. ef. 2-27-08 thru 8-22-08; DFW 35-2008(Temp), f. 4-17-08, cert. ef. 4-21-08 thru 8-22-08; DFW 49-2008(Temp), f. & cert. ef. 5-13-08 thru 6-15-08; Administrative correction 7-22-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 10-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 6-15-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 48-2009(Temp), f. 5-14-09, cert. ef. 5-15-09 thru 6-16-09; DFW 68-2009(Temp), f. 6-11-09, cert. ef. 6-12-09 thru 6-16-09; Administrative correction 7-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10;

DFW 23-2010(Temp), f. & cert. ef. 3-2-10 thru 8-27-10; DFW 45-2010(Temp), f. 4-21-10, cert. ef. 4-24-10 thru 7-31-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 55-2010(Temp), f. 5-7-10, cert. ef. 5-8-10 thru 7-31-10; Suspended by DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 13-2011(Temp), f. & cert. ef. 2-14-11 thru 6-15-11; DFW 28-2011(Temp), f. 4-7-11, cert. ef. 4-8-11 thru 6-15-11; DFW 30-2011(Temp), f. 4-15-11, cert. ef. 4-16-11 thru 6-15-11; DFW 33-2011(Temp), f. & cert. ef. 4-21-11 thru 6-15-11; DFW 39-2011(Temp), f. 5-5-11, cert. ef. 5-7-11 thru 6-15-11; DFW 48-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 6-15-11; DFW 55-2011(Temp), f. 5-25-11, cert. ef. 5-27-11 thru 6-15-11

Rule Caption: Adopt Federal Rules for Oregon's Commercial Sardine Fisheries.

Adm. Order No.: DFW 56-2011

Filed with Sec. of State: 5-26-2011

Certified to be Effective: 5-26-11

Notice Publication Date: 2-1-2011

Rules Amended: 635-004-0016, 635-004-0017

Subject: These amendments to Oregon's commercial sardine regulations conform to recent federal regulation changes for 2011 which were developed by the National Marine Fisheries Service (NMFS). Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0016

Harvest Guideline

(1) The Pacific sardine commercial fishery in Oregon is managed by the federal government and the State of Oregon. This rule incorporates, by reference:

(a) Code of Federal Regulations, Title 50 Part 660, Subpart I (October 1, 2010 ed.) as amended; and

(b) Federal Register Vol. 76, No. 101, dated May 25, 2011 (76 FR 30276).

(2) Therefore, persons must consult all publications referenced in this rule in addition to Oregon Administrative Rules to determine all applicable sardine fishing requirements. Where regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) For the purposes of permit renewal in OAR 635-006-1075 the federal coastwide maximum harvest guideline referenced in section (1) above is 50,526 metric tons.

[Publications: Publications references are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 69-2008(Temp), f. & cert. ef. 6-24-08 thru 12-20-08; DFW 89-2008(Temp), f. & cert. ef. 8-6-08 thru 12-31-08; DFW 116-2008(Temp), f. & cert. ef. 9-22-08 thru 12-31-08; DFW 155-2008(Temp), f. 12-30-08, cert. ef. 1-1-09 thru 6-29-09; DFW 14-2009(Temp), f. & cert. ef. 2-23-08 thru 6-30-09; DFW 38-2009, f. & cert. ef. 4-22-09; DFW 154-2009(Temp), f. 12-28-09, cert. ef. 1-1-10 thru 6-29-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 56-2011, f. & cert. ef. 5-26-11

635-004-0017

Inclusions and Modifications

(1) OAR chapter 635, division 004, modifies or is in addition to provisions contained in Code of Federal Regulations, Title 50, Part 660, Subpart I (October 1, 2010 ed.).

(2) The Code of Federal Regulations (CFR), Title 50, Part 660, Subpart I (October 1, 2010 ed.) provides requirements for commercial sardine fishing in the Pacific Ocean. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations.

[Publications: Publications references are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 38-2009, f. & cert. ef. 4-22-09; DFW 78-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 12-28-09; DFW 85-2009(Temp), f. 7-17-09, cert. ef. 7-18-09 thru 12-31-09; DFW 116-2009(Temp), f. & cert. ef. 9-23-09 thru 12-31-09; Administrative correction 1-25-10; DFW 79-2010(Temp), f. 6-11-10, cert. ef. 6-12-10 thru 6-30-10; Administrative correction 7-27-10; DFW 104-2010(Temp), f. 7-21-10, cert. ef. 7-22-10 thru 9-14-10; Administrative correction 9-22-10; DFW 133-2010(Temp), f. 9-22-10, cert. ef. 9-24-10 thru 12-31-10; Administrative correction 1-25-11; DFW 19-2011(Temp), f. 3-2-11, cert. ef. 3-4-11 thru 6-30-11; DFW 56-2011, f. & cert. ef. 5-26-11

Rule Caption: Trask River Closure From Gold Creek, at Hatchery, Delayed Until July 1, 2011.

Adm. Order No.: DFW 57-2011(Temp)

Filed with Sec. of State: 5-27-2011

Certified to be Effective: 6-1-11 thru 6-30-11

ADMINISTRATIVE RULES

Notice Publication Date:

Rules Amended: 635-014-0090

Subject: These rule modifications delay the closure of the Trask River from Gold Creek, at the hatchery, from June 1, 2011 until July 1, 2011. Angling for spring Chinook in the Trask River has been especially productive during the early part of the run this year. In order to allow anglers this opportunity to harvest hatchery spring Chinook, we need to extend the angling season at the hatchery 200 feet upstream and 900 feet downstream.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-014-0090

Inclusions and Modifications

(1) The **2011 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 **2011 Oregon Sport Fishing Regulations** pamphlet.

(2) Notwithstanding all other requirements provided in the 2011 Oregon Sport Fishing Regulations pamphlet, the following additional rules apply to adult salmon angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River and Tillamook Bay Basin, (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers) that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and all state waters terminal area seasons in the Marine Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(b) The Trask River is closed to angling from Gold Creek, at hatchery, 200 feet upstream and 900 feet downstream from July 1 to November 30.

(c) In all waters of the Nehalem River Basin (including the North Fork) and the Nestucca River Basin (including the Little Nestucca and Three Rivers) that are open to 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 with a 2 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(d) Within the Nehalem Basin (including the North Fork) the following additional rules apply:

(A) Mainstem (bay) closed to all salmon/steelhead angling seaward from a line extending from Nehalem Bay State Park Boat Ramp to Fishery Point July 1 through September 30 and closed to all Chinook salmon angling upstream of Highway 53 Bridge (RM 5.8) at Mohler September 1 through December 31.

(B) Closed to all Chinook salmon angling above the Miami-Foley Road Bridge July 1 through December 31.

(e) Within the Nestucca Basin (including the Little Nestucca River and Three Rivers) the following rules apply:

(A) Mainstem Nestucca tidewater and bay below Cloverdale Bridge (RM 7.1) closed to all salmon and steelhead angling August 1 through September 15.

(B) Mainstem Nestucca River above Cloverdale Bridge (RM 7.1) closed to all Chinook salmon angling August 1 through September 15.

(i) Nestucca bay downstream of ODFW sign at the southern end of Guardrail Hole (aka Fishery Point, Broton Road MP 4.5): Closed to all salmon/steelhead angling August 1 through December 31.

(C) Three Rivers closed from mouth upstream to hatchery weir dead-line July 1 through September 30.

(D) Little Nestucca including all Little Nestucca tidewater: Closed to all Chinook salmon angling August 1 through December 31.

(E) Mainstem Nestucca River upstream of Farmer Creek (RM 12.5) closed to all Chinook salmon angling August 1 through December 31.

(f) In all waters of Salmon River, the Siletz River Basin, and Yaquina 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 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and all state waters terminal area

seasons in the Marine Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.

(A) Siletz River and Bay upstream to Old Mill Park Boat Launch at RM 36.0 open for all coho salmon from September 1 through the earlier of November 30 or attainment of an adult coho salmon quota of 400 non fin-clipped coho salmon.

(B) The catch limit may include one adult non fin-clipped coho salmon for the entire season and one non fin-clipped jack coho salmon per day during periods when retention of non fin clipped adult coho salmon is allowed, 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.

(g) Within the Siletz River Basin the following additional rules apply:

(A) Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at RM 8 is closed for Chinook salmon from August 1 through December 31; and

(B) All waters of the Siletz River (including all tributaries) upstream of Old Mill Park Boat Launch at RM 36.0 are closed for Chinook salmon from August 1 through December 31.

(h) 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 RM 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31; and

(i) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) within the Drift Creek Wilderness Area and upstream are closed for Chinook salmon from August 1 through December 31; and

(B) All waters of the Alsea River upstream of the confluence with Five Rivers at RM 21; and

(C) All waters of Five Rivers are closed for Chinook salmon from October 16 through December 31.

(j) 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 RM 30.0 are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Lake Creek are closed for Chinook salmon August 1 through December 31 and all waters of Lake Creek downstream of Fish Creek are closed to all angling from September 1 through November 30.

[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 120-2002(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.

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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; DFW 115-2009(Temp), f. & cert. ef. 9-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 44-2010(Temp), f. 4-20-10, cert. ef. 4-21-10 thru 9-30-10; DFW 73-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 9-30-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 89-2010(Temp), f. 6-28-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 57-2011(Temp), f. 5-27-11, cert. ef. 6-1-11 thru 6-30-11

Rule Caption: Ocean Sport Pacific Halibut Closure from Leadbetter Point, Washington to Cape Falcon, Oregon.

Adm. Order No.: DFW 58-2011(Temp)

Filed with Sec. of State: 5-27-2011

Certified to be Effective: 6-4-11 thru 8-4-11

Notice Publication Date:

Rules Amended: 635-039-0085

Subject: Amended rule closes the sport fishery for Pacific halibut in the area between Leadbetter Point, Washington and Cape Falcon, Oregon at 11:59 p.m. on Saturday, June 4, 2011 when the quota of 10,793 pounds is projected to have been taken. This rule is consistent with regulations that have been implemented by the federal government and the International Pacific Halibut Commission for the 2011 Oregon recreational fishery for Pacific halibut.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 039 incorporates into Oregon Administrative Rules, by reference:

(a) **Title 50 of the Code of Federal Regulations**, Part 300, Subpart E (October 1, 2010 ed.), as amended; and

(b) Federal Register Vol. 76, No. 51, dated March 16, 2011 (76 FR 14300).

(2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to determine applicable halibut fishing seasons.

(3) Effective 11:59 p.m., Saturday, June 4, 2011 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) is closed to the retention of Pacific halibut.

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08; DFW 120-2008(Temp), f. 9-25-08, cert. ef. 9-27-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 55-2009(Temp), f. & cert. ef. 5-22-09 thru 8-6-09; DFW 94-2009(Temp), f. 8-14-09, cert. ef. 8-16-09 thru 12-31-09; Administrative correction 1-25-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 100-2010(Temp), f. 7-15-10, cert. ef. 7-17-10 thru 10-31-10; DFW 118-2010(Temp), f. & cert. ef. 8-13-10 thru 10-31-10; Administrative correction 11-23-10; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 58-2011(Temp), f. 5-27-11, cert. ef. 6-4-11 thru 8-4-11

Rule Caption: Columbia River Recreational Spring Chinook Season Above Bonneville Dam Extended.

Adm. Order No.: DFW 59-2011(Temp)

Filed with Sec. of State: 6-2-2011

Certified to be Effective: 6-2-11 thru 6-15-11

Notice Publication Date:

Rules Amended: 635-023-0125

Rules Suspended: 635-023-0125(T)

Subject: This amended rule extends the recreational spring Chinook fishery in the Columbia River from the Tower Island power lines (above Bonneville Dam) upstream to the Oregon/Washington border, plus bank angling between Bonneville Dam and the Tower Island

power lines, from the original closure date of June 2 through June 15, 2011. Retention of sockeye, adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead is allowed. Daily bag limit includes up to two adult salmonids (including sockeye). Revisions are consistent with action taken June 1, 2011 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0125

Spring Sport Fishery

(1) The **2011 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River 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 **2011 Oregon Sport Fishing Regulations**.

(2) The Columbia River is open from January 1 through February 28 from the mouth at Buoy 10 upstream to the I-5 Bridge with the following restrictions:

(a) Adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead may be retained.

(b) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(c) Catch limits of two adult adipose fin-clipped salmon or two adult adipose fin-clipped steelhead may be retained per day. Catch limits for jacks remain in effect as per the 2011 Oregon Sport Fishing Regulations.

(3) Effective through June 15, 2011, in Oregon and Washington Select Areas the hatchery adult Chinook daily bag limit will be the same as the adjacent mainstem Columbia River when the mainstem is open for adult Chinook retention. When the adjacent mainstem Columbia River is closed for adult retention, the salmon daily limit will revert to permanent rules.

(4) The mainstem Columbia River is open:

(a) May 15 through May 26, 2011 from Rocky Point/Tongue Point upstream to Beacon Rock (boat and bank angling); plus bank angling only from Beacon Rock upstream to Bonneville Dam. Legal boundary for Beacon Rock is defined as: A line projected from a sign posted on a dock on the Oregon shoreline across to the exposed downstream end of Pierce Island, then across to a sign posted on the Washington shoreline at Beacon Rock;

(b) May 27 through June 15, 2011 from Rocky Point/Tongue Point upstream to Bonneville Dam (boat and bank angling);

(c) May 28 through June 15, 2011 (19 days) from Tower Island power lines (approx. 6 miles below The Dalles Dam) upstream to the Oregon/Washington border; plus the Oregon and Washington banks between Bonneville Dam and the Tower Island power lines.

(d) Retention of sockeye, adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead is allowed. Catch limits of two adult adipose fin-clipped salmon/steelhead per day in combination, of which only one may be a Chinook downstream of Bonneville Dam. Sockeye salmon count towards the adult limit regardless of size; and

(e) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(5) For the mainstem Columbia River salmon and steelhead fishery upstream of the Rocky Point-Tongue Point line to the Oregon/Washington border from February 15 through June 15 it is unlawful when fishing from vessels which are less than 30 feet in length, substantiated by Coast Guard documentation or Marine Board registration, to totally remove from the water any salmon or steelhead required to be released.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; 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 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 21-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; 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 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 33-2007(Temp), f. 5-15-07, cert. ef. 5-16-07 thru 7-30-07; DFW 37-2007(Temp), f. & cert. ef. 5-31-07 thru 7-30-07; DFW 39-2007(Temp), f. 6-5-07, cert. ef. 6-6-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 13-2008(Temp), f. 2-21-08, cert. ef. 2-25-08 thru 8-22-08; DFW 17-2008(Temp), f. & cert. ef. 2-27-08 thru 8-22-08; DFW 35-2008(Temp), f. 4-17-08, cert.

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ef. 4-21-08 thru 8-22-08; DFW 49-2008(Temp), f. & cert. ef. 5-13-08 thru 6-15-08; Administrative correction 7-22-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 10-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 6-15-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 48-2009(Temp), f. 5-14-09, cert. ef. 5-15-09 thru 6-16-09; DFW 68-2009(Temp), f. 6-11-09, cert. ef. 6-12-09 thru 6-16-09; Administrative correction 7-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 23-2010(Temp), f. & cert. ef. 3-2-10 thru 8-27-10; DFW 45-2010(Temp), f. 4-21-10, cert. ef. 4-24-10 thru 7-31-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 55-2010(Temp), f. 5-7-10, cert. ef. 5-8-10 thru 7-31-10; Suspended by DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 13-2011(Temp), f. & cert. ef. 2-14-11 thru 6-15-11; DFW 28-2011(Temp), f. 4-7-11, cert. ef. 4-8-11 thru 6-15-11; DFW 30-2011(Temp), f. 4-15-11, cert. ef. 4-16-11 thru 6-15-11; DFW 33-2011(Temp), f. & cert. ef. 4-21-11 thru 6-15-11; DFW 39-2011(Temp), f. 5-5-11, cert. ef. 5-7-11 thru 6-15-11; DFW 48-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 6-15-11; DFW 55-2011(Temp), f. 5-25-11, cert. ef. 5-27-11 thru 6-15-11; DFW 59-2011(Temp), f. & cert. ef. 6-2-11 thru 6-15-11

Rule Caption: Columbia River Treaty Indian Spring Commercial Salmon Season Re-opens.

Adm. Order No.: DFW 60-2011(Temp)

Filed with Sec. of State: 6-2-2011

Certified to be Effective: 6-6-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-041-0045

Rules Suspended: 635-041-0045(T)

Subject: This amended rule allows the sales of fish caught in the Treaty Indian fisheries in the Columbia River downstream of Bonneville Dam effective June 6 through June 15, 2011. Revisions are consistent with action taken June 1, 2011 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0045

Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

(1) All Oregon tributaries of the Columbia River.

(2) The Columbia River westerly and downstream of the Bridge of the Gods except:

(a) Fisheries conducted by the Yakama, Warm Springs, Umatilla and Nez Perce tribes downstream of Bonneville Dam (bank fishing only) under provisions of the agreements with the states of Oregon and Washington are open from 6:00 a.m. through 8:00 p.m. each day on Monday June 6, Tuesday June 7, Wednesday June 8, Monday June 13, Tuesday June 14 and Wednesday June 15, 2011. The fishery closes Wednesday June 15 at 8:01 p.m. and remains closed through midnight of that day. The fisheries will reopen June 16, 2011 until further notice.

(A) Allowable sales include Chinook, steelhead, sockeye, coho, wall-eye, shad, catfish, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. 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 which includes hoop-nets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line. During June 6 through June 15, 2011, gear is restricted to hook-and-line only with a limit of one fishing pole per fisher.

(C) Salmon, steelhead, walleye, shad, carp, bass, catfish, and yellow perch landed during an open treaty commercial fishing period may be sold at any time.

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing

seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25-September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1 1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. 6-2-11, cert. ef. 6-6-11 thru 10-31-11

Rule Caption: Amend Rules relating to use of aircraft to hunt or locate game mammals or birds.

Adm. Order No.: DFW 61-2011

Filed with Sec. of State: 6-3-2011

Certified to be Effective: 6-3-11

Notice Publication Date: 3-1-2011

Rules Amended: 635-043-0051

ADMINISTRATIVE RULES

Subject: This rule implements ORS 498.126(4)(b), which requires definition of “emergency situation” and “necessary: in relation to use of aircraft by the Department or its agents in hunting or locating game mammals and game birds.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-043-0051

Authority to Take or Harass Wildlife

(1) In accordance with ORS 496.012, 496.162, 497.298, 498.002, and 498.006, Department staff or their agents may take or harass wildlife in the times, places and manners necessary for:

- (a) Scientific purposes pursuant to Department programs;
- (b) Protection against a threat to human safety;
- (c) Protection of land or property from damage;
- (d) Wildlife management purposes pursuant to Department programs;
- (e) Education and display purposes; and
- (f) Rehabilitation of sick, injured or orphaned wildlife.

(2) Harassment means acts that frighten or chase but do not kill wildlife.

(3) ORS 498.126(1) provides that a person may not hunt game mammals or game birds from or with the aid of an aircraft, nor transmit from an aircraft to a person not in the aircraft information regarding the location of any game mammals or game birds. ORS 498.126(4) provides an exception for the Department of Fish and Wildlife, and its agents, when conducting wildlife management activities necessary for scientific research or, in emergency situations, protecting human safety, wildlife species or property. ORS 498.126(4)(b) requires definition of “emergency situation” and “necessary” by rule.

(a) “Emergency situation” means that the Department has determined that prompt action is required to implement a provision of a species management plan or administrative rule adopted by the Fish and Wildlife Commission.

(b) “Necessary” means that the Department has determined that the use of aircraft in a particular instance is the most efficient method of implementing a provision of a species management plan or administrative rule adopted by the Fish and Wildlife Commission.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: DFW 47-2001, f. & cert. ef. 6-13-01; DFW 12-2002, f. & cert. ef. 2-12-02; DFW 75-2010(Temp), f. & cert. ef. 6-2-10 thru 11-28-10; DFW 98-2010(Temp), f. & cert. ef. 7-9-10 thru 1-3-11; Administrative correction 1-25-11; DFW 36-2011, f. & cert. ef. 5-4-11; DFW 61-2011, f. & cert. ef. 6-3-11

Rule Caption: 2012 annual changes to game mammal hunting regulations, plus 2011 controlled hunt tag numbers.

Adm. Order No.: DFW 62-2011

Filed with Sec. of State: 6-3-2011

Certified to be Effective: 6-3-11

Notice Publication Date: 3-1-2011

Rules Amended: 635-049-0025, 635-049-0265, 635-065-0765, 635-067-0000, 635-068-0000, 635-069-0000, 635-070-0000, 635-071-0000, 635-073-0000, 635-075-0003

Rules Repealed: 635-049-0025(T), 635-049-0265(T)

Subject: Establish 2011 controlled hunt tag numbers and/or season regulations for the hunting of pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk.

Amend rules to allow fallow deer that leave Oregon temporarily for educational or display purposes to return to Oregon.

Amend rules to clarify the decision standards for suspension and revocation from the LOP program.

Amend the rules that ban the importation of certain cervid parts from states that have confirmed the presence of Chronic wasting Disease, This amendment includes but is not limited to Maryland.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-049-0025

Import, Export, Transport other than to Licensed Facilities

It is unlawful to import live cervids. However, live fallow deer and/or reindeer that leave Oregon temporarily for educational or display purposes may return to Oregon upon obtaining any necessary Department of Agriculture permits, provided:

(1) The fallow deer and/or reindeer have had no contact with other cervids while outside Oregon; and

(2) The Department of Fish and Wildlife is notified each time before the fallow deer and/or reindeer re-enter Oregon.

(3) The Department of Fish and Wildlife is provided a schedule of off facility locations and dates before the fallow deer and/or reindeer are transported outside the facility.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

Hist.: DFW 52-2008, f. & cert. ef. 5-28-08; DFW 65-2009, f. & cert. ef. 6-10-09; DFW 169-2010(Temp), f. 12-29-10, cert. ef. 1-1-11 thru 6-27-11; DFW 62-2011, f. & cert. ef. 6-3-11

635-049-0265

Transport of Cervids Among Licensed Facilities

(1) Cervids held under license may not be transported outside their licensed facility except:

(a) From one Oregon licensed cervid facility to another under a permit issued by the Department. The permit will specify any conditions necessary to protect native wildlife and to ensure safe and humane treatment of the cervids being transported.

(b) While being legally exported from Oregon under a permit issued by the Department, a certificate of veterinary inspection and any import permit or license required by the receiving state.

(c) Elk (legally captured from the wild in Oregon or bred from elk legally captured from the wild in Oregon) to and from an exhibition within Oregon under a permit issued by the Department, on the condition that the elk has no contact with, and will not be held in an area frequented by, any other cervid.

(d) As allowed by OAR 635-049-0025(1)(a), (b) and (c) for fallow deer and/or reindeer.

(e) To a slaughtering facility.

(2) To obtain a permit, the holder must apply using a form provided by the Department and provide all requested details concerning the proposed transport.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

Hist.: DFW 52-2008, f. & cert. ef. 5-28-08; DFW 169-2010(Temp), f. 12-29-10, cert. ef. 1-1-11 thru 6-27-11; DFW 62-2011, f. & cert. ef. 6-3-11

635-065-0765

Tagging, Possession, Transportation and Evidence of Sex

(1) When the owner of any game mammal tag kills a game mammal for which a tag is issued, the owner shall immediately remove in its entirety only the month and day of kill and attach the tag in plain sight securely to the game mammal. The tag shall be kept attached to such carcass or remain with any parts thereof so long as the same are preserved.

(2) It is unlawful to have in possession any game mammal tag from which all or part of any date has been removed or mutilated except when the tag is legally validated and attached to a game mammal.

(3) It is unlawful to possess the meat or carcass of any pronghorn antelope, bighorn sheep, or Rocky Mountain goat without the animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, horns, and eyes if the animal is male.

(4) It is unlawful to possess the meat or carcass of any deer or elk without evidence of sex while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. Evidence of sex for deer and elk is:

(a) Evidence of sex for deer and elk which will be taken out of Oregon is:

(i) For Bucks and Bulls: Either the head with antlers naturally attached to at least one quarter of the carcass or testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat. For hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(ii) For Does and Cows: Either the head naturally attached to at least one quarter of the carcass or vulva or udder (mammary) naturally attached to one quarter of the carcass or to another major portion of meat.

(iii) For Either Sex Hunts: Either the head naturally attached to at least one quarter of the carcass or reproductive organs (testicles, scrotum,

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penis, vulva, udder, mammary) naturally attached to one quarter of the carcass or to another major portion of meat. For bucks or bulls killed in either sex hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(iv) For hunts where only white-tailed deer and for hunts where only mule deer are legal: in addition to evidence of sex, either the head or tail shall remain naturally attached to one quarter of the carcass or to another major portion of meat as evidence of the species taken while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(b) Evidence of sex for deer and elk which will not be taken out of Oregon is either:

(i) The animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, antlers, and eyes if the animal is male, or;

(ii) the head naturally attached to at least one quarter of the carcass or reproductive organs naturally attached to one quarter of the carcass or to another major portion of meat as described in (4) (a) (i)-(iv) above.

(5) When any game mammal or part thereof is transferred to the possession of another person, a written record describing the game mammal or part being transferred indicating the name and address of the person whose tag was originally attached to the carcass and the number of that tag shall accompany such transfer and shall remain with such game mammal or part so long as the same is preserved or until replaced by a tag or seal of the Department.

(6) All game mammals in possession in the field or forest or in transit more than 48 hours after the close of the open season for such mammal must be tagged with a tag or metal seal by the Department or by the Oregon State Police.

(7) All game mammals or portions thereof shipped by commercial carrier shall be tagged with a tag or metal seal provided by the Department or by the Oregon State Police.

(8) It is unlawful to receive or have in possession any game mammal or part thereof which:

(a) Is not properly tagged;

(b) Was taken in violation of any wildlife laws or regulations; or

(c) Was taken by any person who is or may be exempt from the jurisdiction of such laws or regulations.

(9) No person shall possess any game mammal or part thereof which has been illegally killed, found or killed for humane reasons, except shed antlers, unless he has notified and received permission from the Department or personnel of the Oregon State Police prior to transporting.

(10) No person shall possess the horns of bighorn sheep or Rocky Mountain goat that were not taken legally during an authorized season. Any horns of bighorn sheep or Rocky Mountain goat obtained by the Department may be made available to scientific and educational institutions and for ceremonial purposes.

(11) Except for the following parts, importation of a cervid carcass or parts of a cervid carcass is prohibited if the cervid was killed in a state or province with a documented case of Chronic Wasting Disease:

(a) Meat that is cut and wrapped commercially or privately;

(b) Meat that has been boned out;

(c) Quarters or other portions of meat with no part of the spinal column or head attached;

(d) Hides and/or capes with no head attached;

(e) Skull plates with antlers attached that have been cleaned of all meat and brain tissue;

(f) Antlers with no tissue attached;

(g) Upper canine teeth (buglers, whistlers, ivories);

(h) Finished taxidermy heads.

(12) For the purposes of the parts and carcass import ban in subsection (11), the states or provinces with a documented case of Chronic Wasting Disease (CWD) are Alberta, Colorado, Illinois, Maryland, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, South Dakota, Wisconsin, Wyoming, Utah, Virginia, West Virginia, and Saskatchewan. The Department shall add by temporary rule any additional states or provinces when any new cases of CWD arise.

(13) The parts and carcass import ban in subsection (11) does not apply to parts or carcasses shipped to the National Fish and Wildlife Forensics Laboratory (Ashland, Oregon) for the purpose of law enforcement investigations and also does not apply to parts or carcasses of reindeer/caribou.

(14) Cervid carcasses or parts of cervid carcasses found in Oregon in violation of the parts and carcass ban in subsection (11) shall be disposed of in a manner as follows:

(a) Brain tissue, spinal columns, and whole heads or heads minus the cleaned skull plate and attached antlers, shall be disposed of either by incineration at temperatures exceeding 800° F or at lined landfills registered by Oregon Department of Environmental Quality capable of accepting animal carcasses without environmental contamination; rendering is not an allowed means of disposal.

(b) The person(s) who imported parts in violation of the parts and carcass ban in subsection

(11) shall pay for appropriate disposal of cervid carcasses or parts of cervid carcasses.

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 34-1984, f. & ef. 7-24-84; FWC 43-1988, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 61-2003, f. & cert. ef. 7-16-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 111-2005(Temp), f. & cert. ef. 9-23-05 thru 10-31-05; Administrative correction 11-18-05; DFW 128-2005, f. & cert. ef. 1-1-06; DFW 135-2008, f. & cert. ef. 10-17-08; DFW 2-2009, f. & cert. ef. 1-9-09; DFW 8-2010(Temp), f. & cert. ef. 1-25-10 thru 7-24-10; DFW 21-2010(Temp), f. & cert. ef. 2-26-10 thru 8-24-10; DFW 36-2010(Temp), f. & cert. ef. 3-30-10 thru 9-25-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11

635-067-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 067 incorporates, by reference, the requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat set out in the document entitled "2011 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2011 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

(3) Controlled hunt tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 060. Permitted weapons and ammunition are established in OAR chapter 635, division 065. Controlled hunt tag numbers for 2011 are listed in Tables 1, 2, and 3 and are adopted and incorporated into OAR chapter 635, division 067 by reference.

[ED. NOTE: Tables referenced are available from the agency.]

[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 65-1989, f. & cert. ef. 8-15-89; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; 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. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 122-2004, f. & cert. ef. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 128-2005, f. & cert. ef. 1-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 127-2006, f. & cert. ef. 12-7-06, cert. ef. 1-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 118-2007, f. & cert. ef. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 150-2008, f. & cert. ef. 12-18-08, cert. ef. 1-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 140-2009, f. & cert. ef. 11-3-09, cert. ef. 1-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 85-2010(Temp), f. & cert. ef. 6-21-10 thru 12-17-10; DFW 168-2010, f. & cert. ef. 12-29-10, cert. ef. 1-1-11; DFW 62-2011, f. & cert. ef. 6-3-11

ADMINISTRATIVE RULES

635-068-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting western Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2011 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 068 by reference.

(3) OAR chapter 635, division 068 incorporates, by reference, the requirements for hunting western Oregon deer set out in the document entitled “2011 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2011 Oregon Big Game Regulations” in addition to OAR chapter 635, to determine all applicable requirements for hunting western Oregon deer. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

[ED. NOTE: Tables referenced are available from the agency.]

[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 39-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; 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. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. & cert. ef. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 121-2003, f. & cert. ef. 12-4-03, cert. ef. 1-19-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 124-2004, f. & cert. ef. 12-21-04, cert. ef. 3-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2005, f. & cert. ef. 12-1-05, cert. ef. 3-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 125-2006, f. & cert. ef. 12-4-06, cert. ef. 3-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 116-2007, f. & cert. ef. 10-31-07, cert. ef. 3-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 13-2009, f. & cert. ef. 2-19-09, cert. ef. 3-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 14-2010, f. & cert. ef. 2-16-10, cert. ef. 3-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 14-2011, f. & cert. ef. 2-15-11, cert. ef. 3-1-11; DFW 62-2011, f. & cert. ef. 6-3-11

635-069-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting eastern Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2011 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 069 by reference.

(3) OAR chapter 635, division 069 incorporates, by reference, the requirements for hunting eastern Oregon deer set out in the document entitled “2011 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2011 Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting eastern Oregon deer. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

[ED. NOTE: Tables referenced are available from the agency.]

[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 40-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 32-1999(Temp), f. & cert. ef. 5-4-99 thru 10-31-99; DFW 34-1999(Temp), f. & cert. ef. 5-12-99 thru 10-31-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 20-2000(Temp), f. & cert. ef. 4-12-00, cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 7-2003, f. & cert. ef. 1-17-03, cert. ef. 2-1-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. & cert. ef. 12-4-03, cert. ef. 2-2-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. & cert. ef. 12-21-04, cert. ef. 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. & cert. ef. 12-1-05, cert. ef. 2-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 124-2006, f. & cert. ef. 12-7-06, cert. ef. 2-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 117-2007, f. & cert. ef. 10-31-07, cert. ef. 2-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 8-2009, f. & cert. ef. 2-3-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 4-2010, f. & cert. ef. 1-12-10, cert. ef. 2-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 7-2011, f. & cert. ef. 1-31-11, cert. ef. 2-1-11; DFW 62-2011, f. & cert. ef. 6-3-11

635-070-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Cascade and Coast elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2011 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 070 by reference.

(3) OAR chapter 635, division 070 incorporates, by reference, the requirements for hunting western Oregon elk set out in the document entitled

“2011 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2011 Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting western Oregon elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

[ED. NOTE: Tables referenced are available from the agency.]

[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 41-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; 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. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 119-2003, f. & cert. ef. 12-4-03, cert. ef. 4-1-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 8-2004(Temp), f. & cert. ef. 2-2-04 thru 7-31-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 131-2004, f. & cert. ef. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. & cert. ef. 12-1-05, cert. ef. 4-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. & cert. ef. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. & cert. ef. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 31-2009, f. & cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. & cert. ef. 3-1-10, cert. ef. 4-1-10; DFW 31-2010, f. & cert. ef. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11

635-071-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Rocky Mountain elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2011 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 071 by reference.

(3) OAR chapter 635, division 071 incorporates, by reference, the requirements for hunting Rocky Mountain elk set out in the document entitled “2011 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2011 Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting Rocky Mountain elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

[ED. NOTE: Tables referenced are available from the agency.]

[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 42-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; 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. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-11-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. & cert. ef. 12-4-03, cert. ef. 1-1-04; DFW 1-2004(Temp), f. & cert. ef. 1-13-04 thru 7-9-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04, Administrative correction 11-22-04; DFW 131-2004, f. & cert. ef. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. & cert. ef. 12-1-05, cert. ef. 4-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. & cert. ef. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. & cert. ef. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 31-2009, f. & cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. & cert. ef. 3-1-10, cert. ef. 4-1-10; DFW 31-2010, f. & cert. ef. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11

635-073-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for bow and muzzleloader hunting and controlled deer and elk youth hunts; pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2011 for deer and elk bow and muzzleloader hunting and deer and elk youth hunts are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 073 by reference.

(3) OAR chapter 073 incorporates, by reference, the requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts set out in the document entitled “2011 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2011 Oregon Big Game Regulations,” in addition to OAR chapter 635, to determine all applicable requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and

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headquarters offices and website of the Oregon Department of Fish and Wildlife.

[ED. NOTE: Tables referenced are available from the agency.]
[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 44-1988, f. & cert. ef. 6-13-88; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; 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; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; 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 21-2000(Temp), f. 4-12-00, cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. 12-4-03, cert. ef. 2-2-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. 12-21-04, cert. ef. 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. 12-1-05, cert. ef. 2-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 124-2006, f. 12-7-06, cert. ef. 2-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 117-2007, f. 10-31-07, cert. ef. 2-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 8-2009, f. & cert. ef. 2-3-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 4-2010, f. 1-12-10, cert. ef. 2-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 7-2011, f. 1-31-11, cert. ef. 2-1-11; DFW 62-2011, f. & cert. ef. 6-3-11

635-075-0003

Decision Standard for Suspension and Revocation from the LOP Program

(1) If a landowner as defined in OAR 635-045-0002 (or the landowner's partner, member, manager, employee, or any person using an LOP tag provided by the landowner) is convicted of violation of the wildlife laws arising from participating in the LOP program, the Department may suspend that landowner from participating in the LOP program for three years, beginning upon issuance of a final order.

(a) When the Department suspends a landowner pursuant to paragraph (1), that suspension will include any and all properties associated with that landowner, including properties registered to the individual, as a partnership, or as a corporation, and the suspension will run for the same period of time as for the landowner.

(b) When the Department suspends a landowner pursuant to paragraph (1), the Department will also revoke any unused LOP tags previously issued for the landowner's properties.

(2) Any landowner whose LOP program participation the Department proposes to suspend may request a contested case hearing within 14 days of notice of the proposed decision.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 131-2008, f. & cert. ef. 10-14-08; DFW 139-2008, f. & cert. ef. 10-30-08; DFW 62-2011, f. & cert. ef. 6-3-11

Rule Caption: Columbia River Treaty Indian Spring Commercial Salmon Season Modified.

Adm. Order No.: DFW 63-2011(Temp)

Filed with Sec. of State: 6-8-2011

Certified to be Effective: 6-9-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-041-0045

Rules Suspended: 635-041-0045(T)

Subject: This amended rule allows the sales of fish caught in the Treaty Indian fisheries in the Columbia River downstream of Bonneville Dam, under individual tribal Memorandums of Agreement, effective June 9 through June 15, 2011. Revisions are consistent with action taken June 7, 2011 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0045

Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

(1) All Oregon tributaries of the Columbia River.

(2) The Columbia River westerly and downstream of the Bridge of the Gods except:

(a) Fisheries conducted by the Yakama, Warm Springs, Umatilla and Nez Perce tribes downstream of Bonneville Dam (bank fishing only) under provisions of the agreements with the states of Oregon and Washington are open from 6:00 a.m. through 8:00 p.m. each day on Monday June 6, Tuesday June 7 and Wednesday June 8; and from 6:00 a.m. Thursday June

9 through midnight Wednesday June 15. The fisheries will reopen June 16, 2011 until further notice.

(A) Allowable sales include Chinook, steelhead, sockeye, coho, wall-eye, shad, catfish, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. 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 which includes hoop-nets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line. During the period June 6 through June 15, 2011, gear is restricted to hook-and-line only with a limit of one fishing pole per fisher.

(C) Salmon, steelhead, walleye, shad, carp, bass, catfish, and yellow perch landed during an open treaty commercial fishing period may be sold at any time.

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25-September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1 1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big

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White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. 6-2-11, cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. 6-8-11, cert. ef. 6-9-11 thru 10-31-11

Rule Caption: Lower Umatilla River Spring Chinook Salmon Fishery Extended Through June 30, 2011.

Adm. Order No.: DFW 64-2011(Temp)

Filed with Sec. of State: 6-10-2011

Certified to be Effective: 6-13-11 thru 9-1-11

Notice Publication Date:

Rules Amended: 635-019-0090

Rules Suspended: 635-019-0090(T)

Subject: Amended rule extends the lower Umatilla River spring Chinook salmon fishery, set in permanent rule to run through June 12, until 11:59 p.m. on Thursday, June 30, 2011. This allows recreational anglers opportunities to harvest excess returning hatchery spring Chinook salmon in an area from the Highway 730 Bridge upstream to Three Mile Dam. This extension was made possible because harvest rates have been very low and harvest allocations remain available from this year's Umatilla River spring Chinook run. In addition, broodstock and natural production needs have already been met. The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) co-manage this fishery and operational plans for the species.

Rules Coordinator: Theresa Kucera—(503) 947-6033

635-019-0090

Inclusions and Modifications

(1) The **2011 Oregon Sport Fishing Regulations** provide requirements for the Northeast 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 2011 Oregon Sport Fishing Regulations.

(2) The Imnaha River from the mouth to Summit Creek Bridge (River Mile 45) is open to angling for adipose fin-clipped adult Chinook salmon from May 28 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2011 Oregon Sport Fishing Regulations**, remain in effect.

(3) The Wallowa River from a deadline at the lower end of Minam State Park upstream to the confluence with the Lostine River is open to angling for adipose fin-clipped adult Chinook salmon from May 28 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2011 Oregon Sport Fishing Regulations**, remain in effect.

(4) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is open to angling for adipose fin-clipped adult Chinook salmon from May 28 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) During the duration of the spring Chinook angling season, the area closure listed for Lookingglass Creek in the Northeast Zone Special Regulations is modified to: Lookingglass Creek closed between Jarboe Creek and 200 feet upstream of the hatchery water intake.

(c) Hook gap restrictions listed in the Northeast Zone Special Regulations for Lookingglass Creek are removed for the duration of the spring Chinook angling season.

(d) All other General, Statewide and Northeast Zone Regulations, as provided in the 2011 Oregon Sport Fishing Regulations, remain in effect.

(5) The lower Umatilla River, from the Highway 730 Bridge upstream to Three Mile Dam, is open to angling for and retention of adipose fin-clipped spring Chinook salmon effective at 12:01 a.m. Monday, June 13 through 11:59 p.m. Thursday, June 30, 2011.

(a) The bag limit is two (2) adult fin-clipped spring Chinook salmon and five (5) jacks per day; ten (10) adult fin-clipped Chinook salmon may be kept per year.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2011 Oregon Sport Fishing Regulations**, remain in effect.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; 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 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; 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 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11

Rule Caption: 2011 Columbia River Summer Recreational Fisheries Implemented.

Adm. Order No.: DFW 65-2011(Temp)

Filed with Sec. of State: 6-14-2011

Certified to be Effective: 6-16-11 thru 7-31-11

Notice Publication Date:

Rules Amended: 635-023-0128

Subject: This amended rule implements the summer recreational salmon fishing seasons in the Columbia River. Modifications to regulations for 2011 conform to recent regulation changes developed through the Pacific Fishery Management Council/North of Falcon Process. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-023-0128

Summer Sport Fishery

(1) The 2011 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River 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 2011 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other specifications and restrictions in the 2011 Oregon Sport Fishing Regulations:

(a) Effective June 16 through July 31 the mainstem Columbia River is open to the retention of adipose fin-clipped jack Chinook, adipose fin-clipped adult Chinook and sockeye salmon from the Astoria-Megler Bridge upstream to the Oregon/Washington border.

(b) The combined daily bag limit for adult salmon and steelhead is two fish. Only adipose fin-clipped Chinook and steelhead may be retained. Sockeye salmon count towards the adult limit regardless of size.

(c) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 52-2005(Temp), f. 6-3-05, cert. ef. 6-16-05 thru 7-31-05; DFW 64-2005(Temp), f. 6-30-05, cert. ef. 7-1-05 thru 7-31-05; Administrative correction 8-17-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 51-2007(Temp), f. 6-29-07, cert. ef. 7-2-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 61-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 7-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 69-2009(Temp), f. 6-11-09, cert. ef. 6-16-09 thru 7-31-09; Administrative correction 8-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 65-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 7-31-11

Rule Caption: Columbia River Treaty Indian Spring Commercial Salmon Seasons Modified.

Adm. Order No.: DFW 66-2011(Temp)

Filed with Sec. of State: 6-14-2011

Certified to be Effective: 6-16-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-041-0045, 635-041-0076

Rules Suspended: 635-041-0045(T), 635-041-0076(T)

Subject: Rule modifications set two gill net fishing periods in Zone 6 of the Columbia River and allow the sales of fish caught during those periods. Rule modifications were made to the Treaty Indian fisheries downstream of Bonneville Dam, under individual tribal Memorandums of Agreement, effective June 16 until further notice. Revisions are consistent with action taken June 9, 2011 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0045

Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

(1) All Oregon tributaries of the Columbia River.

(2) The Columbia River westerly and downstream of the Bridge of the Gods except:

(a) Fisheries conducted by the Yakama, Warm Springs, Umatilla and Nez Perce tribes downstream of Bonneville Dam (bank fishing only) under provisions of the agreements with the states of Oregon and Washington are open from 6:00 a.m. through 8:00 p.m. each day on Monday June 6, Tuesday June 7 and Wednesday June 8; and from 6:00 a.m. Thursday June 9 through midnight Wednesday June 15. The fisheries will reopen at 6:00 a.m. Thursday, June 16, 2011 and continue until further notice.

(A) Allowable sales include Chinook, steelhead, sockeye, coho, walleye, shad, catfish, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. 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 which includes hoop-nets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line. During the period June 6 through June 15, 2011, gear is restricted to hook-and-line only with a limit of one fishing pole per fisher. Beginning

at 6:00 a.m. Thursday, June 16, 2011 gear is restricted to hook-and-line or as defined by each tribe's MOU/MOA until further notice.

(C) Salmon, steelhead, walleye, shad, carp, bass, catfish, and yellow perch landed during an open treaty commercial fishing period may be sold at any time.

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25-September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1 1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing

ADMINISTRATIVE RULES

downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. 6-2-11, cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. 6-8-11, cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11

635-041-0076

Spring Salmon Season

(1) Commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed beginning 6:00 p.m. Tuesday, May 10, 2011 until further notice.

(a) Chinook, steelhead, sockeye, coho, walleye, shad, carp, bass, catfish and yellow perch landed during an open commercial fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold or retained. 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 kept for subsistence use.

(b) Gear is restricted to subsistence fishing gear: hoopnets, dipnets and rod and reel with hook-and-line are allowed.

(c) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect.

(2) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Thursday, June 16 through 6:00 p.m. Saturday, June 18, 2011 (2.5 days); and from 6:00 a.m. Monday, June 20 through 6:00 p.m. Thursday, June 23, 2011 (3.5 days).

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. 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 kept for subsistence purposes.

(b) Gear is restricted to gill nets. No minimum mesh size restriction is in effect.

(c) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect.

(3) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake; and Big White Salmon River are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods and concurrent with periods when sales from Zone 6 platform and hook-and-line fisheries are allowed.

Stat. Auth.: ORS 496.118 & 506.119
Stats. Implemented: ORS 506.109, 506.129 & 507.030
Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 39-2006(Temp), f. & cert. ef. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. ef. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. 6-26-06, cert. ef. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. 6-30-06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06; DFW 46-2007(Temp), f. 6-15-07, cert. ef. 6-16-07 thru 9-13-07; DFW 49-2007(Temp), f. 6-22-07, cert. ef. 6-26-07 thru 9-13-07; DFW 53-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; Administrative correction 9-16-07; DFW 45-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 7-31-08; DFW 47-2008(Temp), f. 5-9-08, cert. ef. 5-11-08 thru 7-31-08; DFW 62-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 8-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; DFW 80-2008(Temp), f. & cert. ef. 7-10-08 thru 8-31-08; DFW 87-2008(Temp), f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; Administrative correction 10-21-08; DFW 50-2009(Temp), f. 5-14-09, cert. ef. 5-16-09 thru 7-31-09; DFW 56-2009(Temp), f. 5-26-09, cert. ef. 5-27-09 thru 7-31-09; DFW 71-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 7-31-09; DFW 76-2009(Temp), f. 6-26-09, cert. ef. 6-30-09 thru 7-31-09; DFW 82-2009(Temp), f. 7-6-09, cert. ef. 7-8-09 thru 7-31-09; DFW 84-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 7-31-09; Administrative correction 8-21-09; DFW 48-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 7-31-10; DFW 51-2010(Temp), f. & cert. ef. 4-29-10 thru 7-31-10; DFW 56-2010(Temp), f. 5-10-10, cert. ef. 5-11-10 thru 7-31-10; DFW 68-2010(Temp), f. 5-18-10, cert. ef. 5-19-10 thru 7-31-10; DFW 71-2010(Temp), f. 5-19-10, cert. ef. 5-21-10 thru 6-16-10; DFW 74-2010(Temp), f. & cert. ef. 6-2-10 thru 7-31-10; DFW 80-2010(Temp), f. 6-14-10, cert. ef. 6-16-10 thru 7-31-10; DFW 87-2010(Temp), f. 6-25-10, cert. ef. 6-29-10 thru 7-31-10; DFW 97-2010(Temp), f. 7-8-10, cert. ef. 7-13-10 thru 7-31-10; DFW 101-2010(Temp), f. 7-19-10, cert. ef. 7-20-10 thru 7-31-10; DFW 105-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11

Rule Caption: Implementation of Columbia River Summer Chinook Commercial Gillnet Fishery.

Adm. Order No.: DFW 67-2011(Temp)

Filed with Sec. of State: 6-14-2011

Certified to be Effective: 6-16-11 thru 7-31-11

Notice Publication Date:

Rules Amended: 635-042-0027

Rules Suspended: 635-042-0027(T)

Subject: This amended rule implements the summer Chinook salmon commercial gillnet fishery in the Columbia River mainstem consistent with provisions of the US v Oregon management agreement. Modifications allows two 8-hour non-Indian commercial summer Chinook fishing periods in the mainstem Columbia River beginning at 9:00 p.m. Thursday, June 16 through 5:00 a.m. Friday, June 17 and from 9:00 p.m. Wednesday June 22 through 5:00 a.m. Thursday June 23, 2011. Fishing is authorized in all of Zones 1 through 5. Implementation is consistent with action taken June 9, 2011 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0027

Summer Salmon Season

(1) Chinook and sockeye salmon, white sturgeon and shad may be taken by drift gill net for commercial purposes in Zones 1 thru 5. Open fishing periods in this area are:

(a) 9:00 p.m. Thursday, June 16 to 5:00 a.m. Friday, June 17, 2011 (8 hours); and

(b) 9:00 p.m. Wednesday, June 22 to 5:00 a.m. Thursday, June 23, 2011 (8 hours).

(2) It is unlawful to use a gill net having a mesh size less than 8 inches. 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 five white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open.

(4) Allowable sales include Chinook and sockeye salmon, white sturgeon and shad. All steelhead must be released immediately.

(5) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-A, Cowlitz River, Kalama A, Lewis A, Washougal River and Sandy River sanctuaries are in effect during open fishing periods as applicable.

Stat. Auth.: ORS 496.118, 506.109 & 506.129
Stats. Implemented: ORS 506.119 & 507.030
Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 47-2006(Temp), f. 6-20-06, cert. ef. 6-26-06 thru 7-31-06; DFW 51-2006(Temp), f. & cert. ef. 6-29-06 thru 7-31-06; DFW 57-2006(Temp), f. 7-5-06, cert. ef. 7-6-06 thru 7-31-06; DFW 63-2006(Temp), f. 7-14-2006, cert. ef. 7-16-06 thru 7-31-06; DFW 68-2006(Temp), f. 7-28-06, cert. ef. 7-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 52-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; DFW 63-2008(Temp), f. 6-13-08, cert. ef. 6-24-08 thru 7-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 75-2008(Temp), f. 7-3-08, cert. ef. 7-7-08 thru 7-31-08; Administrative correction 8-21-08; DFW 72-2009(Temp), f. 6-15-09, cert. ef. 6-18-09 thru 7-31-09; Administrative correction 8-21-09; DFW 81-2010(Temp), f. 6-14-10, cert. ef. 6-17-10 thru 7-31-10; Administrative correction 8-18-10; DFW 67-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 7-31-11

Rule Caption: Adoption of rules relating to the naming of the Tami Wagner Wildlife Area.

Adm. Order No.: DFW 68-2011

Filed with Sec. of State: 6-15-2011

Certified to be Effective: 7-1-11

Notice Publication Date: 5-1-2011

Rules Adopted: 635-008-0163

Subject: Amend rules to adopt a formal name, Tami Wagner Wildlife Area, for ODFW property located along the Yachats River.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0163

Tami Wagner Wildlife Area

The Tami Wagner Wildlife Area is open for wildlife-oriented public use.

Stat. Auth.: 496.012, 496.138, 496.146, & 496.162

ADMINISTRATIVE RULES

Stats. Implemented: 496.012, 496.138, 496.146, & 496.162
Hist.: DFW 68-2011, f. 6-15-11, cert. ef. 7-1-11

Rule Caption: Amend Rules Governing the Rehabilitation of Wildlife.

Adm. Order No.: DFW 69-2011

Filed with Sec. of State: 6-15-2011

Certified to be Effective: 7-1-11

Notice Publication Date: 5-1-2011

Rules Adopted: 635-044-0240, 635-044-0245, 635-044-0250, 635-044-0255, 635-044-0280, 635-044-0300, 635-044-0305, 635-044-0310

Rules Amended: 635-044-0200, 635-044-0205, 635-044-0210, 635-044-0215, 635-056-0050, 635-056-0060, 635-056-0070

Rules Repealed: 635-044-0220, 635-044-0225, 635-044-0230, 635-044-0235

Subject: Review, update and amend rules relating to wildlife rehabilitation. Specific rule changes include, but are not limited to: definition of terms, requirements and conditions' restricted species.; department notification; disposition of wildlife; Federal Rehabilitation Permit; facility requirements; record keeping and reporting requirements; and cancellation or non-renewal of permit.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-044-0200

Purpose of the Wildlife Rehabilitation Permit

Any person desiring to hold any bird, mammal, amphibian or reptile for the purpose of wildlife rehabilitation shall first obtain a Wildlife Rehabilitation Permit from the Department of Fish and Wildlife. The permittee may capture, transport, temporarily possess, rehabilitate, and (with permission from the local Department district wildlife biologist) release such wildlife. The permittee may euthanize wildlife that are injured, ill, orphaned, restricted, or otherwise not authorized, if that wildlife is specified on the permit. The Wildlife Rehabilitation Permit does not allow the possession of wildlife for public display.

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 7-1983, f. & ef. 2-3-83; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0205

Definition of Terms

(1) "Assistant" means someone who conducts wildlife rehabilitation activities in a wildlife rehabilitation facility under the direct supervision of the permittee.

(2) "AZA" means the American Zoo and Aquarium Association.

(3) "Candidate" means an animal species for which the USFWS has on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened.

(4) "Department" means Oregon Department of Fish and Wildlife.

(5) "DVM" means Oregon licensed Doctor of Veterinary Medicine.

(6) "Endangered species" means those species defined in ORS 496.004(6).

(7) "Euthanasia" means to humanely kill an animal as per the 2006 American Association of Zoo Veterinarians Guidelines for Euthanasia of Nondomestic Animals.

(8) "Home Care" means the facility used by the subpermittee for the care and feeding of neonate avian species (or other species as approved in writing by the local department district wildlife biologist) under the guidance and at the request of the permittee.

(9) "Marine mammals" means seals, sea lions, sea otters, and cetaceans (e.g., whales and porpoises).

(10) "Migratory bird" means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in U.S. 50CFR§10.13, including any part, nest, or egg of any such bird. Birds listed under OAR 635-057-0000 are not included.

(11) "NMFS" means National Marine Fisheries Service.

(12) "Non-releasable" means:

(a) Individual wildlife that cannot be rehabilitated and returned to the wild with a reasonable potential for survival;

(b) Those species classified as prohibited by OAR 635 Division 056;

or

(c) Those species classified as controlled by OAR 635 Division 56 under rules that do not allow release into the wild (OAR 635-056-0070).

(13) "Permittee" means the person who holds a valid Wildlife Rehabilitation Permit issued by the Department.

(14) "Public display" means to place or locate wildlife so that it may be viewed by the public.

(15) "Rehabilitation" means the attempted or successful restoration of an injured, sick or immature bird, mammal, amphibian or reptile to a condition whereby it can be returned to the wild.

(16) "Sensitive species" means those 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.

(17) "Subpermittee" means those persons listed on a wildlife rehabilitation permit as authorized to perform wildlife rehabilitation activities under the supervision (direct or indirect) of a licensed wildlife rehabilitator. Subpermittees may include, but are not limited to, veterinarians, falconers, or others assisting the permittee with the rehabilitation of wildlife specifically allowed on the permit.

(18) "Threatened species" means those species defined in ORS 496.004(15).

(19) "USFWS" means U.S. Fish and Wildlife Service.

(20) For the purpose of these rules, "wildlife" means wild mammals and wild birds, as defined by OAR 635-057-0000, amphibians, reptiles and fish.

(21) "Wildlife rehabilitation facility" means the primary location where a licensed wildlife rehabilitator conducts rehabilitation.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 7-1983, f. & ef. 2-3-83; DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0210

Wildlife Rehabilitation Permit Requirements and Conditions

(1) A Wildlife Rehabilitation Permit may only be issued to a person who:

(a) Resides in Oregon or whose rehabilitation activities occur or facility (or facilities) exist within the state;

(b) Is at least 18 years of age at the time of the examination;

(c) Has submitted a completed written application form provided by the Department;

(d) Possesses either a valid Oregon DVM license or a letter from an Oregon licensed DVM agreeing to act as a medical supervisor and consultant to the person;

(e) Has passed the wildlife rehabilitation examination administered by the Department with a score of 80 percent or higher on the general section of the test and each relevant section of interest. Any applicant who fails to pass an examination may retake the examination no earlier than 14 days from the date of the prior examination;

(f) Has been approved by the local Department district wildlife biologist or other local Department representative as meeting a need for rehabilitation services in the area and having a good reputation for care of wildlife;

(g) Has a rehabilitation facility, or plan for such facility, approved by the local Department district wildlife biologist or other local Department representative as meeting all requirements of these rules;

(h) (Upon permit renewal) documents compliance with the Department's Rehabilitation Continuing Education Standards.

(2) Subpermittees may perform wildlife rehabilitation activities under the supervision (direct or indirect) of a licensed wildlife rehabilitator subject to the following conditions:

(a) The permittee must inspect the facilities of the subpermittee prior to the sub-permittee receiving wildlife;

(b) The permittee must provide the subpermittee any written information, caging, food, veterinary treatment and any other assistance the permittee deems necessary for the care of wildlife in the subpermittee's possession. The permittee must provide information concerning such assistance to the local Department district biologist upon request;

(c) The subpermittee must follow the written protocol, described in paragraph b, provided by the permittee and approved by the Department;

(d) The subpermittee must be approved by the local Department district wildlife biologist before receiving wildlife. The name, address, and phone number of the subpermittee must be provided to the Department;

(e) All wildlife must be admitted through the permittee's licensed facility, the subpermittee must not accept any wildlife from any other source;

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(f) The permittee must accept responsibility for the activities of the subpermittee;

(g) The subpermittee must reside and conduct rehabilitation activities within Oregon;

(h) The subpermittee shall not perform any rehabilitation activities at their Home Care facility except for the care and feeding of neonate avian species or other wildlife species as approved in writing by the local Department district wildlife biologist.

(3) Veterinarians administering immediate medical care for injured wildlife are not required to have a Wildlife Rehabilitation Permit or submit a semi-annual report. Veterinarians that provide care or hold wildlife longer than 48-hours are required to pass the wildlife rehabilitation examination and possess a Wildlife Rehabilitation Permit.

(4) The Department reserves the right to deny issuance of a Wildlife Rehabilitation Permit, disapprove a subpermittee(s) and to impose special permit conditions (e.g., number of species, types of species, subpermittees, etc.) if the applicant or subpermittee is convicted of, or admits to, a violation of a wildlife law or rule or an order or permit issued under the wildlife laws.

(5) At least one member of a wildlife rehabilitation facility's staff must possess a Wildlife Rehabilitation Permit to provide direct on-site supervision to non-permitted staff and volunteers.

(6) Wildlife Rehabilitation Permits are issued free of charge and expire no more than two years from date of issue.

(7) A Wildlife Rehabilitation Permit does not exempt the wildlife rehabilitator from complying with other state, federal, county, and city laws and regulations.

(8) A Wildlife Rehabilitation Permit does not authorize the practice of veterinary medicine or the treatment of domestic animals.

(9) Permits must be carried on the person or displayed in the facility while performing rehabilitation activities.

(10) The Department is not liable for any injuries or damage caused by wildlife held under the authority of a Wildlife Rehabilitation Permit.

(11) The Department is not liable for any injuries or damage caused by wildlife to the subpermittees or general public capturing and/or transporting wildlife for rehabilitation purposes.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 7-1983, f. & ef. 2-3-83; DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0215

Federal Rehabilitation Permit

In addition to an Oregon Wildlife Rehabilitation Permit, persons possessing this permit must also obtain a federal permit for species protected by federal law and provide a copy of the current valid federal permit to the Department.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 7-1983, f. & ef. 2-3-83; DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0240

Restricted Species

The following categories of wildlife may not be rehabilitated and released under these rules:

(1) Nonnative wildlife classified as prohibited or noncontrolled per the wildlife integrity rules (OAR 635-056-0050 & 0060) or classified as controlled and specifically not allowed to be released in the wild (OAR 635-056-0070) shall not be rehabilitated or released into the wild. If these species come into the possession of a permitted rehabilitator, the rehabilitator must humanely euthanize the wildlife. Nonnative wildlife listed as game animals in OAR 635 Division 045 are not effected by these rules.

(2) Marine mammals (unless specifically authorized by the Department and NMFS).

(3) Coyote (*Canis latrans*).

(4) Cougar (*Felis concolor*). If a permitted rehabilitator is provided with a cougar, the rehabilitator must notify the Department immediately and follow the Department's directions concerning disposal.

(5) Black bear (*Ursus americanus*). If a permitted rehabilitator is provided with a black bear, the rehabilitator must notify the Department immediately and follow the Department's directions concerning disposal.

(6) If a permitted rehabilitator is provided with a deer (*Odocoileus hemionus* and *O. virginianus*), elk (*Cervus elaphus*), pronghorn (*Antilocapra americana*), bighorn sheep (*Ovis canadensis*), or mountain goat (*Oreamnos americanus*) and the animal is older than young-of-the-year, the rehabilitator must humanely euthanize the animal unless otherwise authorized in writing by local Department district wildlife biologist. The rehabilitator may rehabilitate young-of-the-year deer, elk, pronghorn,

bighorn sheep, and mountain goats but only in Department pre-approved facilities and in accordance with Department guidelines. The rehabilitator must notify the local Department district wildlife biologist as soon as possible (no later than 24 hours of admittance of any of these species). These species may be housed for up to 48 hours while in the process of locating and sending the animal to a pre-approved facility.

(7) Raccoon (*Procyon lotor*) must be released back to the original location of capture or humanely euthanized, unless otherwise authorized in writing by the local Department district wildlife biologist.

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.: DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0245

Department Notification

(1) State and federal Endangered, Threatened, Candidate or Sensitive species:

(a) The holder of a Wildlife Rehabilitation Permit (permittee) must notify a local Department district wildlife biologist within 24 hours of receiving an individual of a state or federally Endangered, Threatened, Candidate or Sensitive species;

(b) The permittee must notify a local Department wildlife biologist within 24 hours of the death of an individual of a state or federally Endangered, Threatened, Candidate or Sensitive species in the permittee's custody or as soon as the permittee determines that an individual of an Endangered, Threatened, Candidate or Sensitive species is not fit to be released into the wild;

(c) A permittee may (at the permittee's discretion) euthanize an individual of an Endangered, Threatened, Candidate or Sensitive species if the permittee determines that the individual is not fit to be released into the wild, but must then report the euthanasia to a local Department wildlife biologist within 24 hours.

(2) Wildlife Crimes. A permittee must notify the Oregon State Police immediately of any wildlife admitted with gunshot wounds or other injuries of a suspicious nature.

(3) Diseased Wildlife. A permittee must notify the Department veterinarian within 24 hours of admitting any wildlife with clinical signs for known or suspected poisoning or infectious disease. Clinical signs involving poisoning or infectious disease may include, but are not limited to, lethargy, incoordination, ataxia, depression, regurgitation, vomiting, or diarrhea.

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.: DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0250

Wildlife Importation for Rehabilitation Purposes

(1) No person may transport any mammal, upland game bird, amphibian, reptile, fish, invertebrate, or prohibited or controlled species into Oregon for the purpose of rehabilitation. This is to prevent the import of sub-clinical stages of infectious disease carried by these taxa of wildlife and the importation of non-native invasive species.

(2) Importation of injured wildlife into Oregon for rehabilitation purposes is limited to migratory bird species. Importation of migratory birds into Oregon for rehabilitation requires compliance with the Oregon Department of Agriculture's importation rules.

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.: DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0255

Disposition of Wildlife

(1) Any wildlife, carcasses, or parts of wildlife from Oregon held under a Wildlife Rehabilitation Permit remain the property of the State of Oregon (through the Department) and nothing in these rules may be construed as granting any ownership interest to a wildlife rehabilitator or any other person. Wildlife held under a Wildlife Rehabilitation Permit cannot be sold, traded, bartered, transferred, loaned or exchanged unless otherwise authorized in writing by the local Department district wildlife biologist.

(2) To avoid habituation of rehabilitated animals, a holder of a Wildlife Rehabilitation Permit must minimize contact between humans and wildlife undergoing rehabilitation, including at least the following requirements:

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(a) Human contact must be limited to the rehabilitation facility staff to the extent necessary for adequate rehabilitation care;

(b) Wildlife must not be habituated to humans or treated as pets;

(c) Wildlife must not be placed in view of the public. However, it is acceptable to make use of a remote video camera;

(d) Rehabilitation facilities must be located in areas separate from day to day human and domestic animal activity. Outdoor facilities must have visual barriers separating wildlife, humans and domestic animals;

(e) No permittee may possess an imprinted or habituated animal. If the permittee comes into possession of an imprinted or habituated animal, the permittee must either surrender the animal to the Department for placement in an approved facility or euthanize it, as directed by the Department.

(3) A permittee must release rehabilitated wildlife:

(a) When the wildlife reaches physical maturity and is capable of self maintenance or has attained adequate recovery from injury or illness;

(b) At a time of year appropriate for optimum species survivability;

(c) Within suitable habitat close to the point of origin, with prior approval from the local Department district wildlife biologist.

(4) Unless otherwise authorized by the local Department district wildlife biologist, a permittee may not hold wildlife for rehabilitation longer than 180 days. If a permittee or the Department determines that an individual is incapable of survival in the wild, the permittee must either euthanize the individual or (if directed by the Department) provide the individual to an AZA-accredited institution, educational organization or institution.

(5) If a permittee has possession of wildlife that, after medical attention, is unable to feed, move, or stand to conduct normal life support functions to survive in the wild, the permit must (unless otherwise directed by the Department) euthanize the wildlife.

(6) A permittee must bury or incinerate any wildlife in its possession that has died due to poisoning or infectious disease. As to any other wildlife in its possession that dies, the permittee must dispose of the wildlife by burying, incineration, use as food for other rehabilitated wildlife, or (if appropriate permits have been obtained) retained for educational purposes. Any wildlife chemically euthanized must be buried or incinerated to avoid secondary toxicity by scavenging animals. Notwithstanding these restrictions, the local Department district wildlife biologist may approve in writing the disposal of wildlife carcasses to institutions, museums, licensed rendering facilities, or other persons possessing the appropriate permits. A permittee may retain feathers of migratory birds for use in repair of broken wing and tail feathers (imping) or for educational purposes if authorized by the appropriate permit from the U.S. Fish and Wildlife Service.

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.: DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0280

Facility Requirements

(1) A holder of a Wildlife Rehabilitation Permit (and any subpermittee) must maintain wildlife held for rehabilitation in a humane manner by:

(a) Providing a level of care meeting the Minimum Standards set by The International Wildlife Rehabilitation Council/National Wildlife Rehabilitators Association (IWRC/NWRA) in 2000. This is to prevent distress from captivity, injury, sickness, neglect or disease and be used as guidelines for the care and housing of rehabilitated wildlife which, at the minimum, include but is not limited to the following:

(A) Appropriate food for each species and water of sufficient quantity and quality to allow for normal growth, healing, or maintenance of body weight shall be provided;

(B) Shelter sufficient to protect from adverse elements, protect from predators, to prevent escape, and injury. Any other requirement particular to the survival of the animal shall also be provided;

(C) Sufficient space for exercise necessary for the health, rehabilitation and eventual release of the animal shall be provided;

(D) Confinement areas shall be cleaned and kept free from excess food or fecal waste or other contaminants which could affect the health of the animal;

(E) Wildlife under rehabilitation will be maintained in a separate enclosure from regular human or domestic animal activity. Outdoor facilities must have visual barriers or adequate distance between wildlife and humans and domestic animals to prevent psychological and physical stress or habituation to caregivers;

(F) Wildlife may not be restrained with a chain, rope, tape, hobbles or similar holding devices except for jesses used for holding raptors and during procedures required for safe handling.

(2) The Wildlife Rehabilitation Permit holder may receive from the Department and possess at the wildlife rehabilitation facility dead wildlife for the purpose of feeding wildlife being rehabilitated.

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.: DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0300

Facilities Subject to Inspection

Facilities for care of birds, mammals, amphibians, or reptiles by the holder of a Wildlife Rehabilitation Permit or by any subpermittee are subject to inspection by any Department of Fish and Wildlife employee or State Police officer. Inspection may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, will be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a wildlife rehabilitation or home care facility.

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.: DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0305

Record Keeping and Reporting Requirements

(1) The holder of a Wildlife Rehabilitation Permit and any subpermittee must maintain records for at least three years of rehabilitation activities concerning any bird, mammal, amphibian, or reptile. Such records must include:

(a) Name, address and affiliation of person picking up and delivering wildlife for rehabilitation;

(b) Wildlife type

(A) Species (common name, genus and species)

(B) Age (if known)

(C) Gender (if known)

(c) Type and extent of injury, sickness or other reason why the species needs rehabilitation;

(d) Wildlife Collection or Origin Location;

(e) Date of receipt of animal;

(f) If transferred to subpermittee, name of subpermittee; and

(g) Final disposition (release into wild, given to zoo, museum, euthanized, died, etc.), date and location.

(2) Each permittee must submit these rehabilitation records semi-annually, by July 31 and January 31, to the Department on a form provided by the Department.

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.: DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-044-0310

Cancellation or Non Renewal of Permit

(1) If a holder of Wildlife Rehabilitation Permit (or subpermittee) violates any requirement of these Wildlife Rehabilitation Permit rules, the Department will revoke (or decline to renew) the permit and confiscate any birds, mammals, amphibians and reptiles being held.

(2) If a permittee fails to receive and rehabilitate wildlife for greater than 180 consecutive days, the Department will revoke (or decline to renew) the permit. The Department will not revoke the permit if the permittee can provide proof of continuing education or continued work under a licensed wildlife rehabilitator during the time period. In addition, the Department will consider extenuating circumstances on a case by case basis if presented to the Department in writing within 10 days following notification of permit revocation. If the Department revokes or declines to renew a permit under this subsection, a permittee who seeks renewal of the permit must comply with all requirements and conditions in 635-044-0210 including, but not limited to, retaking the test and passing facility inspection.

(3) The Department will revoke or decline to renew a Wildlife Rehabilitation Permit if the permittee or subpermittee is convicted of, or admits to a violation of, any wildlife law, or any rule, order or permit issued under the wildlife laws. Upon revocation or non-renewal, the Department will confiscate any birds, mammals, amphibians and reptiles being held.

(4) A permittee may appeal revocation or non-renewal of a permit through a contested case hearing. The request for a contested case hearing on a proposed revocation must be received by the Department within 21 days after service of notice (90 days for emergency revocations). The

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request for hearing on a proposed non-renewal must be received by the Department within 60 days of notice. Final Orders in contested case hearings will be issued by the Director.

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.: DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-056-0050

Prohibited Species

(1) Except as otherwise provided in these rules or other rules of the commission, live wildlife listed below may not be imported, possessed, sold, purchased, exchanged or transported in the state:

(a) Prohibited Mammals: Common Name – Family – Genus/species:

(A) Order Artiodactyla:

(i) Sheep, Goats, Chamois, Tahr – Bovidae – Subfamily Caprinae: All species and hybrids except:

(I) *Capra hircus*;

(II) *Ovis aries*;

(III) hybrids of *Ovis aries* with *O. a. orientalis*; hybrids of *O. aries* with *Ammotragus lervia*; and hybrids of *O. aries* with *Pseudois nayaur*;

(ii) Wildebeest – Bovidae – *Connochaetes* All species and hybrids;

(iii) Central Asian gazelles – Bovidae – *Procapra* All species and hybrids;

(iv) Wild boar – Suidae – *Sus scrofa* (except *Sus scrofa domesticus*).

(B) Order Carnivora:

(i) Wild canids – Canidae – All native species. However, fox (*Vulpes vulpes* and *Urocyon cinereoargenteus*) are exempt from this prohibition if when part of a commercial fur farming operation or for wildlife rehabilitation purposes by a licensed wildlife rehabilitator;

(ii) Mongooses – Herpestidae – All species and hybrids;

(iii) Civets and Genets – Viverridae – All species and hybrids (except *Arctictis binturong*).

(C) Order Chiroptera

(i) Bats – All families except Pteropodidae – All species and hybrids.

(D) Order Cingulata:

(i) Nine-banded armadillo – Dasypodidae – *Dasypus novemcinctus*.

(E) Order Dasyuromorphia:

(i) Broad-footed marsupial mice – Dasyuridae – *Antechinus* All species and hybrids;

(ii) Brush-tailed marsupial mice – Dasyuridae – *Phascogale* All species and hybrids;

(iii) Dunnant – Dasyuridae – *Sminthopsis* All species and hybrids.

(F) Order Didelphimorphia:

(i) Virginia opossum – Didelphidae – *Didelphis virginiana*.

(G) Order Diprotodontia:

(i) Common brushtail – Phalangeridae – *Trichosurus vulpecula*;

(ii) Common ringtail – Pseudocheiridae – *Pseudocheirus peregrinus*.

(H) Order Erinaceomorpha:

(i) Eurasian hedgehogs – Erinaceidae – *Erinaceus europaeus*, *E. coloratus*, *E. amurensis*.

(I) Order Lagomorpha:

(i) Hares and Jackrabbits – Leporidae – *Lepus* All nonnative species and hybrids;

(ii) Cottontails – Leporidae – *Sylvilagus* All nonnative species and hybrids.

(J) Order Rodentia:

(i) Argentine Plains viscacha – Chinchillidae – *Lagostomus maximus*;

(ii) Chinese jumping mouse – Dipodidae – *Eozapus setchuanus*;

(iii) Desert jerboas – Dipodidae – *Jaculus* All species and hybrids;

(iv) Kangaroo rats – Heteromyidae – *Dipodomys* All nonnative species except *D. deserti* and *D. spectabilis*;

(v) Pale kangaroo mouse – Heteromyidae – *Microdipodops pallidus*;

(vi) Pocket mice – Heteromyidae – *Perognathus* All nonnative species and hybrids;

(vii) Capybara – Hydrochaeridae – *Hydrochaeris hydrochaeris*;

(viii) Old world porcupines – Hystricidae – *Hystrix africae australis*, *H. cristata*, and *H. indica*;

(ix) Mouse-like hamster – Muridae – *Calomyscus* All species and hybrids;

(x) Rat-like hamsters – Muridae – *Cricetulus* All species and hybrids;

(xi) Bushy-tailed jird – Muridae – *Sekeetamys calurus*;

(xii) Nutria (Coypu) – Myocastoridae – *Myocastor coypus*;

(xiii) Fat dormouse – Myoxidae – *Glis glis*;

(xiv) Hazel dormouse – Myoxidae – *Muscardinus avellanarius*;

(xv) Antelope ground squirrels – Sciuridae – *Ammospermophilus* All nonnative species and hybrids except *A. harrisi*;

(xvi) Tricolored squirrels – Sciuridae – *Callosciurus* All species and hybrids except *C. prevostii*;

(xvii) Prairie dogs – Sciuridae – *Cynomys* All species and hybrids;

(xviii) Southern flying squirrel – Sciuridae – *Glaucomys volans*;

(xix) Marmots – Sciuridae – *Marmota* All nonnative species and hybrids;

(xx) Giant flying squirrel – Sciuridae – *Petaurista* All species and hybrids;

(xxi) Eastern gray squirrel – Sciuridae – *Sciurus carolinensis*;

(xxii) Eastern fox squirrel – Sciuridae – *Sciurus niger*;

(xxiii) Eurasian red squirrel – Sciuridae – *Sciurus vulgaris*;

(xxiv) Ground squirrels – Sciuridae – *Spermophilus* All nonnative species and hybrids except *S. adocetus*, *S. annulatus*, *S. atricapillus*, *S. madrensis*, *S. mexicanus*, *S. mohavensis*, *S. perotensis*, and *S. tereticaudus*;

(xxv) Chipmunks – Sciuridae – *Tamias* All nonnative species and hybrids;

(xxvi) African ground squirrels – Sciuridae – *Xerus* All species and hybrids.

(b) Prohibited Birds: Common Name – Family – Genus/species:

(A) Order Anseriformes:

(i) Egyptian goose – Anatidae – *Alopochen aegyptiaca*.

(B) Order Charadriiformes:

(i) Spotted thick-knee – Burhinidae – *Burhinus capensis*.

(C) Order Coraciiformes:

(i) Malachite kingfisher – Alcedinidae – *Alcedo cristata*;

(ii) Laughing kookaburra – Alcedinidae – *Dacelo novaeguinae*.

(D) Order Passeriformes:

(i) Yellowhammer – Emberizidae – *Emberiza citrinella*;

(ii) European greenfinch – Fringillidae – *Carduelis chloris*;

(iii) Chaffinch – Fringillidae – *Fringilla coelops*.

(c) Prohibited Amphibians: Common Name – Family – Genus/species:

(A) Order Caudata:

(i) Tiger salamander – Ambystomatidae – *Ambystoma tigrinum* All nonnative sub-species;

(ii) Amphiumas – Amphiumidae – All species and hybrids;

(iii) Giant salamanders and Hellbenders – Cryptobranchidae – All species and hybrids;

(iv) American giant salamanders – Dicamptodontidae – All nonnative species and hybrids;

(v) Asian salamanders – Hynobiidae – *Ranodon* All species and hybrids;

(vi) Shovel-nosed salamander – Plethodontidae – *Leurognathus marmoratus*;

(vii) Waterdogs – Proteidae – *Necturus* All species and hybrids;

(viii) Firebelly newts – Salamandridae – *Cynops* All species and hybrids;

(ix) European Mountain or Brook salamanders – Salamandridae – *Euproctus* All species and hybrids;

(x) Caucasus or Spine-tailed salamanders – Salamandridae – *Mertensiella* All species and hybrids;

(xi) Red-spotted or Eastern newt – Salamandridae – *Notopthalmus viridescens*;

(xii) Chinese newts – Salamandridae – *Pachytriton* All species and hybrids;

(xiii) Warty newts – Salamandridae – *Paramesotriton* All species and hybrids;

(xiv) Ribbed newts – Salamandridae – *Pleurodeles* All species and hybrids;

(xv) Fire salamanders – Salamandridae – *Salamandra* All species and hybrids;

(xvi) Roughskin newts – Salamandridae – *Taricha rivularis* and *T. torosa*;

(xvii) Alpine newts – Salamandridae – *Triturus* All species and hybrids;

(xviii) Crocodile newts – Salamandridae – *Tylotriton* All species and hybrids;

(xix) Sirens – Sirenidae – All species and hybrids.

(B) Order Anura:

(i) Fire-bellied toads – Bombinatoridae – *Bombina* All species and hybrids;

(ii) True toads – Bufonidae – *Bufo* All nonnative species and hybrids except *Bufo marinus*;

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- (iii) Midwife toads – Discoglossidae – Alytes All species and hybrids;
- (iv) Painted frogs – Discoglossidae – Discoglossus All species and hybrids;
- (v) Cricket frog – Hylidae – Acris All species and hybrids;
- (vi) European tree frog – Hylidae – Hyla arborea;
- (vii) Cope’s gray tree frog – Hylidae – Hyla chrysoscelis;
- (viii) Green tree frog – Hylidae – Hyla cinerea;
- (ix) Mediterranean tree frog – Hylidae – Hyla meridionalis;
- (x) Gray tree frog – Hylidae – Hyla versicolor;
- (xi) Chorus frog – Hylidae – Pseudacris All nonnative species and hybrids;
- (xii) Australian froglets – Myobatrachidae – Crinia All species and hybrids;
- (xiii) Australian swamp frogs – Myobatrachidae – Limnodynastes All species and hybrids;
- (xiv) Barred frogs – Myobatrachidae – Mixophyes All species and hybrids;
- (xv) Spadefoot toads – Pelobatidae – All nonnative species and hybrids;
- (xvi) African clawed frog – Pipidae – Xenopus All species and hybrids;
- (xvii) African bull frog – Ranidae – Pyxicephalus All species and hybrids;
- (xviii) Siberian frog – Ranidae – Rana altaica;
- (xix) Khabarovsk frog – Ranidae – Rana amurensis;
- (xx) Crawfish frog – Ranidae – Rana areolata;
- (xxi) Swedish swamp frog – Ranidae – Rana arvalis;
- (xxii) Asian frog – Ranidae – Rana asiatica;
- (xxiii) Rio Grande leopard frog – Ranidae – Rana berlandieri;
- (xxiv) Plains leopard frog – Ranidae – Rana blairi;
- (xxv) Caucasus frog – Ranidae – Rana camerani;
- (xxvi) Inkiapo frog – Ranidae – Rana chensinensis;
- (xxvii) Toudaohe frog – Ranidae – Rana chevronta;
- (xxviii) Green frog – Ranidae – Rana clamitans;
- (xxix) Spring frog – Ranidae – Rana dalmatina;
- (xxx) Dybowski’s frog – Ranidae – Rana dybowskii;
- (xxxi) Stream frog – Ranidae – Rana graeca;
- (xxxii) Pig frog – Ranidae – Rana grylio;
- (xxxiii) River frog – Ranidae – Rana heckscheri;
- (xxxiv) Turkish frog – Ranidae – Rana holtzi;
- (xxxv) Iberian frog – Ranidae – Rana iberica;
- (xxxvi) Agile frog – Ranidae – Rana japonica;
- (xxxvii) Italian agile frog – Ranidae – Rana latastei;
- (xxxviii) Kokarit or Taipa frog – Ranidae – Rana longicrus;
- (xxxix) Brusa frog – Ranidae – Rana macrocnemis;
- (xl) Nikko frog – Ranidae – Rana ornativentris;
- (xli) Pickerel frog – Ranidae – Rana palustris;
- (xlii) Mink frog – Ranidae – Rana septentrionalis;
- (xliii) Wood frog – Ranidae – Rana sylvatica;
- (xliv) Tago frog – Ranidae – Rana tagoe;
- (xlv) European common frog – Ranidae – Rana temporaria;
- (xlvi) Tsushima frog – Ranidae – Rana tsushimensis;
- (xlvii) Carpenter frog – Ranidae – Rana virgatipes.
- (d) Prohibited Reptiles: Common Name – Family – Genus/species:
 - (A) Order Testudines:
 - (i) Snapping turtle – Chelydridae – All species and hybrids;
 - (ii) Chinese pond turtle – Emydidae – Chinemys All species and hybrids;
 - (iii) Pond turtle – Emydidae – Clemmys All nonnative species;
 - (iv) Painted turtle – Emydidae – Chrysemys All nonnative species;
 - (v) European pond turtle – Emydidae – Emys orbicularis;
 - (vi) Blanding’s turtle – Emydidae – Emydoidea blandingii;
 - (vii) Map turtle – Emydidae – Graptemys All species and hybrids;
 - (viii) Asian pond turtle – Emydidae – Mauremys All species and hybrids;
 - (ix) Pond slider – Emydidae – Pseudemys and Trachemys All species and hybrids;
 - (x) Common musk turtle – Kinosternidae – Kinosternon odoratum;
 - (xi) Common mud turtle – Kinosternidae – Kinosternon subrubrum;
 - (xii) North American soft shell – Trionychidae – Apalone All species and hybrids;
 - (xiii) African soft shell – Trionychidae – Trionyx triunguis.
 - (B) Order Squamata (Suborder Lacertilia):
 - (i) Slow worm – Anguillidae – Anguis fragilis;
 - (ii) Sand lizard – Lacertidae – Lacerta agilis;
 - (iii) Jewelled lizard – Lacertidae – Lacerta lepida;
 - (iv) Iberian Mountain lizard – Lacertidae – Lacerta monticola;
 - (v) Meadow lizard – Lacertidae – Lacerta praticola;
 - (vi) Iberian Emerald lizard – Lacertidae – Lacerta schreiberi;
 - (vii) Balkan Emerald lizard – Lacertidae – Lacerta trilineata;
 - (viii) Emerald lizard – Lacertidae – Lacerta viridis;
 - (ix) Viviparous lizard – Lacertidae – Lacerta vivipara;
 - (x) Erhard’s Wall lizard – Lacertidae – Podarcis erhardi;
 - (xi) Iberian Wall lizard – Lacertidae – Podarcis hispanica;
 - (xii) Common Wall lizard – Lacertidae – Podarcis muralis;
 - (xiii) Crocodile lizard – Xenosauridae – Shinisaurus crocodilurus.
 - (C) Order Squamata (Suborder Serpentes):
 - (i) Brown tree snake – Colubridae – Boiga irregularis;
 - (ii) Black-necked spitting cobra – Elapidae – Naja nigricollis;
 - (iii) Cape cobra – Elapidae – Naja nivea;
 - (iv) Copperheads and cottonmouths – Viperidae – Agkistrodon All species and hybrids;
 - (v) Puff adders – Viperidae – Bitis All species and hybrids except Bitis gabonica and B. nasicornis;
 - (vi) Lanceheads – Viperidae – Bothrops All species and hybrids;
 - (vii) Palm pit vipers – Viperidae – Bothriechis All species and hybrids;
 - (viii) Rattlesnakes – Viperidae – All nonnative species and hybrids except Crotalus aquilus, C. basiliscus, C. durissus, C. intermedius, C. poly-stictus, C. pusillus, C. tortugensis, C. triseriatus, C. unicolor, and C. veg-randis;
 - (ix) Mid-east vipers – Viperidae – Daboia All species and hybrids;
 - (x) Pygmy rattlesnake – Viperidae – Sistrurus catenatus;
 - (xi) Asian pit vipers – Viperidae – Trimeresurus All species and hybrids;
 - (xii) Wagler’s palm viper – Viperidae – Tropidolaemus wagleri;
 - (xiii) Sand vipers – Viperidae – Vipera All species and hybrids.
 - (e) Prohibited Fish: Common Name – Family – Genus/species:
 - (A) Order Amiiformes:
 - (i) Bowfin – Amiidae – Amia calva.
 - (B) Order Cypriniformes:
 - (i) Piranha or Caribe – Characidae subfamily Serrasalminae commonly known as caribe or piranha – All species and hybrids except carnivorous species of Pygocentrus, Serrasalmus or Pristobrycon pursuant to ORS 498.242;
 - (ii) Walking catfish (ORS 498.242) – Clariidae – All species and hybrids;
 - (iii) Oriental weatherfish – Cobitidae – Misgurnus anguillicaudatus;
 - (iv) Ide – Cyprinidae – Leuciscus idus;
 - (v) Rudd – Cyprinidae – Scardinius erythrophthalmus.
 - (C) Order Lepisosteiformes:
 - (i) Gar – Lepisosteidae – All species and hybrids.
 - (D) Order Perciformes:
 - (i) Snakehead – Channidae – Channa All species and hybrids;
 - (ii) Round goby – Gobiidae – Neogobius melanostomus;
 - (iii) Ruffe – Percidae – Gymnocephalus cernuus;
 - (iv) Zander or Pike-perch – Percidae – Sander lucioperca.
 - (E) Order Salmoniformes:
 - (i) Pikes, Pickerel, Muskellunge – Esocidae – All species and hybrids.
 - (f) Prohibited Mollusks Common Name – Family – Genus/species:
 - (A) Order Bivalvia:
 - (i) Asian clam – Corbiculidae – All species;
 - (ii) Zebra mussel, Quagga mussel – Dreissenidae – All species.
 - (B) Order Neogastropoda:
 - (i) Japanese oyster drill – Muricidae – Ceratostoma inornatum.
 - (C) Order Architaenioglossa:
 - (i) Chinese mystery snail – Viviparidae – Cipangopaludina chinensis
 - (ii) Japanese mystery snail – Viviparidae – Cipangopaludina japonica
 - (g) Prohibited Crustaceans Common Name – Family – Genus/species:
 - (A) Order Decapoda:
 - (i) Chinese mitten crab – Grapsidae – Eriocheir All species;
 - (ii) Blue crab – Portunidae – Callinectes sapidus;
 - (iii) Crayfish – Cambaridae – All species.
 - (2) The department may issue a permit for the importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species and those species not yet classified if the department finds that the following standards have been met:

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(a) The facility is constructed to minimize escape of prohibited species;

(b) There are adequate security and safety programs and procedures which minimize the possibility of escape;

(c) There is adequate record keeping to aid in tracking of confined animals or recovery of escaped animals;

(d) There are adequate procedures, equipment and trained staff to maximize capture of escaped animals;

(e) Adequate veterinary care is provided to identify and minimize the spread of diseases; and

(f) The applicant has a good reputation for care of animals and compliance with the wildlife laws.

(g) Using forms provided by the department, persons or entities may apply for a permit under subsection (2) as follows:

(A) Facilities accredited by the American Zoo and Aquarium Association (AZA). Because the department finds that the current AZA accreditation process holds these facilities to standards equivalent to those in subsection (2), AZA accreditation shall be evidence that the department's standards for importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species are met. To obtain a permit for these activities, AZA accredited facilities shall submit a completed application form and proof of accreditation.

(B) Universities and colleges. To obtain a permit, universities and colleges shall submit:

(i) A completed application form;

(ii) A written description of escape avoidance procedures and facilities; and

(iii) Identification of the time period(s) during which prohibited species will be held.

(C) Others. To apply for a permit, persons and entities other than universities, colleges and AZA accredited facilities shall submit:

(i) A completed application form; and

(ii) A completed Prohibited Species Questionnaire.

(h) Satisfactory facilities inspections may be required prior to issuance of any permit.

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; FWC 16-1997(Temp), f. & cert. ef. 3-13-97; FWC 41-1997(Temp), f. & cert. ef. 7-23-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 114-2008, f. & cert. ef. 9-19-08; DFW 15-2011, f. & cert. ef. 2-15-11; DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

635-056-0060

Noncontrolled Species

Except as otherwise provided in these rules or other rules of the commission, wildlife listed below may be imported, possessed, sold, purchased, exchanged or transported in the state without a permit:

(1) Noncontrolled Mammals: Common Name – Family – Genus/species:

(a) Order Artiodactyla:

(A) Antelope and buffalo— Bovidae – All species except subfamily Caprinae and Procprca species;

(B) Giraffe and okapi – Giraffidae – All species;

(C) Pygmy hippopotamus – Hippopotamidae – Hexaprotodon liberiensis;

(D) Hippopotamus – Hippopotamidae – Hippopotamus amphibius;

(E) Peccary – Tayassuidae – All species;

(F) Chevrotains – Tragulidae – All species.

(b) Order Carnivora:

(A) Aardwolf – Hyaenidae – Proteles cristatus;

(B) Seals and sea lions – Otariidae – All nonnative species.

(C) Red/Lesser Panda – Procyonidae – Ailurus fulgens;

(D) Olingos – Procyonidae – Bassaricyon All species;

(E) Coatimundis – Procyonidae – Nasua All species;

(F) Kinkajou – Procyonidae – Potos flavus;

(G) Binturong – Viverridae – Arctictis binturong.

(c) Order Cetacea: Whales and dolphins – All families – All species.

(d) Order Chiroptera:

(A) Old World fruit bats – Pteropodidae – All species.

(e) Order Dasyuromorphia:

(A) Numbat – Myrmecobiidae – Myrmecobius fasciatus.

(f) Order Dermoptera:

(A) Flying lemurs or colugos – Cynocephalidae – All species.

(g) Order Didelphimorphia:

(A) Short-tailed opossums – Didelphinae – Monodelphis All species.

(h) Order Diprotodontia:

(A) Feathertail glider – Acrobatidae – Acrobatates pygmaeus;

(B) Kangaroos and wallabies – Macropodidae – All species;

(C) Striped possums – Petauridae – Dactylopsila All species;

(D) Sugar glider – Petauridae – Petaurus breviceps;

(E) Cuscuses – Phalangeridae – Phalanger All species.

(i) Order Erinaceomorpha:

(A) Four-toed hedgehog – Erinaceidae – Atelerix albiventris.

(j) Order Hyracoidea:

(A) Hyraxes – Procaviidae – All species.

(k) Order Monotremata:

(A) Echidnas – Tachyglossidae – All species.

(l) Order Peramelemorphia:

(A) Dry country bandicoots – Peramelidae – All species except Isoodon obesulus, Perameles gunnii, and P. nasuta;

(B) Rainforest bandicoots – Peramelidae – All species.

(m) Order Perissodactyla:

(A) Zebra and Asses— Equidae – Equus All species;

(B) Rhinoceros – Rhinocerotidae – All species;

(C) Tapirs – Tapiridae – All species.

(n) Order Pholidota:

(A) Pangolins – Manidae – All species.

(o) Order Pilosa:

(A) Three-toed tree sloths – Bradypodidae – All species;

(B) Two-toed tree sloths – Megalonychidae – All species;

(C) Anteaters – Myrmecophagidae – All species.

(p) Order Proboscidea:

(A) Elephants – Elephantidae – All species.

(q) Order Rodentia:

(A) Scaly-tailed squirrels – Anomaluridae – All species;

(B) Hutias – Capromyidae – All species;

(C) Mara (Patagonian hare) – Caviidae – Dolichotis All species;

(D) Mountain viscachas – Chinchillidae – Lagidium All species;

(E) Dwarf hamsters – Cricetidae – Phodopus All species

(F) Paca – Cuniculidae – Cuniculus paca;

(G) Agoutis – Dasyproctidae – Dasyprocta All species;

(H) Acouchis – Dasyproctidae – Myoprocta All species;

(I) Pacarana – Dinomyidae – Dinomys branickii;

(J) Prehensile-tailed Porcupines – Erethizontidae – Coendou All species;

(K) Kangaroo Rats – Heteromyidae – Dipodomys deserti and D. spectabilis;

(L) Brush-tailed porcupines – Hystricidae – Atherurus All species;

(M) Old world porcupines – Hystricidae – Hystrix All species except H. africaeustralis, H. cristata, and H. indica;

(N) Spiny mice – Muridae – Acomys All species;

(O) Crateromys (Bushy tailed cloud rats) – Muridae – Crateromys All species;

(P) African giant pouched rats – Muridae – Cricetomys All species;

(Q) African White-tailed rat – Muridae – Mystromys albicaudatus;

(R) Phloeomys (Slender tailed rats) – Muridae – Phloeomys All species;

(S) Degus – Octodontidae – Octodon All species;

(T) South African Springhare – Pedetidae – Pedetes capensis;

(U) Prevost's squirrel – Sciuridae – Callosciurus prevostii;

(V) African palm squirrels – Sciuridae – Epixerus All species;

(W) Pygmy flying squirrels – Sciuridae – Petaurillus All species;

(X) Oil palm squirrels – Sciuridae – Protoxerus All species;

(Y) Giant squirrels – Sciuridae – Ratufa All species.

(r) Order Sirenia:

(A) Manatees – All families – All species.

(s) Order Tubulidentata:

(A) Aardvark – Orycteropodidae – Orycteropus afer.

(2) Noncontrolled Birds: Nothing in this subsection authorizes the importation, possession, sale, confinement or transportation of birds protected by the federal Migratory Bird Treaty Act: Common Name – Family – Genus/species:

(a) Order Charadriiformes:

(A) Senegal thick-knee – Burhinidae – Burhinus senegalensis;

(B) Water thick-knee – Burhinidae – Burhinus vermiculatus.

(b) Order Coliiformes:

(A) Mousebirds and Collies – Coliidae – All species.

(c) Order Coraciiformes:

ADMINISTRATIVE RULES

- (A) Blue-winged kookaburra – Alcedinidae – *Dacelo leachii*;
(B) Woodland kingfisher – Alcedinidae – *Halcyon senegalensis*;
(C) African pygmy kingfisher – Alcedinidae – *Ispidina picta*;
(D) Hornbills – Bucerotidae – All species;
(E) Rollers – Coraciidae – All species;
(F) Bee-eaters – Meropidae – All species except *Merops apiaster*, *M. oreobates*, *M. pusillus*, and *Nyctyornis athertoni*;
(G) Motmots – Momotidae – All species.
(d) Order Cuculiformes:
(A) White browed coucal – Centropodidae – *Centropus superciliosus burchelli*;
(B) Pheasant coucal – Centropodidae – *Centropus phasianinus*;
(C) Senegal coucal – Centropodidae – *Centropus senegalensis*;
(D) Greater coucal – Centropodidae – *Centropus sinensis*.
(e) Order Galliformes:
(A) Curassows, guans, and chachalacas – Cracidae – All species except *Chamaepetes goudotii*, *Penelope montagnii*, and *P. superciliaris*;
(B) Megapodes – Megapodiidae – All species.
(f) Order Gruiformes:
(A) Trumpeters – Psophiidae – All species;
(B) Buttonquails and hemipodes – Turnicidae – All species.
(g) Order Passeriformes:
(A) Orange-breasted bunting – Cardinalidae – *Passerina leclancherii*;
(B) Cotingas – Cotingidae – All species;
(C) Red-crested finch – Emberizidae – *Coryphospingus cucullatus*;
(D) Pileated finch – Emberizidae – *Coryphospingus pileatus*;
(E) Yellow-breasted bunting – Emberizidae – *Emberiza aureola*;
(F) Golden-breasted bunting – Emberizidae – *Emberiza flaviventris*;
(G) Cinnamon-breasted bunting – Emberizidae – *Emberiza tahapisi*;
(H) Yellow cardinal – Emberizidae – *Gubernatrix cristata*;
(I) Black-crested finch – Emberizidae – *Lophospingus pusillus*;
(J) Crested bunting – Emberizidae – *Melophus lathamii*;
(K) Yellow-billed cardinal – Emberizidae – *Paroaria capitata*;
(L) Red-crested cardinal – Emberizidae – *Paroaria coronata*;
(M) Black-capped warbling finch – Emberizidae – *Poospiza melanoleuca*;
(N) Saffron finch – Emberizidae – *Sicalis flaveola*;
(O) Double-collared seedeater – Emberizidae – *Sporophila caerulescens*;
(P) Rusty-collared seedeater – Emberizidae – *Sporophila collaris*;
(Q) Parrot-billed seedeater – Emberizidae – *Sporophila peruviana*;
(R) Slate-colored seedeater – Emberizidae – *Sporophila schistacea*;
(S) Swallow tanager – Emberizidae – *Tersina viridis*;
(T) Cuban grassquit – Emberizidae – *Tiaris canorus*;
(U) Blue-back grassquit – Emberizidae – *Volatinia jacarina*;
(V) Waxbills, mannikins, munias – Estrilidae – All species;
(W) Broadbills – Eurylaimidae – All species;
(X) Black siskin – Fringillidae – *Carduelis atrata*;
(Y) Linnet – Fringillidae – *Carduelis cannabina*;
(Z) European goldfinch – Fringillidae – *Carduelis carduelis*;
(AA) Red siskin – Fringillidae – *Carduelis cucullata*;
(BB) Hooded siskin – Fringillidae – *Carduelis magellanica*;
(CC) Yellow-breasted greenfinch – Fringillidae – *Carduelis spinoides*;
(DD) European siskin – Fringillidae – *Carduelis spinus*;
(EE) Yellow-rumped siskin – Fringillidae – *Carduelis uropygialis*;
(FF) Yellow-bellied siskin – Fringillidae – *Carduelis xanthogastra*;
(GG) Yellow-billed grosbeak – Fringillidae – *Eophona migratoria*;
(HH) Japanese grosbeak – Fringillidae – *Eophona personata*;
(II) Oriole finch – Fringillidae – *Linurgus olivaceus*;
(JJ) Brown bullfinch – Fringillidae – *Pyrrhula nipalensis*;
(KK) Eurasian bullfinch – Fringillidae – *Pyrrhula pyrrhula*;
(LL) Black-throated island canary – Fringillidae – *Serinus atrogularis*;
(MM) Island canary – Fringillidae – *Serinus canaria*;
(NN) Yellow crowned canary – Fringillidae – *Serinus flaviventris*;
(OO) White-rumped seedeater – Fringillidae – *Serinus leucopygius*;
(PP) Yellow-fronted canary – Fringillidae – *Serinus mozambicus*;
(QQ) European serin – Fringillidae – *Serinus serinus*;
(RR) Long-tailed rosefinch – Fringillidae – *Uragus sibiricus*;
(SS) Troupials and Allies – Icteridae – All nonnative species;
(TT) Leafbirds and fairy bluebirds – Irenidae – All species;
(UU) Honeyeaters – Meliphagidae – All species;
(VV) Old World Flycatchers – Muscicapidae – *Copsychus All species*;
(WW) Sunbirds – Nectariniidae – All species;
(XX) Sudan sparrow – Passeridae – *Passer luteus*;
(YY) Red-headed weaver – Ploceidae – *Anaplectes rubriceps*;
(ZZ) Yellow-crowned bishop – Ploceidae – *Euplectes afer*;
(AAA) Red-collared widowbird – Ploceidae – *Euplectes ardens*;
(BBB) Black-winged bishop – Ploceidae – *Euplectes hordeaceus*;
(CCC) Jackson's widowbird – Ploceidae – *Euplectes jacksoni*;
(DDD) Yellow-shouldered widowbird – Ploceidae – *Euplectes macrourus*;
(EEE) Red bishop – Ploceidae – *Euplectes orix*;
(FFF) Long-tailed widowbird – Ploceidae – *Euplectes progne*;
(GGG) Red fody – Ploceidae – *Foudia madagascariensis*;
(HHH) Orange weaver – Ploceidae – *Ploceus aurantius*;
(III) Village weaver – Ploceidae – *Ploceus cucullatus*;
(JJJ) Lesser masked weaver – Ploceidae – *Ploceus intermedius*;
(KKK) Little weaver – Ploceidae – *Ploceus luteolus*;
(LLL) Baya weaver – Ploceidae – *Ploceus philippinus*;
(MMM) Vitelline-masked weaver – Ploceidae – *Ploceus vitellinus*;
(NNN) Speckle-fronted weaver – Ploceidae – *Sporopipes frontalis*;
(OOO) Scaly weaver – Ploceidae – *Sporopipes squamifrons*;
(PPP) Sugarbirds – Promeropidae – All species;
(QQQ) Golden-crested myna – Sturnidae – *Ampeliceps coronatus*;
(RRR) Violet-backed starling – Sturnidae – *Cinnyricinclus leucogaster*;
(SSS) Emerald starling – Sturnidae – *Lamprotornis iris*;
(TTT) Golden-breasted starling – Sturnidae – *Lamprotornis regius*;
(UUU) Common hill myna – Sturnidae – *Gracula religiosa*;
(VVV) Long-tailed glossy-starling – Sturnidae – *Lamprotornis caudatus*;
(WWW) Bronze-tailed glossy-starling – Sturnidae – *Lamprotornis chalcurus*;
(XXX) Greater blue-eared glossy-starling – Sturnidae – *Lamprotornis chalybaeus*;
(YYY) Lesser blue-eared glossy-starling – Sturnidae – *Lamprotornis chloropterus*;
(ZZZ) Hildebrandt's starling – Sturnidae – *Lamprotornis hildebrandti*;
(AAAA) Chestnut-bellied starling – Sturnidae – *Lamprotornis pulcher*;
(BBBB) Purple-headed glossy-starling – Sturnidae – *Lamprotornis purpureiceps*;
(CCCC) Purple glossy-starling – Sturnidae – *Lamprotornis purpureus*;
(DDDD) Rueppell's glossy-starling – Sturnidae – *Lamprotornis purproptera*;
(EEEE) Splendid glossy-starling – Sturnidae – *Lamprotornis splendidus*;
(FFFF) Superb starling – Sturnidae – *Lamprotornis superbus*;
(GGGG) Bali myna – Sturnidae – *Leucopsar rothschildi*;
(HHHH) Golden myna – Sturnidae – *Mino anais*;
(IIII) Yellow-faced myna – Sturnidae – *Mino dumontii*;
(JJJJ) Tanagers and Allies – Thraupidae – All nonnative species;
(KKKK) Babblers – Timalidae – All species;
(LLLL) White-eyes – Zosteropidae – All species.
(h) Order Piciformes:
(A) Barbets – Capitonidae – All species;
(B) Toucans – Ramphastidae – All species.
(i) Order Tinamiformes:
(A) Tinamous – Tinamidae – All species.
(j) Order Trogoniformes:
(A) Trogons – Trogonidae – All species.
(3) Noncontrolled Amphibians: Common Name – Family – Genus/species:
(a) Order Anura:
(A) Allophrynid tree frog – Allophrynidae – *Allophryne* All species;
(B) Hairy frogs – Arthroleptidae – *Trichobatrachus* All species;
(C) Cane toad – Bufonidae – *Bufo marinus*;
(D) African tree toads – Bufonidae – *Nectophryne* All species;
(E) Live-bearing toads – Bufonidae – *Nectophryne* All species;
(F) Glass frogs – Centrolenidae – All species;
(G) Poison arrow frogs – Dendrobatidae – All species;
(H) Ghost frogs – Heleophrynidae – *Heleophryne* All species;
(I) Shovel-nosed frogs – Hemisotidae – *Hemisus* All species;
(J) Leaf frogs – Hylidae – *Agalychnis* All species;
(K) Casque-headed frogs – Hylidae – *Aparashpenodon* All species;

ADMINISTRATIVE RULES

- (L) Water-holding frogs – Hylidae – *Cyclorana* All species;
(M) Marsupial frogs – Hylidae – *Gastrotheca* All species;
(N) Australian giant tree frogs – Hylidae – *Litoria chlorus* and *L. infrafrenata*;
(O) Slender-legged tree frogs – Hylidae – *Osteocephalus* All species;
(P) Cuban tree frogs – Hylidae – *Osteopilus* All species;
(Q) White’s tree frog – Hylidae – *Pelodytes caerulea*;
(R) Golden-eyed tree frogs – Hylidae – *Phrynohyas* All species;
(S) Monkey frogs – Hylidae – *Phyllomedusa* All species;
(T) Burrowing frogs – Hylidae – *Pternohyla* All species;
(U) Casque-headed tree frogs – Hylidae – *Trachycephalus* All species;
(V) Shovel-headed tree frogs – Hylidae – *Tripidon* All species;
(W) Banana frogs – *Hyperoliidae* – *Arixialas* All species;
(X) Reed frogs – *Hyperoliidae* – *Hyperolius* All species;
(Y) Running frogs – *Hyperoliidae* – *Kassina* All species;
(Z) Forest tree frogs – *Hyperoliidae* – *Leptopelis* All species;
(AA) New Zealand frogs – *Leiopelmatidae* – *Leiopelma* All species;
(BB) Common horned frogs – *Leptodactylidae* – *Ceratophrys* All species;
(CC) Rain or robber frogs – *Leptodactylidae* – *Eleutherodactylus* All species;
(DD) Paraguay horned toads – *Leptodactylidae* – *Lepidobatrachus* All species
(EE) Asian horned toad – *Megophryidae* – *Megophrys montana* (*nasuta*);
(FF) Tomato frogs – *Microhylidae* – *Dyscophus* All species;
(GG) Narrow-mouthed frogs – *Microhylidae* – *Gastrophryne* All species;
(HH) Sheep frogs – *Microhylidae* – *Hypopachus* All species;
(II) Malaysian narrowmouth toad – *Microhylidae* – *Kaloula pulchra*;
(JJ) Tusked frog – *Myobatrachidae* – *Adelotus brevis*;
(KK) Pouched frog – *Myobatrachidae* – *Assa darlingtoni*;
(LL) Giant burrowing frogs – *Myobatrachidae* – *Heleioporus* All species;
(MM) Cannibal frogs – *Myobatrachidae* – *Lechriodus* All species;
(NN) Turtle frog – *Myobatrachidae* – *Myobatrachus gouldii*;
(OO) Australian spadefoot toads – *Myobatrachidae* – *Notaden* All species;
(PP) Crowned toadlets – *Myobatrachidae* – *Pseudophryne* All species;
(QQ) Gastric brooding frog – *Myobatrachidae* – *Rheobatrachus* All species;
(RR) Torrent frogs – *Myobatrachidae* – *Taudactylus* All species;
(SS) Australian toadlets – *Myobatrachidae* – *Uperoleia* All species;
(TT) Parsley frogs – *Pelodytidae* – *Pelodytes* All species;
(UU) Dwarf clawed frogs – *Pipidae* – *Hymenochirus* All species;
(VV) Surinam frogs – *Pipidae* – *Pipa* All species;
(WW) Mantella frogs – *Ranidae* – *Mantella* All species;
(XX) Foam nest tree frogs – *Rhacophoridae* – *Chiromantis* All species;
(YY) Gliding or flying frogs – *Rhacophoridae* – *Rhacophorus* All species;
(ZZ) Mexican burrowing frog – *Rhinodermatidae* – *Rhinophrynus dorsalis*;
(AAA) Seychelles frogs – *Sooglossidae* – All species.
(b) Order Caudata:
(A) Axolotl – *Ambystomatidae* – *Ambystoma mexicanum*;
(B) Gold-striped salamander – *Salamandridae* – *Chioglossa lusitana*;
(C) Black-spotted and striped newts – *Salamandridae* – *Notophthalmus meridionalis* and *N. perstriatus*;
(D) Spectacled salamander – *Salamandridae* – *Salamandrina terdigitata*.
(c) Order Gymnophiona:
(A) Caecilians – All species.
(4) Noncontrolled Reptiles: Common Name – Family – Genus/species;
(a) Order Squamata (Suborder Amphisbaenia): Worm lizards – All species.
(b) Order Squamata (Suborder Lacertilia):
(A) Pricklenapes – *Agamidae* – *Acanthosaura* All species;
(B) Common or rainbow agama – *Agamidae* – *Agama agama*;
(C) Frilled dragon – *Agamidae* – *Chlamydosaurus kingii*;
(D) Humphead forest dragons – *Agamidae* – *Gonocephalus* All species;
(E) Sailfin lizards – *Agamidae* – *Hydrosaurus* All species;
(F) Anglehead forest dragons – *Agamidae* – *Hypsilurus* All species;
(G) Water dragons – *Agamidae* – *Lophognathus* All species;
(H) Water dragons – *Agamidae* – *Physignathus* All species;
(I) Bearded dragons – *Agamidae* – *Pogona* All species;
(J) Mastigures – *Agamidae* – *Uromastix* All species;
(K) Chameleons – *Chamaeleonidae* – All species;
(L) Plated lizards – *Cordylidae* – *Gerrhosaurus* All species;
(M) Flat lizards – *Cordylidae* – *Platysaurus* All species;
(N) Geckos – *Gekkonidae* – All species;
(O) Gila monster, beaded lizard – *Helodermatidae* – All species;
(P) Iguanid lizards – *Iguanidae* – All nonnative species except: *Crotaphytus* spp., *Gambelia* spp., *Sceloporus* spp., *Uta* spp., *Phrynosoma* spp.;
(Q) Skinks – *Scincidae* – All nonnative species except *Eumeces* spp.;
(R) Ameivas – *Teiidae* – *Ameiva* All species;
(S) Tegus – *Teiidae* – *Tupinambis* All species;
(T) Monitor lizards – *Varanidae* – All species except *Varanus griseus*;
(U) Night lizards – *Xantusiidae* – All species;
(V) American knob-scaled lizards – *Xenosauridae* – *Xenosaurus* All species.
(d) Order Squamata (Suborder Serpentes):
(A) File snakes – *Acrochordidae* – All species;
(B) Pythons and Boas – *Boidae* – All nonnative species;
(C) Milk, Pine, Corn, Rat, Garter snakes – *Colubridae* – All nonnative species except *Boiga irregularis*, *Lampropeltis getula*, *L.zonata*, and *Pituophis catenifer*;
(D) Kingsnakes and gopher (bull) snakes – *Colubridae* – Individuals of *Lampropeltis getula*, *L. zonata* and *Pituophis catenifer* that are morphologically distinct from native species.
(E) Egyptian cobra – *Elapidae* – *Naja haje*;
(F) Black & white cobra – *Elapidae* – *Naja melanoleuca*;
(G) Indian cobra – *Elapidae* – *Naja naja*;
(H) Red spitting cobra – *Elapidae* – *Naja pallida*;
(I) King cobra – *Elapidae* – *Ophiophagus hannah*;
(J) Bush vipers – *Viperidae* – *Atheris* All species;
(K) Gaboon viper – *Viperidae* – *Bitis gabonica*;
(L) Rhinoceros viper – *Viperidae* – *Bitis nasicornis*;
(M) Horned vipers – *Viperidae* – *Cerastes* All species;
(N) Rattlesnakes – *Viperidae* – *Crotalus aquilus*, *C. basiliscus*, *C. durissus*, *C. intermedius*, *C. polystictus*, *C. pusillus*, *C. tortugensis*, *C. trisriatus*, *C. unicolor*, and *C. vegrandis*;
(O) Saw-scaled vipers – *Viperidae* – *Echis* All species;
(P) Bushmaster – *Viperidae* – *Lachesis muta*;
(Q) False horned vipers – *Viperidae* – *Pseudocerastes* All species;
(R) Pygmy rattlesnakes – *Viperidae* – *Sistrurus miliarius* and *S. ravus*.
(c) Order Testudines:
(A) Pignose turtles – *Carettochelyidae* – All species;
(B) Austro–American side-necked turtles – *Chelidae* – All species;
(C) Marine turtles – *Cheloniidae* – All species;
(D) River turtles – *Dermatemydidae* – All species;
(E) Leatherback turtles – *Dermochelyidae* – All species;
(F) Pond and box turtles – *Emydidae* – All nonnative species except *Pseudemys* spp., *Trachemys* spp., *Chinemys* spp., *Clemmys* spp., *Chrysemys* spp., *Graptemys* spp., *Emys orbicularis*, *Emydoidea blandingii* and *Mauremys* spp.;
(G) American mud and musk turtles – *Kinosternidae* – All species except *Kinosternon subrubrum* and *K. odoratum*;
(H) Afro-American side-necked turtles – *Pelomedusidae* – All species;
(I) Bighead turtles – *Platysternidae* – All species;
(J) Tortoises – *Testudinidae* – All species;
(K) Softshell turtles – *Trionychidae* – All species except *Apolone* spp. and *Trionyx triunguis*.
(5) Noncontrolled Fish: Common Name – Family – Genus/species:
Aquaria fish and Live Foodfish – All species.
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; FWC 59-1997, f. & cert. ef. 9-3-97; Administrative correction 10-27-97; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 15-2011, f. & cert. ef. 2-15-11; DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

ADMINISTRATIVE RULES

635-056-0070

Controlled Wildlife Species

At the time the commission categorizes a species, subspecies or hybrid as Controlled, it shall also establish the controls necessary to protect native wildlife.

- (1) Controlled Mammals:
- (2) Controlled Birds:

(a) Mute swans (*Cygnus olor*): The possession, transport, sale, purchase, exchange and offer to sell, purchase or exchange is allowed provided that all males are neutered and all individuals are surgically pinioned. Importation of any mute swan is prohibited.

(b) Hawks and falcons (families *Falconidae* and *Accipitridae*): The capture, possession, propagation, transportation, release, sale, purchase, exchange and disposition of falcons is allowed only as per the requirements of OAR 635 Division 44 (Holding, Propagating Protected Wildlife) and OAR 635 Division 55 (Falconry Licenses, Permits and Requirements).

(c) Game birds: (*Anatidae*, *Columbidae*, *Tetranidae*, *Phasianidae*, *Meleagrididae*, *Scolopacidae*, *Gruidae*, *Rallidae*). The possession, propagation, sale, purchase and exchange of game birds is allowed only as per the requirements of OAR 635 division 44 (Holding, Propagating Protected Wildlife).

(d) Unless authorized by the Department, European starling (*Sturnus vulgaris*) or House sparrows (*Passer domesticus*) may not be imported into Oregon or released into the wild. However, viable eggs, nestlings, fledglings, or adults may be captured from the wild, possessed, bought or sold for any other purpose (including damage control research). No permit is required for such capture and possession.

- (3) Controlled Amphibians:

(a) Bullfrog (*Rana catesbeiana*) including viable eggs, hatchlings, tadpoles, juveniles and adults: No person may import, purchase, sell, barter or exchange, or offer to import, purchase, sell, barter or exchange live bullfrogs. Individual bullfrogs may be collected from the wild and held indoors in an escape proof aquarium as per OAR 635-044-0035. Release is prohibited unless the person first obtains a permit from the Director.

- (4) Controlled Reptiles:

(a) Order Crocodylia (Crocodiles, Alligators and Gavials) are considered exotic animals pursuant to ORS 609.305. Therefore, the keeping, breeding and sale of such animals is regulated by ORS 609.205 through 609.355 and OAR 603-011-0705 and 603-011-0706. Those statutes and rules govern the authority of local governments and the Department of Agriculture over those activities concerning these animals. However, the Fish and Wildlife Commission retains authority to regulate release and transport of these animals, and their management if they are released or escape into the wild. It is unlawful to release any member of the order Crocodylia.

Stat. Auth.: 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: 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; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 53-2008(Temp), f. & cert. ef. 5-28-08 thru 9-19-08; DFW 114-2008, f. & cert. ef. 9-19-08; DFW 15-2011, f. & cert. ef. 2-15-11; DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11

Rule Caption: Amend Rules Relating to Competitive Trials, Commercial and Individual training for Hunting Dogs and Raptors.

Adm. Order No.: DFW 70-2011

Filed with Sec. of State: 6-15-2011

Certified to be Effective: 7-1-11

Notice Publication Date: 5-1-2011

Rules Adopted: 635-046-0000, 635-046-0040, 635-046-0045, 635-046-0050, 635-046-0055

Rules Amended: 635-050-0045

Rules Repealed: 635-043-0100, 635-046-0005, 635-046-0010, 635-046-0015, 635-046-0020, 635-046-0025, 635-046-0030, 635-046-0035

Subject: The purpose of this rule is to carry out the provisions of ORS 498.106 which relates to competitive field trials for hunting dogs and to provide the conditions under which wildlife may be used to train hunting dogs and raptors.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-046-0000

Purpose

The purpose of these rules is to implement the provisions of Oregon Revised Statute 496.012, 498.052, and 498.106. These rules provide conditions under which competitive hunting dog trials may be held and provide conditions for the use of wildlife during the training of hunting dogs and raptors. These rules do not apply to the use of inanimate training devices, nor to exempt animals such as rock pigeons, lawfully possessed dead birds, animal carcasses, or wildlife parts such as bird wings or animal skins. These rules do not authorize the training of hunting dogs or raptors at any time or in any place where the training of dogs or raptors or running of dogs is prohibited by the land owner or land management agency.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.006 & 498.106
Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.006 & 498.106
Hist.: DFW 70-2011, f. 6-15-11, cert. ef. 7-1-11

635-046-0040

Definitions

(1) "Approved Band" means a leg band purchased from the Department at a cost of \$5.00 for 50 bands.

(2) "Competitive Hunting Dog Trial" (sometimes called a "field trial", "water trial", "hunt test" or "picnic trial") means an event that:

(a) is licensed, sanctioned, or sponsored by a sporting dog organization; and

(b) involves more than one person in testing or exhibiting learned behavior in dogs related to hunting wildlife (including, but not limited to, tracking of scents, flushing, pointing, treeing, ground baying and retrieval).

(3) "Department" means the Oregon Department of Fish and Wildlife.

(4) "Exempt animals" means species listed in OAR 635-56-0020.

(5) "Falconry" is caring for and training raptors for pursuit of game, and the sport of hunting wild game with raptors.

(6) "Healed nasal scar" means a permanent deformity on the upper mandible of an upland game bird such as that caused by an anti-pecking device.

(7) "Healed toe mark" results from the clipping of the terminal joint, including the entire toenail, from the lateral (outside) toe of the right foot of an upland game bird chick.

(8) "Hunting Dog" means any dog that is used to aid an individual to pursue or hunt wildlife.

(9) "Hunting Dog Training" means the use of wildlife by an individual or individuals on any lands or waters in the state for the purpose of training to teach or reinforce learned behavior in dogs related to hunting of wildlife; activities which may include shooting, tracking of scents, flushing, pointing, treeing, ground baying, going to ground, and/or retrieval of wildlife.

(10) "Marked bird" for upland game birds means a domestically-raised upland game bird which displays one of the following: a healed toe mark, a healed nasal scar, or an approved band affixed to a leg; for mallards means a domestically-raised mallard which was marked in at least one of the methods approved by the U.S. Fish and Wildlife Service (50 CFR 21.13).

(11) "Pursue" for upland game birds means the act of locating, trailing, tracking, chasing, or flushing, but not taking, in an attempt to reinforce learned behavior in hunting dogs; for game mammals or furbearers means the act of trailing, tracking, or chasing in an attempt to locate, capture, catch, tree, or kill.

(12) "Raptor" means any species or hybrid of the families Strigidae, Falconidae and Accipitridae used for Falconry.

(13) "Raptor training" means the use of wildlife for the purpose of training of any species or hybrid of the families Strigidae, Falconidae and Accipitridae to hunt wildlife.

(14) "Release" means, for the purpose of competitive hunting dog trials or hunting dog or raptor training, permitting any domestically-raised game birds to exist alive outside of an enclosure that restricts its movements.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.006 & 498.106
Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.006 & 498.106
Hist.: DFW 70-2011, f. 6-15-11, cert. ef. 7-1-11

635-046-0045

General Regulations

(1) Releasing domestically-raised game birds or using wildlife during competitive hunting dog trials, and releasing domestically-raised game birds for hunting dog and raptor training, are only allowed under a permit from the Department.

ADMINISTRATIVE RULES

(2) Wildlife that shows symptoms of sickness or injury, or that is dead from disease, must not be used in competitive hunting dog trials or the training of hunting dogs or raptors.

(3) Any person who takes or attempts to take wildlife, including domestically-raised game birds, during a competitive hunting dog trial or while training a hunting dog or raptor, must meet the hunting license and state bird validation (stamp) requirements contained in the Department's current Oregon Game Bird, Big Game, and Furbearer Hunting/Trapping Regulations.

(4) Recall pens may be used on private lands to capture domestically-raised upland game birds which were released for a competitive hunting dog trial or hunting dog or raptor training, provided that, upon discovery, any unmarked game bird(s) (except bobwhite and Coturnix quail) or other wildlife caught incidentally must be released immediately.

(5) For the purposes of these rules, domestically-raised game birds that have been used for competitive hunting dog trials or hunting dog and raptor training are considered inedible. All dead animal carcasses from the trial and training activities must be removed from the field (ORS 164.785 and 164.805).

(6) The **2011 Oregon Big Game Regulations**, the 2010 – 2011 Oregon Game Bird Regulations, and the Oregon Furbearer Trapping and Hunting Regulations July 1, 2010 through June 30, 2012 are amended, specifically:

(a) The **2011 Oregon Big Game Regulations** are amended to remove the regulation on page 28 that no person shall: "Permit dogs to run at large or train dogs in game bird nesting habitat during April, May, June or July, except as authorized by the Fish and Wildlife Commission";

(b) The 2010 – 2011 Oregon Game Bird Regulations are amended to remove the regulation on page 11 that no person shall: "Permit dogs to run at large or train dogs in game bird nesting habitat during the months of April-July, except as authorized by the Fish and Wildlife Commission"; and

(c) The Oregon Furbearer Trapping and Hunting Regulations July 1, 2010 through June 30, 2012 are amended to remove the regulation on page 4 that "No person shall permit dogs to run at large or train dogs in game bird nesting habitat during April, May, June or July, except as authorized by the Fish and Wildlife Commission."

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.006 & 498.106

Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.006 & 498.106

Hist.: DFW 70-2011, f. 6-15-11, cert. ef. 7-1-11

635-046-0050

Use of Wildlife for Hunting Dog and Raptor Training

(1) Upland game birds, except sage grouse, sharp-tailed grouse, and spruce grouse, may be pursued to train hunting dogs from September through January, or as permitted by these rules.

(2) No person may release any domestically-raised game birds without first obtaining a "Game Bird Release Permit for Hunting Dog and Raptor Training" from the Department. With such a permit, the Department authorizes the permittee and his or her designees to release domestically-raised game birds for the sole purpose of training hunting dogs and raptors and to operate recall pens on private lands to recapture those same game birds.

(a) A designee(s) must possess a copy of the permittee's permit or written authorization from the permittee to release domestically-raised game birds on his or her behalf.

(b) The permit is immediately valid upon completion of the application when signed by the permittee. A copy of the completed permit must be submitted (via hand-delivery, U.S. Mail, electronic mail, or facsimile) to the Department as indicated on the permit.

(c) There is no cost for this permit and there will be no limit to the number of permits that will be available.

(d) Permits are valid from date of issue through December 31.

(e) On Department owned or managed lands, the release of domestically-raised game birds for hunting dog or raptor training is prohibited except in designated dog training areas where release is specifically allowed by wildlife area rule, and, if required by the wildlife area, the individual has a special permit specific to that wildlife area for activities allowed under these rules.

(f) The following species are permitted for release under this permit: common pheasant (all races of *Phasianus colchicus*, most commonly ring-necked); California (valley), bobwhite and Coturnix quail; Hungarian (gray), chukar, and red-legged partridge; or mallards, provided such birds were lawfully acquired and, except for bobwhite and Coturnix quail, are marked birds.

(g) If at any time one or more people are training hunting dogs or raptors with domestically-raised game birds released under a valid Game Bird

Release Permit for Hunting Dog and Raptor Training, the following items must be in the possession of at least one of those persons:

(i) At least one valid Game Bird Release Permit for Hunting Dog and Raptor Training.

(ii) A sales receipt from the propagator or a written note of origin containing the name and address of the person from whom the birds were acquired, which specifies the number and species of game birds which have been or are going to be released.

(iii) One or more hunting dogs or raptors.

(h) A holder of a Game Bird Release Permit for Hunting Dog and Raptor Training must annually report to the Department the number and species of game birds released by county.

(3) Domestically-raised game birds lawfully released under a valid Game Bird Release Permit for Hunting Dog and Raptor Training may be pursued or taken in any number by shooting or falconry for the sole purpose of training hunting dogs and raptors, provided that:

(a) At least one person participating in the training possesses a valid Game Bird Release Permit for Hunting Dog and Raptor Training.

(b) The birds are pursued or taken on the same day they are released. However, if the birds are pursued or taken by the same individual(s) as part of a multi-day training session, the birds must be pursued or taken within three consecutive days after the day of release. Bobwhite and Coturnix quail are not subject to the time constraints of this subsection.

(c) On Department owned or managed lands, the pursuit and take of domestically-raised game birds for hunting dog or raptor training may occur only in designated dog training areas where pursuit and take is specifically allowed by wildlife area rule, and, if required by the wildlife area, the individual has a special permit specific to that wildlife area for activities allowed under these rules.

(4) Carcasses of domestically-raised game birds which were lawfully released under a valid Game Bird Release Permit for Hunting Dog and Raptor Training and subsequently taken for hunting dog and raptor training may be possessed in any number by any person, provided that the person holds a valid Game Bird Release Permit for Hunting Dog and Raptor training or a written note from the permittee describing when, where, and for what purpose the birds were taken.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.006 & 498.106

Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.006 & 498.106

Hist.: DFW 70-2011, f. 6-15-11, cert. ef. 7-1-11

635-046-0055

Use of Wildlife for Competitive Hunting Dog Trials

(1) To hold a competitive hunting dog trial, a person must possess a "Competitive Hunting Dog Trial Permit" from the Department:

(a) If domestically-raised game birds are released.

(b) If wildlife is used outside the pursuit or hunting season for that species; or

(c) If the trial occurs between March 16 and August 14 (whether domestically-raised game birds are released or not).

(2) The applicant (sponsor of the competitive hunting dog trial) must apply for a Competitive Hunting Dog Trial Permit to the Department's wildlife district where the trial will take place.

(a) The application must be received by the Department at least ten business days prior to the start of a competitive trial via hand-delivery, U.S. Mail, electronic mail, or facsimile.

(b) The District Wildlife Biologist or his or her designee will respond to permit applications within 10 business days from the received date.

(3) To issue a Competitive Hunting Dog Trial Permit, the Department must determine that the proposed trial will not:

(a) Conflict to a significant degree with other authorized activities, including but not limited to land management actions, other permitted trials, or lawful hunting.

(b) Result in significant adverse impact to wildlife or wildlife habitat, taking into consideration location, land ownership, designation of site, size, and date of the proposed trial.

(4) The Department may approve, approve with conditions, or deny a permit application.

(a) If the Department denies the issuance a permit, the Department will provide the applicant with a written explanation and an opportunity to request a hearing to appeal that action.

(b) The applicant may appeal the Department's decision by submitting a written request for a contested case hearing to the Department within 10 business days after mailing of the Department's decision.

(5) If after issuance of a Competitive Hunting Dog Trial Permit any unforeseen or emergency circumstances necessitate a change to the permit,

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the Department will, to the maximum extent practicable, work with permittee to exhaust other options to maintain the trial.

(6) The following species may be released under a Competitive Hunting Dog Trial Permit: common pheasant (all races of *Phasianus colchicus*, most commonly ring-necked); California (valley), bobwhite, and Coturnix quail; Hungarian (gray), chukar, and red-legged partridge; or mallards, provided all domestically-raised game birds were lawfully acquired and any mallard used must be a marked bird.

(7) Domestically-raised game birds released under a valid Competitive Hunting Dog Trial Permit may be pursued or taken during the course of the permitted trial.

(8) Use of recall pens to recapture domestically-raised upland game birds released under a valid Competitive Hunting Dog Trial Permit is allowed on private lands only if all released game birds were marked (except bobwhite and Coturnix quail, or if there is an exception granted as a condition of the permit) and provided that the person operating the recall pen has the original or a copy of the permit.

(9) The carcasses of domestically-raised game birds which were lawfully released under a valid Competitive Hunting Dog Trial Permit and subsequently taken during the trial may be possessed in any number by any person, provided that the person holds a copy of the Competitive Hunting Dog Trial Permit or a written note from the permittee describing when, where, and for what purpose the birds were taken.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.006 & 498.106
Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.006 & 498.106
Hist.: DFW 70-2011, f. 6-15-11, cert. ef. 7-1-11

635-050-0045

General Furbearer Regulations

The following general regulations apply to furbearer seasons:

(1) The appropriate furtaker's license or hunting license for furbearers must be in possession to hunt and/or trap furbearers.

(2) Any person possessing a valid furtaker's license or hunting license for furbearers is required to fill out and return a completed harvest report form to the Department at 3406 Cherry Avenue NE, Salem, Oregon 97303. The form shall be postmarked by April 15, 2011 for the 2010–2011 seasons and April 15, 2012 for the 2011–2012 seasons. Failure to do so shall deny the license holder the opportunity to purchase a hunting license for furbearers or furtaker's license for the following furbearer season, unless the non-compliant licensee pays a fee of \$50.00 and completes and returns the harvest report form prior to the requested license being issued.

(3) Any person may sell or exchange the hide, carcass, or any part thereof, of any legally taken furbearing or unprotected mammal.

(4) All traps and snares, whether set for furbearing or other unprotected mammals, shall be legibly marked or branded with the owner's license (brand) number that has been assigned by the Department; except that unmarked traps or snares may be set for nongame mammals unprotected by law or Department regulations by any person or member of his immediate family upon land of which he is the lawful owner. A landowner is required to register the location of such land with the Department and shall possess each year a free landowner's license before hunting or trapping furbearing mammals.

(5) No branded trap or snare may be sold unless accompanied by a uniform bill of sale.

(6) Bobcat, raccoon and opossum may be hunted with the aid of an artificial light provided the light is not cast from or attached to a motor vehicle or boat.

(7) An artificial light may be used to provide light to aid in the dispatch of animals legally restrained in a trap or snare.

(8) Use of dogs is permitted to hunt or pursue bobcat, raccoon, fox, and unprotected mammals.

(9) It is unlawful for any person to trap for furbearers, predatory animals or unprotected mammals using:

(a) A steel foothold trap with a jaw spread greater than 9 inches.

(b) A No. 3 or larger foothold trap or any foothold trap with an inside jaw spread at dog greater than 6" not having a jaw spacing of at least 3/16 of one inch when the trap is sprung (measurement excludes pads on padded jaw traps) and when the trap is placed in a manner that is not capable of drowning a trapped animal.

(c) The flesh of any game bird, game fish, game mammal for trap bait.

(d) Any instant-kill trap having a jaw spread of 9 inches or more in any land set.

(e) Any toothed trap, or trap with a protuberance on the facing edge of the jaws that is intended to hold the animal (except pads on padded jaw traps).

(f) Or possessing the branded traps or snares of another unless in possession of written permission from the person to whom the brand is registered.

(g) Sight bait within 15 feet of any foothold trap set for carnivores.

(10) Except for persons authorized to enforce the wildlife laws, it is unlawful to disturb or remove the traps or snares of any licensed trapper while he is trapping on public lands or on land where he has permission to trap.

(11) All traps or snares set or used for the taking of furbearing or unprotected mammals shall be inspected at least every 48 hours and all trapped animals removed. This regulation does not apply to the taking of predatory animals.

(12) Any person setting a trap for predatory animals, as defined in ORS 610.002, must check the trap as follows:

(a) For killing traps and snares, at least once every 30 days and remove all animals;

(b) For restraining traps and snares, at least once every 76 hours and remove all animals. However, restraining traps and snares set by a person owning, leasing, occupying, possessing or having charge of or dominion over any land, place, building, structure, wharf, pier or dock or their agent, and set for predatory animals damaging land, livestock or agricultural or forest crops, shall be checked at least once every 7 days. Any person(s) acting as an agent for a landowner shall have in their possession written authority from the landowner or lawful occupant of the land. Such written authority shall contain at least all of the following:

(A) The date of issuance of the authorization;

(B) The name, address, telephone number and signature of the person granting the authorization;

(C) The name, address and telephone number of the person to whom the authorization is granted; and

(D) The expiration date of the authorization, which shall be not later than one year from the date of issuance of the authorization.

(13) A "killing trap" means a device used to kill a mammal as part of a killing trap system. A killing trap system is a system set with the intent to kill a mammal comprising a combination of: equipment (the trap and trigger configuration), and set (including site modifications, lures, baits, location and other relevant requirements).

(14) A "restraining trap" means a device used to capture and restrain (but not kill) a mammal as part of a restraining trap system. A restraining trap system is a system set with the intent to capture and restrain (but not kill) a mammal comprising a combination of: equipment (the trap and the trigger configuration), and set (including site modifications, lures, baits, location and other relevant requirements).

(15) These general furbearer regulations do not apply to the trapping of gophers, moles, ground squirrels and mountain beaver.

(16) When any furbearer or raw furbearer pelt is transferred to the possession of another person, a written record indicating the name and address of the person from whom the raw pelt was obtained shall accompany such transfer and remain with same so long as preserved in raw pelt form.

(17) It is *unlawful* for any person to damage or destroy any muskrat house at any time except where such muskrat house is an obstruction to a private or public ditch or watercourse.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 9-2004, f. & cert. ef. 2-11-04; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06; DFW 83-2008, f. & cert. ef. 7-25-08; DFW 82-2010, f. & cert. ef. 6-15-10; DFW 127-2010, f. & cert. ef. 9-10-10; DFW 70-2011, f. 6-15-11, cert. ef. 7-1-11

Rule Caption: Suspend Temporary Rules regarding the use of game birds for dog and falconry training.

Adm. Order No.: DFW 71-2011(Temp)

Filed with Sec. of State: 6-15-2011

Certified to be Effective: 7-1-11 thru 7-25-11

Notice Publication Date:

Rules Suspended: 635-051-0076, 635-051-0078

Subject: Permanent Rules were adopted by the Commission on June 2, 2011 that make these rules obsolete.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-051-0076

Permit to Release Domestically Reared Game Birds for Hunting Dog and Falconry Training

(1) Persons wishing to release domestically reared game birds for the purpose of hunting dog or raptor training shall first obtain a Game Bird Release Permit for hunting dog and raptor training from the Department.

(2) Game bird species which may be released under the permit are: common pheasant (all races of *Phasianus colchicus*, most commonly known as ring-necked), California (valley) bobwhite, Coturnix quail, Hungarian (gray) chukar, red-legged partridge, and mallard ducks, provided that such birds were legally acquired and (except for bobwhite and Coturnix quail) are permanently marked by either a nasal scar or by a healed scar produced by either the removal upon hatching of the outer toe of the right foot (for upland game birds) or by the removal of the right rear toe (for mallards).

Stat. Auth.: ORS 183, 496.012, 496.116, 496.138, 498.002, 498.006, 496.106
Stats. Implemented: ORS 183, 496.012, 496.116, 496.138, 498.002, 498.006, 496.106
Hist.: DFW 6-2011(Temp), f. & cert. ef. 1-28-11 thru 7-25-11; Suspended by DFW 71-2011(Temp), f. 6-15-11, cert. ef. 7-1-11 thru 7-25-11

635-051-0078

Domestically Reared Game Bird Season for Hunting Dog and Falconry Training

Domestically reared game birds may be taken and possessed during hunting dog or raptor training at any time and in any number on private lands or on identified dog training areas that are owned or managed by a government agency, provided that:

(1) the game birds were released under a Game Bird Release Permit for hunting dog and raptor training;

(2) the person taking the game birds first obtains any special use permits required by a government agency;

(3) the person taking the game birds possesses a valid Oregon hunting license and, if 14 years of age or older, an Oregon upland game bird or waterfowl validation(s).

Stat. Auth.: ORS 183, 496.012, 496.116, 496.138, 498.002, 498.006, 496.106
Stats. Implemented: ORS 183, 496.012, 496.116, 496.138, 498.002, 498.006, 496.106
Hist.: DFW 6-2011(Temp), f. & cert. ef. 1-28-11 thru 7-25-11; Suspended by DFW 71-2011(Temp), f. 6-15-11, cert. ef. 7-1-11 thru 7-25-11

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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 Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 12-2011(Temp)

Filed with Sec. of State: 6-2-2011

Certified to be Effective: 6-2-11 thru 11-29-11

Notice Publication Date:

Rules Adopted: 461-190-0212

Subject: OAR 461-190-0212 is being adopted to indicate which Job Opportunity and Basic Skills (JOBS) program activities and services are ending June 30, 2011. This rule is also being adopted to state that JOBS program support service payments received by the client to assist in participation in one or more of the identified activities or services is also ending June 30, 2011. This program reduction affects clients who are participating in the JOBS program while receiving Pre-TANF, TANF, Post-TANF, Refugee, SFPSS, or TA-DVS program benefits. Without this new rule, the Department would fully deplete resources available for the JOBS program, and be unable to set up a more limited program consistent with restricted funding.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-190-0212

Case Plan Activities and Support Services; JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, TANF

Notwithstanding any other administrative rule in Chapter 461, except as provided in section (4) of this rule, effective at the end of the day on June 30, 2011, in the JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, and TANF programs:

(1) The following activities (see OAR 461-001-0025) and services specific to case plans (see OAR 461-001-0025) will end:

(a) Adult Basic Education (see OAR 461-001-0025).

(b) Community Service Program (see OAR 461-001-0025).

(c) Drug and alcohol services (see OAR 461-001-0025).

(d) English as a second language (see OAR 461-001-0025).

(e) Family Support and Connections.

(f) High school or GED Completion (see OAR 461-001-0025).

(g) Initial job search and Job Search (see OAR 461-001-0025).

(h) Job Skills Training (see OAR 461-001-0025).

(i) Life Skills (see OAR 461-001-0025).

(j) Medical services.

(k) Mental Health Services (see OAR 461-001-0025).

(l) Micro-enterprise (see OAR 461-001-0025).

(m) On-the-job training (see OAR 461-001-0025).

(n) Program Entry.

(o) Providing child care services to a Community Service Program participant (see OAR 461-001-0025).

(p) Rehabilitation activities (see OAR 461-001-0025).

(q) Retention Services.

(r) Services to families served by Child Welfare.

(s) Sheltered or supported work (see OAR 461-001-0025).

(t) Social Security Application process.

(u) Stabilization, intervention and other activities (see OAR 461-001-0025). These are:

(A) Child health and development (see OAR 461-001-0000).

(B) Crisis intervention (see OAR 461-001-0000).

(C) Domestic violence services (see OAR 461-001-0000).

(D) Family stability activity (see OAR 461-001-0000).

(v) Vocational training (see OAR 461-001-0025).

(w) Work experience (see OAR 461-001-0025).

(x) Work supplementation (see OAR 461-001-0025).

(2) Payments made on behalf of an individual participating in one or more activities or services in section (1) of this rule end. These payments are:

(a) Support Services (see OAR 461-001-0025).

(b) Specific Requirements; Pre-TANF Program (see OAR 461-135-0475(5)(b)).

(c) Temporary Assistance for Domestic Violence Survivors Program (see OAR 461-135-1205(4)).

(3) Transition Services (see OAR 461-190-0241). Eligibility for, and payments made on behalf of, an individual who is ineligible for the Pre-TANF or TANF programs because of an increase in earned income, ends.

(4) This rule does not apply to an individual in the JOBS Plus program (JOBS Plus) (see OAR 461-001-0025 and 461-101-0010) or the Parents as Scholars (PAS) (see OAR 461-001-0025) activity.

(5) Support services ended under this rule are not continued after June 30, 2011 regardless of whether a hearing request is submitted or pending.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.014, 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.070, 412.014, 412.049, 2009 OI 827

Hist.: SSP 12-2011(Temp), f. & cert. ef. 6-2-11 thru 11-29-11

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Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 13-2011(Temp)

Filed with Sec. of State: 6-15-2011

Certified to be Effective: 6-15-11 thru 12-12-11

Notice Publication Date:

Rules Amended: 461-135-1250

Subject: OAR 461-135-1250 about specific client eligibility and participation requirements in the Post-Temporary Assistance for Needy Families (Post-TANF) program is being amended to end the program on June 30, 2011. This amendment also does not allow post-TANF payments to continue after June 30, 2011 for pending or submitted hearing requests.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-1250

Specific Requirements: Post-TANF

(1) This rule explains specific requirements for the Post-TANF program. Through September 30, 2010, the Post-TANF program provides \$100 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the Federal Poverty Level (FPL), whichever comes first, as long as the client meets JOBS *federally required participation rates* (see OAR 461-001-0025) in combined unsubsidized paid work and JOBS activities.

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(2) Effective October 1, 2010, the Post-TANF program provides \$50 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the FPL, whichever comes first, as long as the client meets JOBS *federally required participation rates* in combined unsubsidized paid work and JOBS activities.

(3) To enroll in the Post-TANF program, a client must:

(a) Have obtained unsubsidized paid employment;

(b) Have become ineligible for the Pre-TANF, TANF or SFPSS programs due to earnings; and

(c) Be a Work Eligible Individual as defined by federal regulations.

(4) To remain eligible for the monthly Post-TANF payment, the client must meet the requirements of all of the following subsections:

(a) Meet all TANF eligibility requirements, except the client need not meet the following requirements:

(A) OAR 461-120-0310 and 461-120-0340 (child support assignment and cooperation);

(B) OAR 461-120-0330 (pursuing assets);

(C) OAR 461-125-0010 (deprivation);

(D) OAR 461-155-0030 (income limits); and

(E) OAR 461-160-0015 (resource limits).

(b) Report and meet the monthly JOBS federal participation requirements with unsubsidized paid work and, if necessary, other JOBS activities.

(c) Provide the Department with employer-produced documents of paid, unsubsidized work hours within 45 days after Pre-TANF, TANF, or SFPSS has ended.

(d) The client must also provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department or no later than the last day of the sixth month following the date the client provides the verification of work hours in accordance with subsection (c) of this section.

(e) Report all changes in residency and *household group* (see OAR 461-110-0210) affecting Post-TANF eligibility within 10 days of the occurrence.

(f) Changes reported for another program that affect Post-TANF eligibility are considered reported for Post-TANF.

(5) A client failing to comply with subsection (3)(c) of this rule but then providing documents after 45 days is eligible for Post-TANF payments only in the month the local Department office receives the documents and the months thereafter.

(6) Household income for the Post-TANF program is calculated in accordance with all TANF financial rules.

(7) Each *parent* (see OAR 461-001-0000) of a two-parent family is entitled to a monthly Post-TANF payment if both parents meet all Post-TANF enrollment and eligibility requirements.

(8) Monthly payments in the Post-TANF program begin the month after the last regular TANF benefit payment; or for Pre-TANF clients, the month after the Department verifies that the client meets TANF eligibility requirements.

(9) A client in the Post-TANF program is entitled to support services in accordance with OAR 461-190-0241. Additional support services may be granted with manager approval.

(10) A client is no longer eligible for a Post-TANF payment when the client does not meet JOBS federal participation requirements due to:

(a) Loss of employment;

(b) A reduction in work hours, and the client chooses not to participate in required JOBS activities offered by the Department; or

(c) A reduction in JOBS activity hours without good cause (see OAR 461-130-0327) that when combined with work hours does not meet the JOBS *federally required participation rates*.

(11) Notwithstanding any other administrative rule in Chapter 461, effective June 30, 2011, the Post-TANF program ends. Post-TANF benefits are not continued after June 30, 2011 regardless of whether a hearing request is submitted or pending.

Stat. Auth.: ORS 411.060, 411.070, 412.006, 412.009, 412.049 & 412.124

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124 & 2009 ORL Ch. 827

Hist.: 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 25-2008(Temp), f. 12-31-08, cert. ef. 1-1-09 thru 6-30-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 29-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 13-2011(Temp), f. & cert. ef. 6-15-11 thru 12-12-11

Department of Human Services, Seniors and People with Disabilities Division Chapter 411

Rule Caption: Community Developmental Disability Programs.

Adm. Order No.: SPD 11-2011

Filed with Sec. of State: 6-2-2011

Certified to be Effective: 6-2-11

Notice Publication Date: 5-1-2011

Rules Amended: 411-320-0030, 411-320-0045, 411-320-0130

Subject: In response to legislatively required budget reductions to the Department of Human Services (DHS), Seniors and People with Disabilities Division and community developmental disability programs (CDDPs), SPD is permanently amending various CDDP rules in OAR chapter 411, division 320 to:

- Eliminate the position requirements for Quality Assurance to reflect the reduction of the financial resources for this position; and

- Revise the site visit and monitoring of services requirements at DHS licensed and certified programs.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-320-0030

Organization and Program Management

(1) ORGANIZATION AND INTERNAL MANAGEMENT. Each service provider of community developmental disability services funded by the Department must have written standards governing the operation and management of the program. Such standards must be up to date, available upon request, and include:

(a) An up-to-date organization chart showing lines of authority and responsibility from the LMHA to the CDDP manager and the components and staff within the agency;

(b) Position descriptions for all staff providing community developmental disability services;

(c) Personnel policies and procedures concerning:

(A) Recruitment and termination of employees;

(B) Employee compensation and benefits;

(C) Employee performance appraisals, promotions, and merit pay;

(D) Staff development and training;

(E) Employee conduct (including the requirement that abuse of an individual by an employee, staff, or volunteer of the CDDP is prohibited and is not condoned or tolerated); and

(F) Reporting of abuse (including the requirement that any employee of the CDDP is to report incidents of abuse when the employee comes in contact with and has reasonable cause to believe that an individual has suffered abuse). Notification of mandatory reporting status must be made at least annually to all employees and documented on forms provided by the Department.

(2) MANAGEMENT PLAN. The CDDP must maintain a current management plan assigning responsibility for the developmental disabilities program management functions and duties described in this rule that:

(a) Considers the unique organizational structure, policies, and procedures of the CDDP;

(b) Assures that the functions and duties are assigned to people who have the knowledge and experience necessary to perform them, as well as ensuring that the functions are implemented; and

(c) Reflects implementation of minimum quality assurance activities described in OAR 411-320-0045 that support the Department's Quality Management Strategy for meeting Centers for Medicare and Medicaid Services' waiver quality assurances, as required by 42 CFR 441.301 and 441.302.

(3) PROGRAM MANAGEMENT. Staff delivering developmental disability services must be organized under the leadership of a designated CDDP manager and receive clerical support services sufficient to perform their required duties.

(a) The LMHA, public entity, or the public or private corporation operating the CDDP must designate a full-time employee who must, on at least a part-time basis, be responsible for management of developmental disability services within a specific geographic service area.

(b) In addition to other duties as may be assigned in the area of developmental disability services, the CDDP must at a minimum develop and assure:

(A) Implementation of plans as may be needed to provide a coordinated and efficient use of resources available to serve individuals;

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(B) Maintenance of positive and cooperative working relationships with families, advocates, service providers, support service brokerages, the Department, local government, and other state and local agencies with an interest in developmental disability services;

(C) Implementation of programs funded by the Department to encourage pursuit of defined program outcomes and monitor the programs to assure service delivery that is in compliance with related contracts and applicable local, state, and federal requirements;

(D) Collection and timely reporting of information as may be needed to conduct business with the Department including but not limited to information needed to license foster homes, collect federal funds supporting services, and investigate complaints related to services or suspected abuse; and

(E) Use of procedures that attempt to resolve complaints involving individuals or organizations that are associated with developmental disability services.

(4) **QUALIFIED STAFF.** Only qualified staff shall provide developmental disability services.

(a) Each CDDP must provide a qualified CDDP manager, services coordinator, eligibility specialist, and abuse investigator specialist for adults with developmental disabilities, or have an agreement with another CDDP to provide a qualified eligibility specialist and abuse investigator specialist for adults with developmental disabilities.

(A) **CDDP MANAGER.**

(i) The CDDP manager must have knowledge of the public service system for developmental disability services in Oregon and at least:

(I) A bachelor's degree in behavioral, social, health science, special education, public administration, or human service administration AND a minimum of four years experience, with at least two of those years of experience in developmental disability services that provided recent experience in program management, fiscal management, and staff supervision; or

(II) Six years of experience in supervision or six years of experience in staff technical or professional level work related to developmental disability services.

(ii) On an exceptional basis, the CDDP may hire a person who does not meet the qualifications in subsection (a)(A)(i) of this section if the county and the Department have mutually agreed on a training and technical assistance plan that assures that the person shall quickly acquire all needed skills and experience.

(iii) When the position of CDDP manager becomes vacant, an interim CDDP manager must be appointed to serve until a permanent CDDP manager is appointed. The CDDP must request a variance as described in section (5) of this rule if the person appointed as interim CDDP manager does not meet the qualifications in subsection (a)(A)(i) of this section and the term of the appointment totals more than 180 days.

(B) **CDDP SUPERVISOR.** The CDDP supervisor (when available) must have knowledge of the public service system for developmental disability services in Oregon and at least:

(i) A bachelor's degree or equivalent course work in a field related to management such as business or public administration, or a field related to developmental disability services, may be substituted for up to three years required experience; or

(ii) Five years of experience in supervision or five years of experience in staff technical or professional level work related to developmental disability services.

(C) **SERVICES COORDINATOR.** The services coordinator must have knowledge of the public service system for developmental disability services in Oregon and at least:

(i) A bachelor's degree in behavioral science, social science, or a closely related field; or

(ii) A bachelor's degree in any field AND one year of human services related experience; or

(iii) An associate's degree in a behavioral science, social science, or a closely related field AND two years human services related experience; or

(iv) Three years of human services related experience.

(D) **ELIGIBILITY SPECIALIST.** The eligibility specialist must have knowledge of the public service system for developmental disability services in Oregon and at least:

(i) A bachelor's degree in behavioral science, social science, or a closely related field; or

(ii) A bachelor's degree in any field AND one year of human services related experience; or

(iii) An associate's degree in a behavioral science, social science, or a closely related field AND two years human services related experience; or

(iv) Three years of human services related experience.

(E) **ABUSE INVESTIGATOR SPECIALIST.** The abuse investigator specialist must have at least:

(i) A bachelor's degree in human, social, behavioral, or criminal science AND two years human services, law enforcement, or investigative experience; or

(ii) An associate's degree in the human, social, behavioral, or criminal science AND four years human services, law enforcement, or investigative experience.

(b) An application for employment at the CDDP must inquire whether an applicant has had any founded reports of child abuse or substantiated abuse.

(c) Any employee, volunteer, advisor of the CDDP, or any subject individual defined by OAR 407-007-0200 to 407-007-0370 including staff who are not identified in this rule but use public funds intended for the operation of the CDDP, and who has or will have contact with an eligible individual of the CDDP, must have an approved criminal records check in accordance with OAR 407-007-0200 to 407-007-0370 and under ORS 181.534.

(A) Effective July 28, 2009, the CDDP may not use public funds to support, in whole or in part, any employee, volunteer, advisor of the CDDP, or any subject individual defined by OAR 407-007-0200 to 407-007-0370, who will have contact with a recipient of CDDP services and who has been convicted of any of the disqualifying crimes listed in OAR 407-007-0275.

(B) Effective July 28, 2009, a person does not meet the qualifications as described in this rule if the person has been convicted of any of the disqualifying crimes listed in OAR 407-007-0275.

(C) Any employee, volunteer, advisor of the CDDP, or any subject individual defined by OAR 407-007-0200 to 407-007-0370 must self-report any potentially disqualifying condition as described in OAR 407-007-0280 and 407-007-0290. The person must notify the Department or its designee within 24 hours.

(d) Subsections (c)(A) and (B) of this section do not apply to employees who were hired prior to July 28, 2009 and remain in the current position for which the employee was hired.

(5) **VARIANCE.** The CDDP must submit a written variance request to the Department prior to employment of a person not meeting the minimum qualifications in section (4)(a) of this rule. A variance request may not be requested for sections (4)(b) and (c) of this rule. The written variance request must include:

(a) An acceptable rationale for the need to employ a person who does not meet the minimum qualifications in section (4)(a) of this rule; and

(b) A proposed alternative plan for education and training to correct the deficiencies.

(A) The proposal must specify activities, timelines, and responsibility for costs incurred in completing the alternative plan.

(B) A person who fails to complete the alternative plan for education and training to correct the deficiencies may not fulfill the requirements for the qualifications.

(6) **STAFF DUTIES.**

(a) **SERVICES COORDINATOR DUTIES.** The duties of the services coordinator must be specified in the employee's job description and at a minimum include:

(A) The delivery of case management services to individuals as listed in OAR 411-320-0090(4);

(B) Assisting the CDDP manager in monitoring the quality of services delivered within the county; and

(C) Assisting the CDDP manager in the identification of existing and insufficient service delivery resources or options.

(b) **ELIGIBILITY SPECIALIST DUTIES.** The duties of the eligibility specialist must be specified in the employee's job description and at a minimum include:

(A) Completing intake and eligibility determination for persons applying for developmental disability services;

(B) Completing eligibility redetermination for individuals requesting continuing developmental disability services; and

(C) Assisting the CDDP manager in the identification of existing and insufficient service delivery resources or options.

(c) **ABUSE INVESTIGATOR SPECIALIST DUTIES.** The duties of the abuse investigator specialist must be specified in the employee's job description and at a minimum include:

(A) Conducting abuse investigation and protective services for adult individuals with developmental disabilities enrolled in, or previously eligible and voluntarily terminated from, developmental disability services;

(B) Assisting the CDDP manager in monitoring the quality of services delivered within the county; and

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(C) Assisting the CDDP manager in the identification of existing and insufficient service delivery resources or options.

(7) **STAFF TRAINING.** Qualified staff of the CDDP must maintain and enhance their knowledge and skills through participation in education and training. The Department provides training materials and the provision of training may be conducted by the Department or CDDP staff, depending on available resources.

(a) **CDDP MANAGER TRAINING.** The CDDP manager must participate in a basic training sequence and be knowledgeable of the duties of the staff they supervise and the developmental disability services they manage. The basic training sequence is not a substitute for the normal procedural orientation that must be provided by the CDDP to the new CDDP manager.

(A) The orientation provided by the CDDP to a new CDDP manager must include:

(i) An overview of developmental disability services and related human services within the county;

(ii) An overview of the Department's rules governing the CDDP;

(iii) An overview of the Department's licensing and certification rules for service providers;

(iv) An overview of the enrollment process and required documents needed for enrollment into the Department's payment and reporting systems;

(v) A review and orientation of Medicaid, Supplemental Security Income (SSI), Social Security Administration (SS), home and community-based waiver services, the Oregon Health Plan (OHP), and the individual support planning processes; and

(vi) A review (prior to having contact with individuals) of the CDDP manager's responsibility as a mandatory reporter of abuse, including abuse of individuals with developmental disabilities, mental illness, seniors, and children.

(B) The CDDP manager must attend the following trainings endorsed or sponsored by the Department within the first year of entering into the position:

(i) Case management basics; and

(ii) ISP training.

(C) The CDDP manager must continue to enhance his or her knowledge, as well as maintain a basic understanding of developmental disability services and the skills, knowledge, and responsibilities of the staff they supervise.

(i) Each CDDP manager must participate in a minimum of 20 hours per year of additional Department-sponsored or other training in the area of developmental disabilities.

(ii) Each CDDP manager must attend trainings to maintain a working knowledge of system changes in the area the CDDP manager is managing or supervising.

(b) **CDDP SUPERVISOR TRAINING.** The CDDP supervisor (when designated) must participate in a basic training sequence and be knowledgeable of the duties of the staff they supervise and of the developmental disability services they manage. The basic training sequence is not a substitute for the normal procedural orientation that must be provided by the CDDP to the new CDDP supervisor.

(A) The orientation provided by the CDDP to a new CDDP supervisor must include:

(i) An overview of developmental disability services and related human services within the county;

(ii) An overview of the Department's rules governing the CDDP;

(iii) An overview of the Department's licensing and certification rules for service providers;

(iv) An overview of the enrollment process and required documents needed for enrollment into the Department's payment and reporting systems;

(v) A review and orientation of Medicaid, SSI, SS, home and community-based waiver services, OHP, and the individual support planning processes; and

(vi) A review (prior to having contact with individuals) of the CDDP supervisor's responsibility as a mandatory reporter of abuse, including abuse of individuals with developmental disabilities, mental illness, seniors, and children.

(B) The CDDP supervisor must attend the following trainings endorsed or sponsored by the Department within the first year of entering into the position:

(i) Case management basics; and

(ii) ISP training.

(C) The CDDP supervisor must continue to enhance his or her knowledge, as well as maintain a basic understanding of developmental disability services and the skills, knowledge, and responsibilities of the staff they supervise.

(i) Each CDDP supervisor must participate in a minimum of 20 hours per year of additional Department-sponsored or other training in the area of developmental disabilities.

(ii) Each CDDP supervisor must attend trainings to maintain a working knowledge of system changes in the area the CDDP supervisor is managing or supervising.

(c) **SERVICES COORDINATOR TRAINING.** The services coordinator must participate in a basic training sequence. The basic training sequence is not a substitute for the normal procedural orientation that must be provided by the CDDP to the new services coordinator.

(A) The orientation provided by the CDDP to a new services coordinator must include:

(i) An overview of the role and responsibilities of a services coordinator;

(ii) An overview of developmental disability services and related human services within the county;

(iii) An overview of the Department's rules governing the CDDP;

(iv) An overview of the Department's licensing and certification rules for service providers;

(v) An overview of the enrollment process and required documents needed for enrollment into the Department's payment and reporting systems;

(vi) A review and orientation of Medicaid, SSI, SS, home and community-based waiver services, OHP, and the individual support planning processes for the services they coordinate; and

(vii) A review (prior to having contact with individuals) of the services coordinator's responsibility as a mandatory reporter of abuse, including abuse of individuals with developmental disabilities, mental illness, seniors, and children.

(B) The services coordinator must attend the following trainings endorsed or sponsored by the Department within the first year of entering into the position:

(i) Case management basics; and

(ii) ISP training (for services coordinators providing services to individuals in comprehensive services).

(C) The services coordinator must continue to enhance his or her knowledge, as well as maintain a basic understanding of developmental disability services and the skills, knowledge, and responsibilities necessary to perform the position. Each services coordinator must participate in a minimum of 20 hours per year of Department-sponsored or other training in the area of developmental disabilities.

(d) **ELIGIBILITY SPECIALIST TRAINING.** The eligibility specialist must participate in a basic training sequence. The basic training sequence is not a substitute for the normal procedural orientation that must be provided by the CDDP to the new eligibility specialist.

(A) The orientation provided by the CDDP to a new eligibility specialist must include:

(i) An overview of eligibility criteria and the intake process;

(ii) An overview of developmental disability services and related human services within the county;

(iii) An overview of the Department's rules governing the CDDP;

(iv) An overview of the Department's licensing and certification rules for service providers;

(v) An overview of the enrollment process and required documents needed for enrollment into the Department's payment and reporting systems;

(vi) A review and orientation of Medicaid, SSI, SS, home and community-based waiver services, and OHP; and

(vii) A review (prior to having contact with individuals) of the eligibility specialist's responsibility as a mandatory reporter of abuse, including abuse of individuals with developmental disabilities, mental illness, seniors, and children.

(B) The eligibility specialist must attend and complete eligibility core competency training within the first year of entering into the position and demonstrate competency after completion of core competency training. Until completion of eligibility core competency training, or if competency is not demonstrated, the eligibility specialist must consult with another trained eligibility specialist or consult with a Department diagnosis and evaluation coordinator when making eligibility determinations.

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(C) The eligibility specialist must continue to enhance his or her knowledge, as well as maintain a basic understanding of the skills, knowledge, and responsibilities necessary to perform the position.

(i) Each eligibility specialist must participate in Department-sponsored trainings for eligibility on an annual basis.

(ii) Each eligibility specialist must participate in a minimum of 20 hours per year of Department-sponsored or other training in the area of developmental disabilities.

(e) **ABUSE INVESTIGATOR SPECIALIST TRAINING.** The abuse investigator specialist must participate in core competency training. Training materials shall be provided by the OIT. The core competency training is not a substitute for the normal procedural orientation that must be provided by the CDDP to the new abuse investigator specialist.

(A) The orientation provided by the CDDP to a new abuse investigator specialist must include:

(i) An overview of developmental disability services and related human services within the county;

(ii) An overview of the Department's rules governing the CDDP;

(iii) An overview of the Department's licensing and certification rules for service providers;

(iv) A review and orientation of Medicaid, SSI, SS, home and community-based waiver services, OHP, and the individual support planning processes; and

(v) A review (prior to having contact with individuals) of the abuse investigator specialist's responsibility as a mandatory reporter of abuse, including abuse of individuals with developmental disabilities, mental illness, seniors, and children.

(B) The abuse investigator specialist must attend and pass core competency training within the first year of entering into the position and demonstrate competency after completion of core competency training. Until completion of core competency training, or if competency is not demonstrated, the abuse investigator specialist must consult with OIT prior to completing the abuse investigation and protective services report.

(C) The abuse investigator specialist must continue to enhance his or her knowledge, as well as maintain a basic understanding of the skills, knowledge, and responsibilities necessary to perform the position. Each abuse investigator specialist must participate in quarterly meetings held by OIT. At a minimum, one meeting per year must be attended in person.

(f) **ATTENDANCE.** The CDDP manager must assure the attendance of the CDDP supervisor, services coordinator, eligibility specialist, or abuse investigator specialist at Department-mandated training.

(g) **DOCUMENTATION.** The CDDP must keep documentation of required training in the personnel files of the individual employees including the CDDP manager, CDDP supervisor, services coordinator, eligibility specialist, abuse investigator specialist, and other employees providing services to individuals.

(8) **ADVISORY COMMITTEE.** Each CDDP must have an advisory committee.

(a) The advisory committee must meet at least quarterly.

(b) The membership of the advisory committee must be broadly representative of the community, with a balance of age, sex, ethnic, socioeconomic, geographic, professional, and consumer interests represented. Membership must include advocates for individuals as well as individuals and their families.

(c) The advisory committee must advise the LMHA, the CMHDDP director, and the CDDP manager on community needs and priorities for services, and assist in planning, reviewing, and evaluating services, functions, duties, and quality assurance activities described in the CDDP's management plan.

(d) When the Department or a private corporation is operating the CDDP, the advisory committee must advise the LMHA, the CMHDDP director, and the CDDP manager on community needs and priorities for services, and assist in planning, reviewing, and evaluating services, functions, duties, and quality assurance activities described in the CDDP's management plan.

(e) The advisory committee may function as the disability issues advisory committee as described in ORS 430.625 if so designated by the LMHA.

(9) **NEEDS ASSESSMENT, PLANNING, AND COORDINATION.** Upon the Department's request, the CDDP must assess local needs for services to individuals and must submit planning and assessment information to the Department.

(10) **CONTRACTS.**

(a) If the CDDP, or any of the CDDPs services as described in the Department's contract with the LMHA, is not operated by the LMHA, there

must be a contract between the LMHA and the organization operating the CDDP or the services, or a contract between the Department and the operating CDDP. The contract must specify the authorities and responsibilities of each party and conform to the requirements of the Department's rules pertaining to contracts or any contract requirement with regard to operation and delivery of services.

(b) The CDDP may purchase certain services for an individual from a qualified service provider without first providing an opportunity for competition among other service providers if the service provider is selected by the individual, the individual's family, or the individual's guardian or legal representative.

(A) The service provider selected must also meet Department certification or licensing requirements to provide the type of service to be contracted.

(B) There must be a contract between the service provider and the CDDP that specifies the authorities and responsibilities of each party and conforms to the requirements of the Department's rules pertaining to contracts or any contract requirement with regard to operation and delivery of services.

(c) When a CDDP contracts with a public agency or private corporation for delivery of developmental disability services, the CDDP must include in the contract only terms that are substantially similar to model contract terms established by the Department. The CDDP may not add contractual requirements, including qualifications for contractor selection that are nonessential to the services being provided under the contract. The CDDP must specify in contracts with service providers that disputes arising from these limitations must be resolved according to the complaint procedures contained in OAR 411-320-0170. For purposes of this rule, the following definitions apply:

(A) "Model contract terms established by the Department" means all applicable material terms and conditions of the omnibus contract, as modified to appropriately reflect a contractual relationship between the service provider and CDDP and any other requirements approved by the Department as local options under procedures established in these rules.

(B) "Substantially similar to model contract terms" means that the terms developed by the CDDP and the model contract terms require the service provider to engage in approximately the same type activity and expend approximately the same resources to achieve compliance.

(C) "Nonessential to the services being provided" means requirements that are not substantially similar to model contract terms developed by the Department.

(d) The CDDP may, as a local option, impose on a public agency or private corporation delivering developmental disability services under a contract with the CDDP, a requirement that is in addition to or different from requirements specified in the omnibus contract if all of the following conditions are met:

(A) The CDDP has provided the affected contractors with the text of the proposed local option as it would appear in the contract. The proposed local option must include:

(i) The date upon which the local option would become effective and a complete written description of how the local option would improve individual independence, productivity, or integration; or

(ii) How the local option would improve the protection of individual health, safety, or rights;

(B) The CDDP has sought input from the affected contractors concerning ways the proposed local option impacts individual services;

(C) The CDDP, with assistance from the affected contractors, has assessed the impact on the operations and financial status of the contractors if the local option is imposed;

(D) The CDDP has sent a written request for approval of the proposed local option to the Department's Assistant Director that includes:

(i) A copy of the information provided to the affected contractors;

(ii) A copy of any written comments and a complete summary of oral comments received from the affected contractors concerning the impact of the proposed local option; and

(iii) The text of the proposed local option as it would appear in contracts with service providers, including the proposed date upon which the requirement would become effective.

(E) The Department has notified the CDDP that the new requirement is approved as a local option for that program; and

(F) The CDDP has advised the affected contractors of their right and afforded them an opportunity to request mediation as provided in these rules before the local option is imposed.

(e) The CDDP may add contract requirements that the CDDP considers necessary to ensure the siting and maintenance of residential facilities

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in which individual services are provided. These requirements must be consistent with all applicable state and federal laws and regulations related to housing.

(f) The CDDP must adopt a dispute resolution policy that pertains to disputes arising from contracts with service providers funded by the Department and contracted through the CDDP. Procedures implementing the dispute resolution policy must be included in the contract with any such service provider.

(11) FINANCIAL MANAGEMENT.

(a) There must be up-to-date accounting records for each developmental disability service accurately reflecting all revenue by source, all expenses by object of expense, and all assets, liabilities, and equities. The accounting records must be consistent with generally accepted accounting principles and conform to the requirements of OAR 309-013-0120 to 309-013-0220.

(b) There must be written statements of policy and procedure as are necessary and useful to assure compliance with any Department administrative rules pertaining to fraud and embezzlement and financial abuse or exploitation of individuals.

(c) Billing for Title XIX funds must in no case exceed customary charges to private pay individuals for any like item or service.

(12) POLICIES AND PROCEDURES. There must be such other written and implemented statements of policy and procedure as necessary and useful to enable the CDDP to accomplish its service objectives and to meet the requirements of the contract with the Department, these rules, and other applicable standards and rules.

Stat. Auth.: ORS 409.050, 410.070, & 430
Stats. Implemented: ORS 427.005, 427.007, 430.610 - 430.695
Hist.: SPD 24-2003, f. 12-29-03, cert. ef. 1-1-04; SPD 28-2004, f. & cert. ef. 8-3-04; SPD 16-2005(Temp), f. & cert. ef. 11-23-05 thru 5-22-06; SPD 5-2006, f. 1-25-06, cert. ef. 2-1-06; SPD 9-2009, f. & cert. ef. 7-13-09; SPD 25-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 2-2010(Temp), f. & cert. ef. 3-18-10 thru 6-30-10; SPD 5-2010, f. 6-29-10, cert. ef. 7-1-10; SPP 27-2010(Temp), f. & cert. ef. 12-1-10 thru 5-30-11; SPD 11-2011, f. & cert. ef. 6-2-11

411-320-0045

Quality Assurance Responsibilities

(1) Each CDDP must draft a local CDDP management plan as described in OAR 411-320-0030 that supports the Department's Quality Management Strategy for meeting CMS' six waiver quality assurances, as required and defined by 42 CFR 441.301 and 441.302. CMS' six waiver assurances are:

- (a) Administrative authority;
- (b) Level of care;
- (c) Qualified providers;
- (d) Service plans;
- (e) Health and welfare; and
- (f) Financial accountability.

(2) Each CDDP must implement, maintain, and monitor minimum quality assurance (QA) activities, as required by the Department and set forth in section (3) of this rule. CDDPs may conduct additional QA activities that consider local community needs and priorities for services and the unique organizational structure, policies, and procedures of the CDDP.

(3) QUALITY ASSURANCE ACTIVITIES. The CDDP must conduct, monitor, and report the outcomes and any remediation as a result of the following Department required activities:

- (a) Individual case file reviews;
- (b) Customer satisfaction surveys administered at least every two years;

- (c) Service provider file reviews;
- (d) Analysis of SERT data which may include:

(A) Review by service provider, location, reason, status, outcome, and follow-up;

- (B) Identification of trends;
- (C) Review of timely reporting of abuse allegations.

(D) Coordination of delivery of information requested by the Department, such as the Serious Event Review Team (SERT).

Stat. Auth.: ORS 409.050, 410.070, 430.640
Stats. Implemented: ORS 427.005, 427.007, 430.610 - 430.695
Hist.: SPD 9-2009, f. & cert. ef. 7-13-09; SPP 27-2010(Temp), f. & cert. ef. 12-1-10 thru 5-30-11; SPD 11-2011, f. & cert. ef. 6-2-11

411-320-0130

Site Visits and Monitoring of Services

(1) SITE VISITS TO DEPARTMENT LICENSED OR CERTIFIED SERVICE PROVIDER SITES. The CDDP must ensure that site visits are conducted at each child or adult foster home, each 24-hour residential pro-

gram site, and each employment provider licensed or certified by the Department to serve individuals with developmental disabilities.

(a) The CDDP must establish a quarterly schedule for site visits to each child or adult foster home and each 24-hour residential program.

(b) The CDDP must establish an annual schedule for visits with individuals receiving supported living services. If an individual opposes a visit to their home, a mutually agreed upon location for the visit must be arranged.

(c) The CDDP must establish an annual schedule for visits to employment or alternatives to employment sites. If a visit to an integrated employment site disrupts the work occurring, a mutually agreed upon location for the visit must be arranged.

(d) Site visits may be increased for the following reasons including but not limited to:

- (A) Increased certified and licensed capacity;
- (B) New individuals being served;
- (C) Newly licensed or certified provider;
- (D) An abuse investigation;
- (E) A serious event occurring;
- (F) A change in the management or staff of the certified or licensed provider;

(G) An ISP team request;

(H) Individuals who are also receiving crisis services; or

(I) Significant change in an individual's functioning who receives services at the site.

(e) The CDDP must develop a procedure for the conduct of the visits to these sites.

(f) The CDDP must document site visits and provide information concerning such visits to the Department upon request.

(g) If there are no Department-funded individuals at the site, a visit by the CDDP is not required.

(h) When the service provider is a Department-contracted and licensed 24-hour residential program for children or is a child foster proctor agency and a Children's Residential Services Coordinator for the Department is assigned to monitor services, the Children's Residential Services Coordinator for the Department and CDDP staff shall coordinate who shall visit the home. If the visit is made by Department staff, Department staff shall provide the results of the monitoring visit to the local services coordinator.

(i) The Department may conduct monitoring visits on a more frequent basis than described in this section based on program needs.

(2) MONITORING OF SERVICES: The services coordinator must conduct monitoring activities using the framework described in this section.

(a) For individuals residing in 24-hour residential programs, supported living, foster care, or employment or alternatives to employment services, ongoing reviews of the individual's ISP shall determine whether the actions identified by the ISP team are being implemented by service providers and others. The review of an ISP shall include an assessment of the following:

- (A) Are services being provided as described in the plan document and do they result in the achievement of the identified action plans;
- (B) Are the personal, civil, and legal rights of the individual protected in accordance with this rule;
- (C) Are the personal desires of the individual, the individual's legal representative, or family addressed;
- (D) Do the services provided for in the plan continue to meet what is important to and for the individual; and
- (E) Do identified goals remain relevant and are the goals supported and being met?

(b) For individuals residing in 24-hour residential programs, supported living, foster care, or receiving employment or alternatives to employment, the monitoring of services may be combined with the site visits described in section (1) of this rule. In addition:

(A) During a one year period, the services coordinator shall review, at least once, services specific to health, safety, and behavior, using questions established by the Department.

(B) A semi-annual review of the process by which an individual accesses and utilizes funds must occur.

(i) For individuals receiving 24-hour residential services, the financial review standards are described in OAR 411-325-0380.

(ii) For individuals receiving adult foster care services, the financial review standards are described in OAR 411-360-0170.

(iii) Any misuse of funds must be reported to the CDDP and the Department. The Department shall determine whether a referral to the Medicaid Fraud Control Unit is warranted.

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(C) The Services Coordinator must monitor reports of serious and unusual incidents.

(c) For individuals receiving employment or alternatives to employment services, the services coordinator shall assess individual progress toward a path to employment.

(d) The frequency of service monitoring must be determined by the needs of the individual. Events identified in section (1)(d) of this rule provide indicators that potentially increase the need for service monitoring.

(e) For individuals receiving only case management services and who are not enrolled in any other funded developmental disability service, the services coordinator must make contact with the individual at least once annually.

(A) Whenever possible, annual contact must be made in person. If annual contact is not made in person, the progress note must document how contact was achieved.

(B) The services coordinator must document annual contact in an Annual Plan as described in OAR 411-320-0120(2)(f).

(C) If the individual has any identified high-risk medical issue including but not limited to risk of death due to aspiration, seizures, constipation, dehydration, diabetes, or significant behavioral issues, the services coordinator must maintain contact in accordance with planned actions as described in the individual's Annual Plan.

(D) Any follow-up activities must be documented in progress notes.

(3) MONITORING FOLLOW-UP. The services coordinator and the CDDP are responsible for ensuring the appropriate follow-up to monitoring of services, except in the instance of children in a Department direct contract 24-hour residential service when the Department may conduct the follow-up.

(a) If the services coordinator determines that comprehensive services are not being delivered as agreed in the plan, or that an individual's service needs have changed since the last review, the services coordinator must initiate action to update the plan.

(b) If there are concerns regarding the service provider's ability to provide services, the CDDP, in consultation with the services coordinator, must determine the need for technical assistance or other follow-up activities. This may include coordination or provision of technical assistance, referral to the CDDP manager for consultation or corrective action, requesting assistance from the Department for licensing or other administrative support, or meeting with the service provider executive director or board of directors. In addition to conducting abuse or other investigations as necessary, the CDDP must notify the Department when:

(A) A service provider demonstrates substantial failure to comply with any applicable licensing or certification rules for Department-funded programs;

(B) The CDDP finds a serious and current threat endangering the health, safety, or welfare of individuals in a program for which an immediate action by the Department is required; or

(C) Any individual receiving Department-funded developmental disability services dies. Notification must be made to the Medical Director of the Department or his or her designee within one working day of the death. Entry must be made into the Serious Event Review System according to Department guidelines.

Stat. Auth.: ORS 409.050, 410.070, 430.640

Stats. Implemented: ORS 427.005, 427.007, 430.610 - 430.695

Hist.: SPD 24-2003, f. 12-29-03, cert. ef. 1-1-04; SPD 28-2004, f. & cert. ef. 8-3-04; SPD 16-2005(Temp), f. & cert. ef. 11-23-05 thru 5-22-06; SPD 5-2006, f. 1-25-06, cert. ef. 2-1-06; SPD 9-2009, f. & cert. ef. 7-13-09; SPP 27-2010(Temp), f. & cert. ef. 12-1-10 thru 5-30-11; SPD 11-2011, f. & cert. ef. 6-2-11

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Amends rule to reflect current contested case procedures as prescribed by the Administrative Procedures Act.

Adm. Order No.: DPSST 5-2011(Temp)

Filed with Sec. of State: 6-13-2011

Certified to be Effective: 6-13-11 thru 12-1-11

Notice Publication Date:

Rules Amended: 259-020-0031

Subject: This temporary rule updates the contested case procedures for complaints, denials, suspensions, and revocation of polygraph examiner's and trainee's licensure to reflect the procedures prescribed by the Administrative Procedures Act.

Rules Coordinator: Linsay Bassler—(503) 378-2431

259-020-0031

Procedure for Complaints, Denial, Suspension or Revocation

(1) The Department may deny, revoke, or suspend any polygraph examiner or trainee license after written notice and a hearing, if requested, based upon a violation of any provision of The Act.

(2) Citizen request: When a citizen submits a complaint on any polygraph examiner or trainee license to the Department, including the basis for the complaint and all factual information supporting the complaint, it will be the responsibility of the Polygraph Licensing Advisory Committee to review and investigate the complaints and make a recommendation to the Director on all allegations against the licensed polygraph examiner or trainee.

(a) The Director will review the complaint, the Committee recommendation, and the supporting factual information to determine if the complaint and recommendation meet statutory and administrative rule requirements.

(b) If the issues of the complaint do not meet the statutory and administrative rule requirements, the Department will so notify the citizen.

(c) If the complaint and the Committee recommendation meets statutory and administrative rule requirements, but are not supported by adequate factual information, the Department may request further information from the requesting citizen or Polygraph Licensing Advisory Committee.

(d) The Department may choose to conduct its own investigation of the matter separate from, or in conjunction with, that of the Polygraph Licensing Advisory Committee.

(3) Initiation of Proceedings: Upon determination that the reason for denial, suspension, or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(4) Contested Case Notice: The "Contested Case Notice" will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015. The Department will have a copy of the Notice served on the person whose license is being affected.

(5) Response Time:

(a) If the Department is seeking denial, a party who has been served with the "Contested Case Notice of Intent to Deny Licensure" will have 60 calendar days from the date of the mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(b) If the Department is seeking revocation, a party who has been served with the "Contested Case Notice of Intent to Revoke Licensure" will have 20 days from the date of the mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(c) If the Department is seeking suspension, a party who has been served with the "Contested Case Notice of Intent to Suspend Licensure" will have 10 calendar days from the date of the mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(6) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying, revoking, or suspending licensure pursuant to OAR 137-003-0672.

(7) Stipulated Order Revoking Licensure: The Department may enter a stipulated order revoking the licensure of a polygraph examiner or trainee upon the person's voluntary agreement to terminate an administrative proceeding to revoke licensure, or to relinquish licensure, under the terms and conditions outlined in the stipulated order.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 3-1987, f. & ef. 10-26-87; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; 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 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 5-2011(Temp), f. & cert. ef. 6-13-11 thru 12-1-11

Rule Caption: Decrease private security licensing and certification fees.

Adm. Order No.: DPSST 6-2011(Temp)

Filed with Sec. of State: 6-14-2011

Certified to be Effective: 7-1-11 thru 12-1-11

Notice Publication Date:

Rules Amended: 259-060-0500

Subject: The licensing and certification fees are the primary revenue source for the private security and private investigator program. During the 2009-2011 biennium, a permanent rule was approved to increase the certification and licensing fees to cover a projected budg-

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et shortfall. Due to Oregon's current economic climate, the Oregon State Legislature voted and approved a fee decrease for certain private security certificates and licenses to become effective July 1, 2011.

Rules Coordinator: Linsay Bassler—(503) 378-2431

259-060-0500

License Fees

(1) Payments to the Department are non-refundable, and must be paid by business check, money order, cashier's check or credit card. No personal checks or cash will be accepted.

(2) The Department will charge the following fees:

(a) The fee of \$65 for the issuance of each two-year certification as a private security professional.

(b) Appropriate fees must be submitted with each application for a fingerprint criminal history check. These fees are to recover the costs of administering the fingerprint check through the Oregon State Police and Federal Bureau of Investigation. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by FBI. Current fee schedules for processing fingerprints may be obtained from the Department.

(c) The fee of \$75 for the issuance of a two-year license as a supervisory manager.

(d) The fee of \$250 for the issuance of a two-year license as an executive manager.

(e) The fee of \$90 for the issuance of a two-year certification as a private security instructor.

(f) The fee of \$20 for the issuance of each upgrade, duplicate or replacement card issued.

(g) The late submission penalty fee of \$25 may be added to the fees for recertification if the provider fails to complete certification by the expiration date of the license or certificate. If an applicant provides documented proof, such as payroll data, that he or she has not been employed to provide private security services since the prior certification or licensure expired, the late penalty may be waived by the Department's designated staff.

(h) In the event a non-sufficient check is received for payment, an additional \$25 administrative fee will be assessed.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 1-1997(Temp), f. 2-21-97, cert. ef. 2-24-97; PS 9-1997, f. & cert. ef. 8-20-97; 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 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 3-2005(Temp), f. 4-25-05, cert. ef. 5-1-05 thru 10-28-05; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 6-02010(T), f. 6-14-10, cert. ef. 7-1-10 thru 12-27-10; DPSST 12-2010, f. & cert. ef. 11-12-10; DPSST 6-2011(Temp), f. 6-14-11, cert. ef. 7-1-11 thru 12-1-11

Department of Transportation Chapter 731

Rule Caption: Readoption of the Attorney General's Model Rules of Procedure.

Adm. Order No.: DOT 1-2011

Filed with Sec. of State: 5-27-2011

Certified to be Effective: 5-27-11

Notice Publication Date:

Rules Amended: 731-001-0005

Subject: This amendment readopts the Attorney General's Model Rules of Procedure to incorporate changes that became effective January 1, 2008.

Rules Coordinator: Lauri Kunze—(503) 986-3171

731-001-0005

Model Rules of Procedure

Pursuant to ORS 183.341, the Oregon Transportation Commission adopts the following portions of Oregon Administrative Rules chapter 137, effective January 1, 2008 as the general administrative procedural rules for the Oregon Transportation Commission and the Oregon Department of Transportation: division 1, division 2, division 3, division 4 and division 5, excluding OAR 137-003-0001 through 137-003-0092.

[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 Transportation.]

Stat. Auth.: ORS 183.341, 184.616 & 184.619

Stats. Implemented: ORS 183.341

Hist.: HC 1207, f. & ef. 10-9-69; HC 1245, f. & ef. 2-12-71; HC 1276, f. & 3-3-72, ef. 3-15-72; 1 OTC 1(Temp), f. & ef. 7-18-73; 1 OTC 2, f. & ef. 9-26-73; 1 OTC 3, f. 10-15-73, ef. 11-25-73; 1 OTC 68, f. & ef. 1-23-76; 1 OTC 3-1978, f. & ef. 3-29-78; 1 OTC 3-1980(Temp), f. & ef. 1-16-80; 1 OTC 7-1980, f. & ef. 3-28-80; 1 OTC 4-1981, f. & ef. 11-24-81; 1 OTC 1-1984, f. & ef. 1-6-84; 1 OTC 3-1986, f. & ef. 4-28-86; DOT 1-1988, f. & ef. 8-22-88; DOT 4-1990, f. & cert. ef. 8-14-90; DOT 1-1992, f. & cert. ef. 5-12-92; DOT 2-1994, f. & cert. ef. 3-17-94; DOT 2-1995, f. 11-21-95, cert. ef. 1-1-96; DOT 2-1997, f. & cert. ef. 12-23-97; DOT 2-2000, f. & cert. ef. 6-8-00; DOT 1-2002, f. & cert. ef. 1-17-02; DOT 2-2004, f. & cert. ef. 2-23-04; DOT 1-2006, f. & cert. ef. 1-24-06; DOT 1-2011, f. & cert. ef. 5-27-11

Department of Transportation, Highway Division Chapter 734

Rule Caption: Procedures for Trial Alternative Method of Establishment of Speed Zones on Certain Public Roads.

Adm. Order No.: HWD 3-2011

Filed with Sec. of State: 5-27-2011

Certified to be Effective: 5-27-11

Notice Publication Date: 3-1-2011

Rules Amended: 734-020-0010, 734-020-0014, 734-020-0015, 734-020-0016, 734-020-0017

Subject: ORS 810.180 authorizes the Department of Transportation to conduct speed zone investigations and set speeds on most public roads, including interstate highways. As amended, 734-020-0010 clarifies the required length of an annual review submittal, which is required after the establishment of any speed limit on interstate highways. As amended, 734-020-0014 provides additional definitions pertaining to speed zoning. As amended, 734-020-0015 gives additional authority to the State Traffic Engineer when extending or shortening existing speed zones on most public roads. It also gives authority to the State Traffic Engineer to approve an experimental alternative speed zone investigation method for the City of Portland. As amended, 734-020-0015, 734-020-0016 and 734-020-0017 give authority to the State Traffic Engineer to approve rescissions of speed zone orders to allow statutory speeds to supersede.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-020-0010

Establishment of Speed Limits on Interstate Highways

(1) Definitions:

(a) "Commission" means the Oregon Transportation Commission.

(b) "Department" means the Oregon Department of Transportation.

(c) "Trucks" means a motor vehicle with a gross vehicle weight greater than 8,000 pounds that is primarily designed or used for carrying or drawing loads other than passengers.

(d) "Interstate congestion level" means the ratio of average daily traffic volumes to capacity for an interstate highway as reported by the Department's congestion management system.

(e) "Rate" means the number of crashes, injuries, or fatalities per vehicle miles traveled on a lineal section of roadway.

(f) "Speed Zone Review Panel" means the advisory committee created (by OAR 734-020-0015) to hear contested speed zone cases on public roadways in Oregon. Membership consists of representatives from the Oregon State Police, the Oregon Transportation Safety Committee, the League of Oregon Cities, the Association of Oregon Counties and the Department of Transportation.

(2) Process for Establishing a Speed Limit: The following procedures apply when the Department of Transportation proposes to review or establish a speed limit on any section of interstate highway under ORS 810.180:

(a) The Department will establish sections of interstate highway for investigation based on the site specific characteristics such as crash history, physical conditions and traffic conditions. Sections will be as long as possible in order to achieve consistency in speed zoning on interstate highways. For each section of interstate highway under consideration the Department will prepare an engineering investigation report that will include all of the following:

(A) The average speed and the speed at or below which 85 percent of the vehicles sampled were traveling.

(B) Crash data to include the total number and rates for all crashes, injuries and fatalities.

(C) Law enforcement review and input including enforcement levels.

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(D) The speeds, the crash data, and the law enforcement input required by paragraphs (A) through (C) of this subsection collected separately for trucks and for all other vehicles.

(E) Roadway geometry and physical characteristics, including curvature, interchange spacing, lane widths, and shoulder widths.

(F) Traffic characteristics, including the interstate congestion levels, average daily volumes, and the percentage of trucks.

(G) Emergency medical services availability, including response times.

(H) Trucking restrictions, including weight and height restrictions.

(I) Type and frequency of adverse road conditions, including weather, environment, and visibility.

(b) The Department will prepare an issues report documenting potential impacts, benefits, and issues related to changes in interstate highway speed limits. The report will be applicable to all sections under consideration. The issues report will include the following:

(A) Current available local, national and international research on interstate highway speed limits changes as it relates to:

(i) Changes in fatalities and injuries and their corresponding impacts to emergency medical services and trauma care;

(ii) Environmental pollution and fuel efficiency issues; and

(iii) Economic effects, including changes in travel efficiency and movement of goods.

(B) Speed enforcement practices.

(c) The Department will recommend a speed that is indicated by the engineering investigation report and the issues report required by subsections (a) and (b) of this section to be reasonable and safe under the conditions found to exist for each section of interstate highway being considered.

(d) If the speed recommended in subsection (c) of this section is greater or less than the existing speed, the Department will prepare a draft rule specifying the recommended speed(s) and present it to the Speed Zone Review Panel.

(e) The Speed Zone Review Panel will convene one or more public meetings in the same region as the section(s) of interstate highway under consideration for the purpose of receiving comments from the public. The Department will provide notification to the public at least 30 days prior to any such meeting.

(f) The Department will prepare a report of the comments received at the public meeting(s) required by subsection (e) of this section, including both general comments and those for a specific section of interstate highway.

(g) The Speed Zone Review Panel will make a recommendation to the Commission of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering investigation report, the issues report, and comments received at the public meetings. A Panel report shall explain the basis of the recommendation.

(h) The Commission will hold a public hearing prior to adopting the final rule. The Commission, after consideration of the recommendation and explanation from the Speed Zone Review Panel, will make the final determination of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering report, the issues report, and comments received at the public hearing. The Commission will then adopt a rule establishing the interstate highway speed limit for each section(s) of interstate highway under consideration.

(i) The speed zone becomes enforceable when signs are posted.

(3) Process for review of interstate highway speed limit:

(a) The Department will, for the first four years after the establishment of any speed limit on interstate highways, conduct an annual review of crash and fatality history. A written record of the annual review will be provided to the Governor's office and maintained by the Department.

(b) At any time that interstate highway crash trends significantly change, the Department will perform an analysis of the crash patterns on affected sections of interstate highway to determine if a review of speed limits is appropriate. The Department may also review an interstate highway speed limit at any time at the discretion of the Commission or the State Traffic Engineer:

(A) Any interstate highway speed limit review must be conducted in compliance with section (2) of this rule; and

(B) If appropriate, the Department will institute rulemaking to make changes to the interstate speed designations.

Stat. Auth.: ORS 184.616, 810.180 & Ch. 819, OL 2003

Stats. Implemented.: ORS 810.180 & Ch. 819, OL 2003

Hist.: 1 OTC 7(Temp), f. & ef. 11-15-73; 1 OTC 20, f. 1-28-74, ef. 2-11-74; 1 OTC 24(Temp), f. & ef. 3-1-74; 1 OTC 28, f. 6-5-74, ef. 6-25-74; HWY 5-1987, f. & ef. 12-8-87; HWY 3-1989, f. & cert. ef. 5-23-89; HWY 7-1990, f. & cert. ef. 4-18-90; HWY 3-1996, f. & cert. ef. 8-15-96; HWD 4-2004, f. & cert. ef. 5-6-04; HWD 3-2011, f. & cert. ef. 5-27-11

734-020-0014

Speed Zone Definitions

Definitions. The following definitions apply to OAR 734-020-0014 through 734-020-0017.

(1) "Average daily traffic" (ADT) means the total number of vehicles during a given time period greater than one day and less than one year, divided by the number of whole days in that time period.

(2) "Crash rate" means the number of crashes per million vehicle-miles (MVM) traveled on a section of road.

(3) "Computed Speed" means the eighty-fifth percentile speed minus the crash rate above the average statewide crash rate for similar functional classification highways.

(4) "Department" means the Oregon Department of Transportation.

(5) "Designated speed" means the speed that is designated under ORS 810.180 as the maximum permissible speed for a highway. The designated speed is established through a speed zone order. Designated speeds shall be in multiples of 5 mph. The designated speed supersedes the statutory speed that would be in effect if no designated speed was established except for school speed zones.

(6) "Eighty-fifth percentile speed" means the speed at or below which 85 percent of the motorists drive on a section of road for which speeds were measured.

(7) "Free flow speed" means the speed of vehicles when drivers tend to drive at their chosen speed unrestricted by conditions such as congestion, inclement weather, road work, law enforcement activity or traffic control such as traffic signals, stop or yield signs or by road geometry such as infrequent curves or hills.

(8) "Engineering study" means a documented investigation with analysis and evaluation of the pertinent information and applicable engineering principles.

(9) "Gravel road" means an unpaved road which has a running surface of small rock, gravel or other approved aggregate road surfacing material and may have a dust palliative applied.

(10) "Highway" means any road, street or thoroughfare that is maintained by a public agency (i.e., city, county, state, or federal) and open to travel by the public. Highway and road are synonymous.

(11) "Interested jurisdiction" means any governing agencies, other than the Road Authority, which may have interest in the speed on a highway by virtue of being within the city limits, or having responsibility for maintaining the highway.

(12) "Low volume road" means any road, street or thoroughfare which has an average daily traffic of less than 400 vehicles, and is open to travel by the public. State highways are not considered low volume roads, regardless of ADT.

(13) "Pace limits" means the ten mile-per-hour range containing the largest number of sample vehicles observed in a spot speed check.

(14) "Paved road" means a regularly maintained solidified hard surfaced road typically solid bituminous (asphalt concrete), oil mat or Portland cement concrete.

(15) "Recommended Speed" is the speed that has been determined from an engineering study. Recommended speeds shall be in multiples of 5 mph.

(16) "Road authority" means the governing agency which has the jurisdiction to place, maintain and operate traffic control devices as defined in Oregon Revised Statute 810.010.

(17) "Rural state highway" means a section of state highway that is outside the city limits of an incorporated city.

(18) "School zone exception" means a specific section of highway where a statutory school speed limit (20 mph) is posted as specified in ORS 811.111.

(19) "Speed zone" means a specific section of highway where a designated speed is posted under ORS 810.180.

(20) "Speed Zone Review Panel" means the hearings panel created in OAR 734-020-0015.

(21) "Statutory speed" means the speed that is established in statute, under ORS 811.111 or 811.105.

(22) "Transition speed zone" means a speed zone(s) established to make the change in legal speeds less abrupt for drivers. As an example, instead of going directly from a 55 mph section to a 25 mph section, it may be desirable to establish one or more transition speed zones in between, such as 45 mph and 35 mph.

(23) "Unpaved road" means a road which has a surface that does not meet the definition of a paved road. The road surface may be dirt, rock, gravel, or other non-solidified material and may have a dust palliative applied.

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(24) "Written order" means the official document that delineates the roadway segment(s) and designates the speed in a speed zone or speed zones established. This is commonly known as a speed zone order.

Stat. Auth.: ORS 184.616, 184.619, 810.010, 810.180

Stats. Implemented: ORS 810.180

Hist.: HWD 3-2007, f. & cert. ef. 6-25-07; HWD 3-2011, f. & cert. ef. 5-27-11

734-020-0015

Establishment of Speed Zones on Public Roads Except Public Paved Low Volume or Public Unpaved Roads

(1) Purpose: This rule is adopted for the purpose of establishing speed zones on public roads by the Department and other road authorities under ORS 810.180. This rule applies to all public roads except for the establishment of speed limits on interstate highways under OAR 734-020-0010 or where the Department may delegate its authority to establish designated speeds on low volume or unpaved roads under ORS 810.180(5) (f). The delegation of authority for low volume roads and unpaved roads is covered in OAR 734-020-0016 and 734-020-0017. Establishment of speed zones on low volume roads may follow the standard method described in this rule or the procedures described in OAR 734-020-0016. The State Traffic Engineer may approve an experimental alternative investigation method that could be used instead of the standard engineering study identified in section (2) of this rule after consideration of the recommendation of the Speed Zone Review Panel.

(2) Speed Zone Standard Method:

(a) An engineering study must be performed to determine the recommended speed for proposed speed zoning. The standard engineering study will use the following criteria:

(A) Analysis of the speed of free flowing traffic to include the eighty-fifth percentile speed and pace limits;

(B) The crash rate for the specific section of highway being considered;

(C) The average crash rate for similar functional classification highways (if available);

(D) The difference between the crash rate for the specific section being considered and the average crash rate for similar functional classification highways; and

(E) The computed speed, which is the eighty-fifth percentile speed minus the crash rate above the average rate as determined in paragraph (D) of this subsection.

(b) The following additional factors may be considered in the standard engineering study:

(A) Accesses;

(B) Crash history;

(C) Enforcement;

(D) Geometric features;

(E) Pedestrian and bicycle movements;

(F) Public testimony;

(G) Traffic volumes;

(H) Type and density of adjacent land use; and

(I) Other applicable factors.

(c) Speed Zone Recommendation. The Department is subject to the following guidelines when determining the recommended speed using the standard engineering study:

(A) The recommended speed may be varied a maximum of 10 miles per hour above or below the computed speed on all public roads except for state highways outside city limits.

(B) The recommended speed may not be varied, except under paragraph (2)(c)(C), more than five miles per hour above or below the computed speed on rural state highways.

(C) The recommended speed may be varied a maximum of 10 miles per hour below the computed speed on state highways outside city limits for one or more of the following reasons:

(i) The crash rate for the specific section exceeds the average crash rate for similar functional classification highways;

(ii) There has been more than one fatal or serious injury crash in the last three years;

(iii) The specific section meets the definition of a "business district" under ORS 801.170 or a "residence district" under ORS 801.430;

(iv) There are residences, businesses, or other public service facilities that front the specific section, and the section is located within an area that has been identified by the Oregon Department of Land Conservation and Development as an Unincorporated Community, and is listed in the Survey of Oregon Unincorporated Communities;

(v) The specific section has urban character and environment and pedestrian attractions such as businesses, schools, parks or other facilities; or

(vi) There is limited stopping sight distance which has contributed to crashes or near misses.

(d) Transition speed zones should be considered when the difference between two adjoining posted speeds would otherwise exceed 20 miles per hour:

(A) The recommended speed for transition speed zones may exceed 10 miles per hour above or below the computed speed as deemed appropriate by the Department; and

(B) The Department is not restricted by paragraphs (A) through (C) of subsection (2)(c) when determining the recommended speed for transition speed zones.

(e) The section length used for speed zoning should be at least one-quarter of a mile in length except transition speed zones may be a minimum of one thousand feet in length.

(f) An existing designated speed zone may, at the discretion of the State Traffic Engineer, be extended or shortened up to 500 feet without obtaining a spot speed check within that section.

(3) An experimental alternative investigation to replace the standard engineering study in order to determine a speed zone recommendation on certain City of Portland streets (not state highways) may be approved for a two-year trial period by the State Traffic Engineer. The alternative method must include an evaluation plan for the City of Portland to provide a review and report to the Speed Zone Review Panel at the end of the trial period for a recommendation on the suitability of the City's alternative method.

(a) After the two-year trial period, the State Traffic Engineer will decide whether to continue or terminate the alternative method.

(A) The Speed Zone Review Panel will review the evaluation of the alternative method and make a recommendation on whether or not to adopt the alternative method as an additional standard (not experimental) method, extend the evaluation period an additional year or terminate the use of the alternative method.

(B) The State Traffic Engineer will consider the Speed Zone Review Panel recommendation in the final decision.

(C) Establishment of the alternative method as an additional standard speed zoning procedure after the two-year trial period requires Department adoption by administrative rule.

(b) The alternative method shall include the following factors as a minimum:

(A) Street classification;

(B) Street character and roadside development;

(C) Traffic volumes;

(D) Street width and lane configuration; and

(E) An analysis of the current speed distribution of free-flowing vehicles.

(c) The alternative method will not be used on streets that are state highways or ones that are classified as Arterials in the Federal Functional Classification System. Federal Functional Classification is shown on ODOT City and County maps.

(d) The Department could determine that the standard engineering method, not the alternative method, is to be used on any street.

(e) If another local agency is involved in the jurisdiction of the street (an interested jurisdiction), the local agency using the alternative method must obtain the interested jurisdiction's concurrence with the use of the alternative method and the speed zone recommendation.

(f) The road authority shall perform the alternative investigation and submit the report containing the recommended speed to the Department for review and approval. The road authority shall refer to the Department for accepted report format and content.

(4) Speed Zone Procedures:

(a) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed, using the standard engineering study method, on state highways within city limits, city streets, county roads and any other rural roads under ORS 810.180 unless otherwise provided under ORS 810.180:

(A) The road authority and interested jurisdiction, if any, must make written request to the State Traffic Engineer in order for the Department to perform an engineering study with respect to establishing a designated speed on a highway under ORS 810.180. The application must state the recommended designated speed for the highway or section of highway by the road authority and interested jurisdiction, if any;

(B) The Department must determine the recommended speed by performing or causing to be performed an engineering study;

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(C) The Department, when requested by the road authority and interested jurisdiction, if any, may allow the requestors to perform or cause to be performed an engineering study of the roadway section under its own jurisdiction and remit a copy of the investigation to the Department for review. Refer to the Department for acceptable methodologies and procedures for an engineering study of speed zones;

(D) The Department must allow the road authority and interested jurisdiction, if any, that is requesting an investigation under this section to participate with the Department in the investigation;

(E) The Department may recommend a change in the existing designated or statutory speed for a specific section of highway if the investigation establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific section in question;

(F) The Department must give written notice to the road authority and interested jurisdiction, if any, of the Department's determination concerning a recommended speed;

(G) The Department must issue a Speed Zone Order if the recommended speed is mutually agreeable to the road authority and interested jurisdiction, if any;

(H) If mutual agreement cannot be reached, the road authority may take the matter to the Speed Zone Review Panel;

(I) A written speed zone order must be issued to establish a designated speed;

(J) A copy of the written speed zone order must be provided to the road authority and interested jurisdiction, if any, as appropriate, and the original retained in the Department of Transportation's records for each speed zone established; and

(K) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.

(b) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed on rural state highways under ORS 810.180 unless otherwise provided under ORS 810.180:

(A) A Government agency or citizen must make written request for the Department to perform an engineering study with respect to speed on a highway under ORS 810.180. The request must be made to the State Traffic Engineer or Region Traffic Manager. The request must state the reason for the requested change in speed zoning;

(B) The Department may perform or cause to be performed an engineering study. If the engineering study is performed by someone other than the Department, that person should refer to the Department for accepted methodologies and procedures for an engineering study of speed zones;

(C) The Department may change the existing designated or statutory speed for a specific section of highway if the engineering study establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific section in question;

(D) The Department must give a written reply to the original requestor of the Department's determination concerning a designated speed;

(E) Written objections by the requestor may be filed with the Department to any speed established by the Department;

(F) If the recommended speed exceeds the guidelines established under paragraph(2)(c)(B) or (2)(c)(C) of this rule, the Department may refer the matter to the Speed Zone Review Panel;

(G) A written speed zone order must be issued to establish a designated speed;

(H) The original written order must be retained in the Department of Transportation's records for each speed zone established; and

(I) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.

(c) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed using the alternative method in the City of Portland,

(A) The Department will evaluate the recommendation on the report using the factors from (3)(b) as approved by the State Traffic Engineer for the alternative method. The Department may change the existing designated or statutory speed for a specific section of highway if the alternative method establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe.

(B) If the recommended speed is mutually agreeable to the road authority, the Department and any interested jurisdictions, the Department will issue a written speed zone order.

(C) When differences of opinion about the recommended speed occur among the Department, the road authority and any interested jurisdictions, the road authority may take the matter to the Speed Zone Review Panel for decision.

(D) A written speed zone order must be issued to establish a designated speed. A copy of the written speed zone order must be provided to the road authority and any interested jurisdictions, and the original retained in the Department's records.

(E) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the street where the designated speed is imposed.

(F) A speed zone established under the approved alternative method shall be considered as duly established under ORS 810.180 whether the alternative method becomes permanent or is terminated.

(G) Subsections (2)(d), (e), and (f) and Sections 5 and 6 of this rule apply to the alternative method process (as well as the standard engineering study method).

(5) Speed Zone Review Panel:

(a) The Speed Zone Review Panel is created to conduct hearings for deciding contested speed zone recommendations and to serve as an advisory body to the Department. The panel must consist of the five following persons:

(A) The Chair of the Transportation Safety Committee or a representative designated by the Chair;

(B) The Superintendent of State Police or a representative designated by the superintendent;

(C) The Chief Engineer of the Department of Transportation or a representative designated by the Engineer; and

(D) Two additional members, one representative of the interests of cities and one representative of the interests of counties. The League of Oregon Cities and the Association of Oregon Counties must each appoint a member representing the interest of cities and counties respectively. City and county representatives may serve a maximum three-year term. City and county representatives may be re-appointed to serve an additional three-year term.

(b) Three Speed Zone Review Panel members attending a hearing constitute a quorum.

(c) The State Traffic Engineer will designate the Chairperson.

(d) The Department is responsible to pay from the State Highway Fund the per diem travel and other expenses of the members of the Speed Zone Review Panel for the purpose of conducting hearings on speed zone appeals.

(e) The Speed Zone Review Panel must conduct a hearing when the State Traffic Engineer determines the Department has received a sufficient number of appeals to convene the panel:

(A) The State Traffic Engineer must arrange the hearing date and present the speed zone appeals;

(B) The Department must notify the road authority, interested jurisdiction, if any, and any citizen having expressed an interest to the Department regarding the contested speed zone of the hearing in writing at least 30 days prior to the hearing. The 30-day hearing notification may be waived if it is mutually agreeable among the Department, road authority and any interested jurisdiction;

(C) The opportunity to present testimony in person or in writing must be included in the notice of hearing date;

(D) Written testimony received by the State Traffic Engineer at least three days prior to the hearing must be considered in the speed zone appeal review;

(E) The criteria and procedures established under ORS 810.180, OAR 734-020-0015, OAR 734-020-0016 and OAR 734-020-0017 for determining speed zoning will be considered in deciding the appeals;

(F) The decision of the panel is final and any speed zone order must be issued accordingly; and

(G) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of highway where the designated speed is imposed.

(6) Rescission.

(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed except for school speed zones that would otherwise apply, until or unless the speed zone order is rescinded.

(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the roadway and the roadway meets the statutory definition of the proposed statutory speed.

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(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.

Stat. Auth.: 184.616, 184.619, 810.010, 810.180

Stats. Implemented: ORS 810.180

Hist.: HC 1277, f. 3-3-72; HWY 4-1994, f. 9-19-94, cert. ef. 1-1-95; HWD 3-2007, f. & cert. ef. 6-25-07; HWD 3-2011, f. & cert. ef. 5-27-11

734-020-0016

Establishment of Speed Zones on Public Paved Low Volume Roads

(1) Purpose. This rule is adopted for the purpose of establishing speed zones on public paved low volume roads by the Department and other road authorities and interested jurisdictions when appropriate. Establishment of speed zones on low volume roads may follow the standard method described in OAR 734-020-0015 or the method described in this rule.

(2) Delegation of Authority.

(a) Upon the request of a road authority, the Department may delegate its authority under ORS 810.180 for public paved low volume roads if the road authority agrees to exercise the authority according to this rule. The written application must:

(A) Be made to the State Traffic Engineer requesting delegated authority to determine and establish speed zones for public paved low volume roads under their jurisdiction;

(B) Include a specific roadway or all roadways under their jurisdiction for which the road authority is requesting delegation;

(C) If there is an interested jurisdiction on any public paved low volume roads within the boundaries of the road authority, the written application from the road authority must include a statement that the road authority and interested jurisdiction have agreed to the need to perform an engineering study and if appropriate, establish a designated speed according to this rule; and

(D) Specify that the road authority will perform or cause to be performed an engineering study to determine the appropriate designated speed.

(b) If the Department determines that the road authority has established a speed zone without complying with this rule, the Department may withdraw the delegation of authority and the road authority must remove existing speed zone signing and post the section of roadway at the speed that was posted preceding the engineering study.

(c) The Department may perform the engineering study at the request of the road authority following the procedures set forth in OAR 734-020-0015(4)(a).

(3) Speed Zone Criteria. A road authority granted speed zone authority under section (2) of this rule is subject to the following:

(a) Perform or cause to be performed an engineering study to determine the recommended speed for the proposed speed zone using the eighty-fifth percentile speed.

(b) The following additional factors may be considered in the engineering study:

(A) Accesses;

(B) Crash history;

(C) Enforcement;

(D) Geometric features;

(E) Pedestrian and bicycle movements;

(F) Public testimony;

(G) Traffic volumes;

(H) Type and density of adjacent land use; and

(I) Other applicable factors.

(c) Speed Zone Recommendation. The road authority is subject to the following guidelines when determining the recommended speed:

(A) The recommended speed may be varied a maximum of 10 miles per hour above or below the eighty-fifth percentile speed; and

(B) The section investigated for speed zoning should be at least one-quarter of a mile in length except transitions speed zones may be a minimum of one thousand feet in length.

(4) Speed Zone Procedures.

(a) The road authority may establish a different speed on a specific section of highway if the engineering study finds that the existing designated or statutory speed is greater or less than reasonable or safe under the conditions found in the specific section in question unless any part of subsections (b) or (c) of this section apply.

(b) If the recommended speed exceeds 10 mph above or below the eighty-fifth percentile speed, the road authority must notify the Department and the matter will be presented to the Speed Zone Review Panel.

(c) If there is an interested jurisdiction on the section of road, the following procedures must be followed:

(A) If the recommended speed is within 10 mph difference from the eighty-fifth percentile speed and it is mutually agreed to by the road author-

ity and interested jurisdiction then the road authority may issue a written order to establish the speed zone; or

(B) When differences of opinion between the road authority and interested jurisdiction occur, the road authority must notify the Department and the matter will be presented to the Speed Zone Review Panel.

(d) The road authority and interested jurisdiction, if any, should refer to the Department for further guidance on acceptable methodologies for an engineering study of speed zones.

(e) The road authority must file with the Department a copy of the written speed zone order and engineering study.

(f) The road authority must retain the original speed zone order and engineering study.

(g) The road authority may authorize the Department to issue the speed zone order by submitting a copy of the engineering study.

(h) The road authority is responsible for installing speed zone signing.

(i) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.

(5) Rescission.

(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed that would otherwise apply, until or unless the speed zone order is rescinded.

(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the roadway and the roadway meets the statutory definition of the proposed statutory speed.

(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.

Stat. Auth.: ORS 184.616, 184.619, 810.010, 810.180

Stats. Implemented: ORS 810.180

Hist.: HWD 3-2007, f. & cert. ef. 6-25-07; HWD 3-2011, f. & cert. ef. 5-27-11

734-020-0017

Establishment of Speed Zones on Public Unpaved Roads

(1) Purpose. This rule is adopted for the purpose of establishing speed zones on unpaved roads by the Department when appropriate.

(2) Guidance. ODOT provides the following guidance to assist the road authority in determining if creation of a speed zone is appropriate:

(a) Establishing speed zones on unpaved roads is generally discouraged:

(A) The risk with establishing a specific speed zone is that a "Speed Zone" sign creates an expectation by the driver that the roadway is safe to drive at the posted speed. Since unpaved roadway conditions can change rapidly depending on weather, season, traffic volumes and amount of road maintenance, establishing the appropriate speed zone for all conditions is difficult, if not impossible; and

(B) Oregon's basic rule speed law requires drivers to adopt a reasonable and prudent speed. The driver should rely primarily on their visual observation of the roadway conditions, rather than a speed zone sign to determine the safe speed to drive a road.

(b) There are other factors that reduce the effectiveness of, or necessity for setting speeds on unpaved roads:

(A) Enforcement is minimal on unpaved roads. There would be poor compliance with speed zoning without enforcement commitment; and

(B) Risks of vehicle conflict are very low on these roads; most are used by travelers who are familiar with the roads and their condition.

(c) Given the factors in subsections (2)(a) and (2)(b), speed zones will only be established for unpaved roads that are gravel roads as defined in OAR 734-020-0014. Speed zones will not be established under ORS 810.180 for other unpaved roads except for speed zones established by a road authority under ORS 810.180(7), (8) or (9).

(3) Speed Zone Application Process. The road authority must do all of the following:

(a) Make written application to the State Traffic Engineer requesting authority to perform or cause to be performed an engineering study for a specific unpaved road under their jurisdiction;

(b) State the reason for the requested change in speed;

(c) Specify that the engineering study will be performed; and

(d) Submit the following documentation:

(A) Evidence of crash history;

(B) Written commitment from law enforcement that the subject roadway will be part of routine patrols;

(C) Written commitment from the road authority and interested jurisdiction, if any, that the roadway will be graded a minimum of every six months when open to normal traffic; and

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(D) If there is an interested jurisdiction on the specified unpaved road within the boundaries of the road authority, the written application must include a statement that the road authority and interested jurisdiction have agreed to the need to perform an engineering study and if appropriate, establish a designated speed according to this rule.

(4) Delegation of Authority.

(a) The Department will delegate authority to perform the engineering study if the road authority satisfactorily completes the application process as outlined in section (3) of this rule; and

(b) The road authority will proceed with the engineering study upon review and approval of the application by the Department.

(5) Speed Zone Criteria. A road authority granted authority under section (4) of this rule is subject to the following:

(a) Perform or cause to be performed an engineering study to determine the recommended speed for the proposed speed zone using the following criteria:

(A) The eighty-fifth percentile speed; and

(B) Documented history of crashes related to excessive speed in the section of unpaved road for which a speed zone is requested.

(b) The following additional factors may be considered in the recommended speed:

(A) Accesses;

(B) Crash history;

(C) Enforcement;

(D) Geometric features;

(E) Pedestrian and bicycle movements;

(F) Public testimony;

(G) Traffic volumes;

(H) Type and density of adjacent land use; and

(I) Other applicable factors

(6) Speed Zone Recommendation. The road authority is subject to the following guidelines when determining the recommended speed:

(a) The recommended speed may be varied a maximum of 10 miles per hour above or below the eighty-fifth percentile speed; and

(b) The section considered for speed zoning should be at least one-quarter of a mile in length except transition speed zones may be a minimum of one thousand feet in length.

(7) Speed Zone Procedures. The following procedures apply to consideration and approval or denial of a speed zone recommendation:

(a) The road authority must submit two copies of the completed engineering study to the Department.

(b) The road authority should refer to the Department for acceptable methodologies and procedures for an engineering study of speed zones.

(c) The Department:

(A) May change the existing designated or statutory speed on a specific section of highway if the engineering study establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe for the specific section in question;

(B) Must give written notice to the road authority and interested jurisdiction, if any, of the Department's determination regarding the designated speed; and

(C) May issue a speed zone order if the recommended speed is mutually agreeable to the road authority and any interested jurisdiction.

(d) The Department will refer the matter to the Speed Zone Review Panel when:

(A) There are differences of opinion among the Department and the road authority or interested jurisdiction;

(B) There are differences of opinion between the road authority and interested jurisdiction; or

(C) The recommended speed exceeds 10 mph above or below the eighty-fifth percentile speed.

(e) A copy of the written speed zone order must be filed with the road authority and any interested jurisdiction, as appropriate, and the original retained in the Department's records for each speed zone established.

(f) The road authority is responsible for installing speed zone signing.

(g) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.

(8) Rescission.

(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed that would otherwise apply, until or unless the speed zone order is rescinded.

(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the

statutory speed is more appropriate for the roadway and the roadway meets the statutory definition of the proposed statutory speed.

(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.

Stat. Auth.: ORS 184.616, 184.619, 810.010, 810.180

Stats. Implemented: ORS 810.180

Hist.: HWD 3-2007, f. & cert. ef. 6-25-07; HWD 3-2011, f. & cert. ef. 5-27-11

Rule Caption: Environmental performance standards and improvements to the environmental permitting process.

Adm. Order No.: HWD 4-2011

Filed with Sec. of State: 5-27-2011

Certified to be Effective: 5-27-11

Notice Publication Date: 3-1-2011

Rules Adopted: 734-024-0005, 734-024-0015, 734-024-0020, 734-024-0030, 734-024-0040

Subject: Section 18 of the Jobs and Transportation Act (HB 2001) passed in 2009 outlined a requirement to consider environmental performance standards for all state highway construction projects and local government projects funded by ODOT and to improve environmental permitting for all state highway construction projects. These performance standards will provide acceptable levels of environmental performance specified for project activities. These rules outline the process for developing the environmental performance standards.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-024-0005

Purpose

The Department of Transportation (Department) is required by Oregon Laws 2009, Ch. 865, Section 18 to take into consideration (a) incorporation of environmental performance standards into the design and construction of all state highway construction projects, including local government highway construction projects funded by the Department, and (b) improving the environmental permitting process for all state highway construction projects. The purpose of OAR 734-024-0005 through 734-024-0040 is to provide the applicability, guidance, and management structure for development of environmental performance standards and improve the environmental permitting process.

Stat. Auth.: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18

Stats. Implemented: OL 2009, Ch. 865, sec 18

Hist.: HWD 4-2011, f. & cert. ef. 5-27-11

734-024-0015

Definitions

As used in this division, unless the context otherwise requires:

(1) "Commission" means the Oregon Transportation Commission.

(2) "Context sensitive and sustainable solutions" means a philosophy that combines the principles of context sensitive design and sustainability. A framework for implementing the goals that reflect social values (community values; cultural, aesthetic, and historic resources; and diversity), maintain safety and mobility, support economic prosperity, achieve responsible stewardship of the natural environment, and facilitate cost-effective solutions.

(3) "Department" means the Oregon Department of Transportation.

(4) "Department Region" means the five (5) established Regions of the Department responsible for development and delivery of the Department's highway construction projects.

(5) "Director" means the Director of the Oregon Department of Transportation.

(6) "Enhancement" means, with respect to the environment, an opportunity to be considered, not a requirement. Enhancement includes activities that go beyond the agreed-upon regulatory requirements whether in planning, design, construction, maintenance, or operations.

(7) "Environmental Guiding Principles" means organizational values that help the Department maintain a strong commitment to environmental stewardship. For highway construction project design and construction activities, ODOT must consider the following principles:

(a) Select, design, and construct state highway construction projects in a context sensitive and sustainable manner.

(b) Mitigate impacts to natural and cultural resources, to the extent practicable.

(c) Consider cost-effective resource enhancement opportunities to support natural and cultural resource functions.

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(d) Improve environmental permitting processes to efficiently meet both the needs and expectations of project delivery and the Department's environmental commitments.

(e) Collaborate and seek consensus with internal and external stakeholders to find balance between resource impacts and achieving the purpose and need of highway construction projects.

(f) Maintain accountability and transparency for decisions and actions that affect the resources entrusted to the Department and for the environmental outcomes that result from Department projects.

(8) "Environmental performance standards" means acceptable levels of environmental performance specified for project activities.

(9) "Environmental permit" means an approval or clearance that is needed to comply with an environmental law or regulation.

(10) "Environmental permitting process" means all the Department and regulatory agency activities and tasks that produce environmental compliance products for state highway construction projects to meet environmental laws, rules, and regulations.

(11) "Environmental stewardship" means the responsibility for environmental quality while developing and managing the transportation infrastructure. It means actively working to protect and enhance our natural and cultural resources for current and future generations. It is demonstrated through continuous improvement of environmental performance while conducting the scope and purpose of ODOT's mission.

(12) "Foreign oil" means oil or its derivatives that are imported to the United States from other countries.

(13) "Highway," as defined by ORS 801.305, means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

(14) "Local Government Highway Construction Projects Funded by the Department" means a public improvement project on highways under the jurisdiction, control, and management of local governmental bodies that are funded either in whole or in part with either state or federal funds. Local government funding programs administered by the Department include highway construction projects to which this rule would apply.

(15) "Mitigation" means:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

(16) "Programmatic agreement" means a document that specifies the terms of a formal, legally binding agreement between a state Department of Transportation and other state and/or federal agencies. A programmatic agreement establishes a process for consultation, review, and compliance with one or more federal or state laws.

(17) "Programmatic permit" means a permit or other authorization that

(a) Covers a geographic or statewide area and applies to a variety of projects, activities, or locales; or

(b) Covers certain activities within specific size or impact thresholds. A programmatic approach may allow actions to proceed without project-specific approval by each permit decision-making agency.

(18) "State highway construction project" means a public improvement project on state highways under the jurisdiction, control, and management of the Department, including interstate highways within the State of Oregon.

(19) "Sustainability," as defined by ORS 184.421, means using, developing, and protecting resources in a manner that enables people to meet current needs while providing for future generations to meet their needs, from the joint perspective of environmental, economic, and community objectives.

Stat. Auth.: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18
Stats. Implemented: OL 2009, Ch. 865, sec 18
Hist.: HWD 4-2011, f. & cert. ef. 5-27-11

734-024-0020

Applicability

The provisions of division 24 apply as follows:

(1) Environmental performance standards developed and adopted by the Department must be incorporated into the design and construction of all state highway construction projects, including local government highway construction projects funded by the Department.

(2) Permitting process improvements developed and adopted by the Department in cooperation with state and federal resource agencies must be incorporated into all state highway construction projects.

(3) These rules are in addition to and not in lieu of all other applicable state and federal laws and regulations.

Stat. Auth.: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18
Stats. Implemented: OL 2009, Ch. 865, sec 18
Hist.: HWD 4-2011, f. & cert. ef. 5-27-11

734-024-0030

Environmental Performance Standards

Environmental performance standards implement the Environmental Guiding Principles at the project design and construction phases of project development.

(1) When considering incorporation of environmental performance standards into the design and construction of state highway construction projects, the Department must consider:

(a) Environmental performance standards from current Department manuals and policies, as well as from applicable state and federal regulatory requirements.

(b) Incorporating environmental performance standards into construction specifications and special provisions.

(c) Design exception criteria to specific environmental performance standards as specified by current Department manuals and policies and state and federal regulatory requirements.

(2) The Director may designate committees to provide direction and oversight to environmental performance standards development, implementation, and modification.

(a) These designated committees may establish collaborative working groups to develop environmental performance standards. The working groups may be composed of internal Department stakeholders and external stakeholders.

(b) The working groups must use Department approved protocols and criteria for adoption and amendment of environmental performance standards or develop new protocols and criteria subject to the direction and oversight of the designated committees.

(3) For efficient consideration of environmental performance standards in the design and construction of state highway construction projects, the Department may use existing planning and project development processes or develop new processes as necessary.

(4) Department project teams for state highway construction projects must implement and document incorporation of Environmental Guiding Principles and applicable environmental performance standards at appropriate milestones in the project development and delivery process.

(5) Local government highway construction projects funded by the Department must implement and document incorporation of Environmental Guiding Principles and applicable environmental performance standards from current Department manuals and policies at appropriate milestones in the project development and delivery process. This requirement will be incorporated into local agency agreements.

(6) The Department must develop and publish periodic progress reports on Department and local government performance for incorporation of environmental performance standards in the design and construction of state highway construction projects and local government highway construction projects funded by the Department.

Stat. Auth.: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18
Stats. Implemented: OL 2009, Ch. 865, sec 18
Hist.: HWD 4-2011, f. & cert. ef. 5-27-11

734-024-0040

Improving the Environmental Permitting Process

(1) The Department must consider improvements to the environmental permitting process for state highway construction projects in order to achieve the following outcomes:

(a) Reduce the time required to design projects associated with meeting environmental requirements;

(b) Reduce the time required to obtain environmental permits;

(c) Reduce the cost and delay associated with redesigning projects to meet environmental requirements;

(d) Maintain a strong commitment to environmental stewardship; and

(e) Reduce this state's dependence on foreign oil.

(2) In order to achieve these outcomes, the Department must, but is not limited to:

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(a) Work with state and federal resource and regulatory agencies to develop programmatic agreements and permits.

(b) Develop performance measures, goals, and improvement strategies and initiatives.

(c) Develop and publish periodic progress reports on Department performance in achieving these environmental permit process outcomes.

Stat. Auth.: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18

Stats. Implemented: OL 2009, Ch. 865, sec 18

Hist.: HWD 4-2011, f. & cert. ef. 5-27-11

Rule Caption: Pilot cars and general permit provisions.

Adm. Order No.: HWD 5-2011

Filed with Sec. of State: 5-27-2011

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Rules Adopted: 734-075-0085

Rules Amended: 734-070-0005, 734-070-0010, 734-070-0025, 734-071-0010, 734-072-0010, 734-072-0015, 734-072-0020, 734-072-0022, 734-072-0023, 734-072-0030, 734-073-0050, 734-073-0056, 734-073-0065, 734-074-0020, 734-074-0023, 734-074-0051, 734-075-0035, 734-076-0005, 734-076-0015, 734-076-0075, 734-076-0115, 734-076-0165, 734-076-0175, 734-077-0010, 734-078-0020, 734-079-0005, 734-079-0015, 734-082-0035, 734-082-0040, 734-082-0070, 734-082-0080

Rules Repealed: 734-075-0065, 734-075-0075, 734-075-0080

Subject: These rules describe variance permit conditions and requirements. Certain revisions conform the rules to Secretary of State standards, and others ensure motor carriers understand the ultimate liability for damage caused during an oversize movement resides solely with the motor carrier, even if the carrier followed the Departments suggested route as listed on the variance permit. The amendments clarify that the motor carrier is responsible for determining adequate clearance and would require pilot cars to use over-height poles for loads exceeding 14 feet 6 inches high when the permittee chooses not to sign a declaration of liability with the department for all damages. The rules provide the carrier with a reasonable industry approach to check load height and clearly designate liability for damages that may occur during the movement of the permitted load.

The new rule adds the current general permit provisions written for variance permits issued for non-divisible loads and Road Use Assessment Fees in chapter 734, division 82 and applies the provisions to the movement of over-dimension mobile home and modular building units in chapter 734, division 75. The rule is intended to strengthen existing rules by adding bond and insurance requirements along with all other permit provisions.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-070-0005

Scope

(1) Operating under special permits issued by the Department of Transportation pursuant to other rules, many over-dimensional vehicles or loads travel on state highways. Such permits may be valid for up to a one-year period, authorize dimensions considerably in excess of those established by statute, and include a route system consisting of a major portion of the state highway system.

(2) Not infrequently, a situation or condition arises which makes it unsafe, impractical, or, at times, impossible for an over-dimensional vehicle or load to travel over a given highway or section thereof. Such situations or conditions are usually caused by highway construction or repair projects or other local traffic conditions. The purpose of this rule is to provide a means of coping with such situations.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.200, 818.220

Hist.: 1 OTC 20-1979(Temp), f. & ef. 9-20-79; 1 OTC 8-1980, f. & ef. 3-28-80; HWD 5-2011, f. & cert. ef. 5-27-11

734-070-0010

Authorization of Chief Engineer

(1) The Chief Engineer is authorized to impose time of travel restrictions, to halt the movement of over-dimensional vehicles and loads, or to impose other restrictions which alter, rescind, or are in addition to those established under other rules and pertain to the movement of over-dimen-

sional vehicles, combinations of vehicles, or loads on state highways. In exercising such authority, the Chief Engineer may impose such restrictions as may be necessary in his judgment to protect the safety and convenience of the traveling public, to protect any highway or section thereof from damage, to avoid conflict with highway construction or repair projects, or to cope with other local traffic conditions.

(2) Any directive or restriction imposed by the Chief Engineer under this authority will be in the form of a written order signed by him.

(3) Signs giving notice of the restrictions or limitations contained in the order must be posted at each end of the highway or section of highway affected. Such restrictions or limitations will be effective when the signs giving notice of them are posted.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.200, 818.220

Hist.: 1 OTC 20-1979(Temp), f. & ef. 9-20-79; 1 OTC 8-1980, f. & ef. 3-28-80; HWD 5-2011, f. & cert. ef. 5-27-11

734-070-0025

Permits Issued by a Third Party Agent

The Department may enter into an agreement with any third party for the purpose of issuing approved overweight and over-dimensional permits.

Stat. Auth.: ORS 184.616, 184.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: TO 1-1998, f. & cert. ef. 2-24-98; HWD 5-2011, f. & cert. ef. 5-27-11

734-071-0010

Designated Highways and Definitions

(1) The types of vehicles, combinations of vehicles, or loads listed in Table 1 or Table 2 may operate without special permit upon:

(a) Group 1, Group 2 and Group 3 highways as shown on Group Map 1 as published by the Department when the dimensions do not exceed those listed in Table 1 for the corresponding highway group. Group Map 1, revised January 2008 is adopted by reference and made a part of division 71 rules; and

(b) Routes listed on Route Map 7 as published by the Department when the dimensions do not exceed those listed in Table 2 for the corresponding route listed in Table 2. Route Map 7, revised May 2008 is adopted by reference and made a part of Division 71 rules.

(c) Table 1 and Table 2 are available from the ODOT Over-Dimension Permit Unit at 550 Capitol St. NE Salem, OR 97301-2530 or on the Motor Carrier Transportation Division Web site at: www.oregon.gov/ODOT/MCT/docs/Div71tables.pdf.

(2) Definitions for the purpose of Division 71 rules:

(a) "Auxiliary axle" is an axle that qualifies as a booster axle, flip axle or lift axle;

(b) "Booster axle" means a separate vehicle bolted or pinned to another vehicle that redistributes weight from one or more axles to other axles and pivots from side to side at the connection point or has wheels that steer during turning;

(c) "Dromedary truck-tractor" means a motor vehicle designed to carry a load on a dromedary box, plate or deck, not exceeding 12'06" in length inclusive of load and designed to pull a semitrailer;

(d) "Flip axle" means an axle that is bolted or pinned to a vehicle and flips from the closed position on the trailer to a deployed position on the ground extending the length and hauling capacity of the trailer;

(e) "Gross Vehicle Weight Rating" (GVWR) means the gross vehicle weight rating as defined in ORS 801.298;

(f) "Lift axle" means an axle that can be raised from or lowered to the surface of the ground;

(g) "MCTD" means the Motor Carrier Transportation Division of the Oregon Department of Transportation;

(h) "Motor truck" means a motor vehicle that is primarily designed or used for carrying loads other than passengers;

(i) "Overall length" includes the vehicle or combination of vehicles and any load overhangs. Exclusions to overall length determination are provided in OAR 734-071-0050.

(j) "Passenger vehicle" or "light vehicle" means a motor vehicle, regardless of design or intended use;

(k) "Pickup truck" means a motor vehicle designed to carry passengers and to carry a load and which may not tow more than one vehicle, except as provided in OAR 734-071-0060;

(l) "Stinger-steered" is as defined in ORS 801.507;

(m) "Tow-away operation" means an operation where empty trailers constitute the commodity being transported; and

(n) "Truck-tractor" means a motor vehicle designed and used primarily for drawing (towing) other vehicles and constructed so as not to carry

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any load other than a part of the weight of the vehicle or load, or both, as drawn.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 184.616, 184.619, 810.060, 823.011
Stats. Implemented: ORS 818.200, 818.220
Hist.: 1 OTC 5-1980, f. & ef. 3-27-80; 2HD 5-1982(Temp), f. & ef. 10-5-82; 2HD 8-1983, f. & ef. 3-30-83; HWY 3-1993(Temp), f. & cert. ef. 7-13-93, HWY 3-1994(Temp), f. 5-19-94, cert. ef. 5-20-94; HWY 2-1995, f. & cert. ef. 10-16-95; HWY 5-1997, f. & cert. ef. 5-9-97; TO 5-1998, f. & cert. ef. 4-16-98; TO 2-2001, f. & cert. ef. 6-14-01; TO 10-2002, f. & cert. ef. 12-13-02; HWD 1-2003, f. & cert. ef. 8-21-03; HWD 5-2004, f. & cert. ef. 5-20-04; HWD 7-2004, f. 12-28-04, cert. ef. 1-1-05; HWD 10-2008, f. & cert. ef. 12-15-08; HWD 5-2011, f. & cert. ef. 5-27-11

734-072-0010

Self-Issuance Program for Variance Permits

(1) The self-issuance program for variance permits provides for three levels of authorization:

(a) Level I authorization allows a motor carrier to self-issue single trip permits following the telephone application process established in OAR 734-072-0015;

(b) Level II authorization allows a motor carrier providing service described in OAR 734-076-0115(4) to independently issue a "pre-authorized" self-issue single trip permit to a "specific" power unit without calling the Motor Carrier Transportation Division; and

(c) Level III authorization allows a motor carrier to independently self-issue single trip permits without contacting the department.

(2) To qualify for Level I authorization, a motor carrier must make application to the Over-Dimension Permit Unit of the Motor Carrier Transportation Division located in Salem.

(3) To qualify for Level II authorization, a motor carrier must make application to the Over-Dimension Permit Unit of the Motor Carrier Transportation Division located in Salem and certify that it has read and understands Level II requirements.

(4) To qualify for Level III authorization, a motor carrier must make application to the Over-Dimension Permit Unit of the Motor Carrier Transportation Division located in Salem, and the carrier must:

(a) Attend and successfully complete a training program conducted by the Over-Dimension Permit Unit;

(b) Have purchased a minimum of 125 single trip permits for over-size/overweight movements within the 12 months preceding the application for self-issuance of permits; and

(c) Be in good standing with the Motor Carrier Transportation Division by:

(A) Not having more than one late highway use tax report in the 12 months preceding the application;

(B) Having maintained current vehicle and tax registration with the Department during the 12 months preceding application;

(C) Having no suspensions of tax registration with the Department during the 12 months preceding the application;

(D) Having no more than a five percent underpayment finding on the most current weight-mile tax audit;

(E) Having a satisfactory safety rating with the Motor Carrier Transportation Division or the United States Department of Transportation;

(F) Signing an agreement of responsibility for the permitted moves; and

(G) Filing proof of general liability insurance with the Oregon Department of Transportation in the amount and manner described in OAR 734-072-0011.

(5) Upon approval by the Over-Dimension Permit Unit, the motor carrier may self-issue permits at the level authorized.

(6) Authorized carriers may purchase blank permits for the purpose of self-issuance from the Motor Carrier Transportation Division of the Department of Transportation, Over-Dimension Permit Unit office located in Salem. The fee for each blank permit form is the fee required under ORS 818.270.

Stat. Auth.: ORS 184.616, 184.619, 823.011
Stats. Implemented: ORS 818.200, 818.220
Hist.: 1 OTC 9-1980, f. & ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96; HWY 3-1997, f. & cert. ef. 3-24-97; TO 2-2001, f. & cert. ef. 6-14-01; HWD 4-2009, f. & cert. ef. 3-20-09; HWD 5-2011, f. & cert. ef. 5-27-11

734-072-0015

Telephone Application for Self-Issued Variance Permit

(1) The applicant authorized to self-issue permits at Level I may telephone any of the permit issuing offices listed on the permit form.

(2) During telephone contact, the permit analyst will review the permit request based upon information furnished by the applicant.

(3) The permit analyst determines if it is appropriate to issue the requested permit. In making the determination, the permit analyst compares

the request to the rules and statutes relating to oversize/ overweight movement. Usually, it will be possible to inform the applicant during the initial telephone conversation if the permit is granted. If the dimensions and weights requested require further investigation, a later call to the applicant may be necessary.

(4) When it is appropriate to issue the requested permit, the permit analyst will inform the applicant of the terms and conditions of the permit. The applicant will, at that time, enter the terms and conditions upon the permit form. The applicant must furnish the preprinted number of the permit form to the permit analyst.

(5) When the applicant has entered upon the permit form the terms and conditions furnished by the permit analyst, the variance permit is valid.

(6) The applicant must send a copy of the completed permit to the Over-Dimension Permit Unit, 550 Capitol St. NE, Salem, Oregon 97301-2530 within 15 days of the effective date of the permit.

(7) The Department may compare copies of Level I self-issued permits to the telephone application for permit provided by the applicant under this rule for the purpose of verifying permit accuracy and compliance with division 72 rules.

Stat. Auth.: ORS 184.616, 184.619, 823.011
Stats. Implemented: ORS 818.200, 818.220
Hist.: 1 OTC 9-1980, f. & ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

734-072-0020

Additional Requirements for Self-Issuance of Variance Permits

(1) When self-issuing a variance permit, the carrier must meet all information requirements contained in ORS 818.225.

(2) A carrier self-issuing permits under Level III authorization must coordinate all moves with the appropriate city or county jurisdictions, as required.

(3) Any incident involving damage or potential damage to any roadway or structure resulting from a permitted move under the programs established by division 72 rules must be reported to the Permit Unit Manager in Salem within 24 hours of the occurrence.

(4) The permit form will consist of an original and one copy. The original permit and attachments must be in the possession of the driver of the permitted vehicle as provided under ORS 818.350. The carrier must mail the Road Use Assessment Fee (RUAF) billing calculation and payment along with the Salem copy of the permit, within 15 days from the end of the month in which the permit was issued, to the Over-Dimension Permit Unit, 550 Capitol St. NE, Salem, Oregon 97301-2530.

Stat. Auth.: ORS 184.616, 184.619, 823.011
Stats. Implemented: ORS 818.200, 818.220
Hist.: 1 OTC 9-1980, f. & ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96; TO 2-2001, f. & cert. ef. 6-14-01; HWD 4-2009, f. & cert. ef. 3-20-09; HWD 5-2011, f. & cert. ef. 5-27-11

734-072-0022

Program for Single Trip Variance Permits Sent by Facsimile

The program for issuance of permits by facsimile allows carriers to apply for permits by telephone or facsimile. The completed permit is transmitted by the Over-Dimension Permit Unit to the carrier's place of business by facsimile.

Stat. Auth.: ORS 184.616, 184.619, 823.011
Stats. Implemented: ORS 818.200, 818.220
Hist.: HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96; HWD 4-2009, f. & cert. ef. 3-20-09; HWD 5-2011, f. & cert. ef. 5-27-11

734-072-0023

Requirements of Carrier to Receive Permits by Facsimile

(1) In order for a carrier to qualify to receive variance permits by facsimile:

(a) The carrier must enter into an agreement with the Department of Transportation to receive permits by facsimile. The agreement identifies the carrier's business location, procedure for preparing facsimile permits and requirement for attachment of general provisions; and

(b) The carrier must provide the Over-Dimension Permit Unit a telephone number that allows for the automatic, unattended reception of transportation permits.

(2) Carriers that are not subject to ORS 825.474 or 825.480 or do not meet the exemption requirements under ORS 818.200(2) are not eligible to receive permits by facsimile;

(3) A person or persons providing permit services must file a surety bond with the Motor Carrier Transportation Division of the Oregon Department of Transportation in the amount of \$1,500.

Stat. Auth.: ORS 184.616, 184.619, 823.011
Stats. Implemented: ORS 818.200, 818.220
Hist.: HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

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734-072-0030

Cancellation of Permits or Authorization

(1) The cancellation authority granted under ORS 818.220 will apply to and govern the cancellation of self-issue and facsimile permits sent to carrier's place of business.

(2) Authorization to self-issue permits may be canceled if a carrier, on more than one occasion, fails to conform to written or verbal direction from the Over-Dimension Permit Unit regarding proper self-issuance of permits.

(3) A motor carrier's Level III authorization to self-issue permits may be canceled if:

(a) The provisions contained in OAR 734-072-0010(4) are not maintained in good standing;

(b) Random checks of completed and returned self-issued permits that show the reported weights or dimensions are not accurate or in conformance with the program;

(c) The carrier fails to submit a timely payment of a Road Use Assessment Fee (RUAF) billing resulting from a permitted move;

(d) The carrier fails more than once in a six-month period to submit self-issue reports by the 15th day of the month following the month to which the report applies; or

(e) The carrier is shown to have been involved in an incident causing damage to a roadway or structure while conducting a movement requiring a variance permit, except when operating within the provisions of a variance permit issued directly by the Department of Transportation.

Stat. Auth.: ORS 184.616, 184.619, 810.060, 823.011

Stats. Implemented: ORS 818.200, 818.220

Hist.: 1 OTC 9-1980, f. & cert. ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96; TO 2-2001, f. & cert. ef. 6-14-01; HWD 4-2009, f. & cert. ef. 3-20-09; HWD 5-2011, f. & cert. ef. 5-27-11

734-073-0050

Purpose and Scope

(1) The purpose of OAR chapter 734, division 73 is to:

(a) Implement federal laws for combinations of vehicles, sizes and weights; and

(b) Continue issuing permits for similar commercial combinations of vehicles on designated state highways.

(2) Division 73 rules apply to the operation, over designated state highways, of certain vehicles and vehicle combinations described in Sections 411, 412 and 416 of Public Law 97-424, also known as the "Surface Transportation Assistance Act of 1982", hereinafter referred to as STAA 1982 and available from the Motor Carrier Transportation Division (MCTD) Over-Dimension Permit Unit. Section 411 of STAA 1982, 49 U.S.C. secs. 3111-3112, relates to the lengths of truck-tractor with semitrailer combinations and truck-tractor with semitrailer and trailer combinations. Section 412(a)(2) of STAA 1982 relates to bus length and reasonable access. Division 73 rules also authorize special equipment transporting logs.

(3) When a conflict between OAR chapter 734, division 71 and division 73 occurs and the conflict will result in the loss of Federal funds, division 73 rules must prevail for the specified combinations of vehicles when operating on National Network Highways and those other highways where reasonable access beyond one mile has been granted.

(4) Drivers of all combinations of vehicles authorized by OAR chapter 734, division 73, must have a valid commercial driver license appropriate for the combination of vehicles being operated.

(5) OAR chapter 734, division 73 does not apply to vehicles licensed as, or which can be used as, recreational vehicles as defined in ORS 446.003(36) or to any combination of more than two vehicles not used exclusively for commercial purposes and subject to ORS Chapters 823 and 825.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 810.060, 823.011

Stats. Implemented: ORS 810.050, 818.030, 818.200, 818.220

Hist.: 2HD 20-1983, f. & cert. ef. 9-23-83; HWY 4-1992, f. & cert. ef. 3-25-92; HWY 4-1993, f. & cert. ef. 7-16-93; HWY 1-1995, f. & cert. ef. 9-18-95; HWY 8-1997, f. & cert. ef. 8-26-97; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

734-073-0056

Truck-Tractor and Semitrailer Combinations — National Network Highways

(1) The Federal Highway Administration determined Oregon's grandfathered semitrailer length to be 53 feet, allowed by the STAA 1982. The length of a semitrailer operated in Oregon on the National Network Highways designated by the STAA 1982 must not exceed 53 feet. The overall length is not restricted.

(2) The length of any load carried on the semitrailer authorized in section (1) of this rule must not extend beyond the rear of the semitrailer by more than five feet.

(3) The National Network Highways in Oregon approved for operation by this rule consist only of those highways listed in Code of Federal Regulations Title 23, Part 658, Appendix A. These routes are shown in green on Route Map 7, available from the MCTD Over-Dimension Permit Unit. Route Map 7 dated January 2005 is by reference made a part of Division 73 rules.

(4) A permit is not required for the dimensions and routes authorized by this rule.

Stat. Auth.: ORS 184.616, 184.619, 810.060, 823.011

Stats. Implemented: ORS 810.050, 818.030, 818.200, 818.220

Hist.: HWY 4-1992, f. & cert. ef. 3-25-92; HWY 1-1995, f. & cert. ef. 9-18-95; HWY 8-1997, f. & cert. ef. 8-26-97; TO 2-2001, f. & cert. ef. 6-14-01; HWD 2-2005, f. & cert. ef. 3-18-05; HWD 5-2011, f. & cert. ef. 5-27-11

734-073-0065

Truck-Tractor with Semitrailer and Trailer Combinations and Truck-Tractor with Semitrailer and Semitrailer Combinations

(1) The maximum length of any semitrailer or trailer in a truck-tractor with semitrailer and trailer or truck-tractor with semitrailer and semitrailer combination must not exceed 40 feet.

(2) The overall length of the combination is not restricted; however, the maximum dimension when measured from the front of the first semitrailer to the rear of the second semitrailer or trailer must not exceed those dimensions set forth in section (3) of this rule.

(3)(a) Provided the distance from the front of the first semitrailer to the rear of the second semitrailer or trailer does not exceed 60 feet, the combination of vehicles may operate over Group 1 highways. Group 1 highways are shown on Group Map 1, available from the MCTD Over-Dimension Permit Unit. Group Map 1 dated January 2005 is by reference made a part of Division 73 rules;

(b) If the distance from the front of the first semitrailer to the rear of the second semitrailer or trailer is more than 60 feet but does not exceed 68 feet, the combination of vehicles may operate over those state highways listed in Code of Federal Regulations Title 23, Part 658, Appendix A, and are displayed on Route Map 7;

(c) The distance from the front of the first semitrailer to the rear of the second semitrailer or trailer must not exceed 68 feet; and

(d) The length of any load carried on the semitrailer or trailer of a truck-tractor with semitrailer and trailer or truck-tractor with semitrailer and semitrailer combination as described in this rule must not extend beyond the rear of the semitrailer or trailer by more than five feet.

(4) A permit is not required for the dimensions and routes authorized by this rule.

[Publications: Publications & Maps referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 810.050 & 810.060

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 20-1983, f. & cert. ef. 9-23-83; HWY 4-1992, f. & cert. ef. 3-25-92; HWY 1-1995, f. & cert. ef. 9-18-95; HWY 8-1997, f. & cert. ef. 8-26-97; TO 2-2001, f. & cert. ef. 6-14-01; HWD 2-2005, f. & cert. ef. 3-18-05; HWD 5-2011, f. & cert. ef. 5-27-11

734-074-0020

Maximum Allowable Weights

(1) The maximum allowable weights for single axles and tandem axles must not exceed those specified under ORS 818.010(1) and (2).

(2) When the loaded weight of a group of axles, vehicle, or combination of vehicles is 80,000 pounds or less, the maximum allowable weight must not exceed those specified under ORS 818.010(3).

(3) When a group of axles or gross weight is more than 80,000 pounds, the maximum allowable weights must not exceed those set forth in Permit Weight Table 2, available from the MCTD Over-Dimension Permit Unit as Form 735-8111 (February 2000). Permit Weight Table 2, is by reference made part of Division 74 rules. In no case may gross weight exceed the sum of the permissible axle, tandem axle or group of axle weights, whichever is less.

(4) In no case may any rim or wheel carry more weight than that specified by the manufacturer of the rim or wheel.

(5) All single axles of triple trailer combinations must have either four tires or two new generation wide base single tires, except for the power unit steering axle and lift axles that may have two tires. Tires on each axle must be of the same size and construction unless the vehicle encounters a tire problem and is in route for tire servicing. Use of new generation wide base single tires is allowed provided that the legal weight of the vehicle, axle or tire load rating is not exceeded.

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(6) For purposes of Division 74 rules, the axle(s) of a converter dolly or dolly are not included in determining authorized weight unless those axles carry part of the weight of the cargo being transported.

(7) In any triple trailer combination, the first two cargo carrying units, including the power unit, may not weigh more than 80,000 pounds unless equipped with tandem drive axles.

(8) The exception described in ORS 818.030(10) and 818.340(4) is limited to the actual weight of the idle reduction system, not to exceed 400 pounds. In order to qualify for the exception, the operator of the vehicle may be required to prove:

(a) By written certification the weight of the auxiliary power unit; and

(b) By demonstration or certification that the idle reduction technology is fully functional.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 10-1992, f. & cert. ef. 9-16-92; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 8-1997, f. & cert. ef. 8-26-97; TO 2-2001, f. & cert. ef. 6-14-01; HWD 2-2005, f. & cert. ef. 3-18-05; HWD 6-2007, f. & cert. ef. 10-17-07; HWD 2-2010, f. & cert. ef. 3-17-10; HWD 5-2011, f. & cert. ef. 5-27-11

734-074-0023

Application for Permit

(1) Application for permits may be made in person, at Oregon ports of entry or by mail to the Over-Dimension Permit Unit, 550 Capitol St. NE, Salem, Oregon 97301-2530.

(2) Telephone applications for permits may be made by calling (503) 373-0000 and the executed permit will be transmitted electronically for pick up by the applicant at the nearest state office equipped with a receiving device.

(3) Routine information such as permittee name, address and vehicle identification must be included for the application.

(4) Permits will not be issued when an application is incomplete.

(5) Carriers who have unsatisfactory safety ratings from the U.S. Department of Transportation or the Oregon Department of Transportation, Motor Carrier Transportation Division are not eligible for permits under these rules.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.200, 818.220

Hist.: 2HD 6-1983, f. & ef. 2-18-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 8-1997, f. & cert. ef. 8-26-97; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

734-074-0051

Splash and Spray Suppressant Devices

(1) The Chief Engineer requires combinations of vehicles operating under OAR chapter 734, division 74 when highways are wet, including those surfaces that have rain, frost, ice, sleet or snow to be equipped with devices designed to suppress water splash and spray.

(2) The Chief Engineer is hereby granted authority to approve and require by written order the type, style, design, and installation details of splash and spray devices. These devices may consist of but are not limited to the following:

(a) Air deflectors mounted on the vehicles;

(b) Fender flaps behind wheels;

(c) Side flaps over wheels; and

(d) Water collection type fenders.

(3) Minimum splash and spray requirements are shown on MCTD Forms 734-2351 (April 2002) and 734-2351A (March 2002). These forms are available from the MCTD Over-Dimension Permit Unit and by reference are made a part of these rules.

(4) The headlights of a triple trailer combination must be illuminated any time windshield wipers are used.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 6-1983, f. & ef. 2-18-83; 2HD 21-1983, f. & ef. 9-23-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 8-1997, f. & cert. ef. 8-26-97; TO 2-2001, f. & cert. ef. 6-14-01; HWD 2-2005, f. & cert. ef. 3-18-05; HWD 5-2011, f. & cert. ef. 5-27-11

734-075-0035

Pilot Vehicles

(1) Pilot vehicle(s) may be needed to insure the safety of the traveling public when vehicle and load movements involve excessive width, height, length, or projections to the front or rear of vehicles or combinations of vehicles. The configuration of such pilot vehicles(s) must be a passenger car, pick-up, truck, or truck-tractor of legal size and weight. A pilot vehicle may not tow another vehicle.

(2) Pilot vehicles escorting oversize loads or vehicles are required to have the following:

(a) Warning signs mounted above the roofline of the vehicle. This sign must bear the legend "OVERSIZE LOAD." The sign must be at least five feet wide by ten inches high; have black letters eight inches high with one-inch brush stroke in accordance with Federal Highway Administration series B, on highway yellow background. The sign must be displayed only during the course of the oversize movement, and must be removed or retracted at all other times. The sign must be clean, legible, and mounted adequately to afford full view at all times, when in use, to the front or rear depending upon location of pilot vehicle or relative to the oversize unit;

(b) Warning lights are required in addition to those lights that may otherwise be required by law. The warning lights must be displayed only during the course of the oversize movement, and at all other times the requirements found in ORS 816.350(7) will apply. Strobe lights are allowed. These lights must be mounted above the roof of the cab, be clearly visible from 500 feet, have a minimum of 30 flashes per minute and be either:

(A) Two flashing amber lights as widely spaced laterally as is practical;

(B) Revolving type amber light(s); or

(C) Amber type strobe light(s) with 360 degree visibility.

(c) Two-way radio communications between the oversize vehicle and the pilot vehicle(s) must be maintained at all times;

(d) Two 18-inch-square red flags mounted on three-foot length staffs must be carried by each pilot vehicle. The pilot vehicle operator will use the flags to warn oncoming or overtaking traffic when the oversize unit is stopped and obstructing traffic;

(e) Eight safety flares or reflectors. Safety flares may not be used when the movement involves hazardous materials; and

(f) For a load exceeding 14 feet 6 inches high, an over-height pole adequate to determine load clearance is required if the permittee has not provided the department with a signed official ODOT form assuming all liability for any damage that may occur during an over-height movement. Instructions for over-height pole use are found on Permit Attachment 75-A.

(3) The number of pilot vehicles required for certain movements is shown on Permit Attachment 75-A, which is issued with permits requiring pilot vehicles. The Chief Engineer is authorized to alter the number of pilot vehicles from those specified in Permit Attachment 75-A depending upon local conditions, seasonal traffic, construction projects, or other considerations. The permit will reflect altered requirements. Further, units with an overall width not exceeding 12 feet that meet the warning lights requirements described in 734-075-0040(2) and (3) are exempt from rear pilot car requirements on Group 1 Highways unless specifically required by the permit or Chief Engineer.

(4) Permit Attachment 75-A is available from the Motor Carrier Transportation Division, Over-Dimension Permit Unit.

(5) The highway classification groups referred to in Permit Attachment 75-A are established by and maintained by the Chief Engineer.

(6) Positioning of pilot vehicles -- Unless specified otherwise, the pilot vehicle(s) must be positioned ahead of (when one is required) or to the front and rear of (when two or more are required) the oversize unit at a distance of 300 feet to 500 feet from the unit. In areas where increased traffic congestion is encountered, where traffic is controlled by signals, or where other conditions may so require, the spacing will be reduced as may be required to properly safeguard the traveling public.

(7) When for any cause the oversize unit is stopped and occupies or encroaches onto the highway's travel lane, the pilot vehicle(s) must be positioned to warn and safeguard other traffic approaching from any direction from which visibility or sight distance may be limited.

(8) Duties of pilot vehicle operations:

(a) Warn approaching and/or overtaking traffic of the unit's presence on the highway to provide a maximum of protection and safety for the traveling public; and

(b) When encountering bridges, structures, tunnels, or other locations where clearances may be limited to the extent that normal two-way traffic cannot be maintained, the pilot vehicle operator must signal by hand or radio to the towing vehicle driver when the oversize unit can proceed without conflict to approaching traffic. As the oversize unit then proceeds through such areas of impaired clearance, the pilot vehicle operator must warn approaching traffic.

(9) Pilot vehicle(s) are considered to be under the direct control and supervision of the oversize vehicle operator.

(10) Specific identified locations may require additional precautions. Permits will specify locations that require certified flagging to be conduct-

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ed. The flagging must be conducted in accordance with the standards in the Manual on Uniform Traffic Control Devices as adopted in OAR 734-020-0005.

[Publications: Publications & Forms referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 814.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2 HD 7-1982(Temp), f. & ef. 11-22-82; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

734-075-0085

General Permit Provisions

(1) Posted Load Limits: Notwithstanding the weights or dimensions allowed under a permit, the posting of any highway or structure to reduce weights or dimensions will modify the limits allowed under the permit.

(2) Impaired Clearance: Full responsibility for determining adequate clearance, both vertical and horizontal is hereby imposed upon the permittee and the driver of equipment having a width and/or height in excess of the legal limit. When the vertical or horizontal clearance of any bridge or structure is impaired to the extent that full two-way traffic cannot be maintained, the permittee must provide a pilot vehicle for the purpose of preventing approaching vehicles from entering the bridge or structure while it is impaired by the movement covered by this permit.

(3) Spacing Interval: Two or more vehicles required to display warning signs must maintain a distance of one-half mile between combinations traveling in the same direction, except when overtaking or passing or in areas where increased traffic congestion is encountered, where traffic is controlled by signals, or where other conditions may so require. All slow-moving lanes and turn-outs must be used to allow following traffic to pass.

(4) Bond -- Highway Damage: Permittee will be held responsible and liable for any and all damage to, or destruction of any highway or any highway structure occasioned by the movement over said highways, and hereby agrees to reimburse the Department of Transportation (Department) for the cost or expense of repairing or restoring any highway structure damaged, or destroyed; such reimbursement to be made by the permittee within ten days after being billed for the same by the Department. When requested to do so, permittee must furnish the State either a certified check or a surety bond, in any amount to be specified by the Department to guarantee the payment of claim for damages which may result from movement of an unusually large or heavy nature.

(5) Insurance: Permittee will also be held responsible and liable for any and all injury to persons or damage to property resulting from the movement on said highways, and will indemnify and hold harmless the State of Oregon, and Oregon Transportation Commission, its members, officers, and employees, jointly and severally, from liability in the event that such injury or damage may occur. In this connection, the granting authority may require the permittee to furnish to the Department evidence of satisfactory public liability and property damage insurance, in amounts as may be required by the Department, and evidence of satisfactory indemnity insurance indemnifying the State of Oregon and its Transportation Commission, its members, officers, and employees, jointly or severally against liability in the event of any injury or accident occurring by reason of said permittee's operations on a state highway. This permit will automatically terminate, and be of no force and effect in the event that any insurance filed under this provision is canceled or is allowed to lapse.

(6) County Roads and City Streets: This permit does not authorize operations over county roads or city streets unless specifically noted. To operate over a county road a permit must be obtained from the county authority having jurisdiction over the road; likewise, to operate over a city street other than a state highway route, a permit must be obtained from the proper city authority.

(7) Cancellation: This permit may be canceled at any time by the granting authority upon proof satisfactory to it that the permittee has violated any of the terms of the permit, or that the permit was obtained through misrepresentation in the application therefor, or when in the judgment of the granting authority the public interest requires cancellation (ORS 818.220).

(8) Rear-view Mirrors: Vehicles or combinations of vehicles towing or transporting over-width vehicles, machines or loads under authority of this permit must be equipped with rear-view mirrors capable of affording the operator a view to the rear of the vehicle and/or combination of vehicles. Such mirrors may exceed width authorized herein by five inches on either side, but must be retracted to legal width when vehicle or combination of vehicles and/or load is of legal width.

(9) It is the responsibility of the motor carrier to notify the Over-Dimension Permit Unit in the event of striking a structure in the course of a movement. In addition to any other notification required by law, within 24 hours of striking a structure, the motor carrier must initially report the incident to the Over-Dimension Permit Unit pager at (503) 588-9610. The motor carrier will be contacted and provided with a form to report the incident and within 72 hours of the contact must return the completed form by fax to (503) 378-2873 or delivery to the Over-Dimension Permit Unit at 550 Capitol St. NE, Salem, OR 97301-2530.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.220, 818.225

Hist.: HWD 5-2011, f. & cert. ef. 5-27-11

734-076-0005

Scope

Except as ordered by a peace officer, no person will engage in the towing of any vehicle or combination of vehicles that exceed the maximum size or weight provided by statute unless that person has obtained a special permit from the Motor Carrier Transportation Division, Over-Dimension Permit Unit of the Oregon Department of Transportation. The provisions of OAR 734-076-0005 through 734-076-0185 authorize permits for combinations of vehicles including the tow vehicle that exceed size or weight limitations established by law or rule. These rules also provide a means of removing over-dimensional and/or overweight disabled units from state highways, authorize recovery of the load transported by such vehicles and allow a replacement vehicle to be transported to the scene. Tow vehicles may not be used to circumvent legalization of a vehicle or combination of vehicles as required by an enforcement official.

Stat. Auth.: ORS 184.616 & 184.619

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81; HWY 8-1997, f. & cert. ef. 8-26-97; TO 1-1999, f. & cert. ef. 2-29-99; HWD 5-2011, f. & cert. ef. 5-27-11

734-076-0015

Definitions

For the purposes of division 76, the following definitions apply:

(1) "Business day" is any day Monday through Friday, except holidays as defined in section (7) of this rule.

(2) "Daylight hours" means one-half hour before sunrise until one-half hour after sunset.

(3) "Disabled unit" means an inoperative or disabled vehicle or combination of vehicles being transported by a tow vehicle. This does not include a vehicle(s) that has been required to legalize for size or weight violations.

(4) "Full log truck" means a motor vehicle having a minimum GVWR of 17,001 pounds and designed to transport a load of logs entirely on the motor vehicle.

(5) "GVW" means combined gross vehicle loaded weight.

(6) "Gross vehicle weight rating" or "GVWR" means the gross vehicle weight rating as defined in ORS 801.298.

(7) "Holiday" for the purposes of these rules means New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, and includes any other days the state officially observes these holidays by the closure of State offices.

(8) "Lift axle" means an axle(s) that can be raised from or lowered to the surface of the ground.

(9) "Load recovery vehicles" are single-vehicles of legal size and weight, or a combination of vehicles consisting of a truck-tractor and semi-trailer used to transport a disabled unit and/or its load.

(10) "Log truck" means a motor vehicle having a weight in excess of 17,000 pounds GVWR, designed and used in conjunction with a pole trailer to transport one load of logs where one end of the logs rests upon the log truck and one end of the logs rests upon the pole trailer.

(11) "MCTD" means the Motor Carrier Transportation Division of the Oregon Department of Transportation.

(12) "Motor vehicle transporter" for the purposes of ORS 818.100 (16) and (17) means a Class D tow vehicle that may only tow or transport disabled vehicles and that:

(a) Does not exceed 40 feet in length or 45 feet in length inclusive of a reach;

(b) Does not exceed 65 feet overall length in combination;

(c) Is equipped with a retractable reach; and

(d) May tow one additional vehicle.

(13) "Over-Dimension Permit Unit" means the Over-Dimension Permit Unit of the Oregon Department of Transportation, Motor Carrier Transportation Division.

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(14) "Permit" means written authorization obtained from MCTD or an authorized road authority issued to the towing vehicle defining specific transportation activity including, but not limited to size, weight, hours of operation, operational conditions and routes.

(15) "Pole trailer" means a trailer attached or secured to a vehicle and ordinarily used for transportation of long or irregular loads such as logs or poles capable of generally sustaining themselves as beams between the towing vehicle and the pole trailer.

(16) "Tow" means to pull a load or vehicle behind the towing vehicle.

(17) "Tow vehicle" is as defined in ORS 801.530. Tow vehicles are further designated as Class A, B, C and D in OAR 257-050-0160, Mandatory Equipment Standards for Tow Trucks/Safety Related Requirements. Copies of 257-050-0160 are available from the Oregon State Police, 400 Public Service Building, Salem, OR 97310 or the Over-Dimension Permit Unit of the Motor Carrier Transportation Division, 550 Capitol Street NE, Salem, OR 97301-2530. In addition to the description of tow vehicle classes set forth in 257-050-0160, tow vehicles are further described by class of design and for the following uses:

(a) "Class A" tow vehicles are motor vehicles with a minimum manufactured gross vehicle weight rating of 10,000 pounds or equivalent. Class A tow vehicles may be used for towing and recovery operations of a single vehicle of legal size and weight such as a passenger car, pickup truck, small trailer or equivalent vehicle and have a combined gross weight of 26,000 pounds or less including the weight of the tow vehicle;

(b) "Class B" tow vehicles are motor vehicles with a minimum manufactured gross vehicle weight rating of 17,000 pounds or equivalent. Class B tow vehicles may be used for towing and recovery operations of a single vehicle or combination of vehicles such as medium size trucks, trailers, motor homes or equivalent vehicle(s), including those vehicles initially operating under a transportation variance permit, and must have a combined gross vehicle weight of 80,000 pounds or less, not including the weight of the tow vehicle;

(c) "Class C" tow vehicles are motor vehicles with a minimum manufactured gross vehicle weight rating of 27,500 pounds or equivalent. Class C tow vehicles may be used for towing and recovery operations of a single vehicle or combination of vehicles such as large trucks, trailers, motor homes or equivalent vehicle(s), including those vehicles initially operating under a transportation variance permit, and may have a combined gross vehicle weight up to 98,000 pounds inclusive of the tow vehicle except when operating under a single trip permit issued to the tow vehicle. Class C tow vehicles must have tandem drive axles; and

(d) "Class D" tow vehicles (also known as roll backs) are motor vehicles that transport disabled units upon the tow vehicle, and may also tow a single vehicle of legal size using a crane, hoist, tow bar, tow line or dolly. All weights must comply with ORS 818.010. They are further identified into three sub-classes describing the design and use allowed if they also tow other vehicles appropriate to their class:

(A) "Class D-A" tow vehicles are motor vehicles with a minimum manufacturer's gross vehicle weight rating of 11,000 pounds;

(B) "Class D-B" tow vehicles are motor vehicles with a minimum manufacturer's gross vehicle weight rating of 17,000 pounds; and

(C) "Class D-C" tow vehicles are motor vehicles with a minimum manufacturer's gross vehicle weight rating of 27,500 pounds. Class D-C tow vehicles must have a tandem drive axle.

(18) "Towing vehicle" includes:

(a) A tow vehicle;

(b) A full log truck, either laden or unladen, used to tow another log truck or log truck pole trailer combination; and

(c) A log truck, either unladen or with a pole trailer in the decked (bunked) position, used to tow another log truck or log truck pole trailer combination.

(19) "Transport" means to haul a load or vehicle entirely on the tow vehicle or recovery vehicle.

(20) "Truck-tractor" means a motor vehicle designed and used primarily for drawing (towing) other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn and having a GVWR in excess of 15,000 pounds.

Stat. Auth.: ORS 184.616, 184.619, 810.060, 823.011

Stats. Implemented: ORS 818.170, 818.200, 818.220

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81; HWY 8-1997, f. & cert. ef. 8-26-97; TO 1-1999, f. & cert. ef. 2-19-99; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

734-076-0075

Application for Permit

(1) Application for permits may be made in person at Oregon ports of entry, or in person, by facsimile or by mail to the Over-Dimension Permit Unit, 550 Capitol Street NE, Salem, Oregon 97301-2530.

(2) To qualify for a permit, a towing company must have vehicles that are registered as tow vehicles under ORS 803. Log truck and full log truck "towing vehicles" are exempt from this requirement.

(3) Application for permits may be made by telephone by calling (503) 373-0000. The permit may be mailed or transmitted electronically for pick up by the applicant at a state office equipped with a receiving device.

(4) The applicant must provide:

(a) Permittee name and address;

(b) Towing or recovery vehicle year and make;

(c) Towing or recovery vehicle identification number (also known as VIN number);

(d) Towing or recovery vehicle registration plate number; and

(e) Towing or recovery vehicle unit number if one has been assigned by the towing company.

(5) In addition to the requirements in section (4) of this rule, the applicant may be required to provide dimension and weight when applying for a single trip permit.

(6) Permits will not be issued when an application is incomplete.

(7) A transportation permit must be obtained prior to moving a disabled unit. In the instance where a single trip permit is required because the combined gross weight exceeds 98,000 pounds, and there is not a state office where transportation permits are available on route, the single trip permit may be obtained no later than the next business day providing the driver has possession of a continuous trip permit issued under division 76 rules to the towing vehicle.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.170, 818.200, 818.220

Hist.: HWY 8-1997, f. & cert. ef. 8-26-97; TO 1-1999, f. & cert. ef. 2-19-99; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

734-076-0115

Tow Vehicle Authorized Use

(1) The following uses are allowed for tow vehicles towing disabled vehicles when operating under a permit issued by the Over-Dimension Permit Unit:

(a) A Class A tow vehicle may tow a combination of vehicles only the distance necessary to leave the public highway. From that point, no more than one vehicle may be towed;

(b) A Class B and Class C tow vehicle may tow a:

(A) Single vehicle unrestricted as to distance; or

(B) Combination of vehicles authorized by statute, rule or variance permit to the nearest population center of at least 15,000, or 100 Oregon airmiles, whichever is greater; and

(c) A Class D tow vehicle is not authorized to tow more than one vehicle.

(2) A truck-tractor semitrailer load recovery vehicle may only be used to transport the load of a disabled unit from the site of the incident to the nearest population center of at least 15,000, or 100 Oregon airmiles, whichever is greater. Such load recovery vehicle may transport, in addition to the recovered load, equipment necessary to recover the load. The weight may exceed those established in ORS 818.010 providing the weight does not exceed that allowed by OAR 734-076-0145.

(3) A solo recovery vehicle may be used only to transport the load of a disabled vehicle that is of comparable size to the recovery vehicle.

(4) A log truck or full log truck "towing vehicle" may tow an empty disabled log truck, a disabled log truck with a decked pole trailer, a loaded or unladen disabled full log truck, a disabled motor truck modified to transport logs with a trailer decked, or a loaded disabled log truck and pole trailer combination. A laden disabled log truck and pole trailer combination may be towed only to a destination mill or the motor carrier terminal, whichever is closer.

(5) A towing vehicle may tow a replacement vehicle to the necessary location.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.170, 818.200, 818.220

Hist.: HWY 8-1997, f. & cert. ef. 8-26-97; TO 1-1999, f. & cert. ef. 2-19-99; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

734-076-0165

Pilot Vehicle(s)

(1) Pilot vehicles may be needed to ensure the safety of the traveling public when the tow vehicle and disabled unit involve excessive width,

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height, length or projections to the front or rear of vehicles or combinations of vehicles. The configuration of such pilot vehicle(s) must be a passenger car, pick-up, truck or truck-tractor of legal size and weight. Combinations of vehicles are not allowed as pilot vehicles. The number of pilot vehicles required for certain movements is shown on permit Attachment 76-A, which is provided with the permit.

(2) Pilot vehicles escorting oversize loads or vehicles are required to have the following:

(a) Warning signs mounted above the roofline of the vehicle. This sign must bear the legend "OVERSIZE LOAD." The sign must be at least five feet wide by ten inches high and have black letters eight inches high with one-inch brush stroke in accordance with Federal Highway Administration series B, on highway yellow background. The sign must be displayed only during the course of the oversize movement, and must be removed or retracted at all other times. The sign must be clean, legible and mounted adequately to afford full view at all times, when in use, to the front or rear depending upon location of pilot vehicle or relative to the oversize unit.

(b) Warning lights are required in addition to those lights that may otherwise be required by law. The warning lights must be displayed only during the course of the oversize movement, and at all other times the requirements found in ORS 816.350(7) will apply. Strobe lights are allowed. These lights must be mounted above the roof of the cab, be clearly visible from 500 feet, have a minimum of 30 flashes per minute and be either:

(A) Two flashing amber lights as widely spaced laterally as is practical;

(B) Revolving type amber light(s); or

(C) Amber type strobe light(s) with 360 degree visibility.

(c) Two-way radio communications between the towing vehicle and the pilot vehicle(s) must be maintained at all times.

(d) Two 18-inch-square red flags mounted on three-foot length staffs must be carried by each pilot vehicle. The pilot vehicle operator will use the flags to warn oncoming or overtaking traffic when the oversize unit is stopped and obstructing traffic; and

(e) Eight safety flares or reflectors. Safety flares may not be used when the movement involves hazardous materials.

(3) The number of pilot vehicles required for certain movements is shown on Permit Attachment 76-A, which is issued with permits requiring pilot vehicles. The Chief Engineer is authorized to alter the number of pilot vehicles from those specified in permit Attachment 76-A depending upon local conditions, seasonal traffic, construction projects or other considerations. The permit will reflect altered requirements.

(4) Permit Attachment 76-A is available from the Motor Carrier Transportation Division, Over-Dimension Permit Unit.

(5) The highway classification groups referred to in Permit Attachment 76-A are established and maintained by the Chief Engineer.

(6) Positioning of pilot vehicles -- Unless specified otherwise, the pilot vehicle(s) must be positioned ahead of (when one is required) or to the front and rear of (when two or more are required) the oversize unit at a distance of 300 feet to 500 feet from the unit. In areas where traffic congestion is encountered, where traffic is controlled by signals or where other conditions may require, the spacing will be reduced as may be required to properly safeguard the traveling public.

(7) When for any cause the oversize unit is stopped and occupies or encroaches onto the highway's travel lane, the pilot vehicle(s) must be positioned to warn and safeguard other traffic approaching from any direction from which visibility or sight distance may be limited.

(8) Duties of pilot vehicle operators:

(a) Warn approaching and/or overtaking traffic of the unit's presence on the highway to provide a maximum of protection and safety for the traveling public; and

(b) When encountering bridges, structures, tunnels or other locations where clearances may be limited to the extent that normal two-way traffic cannot be maintained, the pilot vehicle operator must signal by hand or radio to the towing vehicle driver when the oversize unit can proceed without conflict to approaching traffic. As the oversize unit then proceeds through such areas of impaired clearance, the pilot vehicle operator must warn approaching traffic.

(9) Pilot vehicle(s) are considered to be under the direct control and supervision of the tow truck operator.

(10) Specific identified locations may require additional precautions. Permits will specify locations that require certified flagging to be conducted. The flagging must be conducted in accordance with the standards in the Manual on Uniform Traffic Control Devices as adopted in OAR 734-020-0005.

[Publications: Publications & Forms referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 816.350, 818.170, 818.200, 818.220

Hist.: HWY 8-1997, f. & cert. ef. 8-26-97; TO 1-1999, f. & cert. ef. 2-19-99; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

734-076-0175

Approved Routes

(1) When removing a load or vehicles from the initial emergency, towing vehicles or load recovery vehicles operating under Division 76 rules may operate on all state highways. Thereafter, vehicles may operate over Group 1 highways shown on Group Map 1 or approved routes shown on Route Map 7, or approved routes shown on the permit issued to the disabled unit. Overweight vehicles and combinations of vehicles may not operate on highways with weight restrictions shown on Route Map 2, Group Map 1, Route Map 2, and Route Map 7 are available from the Over-Dimension Permit Unit, Motor Carrier Transportation Division, 550 Capitol Street NE, Salem OR 97310.

(2) The Chief Engineer may add additional highway routes to those approved for operation or delete from the approved routes any highway or section of highway when continued operation of the units is not in the public's best interest.

(3) This rule does not authorize operation over highways, streets, or roads not under the jurisdiction of the Department of Transportation. For such operations, separate permission must be obtained from the appropriate authority.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.200, 818.220

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81; HWY 8-1997, f. & cert. ef. 8-26-97, Renumbered from 734-076-0055; TO 1-1999, f. & cert. ef. 2-19-99; HWD 5-2011, f. & cert. ef. 5-27-11

734-077-0010

Application for Permit

(1) Application for a permit may be made in person or by mail to the Over-Dimension Permit Unit, 550 Capitol St. NE, Salem, Oregon 97301-2530.

(2) Telephone applications may be made by calling (503) 373-0000 and the executed permit will be transmitted electronically for pick-up by the applicant at the nearest state office equipped with a receiving device.

(3) In addition to routine information such as permittee name, address and vehicle identification, the application must include:

(a) Identification of food process plant where the movement will originate.

(b) The state highways to be traveled.

(c) The highway mile point or other identifiable geographical point where the movement will leave the state highway.

(4) Permits will not be issued when an application is incomplete.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.200, 818.220

Hist.: 2HD 6-1982, f. & ef. 10-25-82; HWY 11-1997, f. & cert. ef. 12-22-97; TO 2-2001, f. & cert. ef. 6-14-01; HWD 5-2011, f. & cert. ef. 5-27-11

734-078-0020

Approved Routes and Allowable Overall Lengths

(1) The allowable overall lengths for the combinations of vehicles and load subject to these rules must not exceed those lengths indicated for the various highways listed on permit attachment 17, available from the Over-Dimension Permit Unit, Motor Carrier Transportation Division, 550 Capitol Street NE, Salem, OR 97310.

(2) All state highways approved for operation of vehicle combinations and loads under permit are those indicated on permit attachment 17. Separate permission must be obtained from proper authorities for operation over county roads, city streets or other roads not under State Highway jurisdiction.

(3) As various state highways or sections thereof are reconstructed or improved to an extent that longer overall vehicle and load lengths can safely travel the highway, the Chief Engineer may by written order and at the Chief Engineer's discretion authorize lengths in excess of those indicated on permit attachment 17. In the same manner, the Chief Engineer may add additional highways, or sections thereof with corresponding overall lengths as the Chief Engineer deems appropriate to those highways listed on permit attachment 17.

(4) If the vehicle combination consists of a log truck and independently operated manually or mechanically steered trailer an overall length will be permitted which exceeds by fifteen feet those indicated on permit attachment 17.

(5) A load may include related items provided it does not exceed the length allowed for the longest permitted item.

Stat. Auth.: ORS 184.616, 184.619, 823.011

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Stats. Implemented: ORS 818.200, 818.220
Hist.: 2HD 4-1983, f. & ef. 1-20-83; HWY 8-1997, f. & cert. ef. 8-26-97; HWD 5-2011, f. & cert. ef. 5-27-11

734-079-0005

Scope and Purpose

A combination of vehicles consisting of a log truck and pole trailer equipped for self loading and transporting logs may operate with a permit allowing the weight provisions of ORS 818.210(3) only if:

(1) The combination does not exceed the maximum allowable length limitations established in OAR chapter 734, division 71, as indicated on Group Map 1, Group Map 1, dated January 2005, available from the Over-Dimension Permit Unit, is by reference made a part of this rule; and

(2) The combination meets any other restrictions that may be imposed pursuant to ORS Chapter 818.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.200, 818.210

Hist.: 2HD 4-1984, f. & ef. 3-14-84; HWY 11-1997, f. & cert. ef. 12-22-97; TO 2-2001, f. & cert. ef. 6-14-01; HWD 12-2005, f. & cert. ef. 12-14-05; HWD 5-2011, f. & cert. ef. 5-27-11

734-079-0015

Application for Permit

(1) Application for a permit may be made in person or by mail to the Over-Dimension Permit Unit, 550 Capitol St. NE, Salem, Oregon 97301-2530.

(2) Telephone applications may be made by calling 1-503-373-0000 and the executed permit will be transmitted electronically for pick-up by the applicant at the nearest state office equipped with a receiving device.

(3) Routine information such as permittee name, address and vehicle identification must be included with the application.

(4) Permits will not be issued when an application is incomplete.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.200, 818.220

Hist.: TO 2-2001, f. & cert. ef. 6-14-01; HWD 12-2005, f. & cert. ef. 12-14-05; HWD 5-2011, f. & cert. ef. 5-27-11

734-082-0035

Pilot Vehicle(s)

(1) Pilot vehicles may be needed to insure the safety of the traveling public when vehicle and load movements involve excessive width, height, length or projections to the front or rear of vehicles or combinations of vehicles. The configuration of such pilot vehicle(s) must be a passenger car, pick-up, truck, or truck-tractor of legal size and weight. A pilot vehicle may not tow another vehicle.

(2) Pilot vehicles escorting oversize loads or vehicles are required to have the following:

(a) Warning sign(s) mounted above the roofline of the vehicle. One required sign must bear the legend "OVERSIZE LOAD." When three front pilot vehicles are required by a permit, and the load will cross the centerline of the highway, additional signs that bear the legend "REDUCE SPEED" and "MOVE RIGHT" may be required. Signs must be at least five feet wide by ten inches high; have black letters eight inches high with one-inch brush stroke in accordance with Federal Highway Administration series B, on highway yellow background. Signs must be displayed only during the course of the oversize movement, and must be removed or retracted at all other times. Signs must be clean, legible, and mounted adequately to afford full view at all times, when in use, to the front or rear depending upon location of pilot vehicle or relative to the oversize unit;

(b) Warning lights are required in addition to those lights that may otherwise be required by law. The warning lights must be displayed only during the course of the oversize movement, and at all other times the requirements found in ORS 816.350(7) must apply. Strobe lights are allowed. These lights must be mounted above the roof of the cab, be clearly visible from a distance of 500 feet, have a minimum of 30 flashes per minute and be either:

(A) Two flashing amber lights as widely spaced laterally as is practical; or

(B) Revolving type amber light(s); or

(C) Amber type strobe light(s) with 360 degree visibility.

(c) Two-way radio communications between the oversize vehicle and the pilot vehicle(s) must be maintained at all times;

(d) Two 18-inch-square red flags mounted on three-foot length staffs must be carried by each pilot vehicle. The pilot vehicle operator will use the flags to warn oncoming or overtaking traffic when the oversize unit is stopped and/or obstructing traffic;

(e) Eight safety flares or reflectors. Safety flares may not be used when the movement involves hazardous materials; and

(f) For a load exceeding 14 feet 6 inches high, an over-height pole adequate to determine load clearance is required if the permittee has not provided the department with a signed official ODOT form assuming all liability for any damage that may occur during an over-height movement. Instructions for over-height pole use are found on Permit Attachment 82-A.

(3) The number of pilot vehicles required for certain movements is shown on permit Attachment 82-A, which is issued with permits requiring pilot vehicles. The Chief Engineer is authorized to alter the number of pilot vehicles from those specified in permit Attachment 82-A depending upon local conditions, seasonal traffic, construction projects, or other considerations. The permit will reflect altered requirements.

(4) Permit Attachment 82-A is available from the Motor Carrier Transportation Division, Over-Dimension Permit Unit.

(5) The highway classification groups referred to in permit Attachment 82-A are established by and maintained by the Chief Engineer.

(6) Positioning of pilot vehicles — Unless specified otherwise, the pilot vehicle(s) must be positioned ahead of (when one is required) or to the front and rear of (when two or more are required) the oversize unit at a distance of 300 feet to 500 feet from the unit. In areas where traffic congestion is encountered, where traffic is controlled by signals, or where other conditions may require, the spacing will be reduced as may be required to properly safeguard the traveling public.

(7) When for any cause the oversize unit is stopped and occupies or encroaches onto the highway's travel lane, the pilot vehicle(s) must be positioned to warn and safeguard other traffic approaching from any direction from which visibility or sight distance may be limited.

(8) Duties of pilot vehicle operations:

(a) Warn approaching and/or overtaking traffic of the unit's presence on the highway to provide a maximum of protection and safety for the traveling public; and

(b) When encountering bridges, structures, tunnels, or other locations where clearances may be limited to the extent that normal two-way traffic cannot be maintained, the pilot vehicle operator must signal by hand or radio to the towing vehicle driver when the oversize unit can proceed without conflict to approaching traffic. As the oversize unit then proceeds through such areas of impaired clearance, the pilot vehicle operator will act as flagger to warn approaching traffic.

(9) Pilot vehicles are considered to be under the direct control and supervision of the operator of the vehicle to which the permit is issued.

(10) Specifically identified locations may require additional precautions. Permits may specify locations that require certified flagging to be conducted. The flagging must be conducted in accordance with the standards in the Manual on Uniform Traffic Control Devices as adopted in OAR 734-020-0005.

Stat. Auth.: ORS 184.616, 184.619, 810.060, 823.011

Stats. Implemented: ORS 818.200, 818.220

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 5-1997, f. & cert. ef. 5-9-97; TO 7-1998, f. & cert. ef. 8-20-98; TO 3-2000, f. & cert. ef. 2-11-00; TO 8-2002, f. & cert. ef. 10-14-02; HWD 4-2007, f. & cert. ef. 7-19-07; HWD 5-2011, f. & cert. ef. 5-27-11

734-082-0040

Combination of Vehicles

(1) The following vehicles or combinations of vehicles may be authorized for continuous trip permits over authorized routes provided the width does not exceed 14 feet, the height does not exceed 14 feet or, except for self-propelled fixed load vehicles limited by OAR 734-082-0039, 14 feet 6 inches on specifically authorized routes, and the overall length does not exceed that stated below:

(a) A solo vehicle must not exceed 40 feet and vehicle inclusive of load must not exceed 50 feet in overall length.

(b) Truck-tractor and semitrailer combinations, which may include an auxiliary axle, must not exceed the length limits as shown on the reverse of Group Map 1 or Route Map 7, whichever is greater, and the semitrailer must not exceed 53 feet in length including the auxiliary axle. An auxiliary axle attached to the rear of a trailer must be included in the measurement of the trailer unless the combination measurement exceeds 53 feet. Group Map 1, dated January 2008, and Route Map 7, dated May 2008, available from the Over-Dimension Permit Unit, are by reference made a part of Division 82 rules.

(c) Motor truck and trailer must not exceed 75 feet in overall length.

(d) Truck-tractor with semitrailer and trailer combinations must not exceed the length limits shown on the reverse of Group Map 1 or Route Map 7, whichever is greater.

(e) Passenger or light vehicles towing any trailer must not exceed 70 feet in overall length.

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(f) An unladen combination of vehicles used to transport non-divisible loads may consist of the truck-tractor, jeep axle(s), a trailer, booster axle(s), dolly(s), steering axle(s) and other equipment needed to transport the non-divisible load. Trailer length must not exceed 62 feet. The combination must be reduced to the shortest length practicable; however overall length must not exceed 105 feet. Unladen movement is authorized with equipment needed to legally transport the non-divisible load loaded on the trailer.

(g) A combination consisting of a truck-tractor or toter towing a manufactured home, mobile home or modular building unit chassis, which may include axles and tires attached to each chassis hauled, may operate on a 30-day multiple trip permit under the following conditions:

(A) Chassis length inclusive of tongue must not exceed 75 feet;

(B) The chassis must not be loaded end to end but may be staggered lengthwise for transport;

(C) Overhang must not extend more than five feet off the rear of the chassis transporting the load;

(D) Overall length of the combination must not exceed:

(i) 105 feet on interstate and multilane highways; and

(ii) 95 feet on two-lane green and brown routes shown on Route Map 7; and

(E) The chassis transporting the load must be equipped with brakes and lights that meet the requirements of CFR 49 Part 393.

(2) When the combination of vehicles includes jeep axles, or other vehicles of a size or weight not authorized by section (1) of this rule, movement must be by single trip permit only.

Stat. Auth.: ORS 184.616, 184.619, 810.060

Stats. Implemented: ORS 818.200, 818.220

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 11-1992, f. & cert. ef. 9-16-92; HWY 5-1997, f. & cert. ef. 5-9-97; TO 7-1998, f. & cert. ef. 8-20-98; TO 3-2000, f. & cert. ef. 2-11-00; TO 8-2002, f. & cert. ef. 10-14-02; HWD 2-2005, f. & cert. ef. 3-18-05; HWD 4-2007, f. & cert. ef. 7-19-07; HWD 5-2008, f. & cert. ef. 5-19-08; HWD 5-2009, f. & cert. ef. 3-20-09; HWD 5-2011, f. & cert. ef. 5-27-11

734-082-0070

General Permit Provisions

(1) Posted Load Limits: Notwithstanding the weights or dimensions allowed under a permit, the posting of any highway or structure to reduce weights or dimensions will modify the limits allowed under the permit.

(2) Impaired Clearance: Full responsibility for determining adequate clearance, both vertical and horizontal is hereby imposed upon the permittee and the driver of equipment having a width and/or height in excess of the legal limit. When the vertical or horizontal clearance of any bridge or structure is impaired to the extent that full two-way traffic cannot be maintained, the permittee must provide a pilot vehicle for the purpose of preventing approaching vehicles from entering the bridge or structure while it is impaired by the movement covered by this permit.

(3) Spacing Interval: Two or more vehicles required to display warning signs must maintain a distance of one-half mile between combinations traveling in the same direction, except when overtaking or passing or in areas where increased traffic congestion is encountered, where traffic is controlled by signals, or where other conditions may so require. All slow-moving lanes and turn-outs must be used to allow following traffic to pass.

(4) Bond — Highway Damage: Permittee will be held responsible and liable for any and all damage to, or destruction of any highway or any highway structure occasioned by the movement over said highways, and hereby agrees to reimburse the Department of Transportation (Department) for the cost or expense of repairing or restoring any highway structure damaged, or destroyed; such reimbursement to be made by the permittee within ten days after being billed for the same by the Department. When requested to do so, permittee must furnish the State either a certified check or a surety bond, in any amount to be specified by the Department to guarantee the payment of claim for damages which may result from movement of an unusually large or heavy nature.

(5) Insurance: Permittee will also be held responsible and liable for any and all injury to persons or damage to property resulting from the movement on said highways, and will indemnify and hold harmless the State of Oregon, and Oregon Transportation Commission, its members, officers, and employees, jointly and severally, from liability in the event that such injury or damage may occur. In this connection, the granting authority may require the permittee to furnish to the Department evidence of satisfactory public liability and property damage insurance, in amounts as may be required by the Commission, and evidence of satisfactory indemnity insurance indemnifying the State of Oregon and its Transportation Commission, its members, officers, and employees, jointly or severally against liability in the event of any injury or accident occurring by reason

of said permittee's operations on a state highway. This permit will automatically terminate, and be of no force and effect in the event that any insurance filed under this provision is canceled or is allowed to lapse.

(6) County Roads and City Streets: This permit does not authorize operations over county roads or city streets unless specifically noted. To operate over a county road a permit must be obtained from the county authority having jurisdiction over the road; likewise, to operate over a city street other than a state highway route, a permit must be obtained from the proper city authority.

(7) Cancellation: This permit may be canceled at any time by the granting authority upon proof satisfactory to it that the permittee has violated any of the terms of the permit, or that the permit was obtained through misrepresentation in the application therefor, or when in the judgment of the granting authority the public interest requires cancellation (ORS 818.220).

(8) Rear-view Mirrors: Vehicles or combinations of vehicles towing or transporting over-width vehicles, machines or loads under authority of this permit must be equipped with rear-view mirrors capable of affording the operator a view to the rear of the vehicle and/or combination of vehicles. Such mirrors may exceed width authorized herein by five inches on either side, but must be retracted to legal width when vehicle or combination of vehicles and/or load is of legal width.

(9) It is the responsibility of the motor carrier to notify the Over-Dimension Permit Unit in the event of striking a structure in the course of a movement. In addition to any other notification required by law, within 24 hours of striking a structure, the motor carrier must initially report the incident to the Over-Dimension Permit Unit pager at 503-931-1541. The motor carrier will be contacted and provided with a form to report the incident and within 72 hours of the contact must return the completed form by fax to (503) 378-2873 or delivery to the Over-Dimension Permit Unit at 550 Capitol St. NE, Salem, OR 97301-2530.

Stat. Auth.: ORS 184.616, 184.619, 810.060

Stats. Implemented: ORS 818.200, 818.220

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 11-1992, f. & cert. ef. 9-16-92; HWY 5-1997, f. & cert. ef. 5-9-97; TO 7-1998, f. & cert. ef. 8-20-98; TO 3-2000, f. & cert. ef. 2-11-00; HWD 5-2011, f. & cert. ef. 5-27-11

734-082-0080

Emergency Verbal Authorization

(1) When a motor carrier learns of the need to use an oversize vehicle, or transport an oversize load, to respond to an emergency at a time (weekday after business hours, weekends or holidays) when the motor carrier cannot obtain a written variance permit, the motor carrier may request verbal authorization in lieu of a written permit.

(2) A motor carrier seeking verbal authorization must:

(a) Telephone the Motor Carrier Transportation Division Over-Dimension Permit Unit (ODPU) at 503-931-1541, provide the ODPU with any information requested regarding the movement, and receive the authorization before operating the oversize vehicle or transporting the oversize load; and

(b) On the first business day following the authorization, telephone the ODPU to confirm that the emergency movement occurred and request the written permit.

(3) ODPU will determine if the request constitutes an emergency move, and if approved will:

(a) Inform the motor carrier of the terms and conditions of the authorization;

(b) Remind the motor carrier of their obligation to obtain, on the first business day following the authorization, the written permit for the emergency movement; and

(c) Create and retain a written record of the authorization, that includes:

(A) The date and time of the authorization;

(B) The route; and

(C) Any terms and conditions of the authorization.

(4) Nothing in this rule relieves the motor carrier from its obligation to comply with all requirements related to oversize movements.

Stat. Auth.: ORS 184.616, 184.619, 823.011

Stats. Implemented: ORS 818.200, 818.220

Hist.: HWD 3-2004, f. & cert. ef. 2-25-04; HWD 5-2011, f. & cert. ef. 5-27-11

ADMINISTRATIVE RULES

Department of Transportation, Motor Carrier Transportation Division Chapter 740

Rule Caption: Federal safety and hazardous materials transportation regulations affecting motor carriers.

Adm. Order No.: MCTD 2-2011

Filed with Sec. of State: 5-27-2011

Certified to be Effective: 5-27-11

Notice Publication Date: 4-1-2011

Rules Amended: 740-100-0010, 740-100-0020, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090, 740-100-0100, 740-110-0010

Subject: These rules cover (1) annual adoption of federal motor carrier safety and hazardous materials transportation regulations, (2) adoption of international standards related to driver, vehicle and hazardous materials out-of-service violations. Adoption of these regulations ensures Oregon's motor carrier safety, hazardous materials, and driver, vehicle and hazardous materials out-of-service requirements are current with national and international standards. Amendments to the adoption of CFR 49 Part 391 regarding driver qualifications for intrastate motor carriers ensure compatibility with federal regulations and ensure Oregon maintains approximately \$2.4 million of Motor Carrier Safety Assistance Program (MCSAP) funds.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-100-0010

Adoption of Federal Safety Regulations

(1) Except as provided in section (4) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair, and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards), and all amendments thereto in effect April 1, 2011, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 825.

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 825, except:

(A) Relating to Part 385:

(A) The provisions of Part 385.1(b), 385.13(b), 385.13(c), 385.13(d)(3), 385.301 through 385.337 and Appendix A to Part 385 do not apply to a motor carrier operating exclusively in intrastate commerce.

(B) With reference to Part 385.13(a), 385.19(c) and 385.19(d), current intrastate safety rating information is available from ODOT only by telephone at (503) 378-6963.

(C) With reference to Part 385.15 and 385.17, requests for administrative review of an intrastate safety rating or requests for a change to a proposed or final intrastate safety rating based on corrective actions must be submitted in writing to the ODOT Motor Carrier Transportation Division, 550 Capitol St. NE, Salem OR 97301-2530.

(D) With reference to Appendix B of Part 385, a final intrastate safety rating will be determined by the Department, and the motor carrier to whom the rating applies will be notified in writing of its intrastate safety rating.

(E) In addition to the violations described in the List of Acute and Critical Violations in Appendix B of Part 385, the Department will include the following violations in a determination of an intrastate or an interstate safety rating:

(i) Financial responsibility requirements in OAR 740-040-0010 (critical) and 740-040-0020 (acute); and

(ii) Intrastate drivers hours-of-service requirements found in OAR 740-100-0010(2)(i) (critical).

(b) The provisions of Part 387 will apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes.

(c) With reference to Part 390.21, external identification requirements do not apply to vehicles with a gross combination weight rating of 26,000 pounds or less and operated exclusively in intrastate private carriage, except those vehicles transporting hazardous materials of a type or quantity requiring placarding or passenger vehicles with a seating capacity of more than 15 passengers including the driver.

(d) The rules in Part 391.11(b)(1) regarding the minimum age for a commercial motor vehicle operator do not apply to a driver engaged in intrastate commerce.

(e) The rules in Part 391 (except Part 391.11(b)(2), English Speaking Driver, Part 391.11(b)(5), Valid Operator's License, and Part 391.15, Disqualification of Drivers) do not apply to a driver who is employed by a private carrier and:

(A) Does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823, and drives a motor vehicle with a gross vehicle or gross combination weight rating of 26,000 pounds or less; or

(B) Operates a passenger vehicle designed to transport fewer than 16 passengers, including the driver.

(f) Notwithstanding Parts 391.41 to 391.49 (Subpart E -- Physical Qualifications and Examinations) the Department may issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Driver and Motor Vehicle Services Division.

(g) With reference to Part 395.1(e)(1), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to exceed 12 hours driving following ten consecutive hours off-duty;

(h) With reference to Part 395.1(g), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(i) With reference to Part 395.1(e)(2) and Part 395.3, a motor carrier conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week, however, any period of seven consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week, however, any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.

(j) The provisions of subsections (g) through (i) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding. A motor carrier transporting hazardous materials of a type or quantity requiring placarding must comply with Part 395.

(k) The provisions of Parts 396.17 through 396.23 (Periodic Inspection Requirements), are not applicable to operations conducted wholly in intrastate commerce.

(3) The provisions of Part 386.83(a)(1) and Part 386.84(a)(1), related to sanctions for failure to pay civil monetary penalties are adopted for operations conducted in intrastate commerce, and apply to penalties and sanctions found in ORS Chapter 825, pursuant to the provisions of ORS Chapter 183.

(4) The intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(5) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to "Federal Highway Administrator," "Regional Director," "Special Agent of the Federal Highway Administration" or the "Federal Motor Carrier Safety Administration," it will be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(6) Copies of the federal regulations referred to in this rule are available from ODOT Motor Carrier Transportation Division or may be

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accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 823.011, 825.137, 825.210, 825.232 & 825.252
Stats. Implemented: ORS 825.210, 825.250 & 825.252
Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 4-1979, f. & ef. 9-21-79 (Order No. 79-641); PUC 5-1979, f. & ef. 9-21-79 (Order No. 79-635); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Part 2, f. & ef. 6-30-80 (Order No. 80-475); PUC 7-1980, f. & ef. 11-6-80 (Order No. 80-845); Renumbered from 860-035-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 12-1982(Temp), f. 12-20-82, ef. 1-1-83 (Order No. 82-872); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 2-1983, f. & ef. 3-1-83 (Order No. 83-117); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 19-1984, f. & ef. 9-10-84 (Order No. 84-713); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 17-1986 (Temp), f. & ef. 12-3-86; (Order No. 86-1239); PUC 2-1987 (Temp), f. & ef. 2-25-87 (Order No. 87-248); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-509); PUC 16-1987(Temp), f. & ef. 12-11-87 (Order No. 87-1244); PUC 4-1988(Temp), f. & cert. ef. 2-12-88 (Order No. 88-161); PUC 6-1988(Temp), f. & cert. ef. 3-9-88 (Order No. 88-818); PUC 14-1988, f. & cert. ef. 7-22-88 (Order No. 88-245); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91) (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 13-1992(Temp), f. & cert. ef. 9-4-92 (Order No. 92-1303); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0010; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCT 2-1997, f. & cert. ef. 5-9-97; MCT 6-1997, f. & cert. ef. 8-26-97; MCT 10-1997, f. & cert. ef. 12-22-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 2-1998, f. & cert. ef. 8-20-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 5-2005(Temp), f. 9-16-05, cert. ef. 1-10-05 thru 3-29-06; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11

740-100-0020

Motor Carrier Accident Notification and Reporting

(1) Definition of Reportable Accident: The term "reportable accident" means an occurrence, involving a commercial motor vehicle operated on public highways by a motor carrier subject to the provisions of ORS Chapter 825, resulting in:

- (a) Fatality: The death of a human being at the scene or within 30 days as a result of the accident;
- (b) Injury: A person injured as a result of the accident, and transported from the scene for medical treatment; or
- (c) Towaway: Vehicles disabled as a result of the accident, and towed from the scene, or assisted in order to proceed under their own power.

(2) Immediate Notification of Fatal Accidents:

(a) When a reportable accident involves the death of one or more persons, the motor carrier will notify ODOT within 24 hours of the time they learned of the fatality.

Notification should be made by telephone (503) 986-3507, or by fax (503) 986-4249, and must include the information in subsection (b) of this section.

(b) The notification required by subsection (a) of this section must include the most reliable information available to the motor carrier on the following subjects:

- (A) Date and time of the accident;
 - (B) Location of the accident;
 - (C) Name of each carrier involved;
 - (D) Number of persons killed;
 - (E) Brief description of the accident; and
 - (F) Name and telephone number of the person reporting.
- (3) Reporting of Accidents:

(a) Within 30 days after the date of a reportable accident, the motor carrier must submit the completed original of ODOT Form 735-9229 (Motor Carrier Crash Report) with Form 735-32 "Oregon Traffic Accident and Insurance Report" to the ODOT DMV Accident Reporting Unit, 1905 Lana Ave. NE, Salem OR 97314.

(b) The motor carrier must fill in the form completely and accurately with the most reliable information available to the carrier at the time the report is submitted.

(c) ODOT Form 735-9229 is attached to Form 735-32 "Oregon Traffic Accident and Insurance Report," available at DMV offices statewide or by phone at 503-945-5098.

Stat. Auth.: ORS 823.011 & 825.252
Stats. Implemented: ORS 825.252
Hist.: PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0012; MCT 5-1997, f. & cert. ef. 8-26-97; MCTB 5-2000, f. & cert. ef. 9-21-00; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2011, f. & cert. ef. 5-27-11

740-100-0065

North American Standard Administrative Out-of-Service Criteria

(1) The North American Standard Administrative Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2011, is adopted and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted to a safe location only at the direction of an official authority.

(2) Copies of the North American Standard Administrative Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.210 & 825.252
Hist.: MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11

740-100-0070

North American Standard Vehicle Out-of-Service Criteria

(1) The North American Standard Vehicle Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2011, is adopted by and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or more of the following:

(a) Out-of-Service Condition: When any motor vehicle by reason of its mechanical condition or loading, is determined to be so unsafe as to likely cause an accident or breakdown, or when such conditions would likely contribute to loss of control of the vehicle by the driver, said vehicle must be placed out-of-service. No motor carrier shall permit or require nor shall any person operate any motor vehicle declared and marked "out-of-service" until all required repairs of violations which resulted in the out-of-service condition have been completed. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted only at the direction of an official authority.

(b) Other: Violations other than out-of-service conditions detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to redispach.

(2) Copies of the North American Standard Vehicle Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.250 & 825.252
Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-372); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0030; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11

740-100-0080

North American Standard Hazardous Material Out-of-Service Criteria

(1) The North American Standard Hazardous Materials Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2011, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted to a safe location only at the direction of an official authority.

(2) Copies of the North American Standard Hazardous Materials Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.250, 825.258 & 825.260
Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-377); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f.

ADMINISTRATIVE RULES

& cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0035; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11

740-100-0085

North American Standard Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials

(1) The North American Standard Out-of-Service Criteria Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2011, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted to a safe location only at the direction of an official authority.

(2) Copies of North American Standard Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.250, 825.258 & 825.260

Hist.: MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11

740-100-0090

North American Standard Driver Out-of-Service Criteria

(1) The North American Standard Driver Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2011, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or both of the following:

(a) Out-of-Service Violation: Drivers with violations under this category must not operate a commercial motor vehicle for a specified period of time or for some violations until a required condition is met.

(b) Other: Violations other than out-of-service violations require no immediate action by the driver or motor carrier. The carrier must certify in accordance with the terms contained on the inspection document and return it to the Department of Transportation within 15 days.

(2) Copies of the North American Standard Driver Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.250 & 825.252

Hist.: PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0040; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11

740-100-0100

Maximum Fine Schedule

(1) The Maximum Fine Schedule, published by the Commercial Vehicle Safety Alliance, revised September 2010, is adopted and incorporated in this rule.

(2) Except as provided in sections (3) and (4) of this rule, the foundation fine for a violation described in the Maximum Fine Schedule must be the lesser of the amount specified in the Maximum Fine Schedule for One Driver Violation or 40 percent of the maximum fine for a Class A traffic violation established in ORS 153.018.

(3) Violations of OAR 740-100-0040 related to failure to carry traction devices will have a minimum foundation fine of \$60. Violations of 740-

100-0040, related to failure to use traction devices when required, will be subject to the fine established in section (5) of this rule.

(4) Except as provided in section (3) of this rule, violations of commercial motor carrier safety regulations found in OAR 740-100, 740-0105 and 740-100-0110, not specifically addressed in the Maximum Fine Schedule will carry a foundation penalty equal to the amount for a Group 3 violation contained in the Maximum Fine Schedule.

(5) In the event that a violation was a substantial contributing factor to an accident or created substantial risk of injury to another person, the foundation fine must be 60 percent of the maximum fine for a Class A traffic violation.

(6) Unitary assessments and county assessments required by ORS 137.290 and 137.309 are in addition to foundation fines specified in this rule.

(7) Copies of the Maximum Fine Schedule are available from the Commercial Vehicle Safety Alliance: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 153.022, 823.011, 825.252 & 825.990

Stats. Implemented: ORS 825.252

Hist.: PUC 4-1995, f. & ef. 6-19-95 (Order No. 95-517); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-065-0050; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 4-1999(Temp), f. 12-21-99, cert. ef. 1-1-00 thru 6-28-00; MCTB 2-2000, f. & cert. ef. 4-28-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 2-2011, f. & cert. ef. 5-27-11

740-110-0010

Adoption of United States Department of Transportation Hazardous Materials Regulations

(1) Any person subject to ORS Chapter 825 who transports a hazardous material and any person subject to 823.061 who causes to be transported a hazardous material must comply with the rules and regulations governing the transportation of hazardous materials as prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 397 and such portions of Parts 107-178 and 180 as are applicable, and amendments thereto, in effect on April 1, 2011.

(2) Copies of the federal regulations referred to in this rule are available from ODOT, Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 823.011, 823.061 & 825.258

Stats. Implemented: ORS 823.061, 825.258

Hist.: Refiled in PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 98, f. 1-18-61, ef. 1-12-61 (Order No. 37620); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 132, f. 3-29-65, ef. 4-1-65 (Order No. 41035); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 150, f. 11-7-68, ef. 12-1-68 (Order No. 45141); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); PUC 5-1980, f. & ef. 10-13-80 (Order No. 80-758); Renumbered from 860-036-0055; PUC 1-1981, f. & ef. 2-9-81; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 1-1984, f. & ef. 2-9-84 (Order No. 84-076); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 7-1986(Temp), f. & ef. 7-25-86 (Order No. 86-736); PUC 13-1986, f. & ef. 10-30-86 (Order No. 86-1106); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 1-1996, f. 2-16-96, cert. ef. 4-1-96; Renumbered from 860-066-0055; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11

Employment Department, Child Care Division Chapter 414

Rule Caption: Update cardio-pulmonary resuscitation (CPR) training requirements.

Adm. Order No.: CCD 2-2011

Filed with Sec. of State: 5-25-2011

Certified to be Effective: 6-1-11

Notice Publication Date: 5-1-2011

Rules Amended: 414-300-0110, 414-350-0110

Rules Repealed: 414-300-0110(T), 414-350-0110(T)

Subject: Update training requirements for teacher aides and assistants to be consistent with those for principal child care providers.

ADMINISTRATIVE RULES

Amends training requirements for cardio-pulmonary resuscitation (CPR).

Rules Coordinator: Courtney Brooks—(503) 947-1724

414-300-0110

Teacher Aides

- (1) Aide I shall be:
 - (a) At least 15 years of age; and
 - (b) Directly supervised, i.e., within sight and sound of, a staff person who meets at least the qualifications of a teacher.
- (2) Aide II in infant/toddler/preschool-age programs shall:
 - (a) Be at least 18 years of age;
 - (b) Have worked at least six months at the center where they are now employed; and
 - (c) Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online training is not acceptable.
- (3) Aide II in school-age programs shall:
 - (a) Be at least 18 years of age;
 - (b) Have worked at least four months in the school-age program where they are now employed; and
 - (c) Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online training is not acceptable.
- (4) Staff at Aide II level may, with the approval of the director, be out of sight and sound of a teacher for brief, necessary events, such as taking a child to the bathroom or bringing a child in for minor medical attention.
- (5) An Aide II may not be left alone with a group of children, except as described in OAR 414-300-0130(2)(a) and 414-300-0350(5)(b).
- (6) Staff at Aide II level shall be trained in the policies and procedures appropriate to tasks assigned prior to even brief periods of unsupervised access to children.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0635; CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01; CCD 3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 10-2010(Temp), f. 12-29-10, cert. ef. 1-1-11 thru 6-29-11; CCD 2-2011, f. 5-25-11, cert. ef. 6-1-11

414-350-0110

Assistants

- (1) Assistants may be included in the caregiver/child ratio calculation.
- (2) An Assistant I shall:
 - (a) Be at least 15 years of age;
 - (b) Work under the direct supervision, i.e., within sight and sound of the provider or substitute provider; and
 - (c) Have on file documentation of an orientation and be familiar with the provider's policies and procedures and these requirements (OAR 414-350-0000 through 414-350-0405).
- (3) An Assistant II shall:
 - (a) Be at least 18 years of age;
 - (b) Have on file documentation of an orientation and be familiar with the provider's policies and procedures and these requirements (OAR 414-350-0000 through 414-350-0405);
 - (c) Have worked at least 60 hours at the certified family child care home, in a minimum of 3-4 hour blocks of time;
 - (d) Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online training is not acceptable; and
 - (e) With the approval of the provider, may be out of sight and sound of the provider with a group of children.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260, 657A.280 & 657A.290

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0734; CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 5-2006(Temp), f. & cert. ef. 8-25-06 thru 2-21-07; CCD 6-2006, f. & cert. ef. 12-1-06; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 4-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 10-2010(Temp), f. 12-29-10, cert. ef. 1-1-11 thru 6-29-11; CCD 2-2011, f. 5-25-11, cert. ef. 6-1-11

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Land Conservation and Development Department Chapter 660

Rule Caption: Metropolitan Greenhouse Gas Reduction Targets.

Adm. Order No.: LCDD 5-2011

Filed with Sec. of State: 5-26-2011

Certified to be Effective: 6-1-11

Notice Publication Date: 4-1-2011

Rules Adopted: 660-044-0000, 660-044-0005, 660-044-0010, 660-044-0020, 660-044-0025, 660-044-0030, 660-044-0035

Subject: These rules set targets for reducing greenhouse gas emissions from light vehicle travel for each of the state's metropolitan areas for the year 2035 to aid in meeting the state goal in ORS 468A.205 to reduce the state's greenhouse gas emissions in 2050 to 75 percent below 1990 levels.

The targets provide guidance to local governments in metropolitan areas on the level of reduction in greenhouse gas emissions to plan for as they conduct land use and transportation scenario planning. Land use and transportation scenario planning to meet the targets is required of the Portland metropolitan area and is encouraged, but not required, in other metropolitan areas.

Land use and transportation scenario planning is intended to be a means for local governments in metropolitan areas to explore ways that urban development patterns and transportation systems would need to be changed to achieve significant reductions in greenhouse gas emissions from light vehicle travel. Scenario planning is a means to address benefits and costs of different actions to accomplish reductions in ways that allow communities to assess how communities meet other important needs, including accommodating economic development and housing needs, expanding transportation options, and reducing transportation costs.

Rules Coordinator: Casaria Tuttle—(503) 373-0050, ext. 322

660-044-0000

Purpose

(1) This division implements provisions of section 37 (6), chapter 865, Oregon Laws 2009, and section 5 (1), chapter 85, Oregon Laws 2010, that direct the Land Conservation and Development Commission ("commission") to adopt rules setting targets for reducing greenhouse gas emissions from light vehicle travel for each of the state's metropolitan areas for the year 2035 to aid in meeting the state goal in ORS 468A.205 to reduce the state's greenhouse gas emissions in 2050 to 75 percent below 1990 levels.

(2) The targets in this division provide guidance to local governments in metropolitan areas on the level of reduction in greenhouse gas emissions to achieve as they conduct land use and transportation scenario planning. Land use and transportation scenario planning to meet the targets in this division is required of the Portland metropolitan area and is encouraged, but not required, in other metropolitan areas. Success in developing scenarios that meet the targets will depend in large part on the state funding for scenario planning; on the state developing strategies and actions that reduce greenhouse gas emissions from light vehicle travel within metropolitan areas; and on state and local governments jointly and actively engaging the public on the costs and benefits of reducing greenhouse gas emissions.

(3) Land use and transportation scenario planning is intended to be a means for local governments in metropolitan areas to explore ways that urban development patterns and transportation systems would need to be changed to achieve significant reductions in greenhouse gas emissions from light vehicle travel. Scenario planning is a means to address benefits and costs of different actions to accomplish reductions in ways that allow communities to assess how to meet other important needs, including accommodating economic development and housing needs, expanding transportation options and reducing transportation costs.

(4) The expected result of land use and transportation scenario planning is information on the extent of changes to land use patterns and transportation systems in metropolitan areas needed to significantly reduce greenhouse gas emissions from light vehicle travel in metropolitan areas, including information about the benefits and costs of achieving those reductions. The results of land use and transportation scenario planning are expected to inform local governments as they update their comprehensive plans, and to inform the legislature, state agencies and the public as the state develops and implements an overall strategy to meet state goals to reduce greenhouse gas emissions.

(5) The greenhouse gas emissions reduction targets in this division are intended to guide an initial round of land use and transportation scenario planning over the next two to four years. The targets are based on available information and current estimates about key factors, including improvements in vehicle technologies and fuels. Pursuant to OAR 660 044 0035, the commission shall review the targets by June 1, 2015, based on the results of scenario planning, and updated information about expected changes in vehicle technologies and fuels, state policies and other factors.

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(6) Success in meeting the targets will require a combination of local, regional and state actions. State actions include not only improvements in vehicle technology and fuels, but also other statewide efforts to reduce greenhouse gas emissions from light vehicle travel. These efforts — which are programs and actions to be implemented at the state level — are currently under review by the Oregon Department of Transportation as part of its Statewide Transportation Strategy to reduce greenhouse gas emissions. As metropolitan areas develop scenario plans to reduce greenhouse gas emissions and compare them to the targets in this division, it is incumbent that metropolitan areas and the state work as partners, with a shared responsibility of determining how local and statewide actions and programs can reach the targets.

(7) Nothing in this division is intended to amend statewide planning goals or administrative rules adopted to implement statewide planning goals.

Stat. Auth.: ORS 197.040; Ch. 865 OL 2009 (HB 2001) §37(6); Ch. 85 OL 2010 Special Session (SB 1059) §5
Stats. Implemented: Ch. 865 OL 2009 (HBI 2001) §37(6), Ch. 85 OL 2010 Special Session (SBI 1059) §5
Hist.: LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

660-044-0005

Definitions

For the purposes of this division, the definitions in ORS 197.015 and the statewide planning goals apply. In addition, the following definitions shall apply:

(1) “1990 baseline emissions” means the estimate of greenhouse gas emissions from light vehicle travel in each metropolitan area for the year 1990, as presented by the Department of Environmental Quality and the Oregon Department of Energy included in the Agencies’ Technical Report.

(2) “2005 emissions levels” means an estimate of greenhouse gas emissions from light vehicle travel in a metropolitan area for the year 2005.

(3) “2035 greenhouse gas emissions reduction goal” means the percentage reduction in greenhouse gas emissions from light vehicle travel in a metropolitan area needed by the year 2035 in order to meet the state goal of a 75 percent reduction in greenhouse gas emissions from 1990 levels by the year 2050 as recommended by the Department of Environmental Quality and the Oregon Department of Energy in the Agencies’ Technical Report.

(4) “Agencies’ Technical Report” means the report prepared by the Oregon Department of Transportation, the Department of Environmental Quality and the Oregon Department of Energy and submitted to the commission on March 1, 2011, that provides information and estimates about vehicle technologies and vehicle fleet to support adoption of greenhouse gas reduction targets as required by section 37(7), chapter 865, Oregon Laws 2009, and section 5(2), chapter 85, Oregon Laws 2010.

(5) “Greenhouse gas” means any gas that contributes to anthropogenic global warming including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. ORS 468A.210(2). Greenhouse gases are generally measured in terms of CO₂ equivalents — CO₂e — which means the quantity of a given greenhouse gas multiplied by a global warming potential factor provided in a state-approved emissions reporting protocol.

(6) “Greenhouse gas emissions reduction target” or “target” means the percent reduction in greenhouse gas emissions from light vehicle travel within a metropolitan area from 2005 emissions levels that is to be met by the year 2035 through scenario planning. Greenhouse gas emissions reduction targets are expressed as a percentage reduction in emissions per capita, i.e., total emissions divided by the population of the metropolitan area. Targets represent additional reductions from 2005 emissions levels beyond reductions in vehicle emissions that are likely to result by 2035 from the use of improved vehicle technologies and fuels and changes to the vehicle fleet. When determining whether a scenario meets a target, the reduction per capita is to be calculated as a percentage of the emissions per capita assuming 2005 light vehicle travel per capita and 2035 baseline assumptions for light vehicle technologies, fuels and fleet as set forth in Tables 1 and 2 of OAR 660 044 0010. The combined effect of the baseline assumptions for light vehicle technologies, fuels and fleet from 1990 to 2035, estimated changes to light vehicle travel from 1990 to 2005, and scenario planning to meet targets from 2005 to 2035 is to meet the greenhouse gas emissions reduction goal from 1990 to 2035.

(7) “Greenhouse gas emissions reduction toolkit” means the toolkit prepared by the Oregon Department of Transportation and the department to assist local governments in developing and executing actions and programs to reduce greenhouse gas emissions from light vehicle travel in metropolitan areas as provided in section 4, chapter 85, Oregon Laws 2010.

(8) “Land use and transportation scenario planning” means the preparation and evaluation by local governments of two or more land use and transportation scenarios and the cooperative selection of a preferred scenario that accommodates planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area. Land use and transportation scenario planning may include preparation and evaluation of alternative scenarios that do not meet targets specified in this division.

(9) “Light vehicles” means motor vehicles with a gross vehicle weight rating of 10,000 pounds or less.

(10) “Light vehicle travel within a metropolitan area” means trips made by light vehicles that begin and end within the same metropolitan planning area, and that portion of other trips made by light vehicles that occurs within the metropolitan planning area, including a portion of through trips (i.e., trips that pass through the metropolitan planning area but do not begin or end there) and that portion within the metropolitan planning area of other light vehicle trips that begin or end within the metropolitan planning area. Trips and portions of trips that are within the metropolitan planning area are illustrated by solid lines as shown in **Figure 1**. [Figures not included. See ED. NOTE.]

(11) “Metropolitan planning area” or “metropolitan area” means lands within the boundary of a metropolitan planning organization as of the effective date of this division.

(12) “Metropolitan planning organization” means an organization located wholly within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state pursuant to 49 U.S.C. 5303(c). ORS 197.629(7). Included are metropolitan planning organizations for the following areas: the Portland metropolitan area, the Bend metropolitan area, the Corvallis metropolitan area, the Eugene-Springfield metropolitan area, the Salem-Keizer metropolitan area and the Rogue Valley metropolitan area.

(13) “Scenario planning guidelines” means the guidelines established by the Oregon Department of Transportation and the department to assist local governments in conducting land use and transportation scenario planning to reduce greenhouse gas emissions from light vehicle travel in metropolitan areas as provided in section 3, chapter 85, Oregon Laws 2010.

(14) “Statewide Transportation Strategy” means the statewide strategy adopted by the Oregon Transportation Commission as part of the state transportation policy to aid in achieving the greenhouse gas emissions reduction goals set forth in ORS 468A.205 as provided in section 2, chapter 85, Oregon Laws 2010.

[ED. NOTE: Figure referenced are available from the agency.]
Stat. Auth.: ORS 197.040; Ch. 865 OL 2009 (HB 2001) §37(6); Ch. 85 OL 2010 Special Session (SB 1059) §5
Stats. Implemented: Ch. 865 OL 2009 (HBI 2001) §37(6), Ch. 85 OL 2010 Special Session (SBI 1059) §5
Hist.: LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

660-044-0010

Target Setting Process and Considerations

(1) This rule describes information and factors that provide the basis for greenhouse gas emissions reduction targets included in this division. The purpose of this rule is to inform local governments and the public about information that was relied upon to set greenhouse gas emissions reduction targets, to inform local governments as they conduct land use and transportation scenario planning, and to inform the department and commission in the review and evaluation of greenhouse gas emissions reduction targets as required in OAR 660 044 0035.

(2) Section 37 (6), chapter 865, Oregon Laws 2009, and section 5 (1), chapter 85, Oregon Laws 2010, direct the commission to adopt rules identifying greenhouse gas emissions reduction targets for emissions caused by light vehicle travel for each of the state’s metropolitan areas. These statutes direct that the rules must reflect greenhouse gas emissions reduction goals set forth in ORS 468A.205 and must take into consideration the reductions in vehicle emissions that are likely to result by 2035 from the use of improved vehicle technologies and fuels. The statutes also direct that the rules must take into consideration methods of equitably allocating reductions among the metropolitan areas given differences in population growth rates. The commission has addressed these statutory considerations as follows:

(a) Reduction in greenhouse gas emissions from light vehicle travel needed in 2035 to achieve the state goal of a 75 percent greenhouse gas reduction by 2050. Based on recommendations from the Department of Environmental Quality and the Oregon Department of Energy in the Agencies’ Technical Report, the commission concludes that a reduction of 52 percent in greenhouse gas emissions from light vehicle travel in metropolitan areas from 1990 levels is needed by the year 2035 to support achiev-

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ing greenhouse gas emissions reduction goals for 2050 set forth in ORS 468A.205. Based on population projections, the overall 52 percent reduction corresponds to a 74 percent reduction in greenhouse gas emissions per capita from light vehicle travel in metropolitan areas from 1990 levels by the year 2035. This percentage reduction assumes steady year-by-year progress per capita through 2050 in reducing emissions and that the reduction in light vehicle emissions will be proportionate to the overall state goal for reducing greenhouse gas emissions. In reaching this conclusion, the commission notes that absent a Statewide Transportation Strategy and plan for achieving greenhouse gas emissions reductions there is no policy or other basis at this time for assuming that light vehicle travel in metropolitan areas should be responsible for a larger or smaller share of expected statewide greenhouse gas emissions reductions.

(b) Consideration of reductions in vehicle emissions likely to result by 2035 from use of improved vehicle technologies and fuels.

(A) The commission has considered recommendations from the Oregon Department of Transportation, the Department of Environmental Quality and the Oregon Department of Energy about expected changes to the light vehicle fleet, vehicle technologies and vehicle fuels through the year 2035 as set forth in the Agencies' Technical Report. The commission notes that the Agencies' Technical Report indicates considerable uncertainty and a broad range of possible outcomes for each of the relevant factors. The commission concludes that a midpoint in the range of plausible fleet, technologies and fuel outcomes provides a reasonable basis for greenhouse gas emissions reduction targets to guide an initial round of land use and transportation scenario planning. The baseline assumptions for 2035 light vehicle fleet, light vehicle technologies and vehicle fuels for each metropolitan area are set forth in Tables 1 and 2.

(B) The greenhouse gas emissions reduction targets in this division are for greenhouse gas emissions reductions to be met through land use and transportation scenario planning and are in addition to reductions estimated to result from changes to the light vehicle fleet, light vehicle technologies and light vehicle fuels in Tables 1 and 2.

(C) In evaluating whether a proposed land use and transportation scenario combined with actions and programs included in the Statewide Transportation Strategy meets greenhouse gas emissions reduction targets in this division, a local government or metropolitan planning organization may include:

(i) Policies or actions included in the Statewide Transportation Strategy that the Oregon Department of Transportation estimates are likely to result in changes to vehicle fleet, technologies or fuels above and beyond the values listed in Tables 1 and 2;

(ii) Local or regional programs or actions identified in a land use and transportation scenario plan that are likely to result in changes to vehicle fleet, technologies or fuels above and beyond the values listed in Tables 1 and 2. One example of such an action would be a local or regional program that is estimated to result in use of hybrid or electric vehicles in a metropolitan area at greater than the eight percent statewide assumption for the 2035 model year provided in Table 1; and

(iii) Policies or actions included in the Statewide Transportation Strategy, other than those attributable to changes in vehicle fleet, technologies or fuels. Examples of such an action would be increased inter-city transit or pay-as-you-drive insurance. The Oregon Department of Transportation would coordinate with local governments and metropolitan planning organizations in each metropolitan area on estimating the amount of greenhouse gas emissions reductions expected to result within the metropolitan area from these programs and actions.

(c) Equitable allocation of responsibility for greenhouse gas emissions reductions among metropolitan areas considering differences in population growth rates. The greenhouse gas emissions reduction targets in this division are in the form of percentage reductions in emissions per capita. The greenhouse gas emissions reduction targets for individual metropolitan areas range from 17 percent to 21 percent per capita. The commission concludes that setting the targets in the form of per capita reductions and adoption of comparable per capita reductions for each of the state's six metropolitan areas assures that those metropolitan areas that are expected to experience higher than average rates of population growth between 1990 and 2035 do not bear a greater responsibility for emissions reductions than metropolitan areas that are expected to grow more slowly.

(d) Use of 2005 as a reference year for greenhouse gas emissions reduction targets. The greenhouse gas emissions reduction targets in this division are set forth as reductions to be achieved from 2005 emissions levels. 2005 is specified as a reference year for greenhouse gas reduction targets because more detailed data on emissions and light vehicle travel in metropolitan areas is available for this date than for 1990, the base year set

by statute, and because it corresponds better with adopted land use and transportation plans and will thus enable local governments to better estimate what changes to land use and transportation plans might be needed to achieve greenhouse gas emissions reduction targets. While the targets are specified as reductions from 2005 emissions levels, the targets have been set at a level that corresponds to the required reduction from 1990 levels to be achieved by 2035.

Stat. Auth.: ORS 197.040; Ch. 865 OL 2009 (HB 2001) §37(6); Ch. 85 OL 2010 Special Session (SB 1059) §5
Stats. Implemented: Ch. 865 OL 2009 (HBI 2001) §37(6), Ch. 85 OL 2010 Special Session (SBI 1059) §5
Hist.: LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

660-044-0020

Greenhouse Gas Emissions Reduction Target for the Portland Metropolitan Area

(1) Purpose and effect of targets

(a) Metro shall use the greenhouse gas emissions reduction targets set forth in section (3) of this rule as it develops two or more alternative land use and transportation scenarios that accommodate planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area as required by section 37 (6), chapter 865, Oregon Laws 2009.

(b) This rule does not require that Metro or local governments in the Portland metropolitan area select a preferred scenario or amend the Metro regional framework plan (as defined in ORS 197.015(16)), functional plans, comprehensive plans or land use regulations to meet targets set in this rule. Requirements for cooperative selection of a preferred land use and transportation scenario and for implementation of that scenario through amendments to comprehensive plans and land use regulations as required by section 37 (8), chapter 865, Oregon Laws 2009, shall be addressed through a separate rulemaking that the commission is required to complete by January 1, 2013.

(2) This rule applies to the Portland metropolitan area.

(3) The greenhouse gas emissions reduction target, as set forth in OAR 660 044 0005(6), for the Portland metropolitan area is a 20 percent reduction per capita in greenhouse gas emissions in the year 2035 below year 2005 emissions levels.

(4) The greenhouse gas emissions reduction target in section (3) of this rule identifies the level of greenhouse gas emissions reduction to be met through land use and transportation scenario planning consistent with baseline assumptions and guidance in OAR 660 044 0010(2)(b)(A) to (C), including reductions expected to result from actions and programs identified in the Statewide Transportation Strategy.

Stat. Auth.: ORS 197.040; Ch. 865 OL 2009 (HB 2001) §37(6); Ch. 85 OL 2010 Special Session (SB 1059) §5
Stats. Implemented: Ch. 865 OL 2009 (HBI 2001) §37(6), Ch. 85 OL 2010 Special Session (SBI 1059) §5
Hist.: LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

660-044-0025

Greenhouse Gas Emissions Reduction Targets for Other Metropolitan Areas

(1) Purpose and effect of targets

(a) Local governments in metropolitan planning areas listed in section (2) of this rule may use the relevant targets set forth in section (3) of this rule as they conduct land use and transportation scenario planning to reduce expected greenhouse gas emissions from light vehicle travel in the metropolitan planning area.

(b) This rule does not require that local governments or metropolitan planning organizations conduct land use and transportation scenario planning. This rule does not require that local governments or metropolitan planning organizations that choose to conduct land use or transportation scenario planning develop or adopt a preferred land use and transportation scenario plan to meet targets in section (3) of this rule.

(2) This rule applies to the following metropolitan planning areas:

- (a) Bend,
- (b) Corvallis,
- (c) Eugene-Springfield,
- (d) Rogue Valley, and
- (e) Salem-Keizer.

(3) Targets, as set forth in OAR 660 044 0005(6), for other metropolitan areas are as follows:

(a) The greenhouse gas emissions reduction target for the Bend metropolitan planning area is an 18 percent reduction per capita in greenhouse gas emissions in the year 2035 below year 2005 emissions levels.

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(b) The greenhouse gas emissions reduction target for the Corvallis metropolitan planning area is a 21 percent reduction per capita in greenhouse gas emissions in the year 2035 below year 2005 emissions levels.

(c) The greenhouse gas emissions reduction target for the Eugene-Springfield metropolitan planning area is a 20 percent reduction per capita in greenhouse gas emissions in the year 2035 below year 2005 emissions levels.

(d) The greenhouse gas emissions reduction target for the Rogue Valley metropolitan planning area is a 19 percent reduction per capita in greenhouse gas emissions in the year 2035 below year 2005 emissions levels.

(e) The greenhouse gas emissions reduction target for the Salem-Keizer metropolitan planning area is a 17 percent reduction per capita in greenhouse emissions in the year 2035 below year 2005 emissions levels.

(4) The greenhouse gas emissions reduction targets in section (3) of this rule identify the level of greenhouse gas emissions reduction to be met through land use and transportation scenario planning consistent with baseline assumptions and guidance in OAR 660 044 0010(2)(b)(A) to (C), including reductions expected to result from actions and programs identified in the Statewide Transportation Strategy.

Stat. Auth.: ORS 197.040; Ch. 865 OL 2009 (HB 2001) §37(6); Ch. 85 OL 2010 Special Session (SB 1059) §5

Stats. Implemented: Ch. 865 OL 2009 (HBI 2001) §37(6), Ch. 85 OL 2010 Special Session (SBI 1059) §5

Hist.: LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

660-044-0030

Methods for Estimating Greenhouse Gas Emissions and Emissions Reductions

(1) Local governments conducting land use and transportation scenario planning to meet greenhouse gas emissions reductions targets established in this division may use information and methods for estimating greenhouse gas emissions levels from light vehicle travel recommended by the Oregon Department of Transportation and the department as set forth in the greenhouse gas emissions reduction toolkit, or as otherwise approved by the director of the department and the director of the Oregon Department of Transportation.

(2) Local governments conducting land use and transportation scenario planning to meet the greenhouse gas emissions reduction targets established in this division may use methods recommended by the Oregon Department of Transportation, Oregon Department of Environmental Quality and the Oregon Department of Energy to account for additional greenhouse gas emissions resulting from increased traffic congestion or reductions in emissions resulting from measures that reduce traffic congestion in estimating greenhouse gas emissions from light vehicles.

Stat. Auth.: ORS 197.040; Ch. 865 OL 2009 (HB 2001) §37(6); Ch. 85 OL 2010 Special Session (SB 1059) §5

Stats. Implemented: Ch. 865 OL 2009 (HBI 2001) §37(6), Ch. 85 OL 2010 Special Session (SBI 1059) §5

Hist.: LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

660-044-0035

Review and Evaluation of Greenhouse Gas Reduction Targets

(1) The commission shall by June 1, 2015, and at four year intervals thereafter, conduct a review of the greenhouse gas emissions reduction targets in OAR 660 044 0020 and OAR 660 044 0025.

(2) The review by the commission shall evaluate whether revisions to the targets established in this division are warranted considering the following factors:

(a) Results of land use and transportation scenario planning conducted within metropolitan planning areas to reduce greenhouse gas emissions from light vehicles;

(b) New or revised federal and state laws or programs established to reduce greenhouse gas emissions from light vehicles;

(c) State plans or policies establishing or allocating greenhouse gas emissions reduction goals to specific sectors or subsectors;

(d) Policies and recommendations in the Statewide Transportation Strategy adopted by the Oregon Transportation Commission;

(e) Additional studies or analysis conducted by the Oregon Department of Transportation, the Department of Environmental Quality, the Oregon Department of Energy or other agencies regarding greenhouse gas emissions from light vehicle travel in metropolitan areas, including but not limited to changes to vehicle technologies, fuels and the vehicle fleet;

(f) Changes in population growth rates, metropolitan planning area boundaries, land use or development patterns in metropolitan planning areas that affect light vehicle travel in metropolitan areas;

(g) Efforts by local governments in metropolitan areas to reduce greenhouse gas emissions from all sources;

(h) Input from affected local governments and metropolitan planning organizations;

(i) Land use feasibility and economic studies regarding land use densities;

(j) State funding and support for scenario planning and public engagement; and

(k) The share of light vehicle travel within a metropolitan area not attributable to residents of that area.

(2) The department shall, in consultation and collaboration with affected local governments, metropolitan planning organizations and other state agencies, prepare a report addressing factors listed in section (2) of this rule to aid the commission in determining whether revisions to targets established in this division are warranted.

Stat. Auth.: ORS 197.040; Ch. 865 OL 2009 (HB 2001) §37(6); Ch. 85 OL 2010 Special Session (SB 1059) §5

Stats. Implemented: Ch. 865 OL 2009 (HBI 2001) §37(6), Ch. 85 OL 2010 Special Session (SBI 1059) §5

Hist.: LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

Landscape Architect Board

Chapter 804

Rule Caption: Adoption of the OSLAB Biennial Budget for 2011–2013.

Adm. Order No.: LAB 1-2011

Filed with Sec. of State: 5-31-2011

Certified to be Effective: 7-1-11

Notice Publication Date: 4-1-2011

Rules Amended: 804-001-0002

Subject: The administrative rule amendments adopts the 2011–2013 biennial budget for the Board with a spending limit of \$341,035.

Rules Coordinator: Christine Valentine—(503) 589-0093

804-001-0002

Biennial Budget

Pursuant to the provisions of ORS 182.462, following a public hearing held May 6, 2011, the Board adopts by reference the Oregon Landscape Architects Board 2011–2013 biennial budget of \$341,035 covering the period July 1, 2011, through June 30, 2013. The Board Administrator, with the approval of the Board, will amend budgeted accounts as necessary, within the approved budget of \$341,035, for the effective operation of the Board. The Board will not exceed the approved budget amount without amending this rule, notifying all registrants, and holding a public hearing. Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 671.415, 182.462 & 670.310

Stats. Implemented: ORS 671.415 & 1999 OL Ch. 1084

Hist.: LAB 1-1997(Temp), f. & cert. ef. 9-3-97; LAB 1-1998, f. & cert. ef. 2-5-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 2-2005, f. & cert. ef. 5-18-05; LAB 2-2007, f. 5-22-07, cert. ef. 7-1-07; LAB 1-2009, f. 6-15-09, cert. ef. 7-1-09; LAB 1-2011, f. 5-31-11, cert. ef. 7-1-11

Landscape Contractors Board

Chapter 808

Rule Caption: Amends charges for exam resources based on the cost of the item; removes charge for vehicle stickers no longer provided.

Adm. Order No.: LCB 3-2011

Filed with Sec. of State: 5-25-2011

Certified to be Effective: 5-25-11

Notice Publication Date: 3-1-2011

Rules Amended: 808-001-0020

Subject: Amends charges for examination resources (Plant CD and Owner/managing Employee Study Guide) to be based on the current cost of the item and a fee for the cost of shipping and processing the order. This amendment also removes the charge for vehicle stickers that are no longer being provided by the board.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-001-0020

Charges for Documents; Refunds

(1) All requests for copies of public records pertaining to the State Landscape Contractors Board and available at the Board's office shall be in writing and may be delivered in person, by mail, by fax or by email. The request must include:

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- (a) The name and address of the person requesting the public record;
- (b) The telephone number or other contact information for the person requesting the public record;
- (c) A sufficiently detailed description of the record(s) requested to allow the agency to search for and identify responsive records;
- (d) Date of request; and
- (e) Signature of the person requesting the public record.

(2) Charges to the general public and to state agencies shall be payable in cash, check, money order, or any credit card accepted by the board office. Billing to such state agencies must be authorized by the Administrator. Checks or money orders shall be made payable to the Landscape Contractors Board.

(3) The Board accepts credit card payment submitted in person or by mail, e-mail or fax. Any credit card payment that is rejected by the bank and requested to be confiscated will be retained and returned to the bank. All payments by credit card that are rejected must be paid in full by a check or money order within ten days from notification of rejection.

(4) Charges for copies, documents, and services shall be as follows:

(a) Twenty-five cents per page for photocopies.

(b) The cost of records transmitted by fax is \$.75 for the first page and \$.60 for each additional page, limited to a 20-page maximum, not including the cover page.

(c) The cost of records transmitted by email is \$5 per email.

(d) Upon request, copies of public records may be provided electronically if the document(s) are stores in the agency's computer system. Disks will be provided at a cost of \$5.00 per disk and may contain as much information as the disk will hold. Due to the threat of computer viruses, the agency will not permit requestors to provide disks for electronic reproduction of computer records.

(e) Actual cost for delivery of records such as postage and courier fees.

(f) Actual attorney fees charged to the agency for the cost of time spent by an attorney in reviewing the public records, redacting materials from the public records or segregating the public records into exempt and nonexempt records.

(g) The agency may require pre-payment of estimated fees before taking further action on a request.

(h) \$20 for each certification that an entity has or has not been licensed with the Landscape Contractors Board.

(i) \$20 for certified copies of documents.

(j) \$100 for listing of individual landscape construction professional contractors and landscape contracting businesses on CD, or provided electronically through e-mail. Requests for searching or formatting the data will be billed as per subsection (k) of this rule. The Administrator may waive this charge for other public agencies.

(k) Labor charges that include researching, locating, compiling, editing or otherwise processing information and records:

(A) No charge for the first 30 minutes of staff time;

(B) Beginning with the 31st minute, the charge per total request is \$30 per hour or \$7.50 per quarter-hour. A prorated fee is not available for less than a quarter-hour;

(l) For both machine copies and documents, an additional amount set at the discretion of the Administrator for staff time required for search, handling, and copying.

(m) \$20 for duplicate recording of Board meetings.

(n) \$20 for duplicate recordings of a three hour agency hearing or arbitration and \$10 for each additional 90 minute or fraction thereof of the hearing or arbitration.

(o) Plant CD:

(A) First copy is free to landscape construction professional applicant;

(B) The cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(p) Landscape Construction book by David Sauter is the cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(q) Owner/Managing Employee Study Guide & Manual

(A) Printed copy is the cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(B) \$5 for a CD.

(5) Refunds: All requests for refunds must be in writing.

(a) Except as set forth in subsection (b) of this section, applicant and licensing fees are non-refundable and nontransferable.

(b) When an applicant for a landscape construction professional license withdraws their renewal or fails to complete the renewal process the agency may retain a-processing fee of \$20. When an applicant withdraws their application for a landscape contracting business license or renewal or fails to complete the renewal process, the agency may retain a-processing fee of \$50.

(6) If the agency receives payment of any fees or penalty by check and the check is returned to the agency by the bank, the payer of the fees may be assessed a charge of \$25 in addition to the required payment of the fees or penalty.

(7) The agency shall not refund fees or civil penalties overpaid by an amount of \$20 or less unless requested by the payer in writing within three years after the date payment is received by the agency, as provided by ORS 293.445.

Stat. Auth.: ORS 183, 293.445, 671 & 2007 OL Ch. 541

Stats. Implemented: ORS 183, 192.430, 293.445 & 671

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; LCB 2-1988(Temp), f. 3-17-88, cert. ef. 4-1-88; LCB 4-1988, f. 11-23-88, cert. ef. 12-1-88; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 2-1999, f. & cert. ef. 5-4-99; LCB 4-2002, f. & cert. ef. 12-4-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2004(Temp), f. & cert. ef. 6-11-04 thru 12-6-04; LCB 5-2004, f. & cert. ef. 10-4-04; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 7-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 4-2008(Temp), f. & cert. ef. 4-23-08 thru 9-22-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 3-2011, f. & cert. ef. 5-25-11

Rule Caption: Removes requirement to submit pay stub with Verification Form.

Adm. Order No.: LCB 4-2011

Filed with Sec. of State: 5-25-2011

Certified to be Effective: 5-25-11

Notice Publication Date: 4-1-2011

Rules Amended: 808-003-0018

Subject: Removes requirement to submit pay stub with Verification Form.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-003-0018

Supervisory Responsibilities; Employment

(1) The licensed landscape construction professional who holds part or the complete phase basis of the landscape contracting business license must perform the following supervisory services:

(a) Review and initial the landscape plan and written contract for each job;

(b) Attend all on-site meetings and appear at any hearings that are a consequence of any claims filed against the landscape contracting business that relate to the landscape construction professional's phase of license; and

(c) Directly supervise all non-licensed employees employed by the landscape contracting business as defined in OAR 808-002-0328. For the purpose of verification of direct supervision of an unlicensed employee as required by ORS 671.540(1)(q) or (r), the communication requirement of direct supervision will be considered met if the licensed landscape construction professional communicates with the Landscape Contractors Board investigator who requested the unlicensed employee to contact the supervising landscape construction professional before midnight of the same day of the request.

(2) A landscape contracting business must:

(a) require a licensed landscape construction professional to directly supervise the unlicensed employees of the landscape contracting business who are performing work that corresponds to the landscape construction professional's phase of license; and

(b) Have the landscape construction professional who is responsible for supervision as required in subsection (a) of this section on the payroll each hour receiving at least minimum wage or meeting the salary test for salaried exempt employees during the time the landscape contracting business is engaged in landscaping work that corresponds to this landscape construction professional's phase of license except when the landscape construction professional is not considered a subject worker under ORS 656.027.

(c) Submit a Verification form when a new landscape construction professional becomes part or the complete basis of the landscape contracting business license.

(3) Upon application for a landscape contracting business license, and at any other time the board requests, a landscape contracting business must submit a completed, signed and notarized Verification form (provided by the board) for every licensed landscape construction professional for whom the landscape contracting business has not previously submitted this

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Verification form and who is supervising landscaping work for the landscape contracting business;

(4) The Verification form verifies that the licensed landscape construction professional:

(a) Is a paid employee of the landscape contracting business and is on the payroll each hour receiving at least minimum wage or meets the salary test for salaried, exempt employees or is an owner of the business as defined in OAR 808-002-0734 during the time the business is performing landscape work related to the landscape construction professional's phase of license;

(b) Will directly supervise work based on the landscape construction professional's phase of license;

(c) Will attend on site meetings and appear at any hearings that are a consequence of any claims filed against the landscape contracting business that relate to the landscape construction professional's phase of license; and

(d) Understands the requirement to notify the board within ten calendar days after termination of employment from the landscape contracting business as required by OAR 808-003-0125(4).

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.565

Hist.: LCB 2-1998, f. & cert. ef. 4-30-98; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 2-2006, f. 8-2-06, cert. ef. 10-2-06; LCCB 3-2007, f. & cert. ef. 8-1-07; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 2-2010, f. & cert. ef. 6-1-10; LCB 4-2011, f. & cert. ef. 5-25-11

Occupational Therapy Licensing Board Chapter 339

Rule Caption: Notice requirements, hearings, workforce data and fingerprinting costs, reporting crimes, keeping education records.

Adm. Order No.: OTLB 1-2011

Filed with Sec. of State: 6-13-2011

Certified to be Effective: 7-1-11

Notice Publication Date: 5-1-2011

Rules Adopted: 339-010-0012, 339-010-0018

Rules Amended: 339-001-0005, 339-001-0006, 339-005-0000, 339-010-0020, 339-010-0050

Subject: • Technical changes to Notice requirements and Time for filing contested case hearing to comply with current law.

• Ability to collect payment for collecting mandatory workforce data.

• Ability to collect payment for collecting and processing fingerprints.

• Mandatory reporting of crimes.

• Occupational Therapists in education keep school records for 7 years.

Rules Coordinator: Felicia Holgate—(971) 673-0198

339-001-0005

Model Rules of Practice and Procedure

The following Model Rules of Procedure promulgated by the Attorney General of the State of Oregon in effect January 1, 2008 are adopted by the Board by Reference. These rules apply to rulemaking and to the conduct of contested cases respectively:

(1) OAR 137-01-0005; 137-001-0007; 137-001-0008; 137-001-0009; 137-001-0011; 137-001-0018; 137-001-0030; 137-001-0040; 137-001-0050; 137-001-0060; 137-001-0070; 137-001-0080 and 137-001-0085.

(2) OAR 137-003-0501 to 137-003-0700.

[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 Occupational Therapy Licensing Board.]

Stat. Auth.: ORS 183, 675.320(11), (13) & (14)

Stats. Implemented:

Hist.: OTLB 1-1978, f. & ef. 6-12-78; OTLB 1-1980, f. & ef. 3-12-80; OTLB 1-1982, f. & ef. 2-4-82; OTLB 1-1985, f. & ef. 1-8-85; OTLB 1-1986, f. & ef. 2-10-86; OTLB 2-1990, f. & cert. ef. 12-20-90; OTLB 1-2001, f. & cert. ef. 1-12-01; OTLB 1-2011, f. 6-13-11, cert. ef. 7-1-11

339-001-0006

Time for Requesting a Contested Case Hearing

A request for a contested case hearing must be in writing and must be received by the Board within thirty days from the date the contested case notice was served.

Stat. Auth.: ORS 675.320(10)

Stats. Implemented: ORS 183.341

Hist.: OTLB 1-2001, f. & cert. ef. 1-12-01; OTLB 1-2011, f. 6-13-11, cert. ef. 7-1-11

339-005-0000

Fees

Fees are non refundable. Two year licenses shall be issued to all licensees in even-numbered years at the fee schedule listed below. On a case-by-case basis the Board may approve the issuance of a one-year license.

(1) The fee for an initial Oregon or out of state occupational therapy license by endorsement is \$100. The Board may also assess the actual cost of conducting a background check, including fingerprinting.

(2) The two-year renewal fee issued for the occupational therapy license is \$ 150. The Board may also assess the actual cost to the Board of conducting workforce demographics surveys.

(3) The fee for an initial Oregon or out of state occupational therapy assistant license is \$70. The Board may also assess the actual cost of conducting a background check, including fingerprinting.

(4) The two-year renewal fee for the occupational therapy assistant license is \$ 100. The board may also assess the actual cost to the Board of conducting workforce demographics surveys.

(5) The fee for a limited permit is \$25 and may not be renewed.

(6) The fee for delinquent payment is \$50 and is due on renewal applications not renewed before May 1.

Stat. Auth.: ORS 675.320(6)

Stats. Implemented:

Hist.: OTLB 1-1989(Temp), f. 9-14-89, cert. ef. 10-3-89; OTLB 1-1990, f. & cert. ef. 3-20-90; OTLB 1-1995, f. 2-15-95, cert. ef. 4-1-95; OTLB 1-2004, f. & cert. ef. 6-3-04; OTLB 1-2007, f. & cert. ef. 8-1-07; OTLB 1-2010, f. 1-5-10, cert. ef. 3-1-10; OTLB 1-2011, f. 6-13-11, cert. ef. 7-1-11

339-010-0012

Fingerprinting Requirements

The Board may require fingerprints from any applicants for a license as an occupational therapist or occupational therapy assistant, a limited permit, an applicant to reinstate a lapsed license, and applicant or licensee under investigation to determine their fitness. The fingerprints will be on forms prescribed by the Board. The Board will provide information on where acceptable fingerprints may be obtained and what acceptable procedure is to be used for submitting them. The Board will use the fingerprints to conduct Criminal History Checks. Fingerprint cards will be destroyed as required by law.

Stat. Auth.: ORS 675.320; Other Auth.: OAR 339-005-0000

Stats. Implemented:

Hist.: OTLB 1-2011, f. 6-13-11, cert. ef. 7-1-11

339-010-0018

Name, Address and Telephone Number of Record

(1) Every applicant, licensee and limited permit holder shall keep on file with the Board their:

(a) legal name;

(b) Home address which must include a residential address and may also include a post office box number;

(c) A current contact telephone number and electronic mail address, if available;

(d) The name, address and telephone number of their current employer or place of business;

(e) A current designated mailing address.

(2) Whenever an applicant, licensee or limited permit holder legally changes their name, they shall notify the Board in writing within 30 days of the name change and provide the legal documentation of the name change.

(3) Whenever an applicant, licensee or limited permit holder changes their home address, their employer or place of business, their contact telephone number, electronic mail address or their mailing address, they shall notify the Board in writing within 30 days. Written notification may be by regular mail, electronic mail or facsimile.

(4) Unless requested for a public health or state health planning purpose or unless extenuating circumstances exist, the Board will withhold the personal electronic mail, address, home address, and personal telephone number of a licensee.

Stat. Auth.: ORS 675.320; Other Auth.: OAR 339-005-0000

Stats. Implemented:

Hist.: OTLB 1-2011, f. 6-13-11, cert. ef. 7-1-11

339-010-0020

Unprofessional Conduct

(1) Unprofessional conduct relating to patient/client safety, integrity and welfare includes:

(a) Intentionally harassing, abusing, or intimidating a patient/client, either physically or verbally;

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(b) Intentionally divulging, without patient/client consent, any information gained in the patient relationship other than what is required by staff or team for treatment;

(c) Engaging in assault and/or battery of patient/client;

(d) Failing to respect the dignity and rights of patient/client, regardless of social or economic status, personal attributes or nature of health problems;

(e) Engaging in sexual improprieties or sexual contact with patient/client;

(f) Offering to refer or referring a patient/client to a third person for the purpose of receiving a fee or other consideration from the third person or receiving a fee from a third person for offering to refer or referring a patient/client to a third person;

(g) Taking property of patient/client without consent.

(2) Unprofessional conduct relating to professional competency includes:

(a) Engaging in any professional activities for which licensee is not currently qualified;

(b) Failing to maintain competency;

(c) Failing to provide a comprehensive service that is compatible with current research and within an ethical and professional framework;

(d) Failing to obtain a physician's referral in situations where an OT is using a modality not specifically defined in ORS 675.210(3);

(e) Failing to provide professional occupational therapy based on evaluation of patient's/client's needs and appropriate treatment procedures;

(f) Using an occupational therapy aide in violation of the law or Board rules regarding occupational therapy.

(3) Unprofessional conduct relating to the Board includes:

(a) Practicing occupational therapy without a current Oregon license;

(b) Failing to renew license in a timely manner;

(c) Failing to provide the Board with any documents requested by the Board;

(d) Failing to answer truthfully and completely any question asked by the Board;

(e) Failing to provide evidence of competency when requested;

(f) Violating the Practice Act, Board rules or Board Orders;

(4) Unprofessional conduct relating to impaired function includes:

(a) Engaging in or assisting in the practice of occupational therapy while impaired by alcohol or other drugs;

(b) Use of alcohol or other drugs in a manner that creates a risk of harm to patient/client;

(c) Engaging in the practice of occupational therapy while one's ability to practice is impaired by reason of physical or mental disability or disease.

(5) Unprofessional conduct relating to federal or state law or rules:

(a) Intentionally making or filing a false or misleading report or failing to file a report when it is required by law or third person or intentionally obstructing or attempting to obstruct another person from filing such report;

(b) Obtaining or attempting to obtain compensation by misrepresentation;

(c) Engaging in assault and/or battery of any person;

(d) Conviction of a crime or engaging in any act which the Board determines substantially relates to the practice of occupational therapy or indicates an inability to safely and proficiently engage in the practice of occupational therapy; or failing to notify the Board within 10 working days of a conviction of a misdemeanor, or an arrest for or conviction of a felony;

(e) Disciplinary actions imposed by another professional licensing body based on acts by the licensee similar to acts giving rise to discipline under the Practice Act or rules of the Board;

(f) Engaging in false, misleading or deceptive advertising.

(g) Fails to notify the appropriate licensing board of any conduct by another licensed medical provider when the licensee has reasonable cause to believe that the medical provider has engaged in prohibited or unprofessional conduct. As used in this subparagraph, "prohibited conduct" means a criminal act against a patient or a criminal act that creates a risk of harm to a patient and "unprofessional conduct" means conduct unbecoming a medical provider or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the medical provider's profession or conduct that endangers the health, safety or welfare of a patient.

(h) Fails to notify the Board of a change in the licensee's name, address, contact telephone number or place of employment or business as required by OAR 339-010-0018.

Stat. Auth.: ORS 675.230, 675.240, 675.250, 675.300 & 675.310

Stats. Implemented: ORS 675.300(1)(a)

Hist.: OTLB 1-1979, f. & ef. 6-7-79; OTLB 1-1988, f. & cert. ef. 1-29-88; OTLB 1-1994, f. & cert. ef. 1-24-94; OTLB 1-1996, f. & cert. ef. 4-16-96; OTLB 1-1999, f. & cert. ef. 10-27-99; OTLB 1-2001, f. & cert. ef. 1-12-01; OTLB 1-2011, f. 6-13-11, cert. ef. 7-1-11

339-010-0050

Occupational Therapy Services for Children and Youth in Education and Early Childhood Programs regulated by federal laws

(1) Definitions: This rule applies to all occupational therapy practitioners who include both occupational therapists and occupational therapy assistants as defined in OAR 339-010-0005. All other rules regarding Occupational Therapy practitioners apply notwithstanding what is found in these rules as they apply to practitioners in the education setting.

(a) "Children and youth" refers to a child or student determined to be eligible for services under IDEA or Section 504. Part B under IDEA describes requirements for the provision of special education services for preschool and school-age children and youth, ages 3 through 21 years. Part C, or the early intervention program, focuses on services for infants and toddlers with disabilities and their families. Section 504 and the Americans With Disabilities Act (ADA 1990) define a person with a disability as "any person who has a physical or mental impairment that substantially limits one or more major life activities..." and require a public school system to provide needed accommodations or services.

(b) "Service plans" document the program of services and supports necessary to meet a child's developmental or educational needs under the IDEA. These specify the need for occupational therapy services and include: the individualized family services plan (IFSP) for infants, toddlers and preschoolers; the individualized education plan (IEP) or a Section 504 Plan for school-age youth.

(c) "Educational or developmental goals" are developed collaboratively by a multi-disciplinary early intervention or educational team, which includes an occupational therapist as a related service provider, when areas of occupational performance have been identified.

(d) "Natural environment" refers to the most appropriate setting for the child to develop the skills needed for occupational performance.

(e) "Educational environments" refers to home; community; day care; preschool, or the general and special education settings.

(f) "Evaluation" is the process of gathering information to make decisions about a student's or child's strengths and educational or developmental needs.

(g) "Assessments" are the specific methods or measures used to gather data for the evaluation.

(2) The Occupational Therapy Process:

(a) Evaluation: The occupational therapist is responsible for the occupational therapy evaluation.

(A) The occupational therapist selects assessment methods that focus on identifying factors that act as supports or barriers to engagement in occupations. The initial occupational therapy evaluation should include analysis of the child's ability to access the natural or educational environment for learning.

(B) The occupational therapist must participate in decisions about the need for occupational therapy services, development of functional, measurable goals and determining which educational or developmental goals occupational therapy will support.

(C) The occupational therapist determines the types, frequency and duration of interventions, as well as accommodations and modifications of the environment.

(D) Screening to determine the need for an occupational therapy evaluation does not constitute initiation of occupational therapy services.

(b) Intervention: The occupational therapy practitioner may implement occupational therapy services, along a continuum, which may include the following:

(A) Direct intervention is the therapeutic use of occupations and activities with the child present, individually or in groups.

(B) Consultation is collaborative problem solving with parents, teachers, and other professionals involved in a child's program.

(C) The education process is imparting generalized knowledge and information about occupation and activity and does not address an individual child's specific education plan.

(c) Outcomes: The occupational therapist should review the intervention on an ongoing basis and dependent on the child's response, modify as needed.

(3) Delegation of therapeutic activities:

(a) The occupational therapy practitioner may instruct others, such as educational or daycare staff, to carry out a specific activity or technique designed to support the child's the performance.

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(b) The designated person must be able to demonstrate the technique as instructed, recount the restrictions, safety factors and precautions.

(c) The occupational therapy practitioner is responsible for ongoing monitoring of the trained person and modifying the procedures based on outcomes and other changes.

(d) When considering the delegation of techniques the child's health and safety must be maintained at all times.

(4) Documentation:

(a) The occupational therapy practitioner must document evaluation, goals, interventions and outcomes if they are not included in the service plan.

(b) Documentation should reflect the child's current status, progress towards goals, response to interventions, and strategies that were promising or ineffective.

(c) The occupational therapist should utilize a method of data collection that allows for concise and accurate recording of intervention and progress.

(d) The occupational therapy practitioner is responsible for the analysis of data collected to verify progress and the documentation of their own activities to accomplish the goals.

(e) School records shall be kept for a minimum of seven years

Stat. Auth.: ORS 675.230, 675.240, 675.250, 675.300 & 675.310

Stats. Implemented: ORS 675.210(4), 675.240(1) & (2), 675.250(2) & (3), 675.300(1)(a) & 675.320(11)

Hist.: OTLB 2-1993(Temp), f. & cert. ef. 7-1-93; OTLB 1-1994, f. & cert. ef. 1-24-94; OTLB 1-1999, f. & cert. ef. 10-27-99; OTLB 1-2005, f. & cert. ef. 8-11-05; OTLB 1-2008, f. 11-25-08, cert. ef. 1-1-09; OTLB 1-2011, f. 6-13-11, cert. ef. 7-1-11

Oregon Board of Naturopathic Medicine Chapter 850

Rule Caption: Clarify the certification process for Natural Childbirth.

Adm. Order No.: OBNM 3-2011

Filed with Sec. of State: 6-15-2011

Certified to be Effective: 6-15-11

Notice Publication Date: 5-1-2011

Rules Amended: 850-035-0230

Subject: Clarify the certification process for Natural Childbirth.

Rules Coordinator: Anne Walsh—(971) 673-0193

850-035-0230

Requirements for Certification to Practice Natural Childbirth

A naturopathic physician maintaining an active license in Oregon, who wishes to practice natural childbirth must apply to and receive from the board a certificate of special competency in natural childbirth. To receive and maintain a certificate, the licensee must fulfill the following requirements:

(1) Complete at least 200 hours of course work at an approved naturopathic college or hospital in obstetrics and furnish a signed log showing evidence that (a) and (b) and (c) of this subsection have been completed under the direct supervision of a licensed practitioner with specialty training in obstetrics and/or natural childbirth:

(a) Licensee must have taken part in the care of 50 cases each in prenatal and postnatal care; one case may qualify for both areas of care; and

(b) Licensee must have observed and assisted in the intrapartum care and delivery of 50 natural childbirths in a hospital or alternative birth setting. A minimum of 26 of these births must be under the supervision of a naturopathic doctor. No more than 10 of the 50 births may be under the supervision of a medical doctor. No more than 10 of the births may be observation only. A labor and delivery that starts under the care of a naturopathic doctor and includes hospitalization shall count as a birth; and

(c) Licensee must hold a current neonatal resuscitation certificate.

(2) Licensee must pass a specialty exam in obstetrics given by or approved by the Board, after first completing the 200 hours of coursework as required above, and participating in the care of at least 15 cases each in prenatal, intrapartum, and postnatal care; one case may qualify for all these areas of care.

(3) Review of birth records as required by (1)(b) must be completed and approved by a Board appointed licensee of this Board holding a certificate of special competency in natural childbirth for at least five years.

(4) A complete application for a certificate of special competency in natural childbirth must be submitted within three years of passing the specialty examination and must include:

(a) A completed application form furnished by the Board;

(b) A reviewed and approved birth log, meeting all the requirements of this rule;

(c) Verification of passage of an approved specialty examination per subsection (2) of this rule;

(d) Current neonatal resuscitation certification; and

(e) Appropriate fee(s) per OAR 850-0035.

(5) Licensee holding a natural childbirth certification must annually, including initial year of certification, submit 15 hours of Board approved continuing education in obstetrics, which may be used to satisfy ORS 685.102. Licensee must submit proof of current certification in neonatal resuscitation annually.

(6) Licensing action by the Board under ORS 685.100 shall be deemed to have an equal effect upon a certificate of special competency issued the practitioner, unless specifically provided otherwise in the Board action. When the subject of a disciplinary proceeding under 685.100 relates specifically to the practice of natural childbirth by a licensee who possesses a certificate of special competency, the license action may in lieu of effecting the entire scope of the licensee's practice, suspend, revoke, or curtail only the practitioner's authority under a certificate of special competency.

Stat. Auth.: ORS 183 & 685

Stats. Implemented: ORS 685.100, 685.102, 685.135 & 685.160

Hist.: NE 3-1985(Temp), f. & cert. ef. 9-23-85; NE 1-1986, f. & cert. ef. 4-10-86; NE 1-1996, f. & cert. ef. 10-18-96; NE 2-1997(Temp), f. 12-1-97, cert. ef. 12-2-97 thru 5-31-98; administrative correction 8-9-99; BNE 1-2001, f. & cert. ef. 2-7-0; Renumbered from 850-010-0230, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 1-2009, f. & cert. ef. 4-30-09; BNE 4-2009, f. & cert. ef. 10-6-09; BNE 5-2009(Temp), f. & cert. ef. 10-13-09 thru 12-31-09; BNE 6-2009, f. 11-2-09, cert. ef. 1-1-10; OBNM 3-2011, f. & cert. ef. 6-15-11

Rule Caption: Rule removes the Mifepristone from Formulary Compendium.

Adm. Order No.: OBNM 4-2011

Filed with Sec. of State: 6-15-2011

Certified to be Effective: 6-15-11

Notice Publication Date: 5-1-2011

Rules Amended: 850-060-0226

Subject: Rules removes Mifepristone from classification (21) Oxytocics.

Rules Coordinator: Anne Walsh—(971) 673-0193

850-060-0226

Formulary Compendium Classifications

The Formulary Council has approved the following pharmacologic-therapeutic classifications in addition to drugs previously approved by the Formulary Council and listed in 850-060-0225. This listing does not supersede the education and training requirement established in 850-060-0212 for administration of IV agents. The Formulary Council may consider new agents, substances and pharmacologic-therapeutic classifications for addition to this list.

(1) Antihistamine Drugs;

(a) First Generation Antihistamine Drugs;

(A) Ethanolamine Derivatives;

(B) Ethylenediamine Derivatives;

(C) Phenothiazine Derivatives;

(D) Piperazine Derivatives;

(E) Propylamine Derivatives;

(F) Miscellaneous Derivatives;

(b) Second Generation Antihistamines.

(2) Anti-Infective Agents;

(a) Antihelmintics;

(b) Antibacterials;

(A) Aminoglycosides;

(B) Cephalosporins;

(i) First Generation Cephalosporins;

(ii) Second Generation Cephalosporins;

(iii) Third Generation Cephalosporins;

(iv) Fourth Generation Cephalosporins.

(C) Miscellaneous β -Lactams;

(i) Carbacephem;

(ii) Carbapenems;

(iii) Cephamycins;

(iv) Monobactams.

(D) Chloramphenicol;

(E) Macrolides.

(i) Erythromycins;

(ii) Ketolides;

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- (iii) Other Macrolides.
- (F) Penicillins;
 - (i) Natural Penicillins;
 - (ii) Aminopenicillins;
 - (iii) Penicillinase-resistant Penicillins;
 - (iv) Extended-spectrum Penicillins.
- (G) Quinolones;
- (H) Sulfonamides;
- (I) Tetracyclines: Glycylcyclines;
- (J) Antibacterials, Miscellaneous.
 - (i) Aminocyclitols;
 - (ii) Bacitracins;
 - (iii) Cyclic Lipopeptides;
 - (iv) Glycopeptides;
 - (v) Lincomycins;
 - (vi) Oxazolidinones;
 - (vii) Polymyxins;
 - (viii) Rifamycins;
 - (ix) Streptogramins;
- (c) Antifungals;
 - (A) Allylamines;
 - (B) Azoles;
 - (C) Echinocandins;
 - (D) Polyenes;
 - (E) Pyrimidines;
 - (F) Antifungals, Miscellaneous.
- (d) Antimycobacterials;
 - (A) Antituberculosis Agents;
 - (B) Antimycobacterials, Miscellaneous.
- (e) Antivirals;
 - (A) Adamantanes;
 - (B) Antiretrovirals;
 - (i) HIV Fusion Inhibitors;
 - (ii) HIV Protease Inhibitors;
 - (iii) Integrase Inhibitors;
 - (iv) Nonnucleoside Reverse Transcriptase Inhibitors;
 - (v) Nucleoside and Nucleotide Reverse Transcriptase Inhibitors
- (C) Interferons;
- (D) Monoclonal Antibodies;
- (E) Neuraminidase Inhibitors;
- (F) Nucleosides and Nucleotides;
- (G) Antivirals, Miscellaneous;
- (f) Antiprotozoals;
 - (A) Amebicides;
 - (B) Antimalarials;
 - (C) Antiprotozoals, Miscellaneous.
- (3) Antineoplastic Agents (oral and topical only) limited to the following:
 - (a) 5FU;
 - (b) Anastrozole;
 - (c) Letrozole;
 - (d) Megestrol;
 - (e) Mercaptopurine;
 - (f) Methotrexate;
 - (g) Tamoxifen;
 - (h) Tretinoin.
- (4) Autonomic Drugs;
 - (a) Parasympathomimetic (Cholinergic) Agents;
 - (b) Anticholinergic Agents: Antimuscarinics/ Antispasmodics;
 - (c) Sympathomimetic (Adrenergic) Agents;
 - (A) α -Adrenergic Agonists;
 - (B) β - Adrenergic Agonists;
 - (i) Non-selective β - Adrenergic Agonists;
 - (ii) Selective β 1- Adrenergic Agonists;
 - (iii) Selective β 2- Adrenergic Agonists;
 - (C) α -And β -Adrenergic Agonists;
 - (d) Sympatholytic (Adrenergic Blocking) Agents;
 - (e) Skeletal Muscle Relaxants;
 - (A) Centrally Acting Skeletal Muscle Relaxants;
 - (B) Direct-acting Skeletal Muscle Relaxants;
 - (C) GABA-derivative Skeletal Muscle Relaxants;
 - (D) Neuromuscular Blocking Agents;
 - (E) Skeletal Muscle Relaxants, Miscellaneous.
 - (f) Autonomic Drugs, Miscellaneous.
- (5) Blood Derivatives.
 - (6) Blood Formation, Coagulation, and Thrombosis;
 - (a) Antianemia Drugs: Iron Preparations;
 - (b)(A) Antithrombotic Agents;
 - (B) Anticoagulants;
 - (i) Coumarin Derivatives;
 - (ii) Direct Thrombin Inhibitors;
 - (iii) Heparins;
 - (iv) Anticoagulants, Miscellaneous.
 - (c) Platelet-reducing Agents;
 - (d) Platelet-aggregation Inhibitors;
 - (e) Thrombolytic Agents;
 - (f) Hematopoietic Agents;
 - (g) Hemorrhologic Agents;
 - (h) Antihemorrhagic Agents;
 - (A) Antiheparin Agents;
 - (B) Hemostatics.
 - (7) Cardiovascular Drugs;
 - (a) Cardiac Drugs;
 - (A) Antiarrhythmic Agents;
 - (i) Class Ia Antiarrhythmics;
 - (ii) Class Ib Antiarrhythmics;
 - (iii) Class Ic Antiarrhythmics;
 - (iv) Class III Antiarrhythmics;
 - (v) Class IV Antiarrhythmics.
 - (B) Cardiotonic Agents;
 - (C) Cardiac Drugs, Miscellaneous.
 - (b) Antilipemic Agents;
 - (A) Bile Acid Sequestrants;
 - (B) Cholesterol Absorption Inhibitors;
 - (C) Fibrin Acid Derivatives;
 - (D) HMG-CoA Reductase Inhibitors;
 - (E) Antilipemic Agents, Miscellaneous.
 - (c) Hypotensive Agents;
 - (A) Calcium-Channel Blocking Agents;
 - (B) Central α -Agonists;
 - (C) Direct Vasodilators;
 - (D) Peripheral Adrenergic Inhibitors.
 - (d) Vasodilating Agents;
 - (A) Nitrates and Nitrites;
 - (B) Phosphodiesterase Inhibitors;
 - (C) Vasodilating Agents, Miscellaneous.
 - (e) Sclerosing Agents;
 - (f) α -Adrenergic Blocking Agents;
 - (g) β -Adrenergic Blocking Agents;
 - (h) Calcium-Channel Blocking Agents;
 - (A) Dihydropyridines;
 - (B) Calcium-Channel Blocking Agents, Miscellaneous;
 - (i) Renin-Angiotensin-Aldosterone System Inhibitors;
 - (A) Angiotensin-Converting Enzyme Inhibitors;
 - (B) Angiotensin II Receptor Antagonists;
 - (C) Mineralocorticoid (Aldosterone) Receptor Antagonists;
 - (D) Renin Inhibitors.
 - (8) Central Nervous System Agents;
 - (a) Analgesics and Antipyretics;
 - (A) Nonsteroidal Anti-inflammatory Agents;
 - (i) Cyclooxygenase-2 (COX-2) Inhibitors;
 - (ii) Salicylates;
 - (iii) Other Nonsteroidal Anti-inflammatory Agents;
 - (B) Opiate Agonists;
 - (C) Opiate Partial Agonists;
 - (D) Analgesics and Antipyretics, Miscellaneous.
 - (b) Opiate Antagonists;
 - (c) Anticonvulsants, does not include Barbiturates;
 - (A) Benzodiazepines;
 - (B) Hydantoins;
 - (C) Succinimides;
 - (D) Anticonvulsants, Miscellaneous.
 - (d) Psychotherapeutic Agents;
 - (A) Antidepressants;
 - (i) Monoamine Oxidase Inhibitors;
 - (ii) Selective Serotonin- and Norepinephrine-reuptake Inhibitors;
 - (iii) Selective Serotonin- Reuptake Inhibitors;
 - (iv) Serotonin Modulators;
 - (v) Tricyclics and Other Norepinephrine-reuptake Inhibitors.
 - (vi) Antidepressants, Miscellaneous.

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- (B) Antipsychotics, to include only the following: Atypical antipsychotics.
- (e) Anorexigenic Agents and Respiratory and Cerebral Stimulants.
- (A) Amphetamines.
- (B) Anorexigenic Agents and Respiratory and Cerebral Stimulants, Miscellaneous.
- (f) Anxiolytics, Sedatives, and Hypnotics, does not include Barbiturates;
 - (A) Benzodiazepines;
 - (B) Anxiolytics, Sedatives, and Hypnotics; Miscellaneous;
 - (g) Antimanic Agents;
 - (h) Antimigraine Agents: Selective Serotonin Agonists;
 - (i) Antiparkinsonian Agents;
 - (A) Adamantanes;
 - (B) Anticholinergic Agents;
 - (C) Catechol-O-Methyltransferase (COMT) Inhibitors;
 - (D) Dopamine Precursors;
 - (E) Dopamine Receptor Agonists;
 - (i) Ergot-derivative Dopamine Receptor Agonists;
 - (ii) Non-ergot-derivative Dopamine Receptor Agonists;
 - (F) Monoamine Oxidase B Inhibitors;
 - (j) Central Nervous System Agents, Miscellaneous.
 - (9) Contraceptives (foams, devices).
 - (10) Diagnostic Agents.
 - (11) Disinfectants (for Agents used on objects other than skin).
 - (12) Electrolytic, Caloric, and Water Balance;
 - (a) Acidifying Agents;
 - (b) Alkalinizing Agents;
 - (c) Ammonia Detoxicants;
 - (d) Replacements Preparations;
 - (e) Ion-Removing Agents;
 - (A) Calcium-removing Agents;
 - (B) Potassium-removing Agents;
 - (C) Phosphate-removing Agents;
 - (D) Other Ion-removing Agents;
 - (f) Caloric Agents;
 - (g) Diuretics;
 - (A) Loop Diuretics;
 - (B) Osmotic Diuretics;
 - (C) Potassium-sparing Diuretics;
 - (D) Thiazide Diuretics;
 - (E) Thiazide-like Diuretics;
 - (F) Diuretics, Miscellaneous;
 - (h) Irrigation Solutions;
 - (i) Uricosuric Agents.
 - (13) Enzymes.
 - (14) Respiratory Tract Agents;
 - (a) Antihistamines;
 - (b) Antitussives;
 - (c) Anti-inflammatory Agents;
 - (A) Leukotriene Modifiers;
 - (B) Mast-cell Stabilizers;
 - (d) Expectorants;
 - (e) Pulmonary Surfactants;
 - (f) Respiratory Agents, Miscellaneous.
 - (15) Eye, Ear, Nose, and Throat (EENT) Preparations;
 - (a) Antiallergic Agents;
 - (b) Anti-infectives;
 - (A) Antibacterials;
 - (B) Antifungals;
 - (C) Antivirals;
 - (D) Anti-infectives, Miscellaneous.
 - (c) Anti-inflammatory Agents;
 - (A) Corticosteroids;
 - (B) Nonsteroidal Anti-inflammatory Agents;
 - (C) Anti-inflammatory Agents, Miscellaneous.
 - (d) Local Anesthetics;
 - (e) Mydriatics;
 - (f) Mouthwashes and Gargles;
 - (g) Vasoconstrictors;
 - (h) Antiglaucoma Agents;
 - (A) α -Adrenergic Agonists;
 - (B) β -Adrenergic Agents;
 - (C) Carbonic Anhydrase Inhibitors;
 - (D) Miotics;

- (E) Prostaglandin Analogs;
- (i) EENT Drugs, Miscellaneous.
- (16) Gastrointestinal Drugs;
 - (a) Antacids and Adsorbents;
 - (b) Antidiarrhea Agents;
 - (c) Antiflatulents;
 - (d) Cathartics and Laxatives;
 - (e) Cholelitholytic Agents;
 - (f) Emetics;
 - (g) Antiemetics;
 - (A) Antihistamines;
 - (B) 5-HT₃ Receptor Antagonists;
 - (C) Antiemetics, Miscellaneous.
 - (h) Antiulcer Agents and Acid Suppressants;
 - (A) Histamine H₂-Antagonists;
 - (B) Prostaglandins;
 - (C) Protectants;
 - (D) Proton-pump Inhibitors;
 - (i) Prokinetic Agents;
 - (j) Anti-inflammatory Agents;
 - (k) GI Drugs, Miscellaneous.
- (17) Gold Compounds.
- (18) Heavy Metal Antagonists.
- NOTE: 1 Administration requires education and training compliance with 850-060-0212.
- (19) Hormones and Synthetic Substitutes;
 - (a) Adrenals;
 - (b) Androgens;
 - (c) Contraceptives;
 - (d) Estrogens and Antiestrogens;
 - (A) Estrogens;
 - (B) Estrogen Agonists-Antiagonists.
 - (e) Gonadotropins;
 - (f) Antidiabetic Agents;
 - (A) α -Glucosidase Inhibitors;
 - (B) Amylinomimetics;
 - (C) Biguanides;
 - (D) Dipeptidyl Peptidase (DDP-4) Inhibitors;
 - (E) Incretin Mimetics;
 - (F) Insulins;
 - (G) Meglitinides;
 - (H) Sulfonylureas;
 - (I) Thiazolidinediones.
 - (g) Antihypoglycemic Agents: Glycogenolytic Agents;
 - (h) Parathyroid;
 - (i) Pituitary;
 - (j) Somatotropin Agonists and Antagonists;
 - (A) Somatotropin Agonists;
 - (B) Somatotropin Antagonists;
 - (k) Progestins;
 - (l) Thyroid and Antithyroid Agents;
 - (A) Thyroid Agents;
 - (B) Antithyroid Agents.
- (20) Local Anesthetics.
- (21) Oxytocics, except for Mifepristone.
- (22) Serums, Toxoids, and Vaccines;
 - (a) Serums;
 - (b) Toxoids;
 - (c) Vaccines.
- (23) Skin and Mucous Membrane Agents;
 - (a) Anti-infectives;
 - (A) Antibacterials;
 - (B) Antivirals;
 - (C) Antifungals;
 - (i) Allylamines;
 - (ii) Azoles;
 - (iii) Benzylamines;
 - (iv) Hydroxypyridones;
 - (v) Polyenes;
 - (vi) Thiocarbamates;
 - (vii) Antifungals, Miscellaneous.
 - (D) Scabicides and Pediculicides;
 - (E) Local Anti-infectives, Miscellaneous.
 - (b) Anti-inflammatory Agents;
 - (c) Antipruritics and Local Anesthetics;
 - (d) Astringents;

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- (e) Cell Stimulants and Proliferants;
 - (f) Detergents;
 - (g) Emollients, Demulcents, and Protectants;
 - (h) Keratolytic Agents;
 - (i) Keratoplastic Agents;
 - (j) Depigmenting and Pigmenting Agents;
 - (A) Depigmenting Agents;
 - (B) Pigmenting Agents;
 - (k) Sunscreen Agents;
 - (l) Skin and Mucous Membrane Agents, Miscellaneous.
 - (24) Smooth Muscle Relaxants;
 - (a) Gastrointestinal Smooth Muscle Relaxants;
 - (b) Genitourinary Smooth Muscle Relaxants;
 - (c) Respiratory Smooth Muscle Relaxants.
 - (25) Vitamins.
 - (26) Miscellaneous Therapeutic Agents;
 - (a) Alcohol Deterrents limited to the following:
 - (A) Acamprostate;
 - (B) Disulfiram;
 - (C) Naltrexone.
 - (b) 5- α Reductase Inhibitors;
 - (c) Antidotes;
 - (d) Antigout Agents;
 - (e) Biologic Response Modifiers, limited to Interferons;
 - (f) Bone Resorption Inhibitors;
 - (g) Cariostatic Agents;
 - (h) Complement Inhibitors;
 - (i) Disease-Modifying Antirheumatic Agents;
 - (j) Gonadotropin-releasing Hormone Antagonists;
 - (k) Immunosuppressive Agents;
 - (l) Other Miscellaneous Therapeutic Agents limited to the following:
 - (A) Alfuzosin Hydrochloride;
 - (B) Drotrecogin Alfa (Activated);
 - (C) Lanreotide Acetate;
 - (D) Rilonecept;
 - (E) Sapropterin Dihydrochloride;
 - (F) Tamsulosin Hydrochloride.
- Stat. Auth.: ORS 685.125
Stats. Implemented: ORS 685.145
Hist.: BNE 1-2002, f. & cert. ef. 2-19-02; BNE 4-2002, f. & cert. ef. 8-8-02; BNE 3-2003, f. & cert. ef. 6-9-03; BNE 5-2003, f. & cert. ef. 12-5-03; BNE 5-2004, f. & cert. ef. 6-10-04; Renumbered from 850-010-0226, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 9-2005, f. & cert. ef. 12-12-05; BNE 4-2006, f. & cert. ef. 12-11-06; BNE 3-2007, f. & cert. ef. 6-12-07; BNE 1-2008, f. & cert. ef. 2-19-08; BNE 2-2008, f. & cert. ef. 3-21-08; BNE 6-2008, f. & cert. ef. 6-11-08; BNE 7-2008, f. & cert. ef. 12-8-08; BNE 2-2009, f. & cert. ef. 6-17-09; BNE 7-2009, f. 12-14-09, cert. ef. 1-1-10; OBNM 5-2010, f. & cert. ef. 6-30-10; OBNM 7-2010, f. & cert. ef. 12-13-10; OBNM 2-2011, f. & cert. ef. 4-12-11; OBNM 4-2011, f. & cert. ef. 6-15-11

**Oregon Health Authority,
Addictions and Mental Health Division:
Mental Health Services
Chapter 309**

Rule Caption: Informed Consent and Significant Procedures in State Institutions.

Adm. Order No.: MHS 4-2011

Filed with Sec. of State: 5-19-2011

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Notice Publication Date: 4-1-2011

Rules Amended: 309-114-0005, 309-114-0020

Subject: These rules relate to the administration of significant procedures to individuals in state institutions operated by the Addictions and Mental Health Division of the Oregon Health Authority, under the following circumstances:

With informed consent;

Without informed consent in emergencies; and

Involuntarily for good cause.

Rules Coordinator: Richard Luthe—(503) 947-1186

309-114-0005

Definitions

As used in these rules:

(1) “Authorized Representative” or “representative” means an individual who is an employee of the system described in ORS 192.517(1) and who may represent a party in a contested case hearing; the representative

must be supervised by an attorney that is licensed by the Oregon State Bar and employed by the same system described in 192.517(1).

(2) “Chief Medical Officer” means the physician designated by the superintendent of each state institution pursuant to ORS 179.360(1)(f) who is responsible for the administration of medical treatment at each state institution.

(3) “Committed” or “Commitment” means an individual is committed under ORS 161.327, 161.370, 426.130 or 427.215.

(4) “Dangerousness” means either:

(a) A substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats, including verbal threats or attempts to commit suicide or inflict physical harm on him or her self. Evidence of substantial risk may include information about historical patterns of behavior that resulted in serious harm being inflicted by an individual upon him or herself as those patterns relate to the current risk of harm;

(b) A substantial risk that physical harm will be inflicted by an individual upon another individual, as evidenced by recent acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of substantial risk may include information about historical patterns of behavior

(5) “Division” means the Addictions and Mental Health Division of the Oregon Health Authority.

(6) “Guardian” means a legal guardian who is an individual appointed by a court of law to act as guardian of a minor or a legally incapacitated person.

(7) “Legally Incapacitated” means having been found by a court of law under ORS 426.295 to be unable, without assistance, to properly manage or take care of one’s personal affairs, or who is a person under guardianship.

(8) “Material Risk.” A risk is material if it may have a substantial adverse effect on the patient’s psychological or physical health, or both. Tardive dyskinesia is a material risk of neuroleptic medication. Other risks include, but are not limited to raised blood pressure, onset of diabetes and metabolic changes.

(9) “Medication Educator” means a Qualified Mental Health Professional (QMHP) who provides information about the proposed significant procedures to patients.

(10) “Patient” means an individual who is receiving care and treatment in a state institution for the mentally ill.

(11) Patient with a “grave disability” means a patient who:

(a) Is in danger of serious physical harm to his or her health or safety absent the proposed significant procedures; or

(b) Manifests severe deterioration in routine functioning evidenced by loss of cognitive or volitional control over his or her actions which is likely to result in serious harm absent the proposed significant procedures.

(12) “Person Committed to the Division” or “Person” means an individual committed under ORS 161.327, 161.370, 426.130, or 427.215.

(13) “Psychiatric Nurse Practitioner,” means a registered nurse with prescription authority who independently provides health care to clients with mental and emotional needs or disorders.

(14) “Qualified Mental Health Professional” (QMHP) means any individual meeting the following minimum qualifications as documented by the state institution:

(a) Graduate degree in psychology;

(b) Bachelor’s or graduate degree in nursing and licensed by the State of Oregon;

(c) Graduate degree in social work or counseling;

(d) Graduate degree in a behavioral science field;

(e) Graduate degree in recreational art, or music therapy;

(f) Bachelor’s degree in occupational therapy and licensed by the State of Oregon; or

(g) Bachelor’s or graduate degree in a relevant area.

(15) “Routine Medical Procedure” means a procedure customarily administered by facility medical staff under circumstances involving little or no risk of causing injury to a patient including, but not limited to physical examinations, blood draws, influenza vaccinations, tuberculosis (TB) testing and hygiene.

(16) “Significant Procedure” means a diagnostic or treatment modality and all significant procedures of a similar class that pose a material risk of substantial pain or harm to the patient such as, but not limited to psychotropic medication and electro-convulsive therapy. Significant procedures do not include routine medical procedures. For purposes of these

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rules, "Human immunodeficiency virus" (HIV) testing shall be considered a "Significant Procedure."

(17) "Significant Procedures of a Similar Class" means a diagnostic or treatment modality that presents substantially similar material risks as the significant procedure listed on the treating physician's or psychiatric nurse practitioner's informed consent form and is generally considered in current clinical practice to be a substitute treatment or belong to the same class of medications as the listed significant procedure.

(a) For purposes of these rules, medications listed in subsections 14(a)(A) through 14(a)(F) of this rule will be considered the same or similar class of medication as other medications in the same subsection:

(A) All medications used under current clinical practice as antipsychotic medications including typical and atypical antipsychotic medications;

(B) All medications used under current clinical practice as mood stabilizing medications;

(C) All medications used under current clinical practice as antidepressants;

(D) All medications used under current clinical practice as anxiolytics;

(E) All medications used under current clinical practice as psychostimulants; and

(F) All medications used under current clinical practice as dementia cognitive enhancers.

(b) Significant procedures of the same or similar class do not need to be specifically listed on the treating physician's or psychiatric nurse practitioner's form.

(18) "State Institution" or "Institution" means all Oregon State Hospital campuses and the Blue Mountain Recovery Center.

(19) "Superintendent" means the executive head of the state institution listed in section (18) of this rule, or the superintendent's designee.

Stat. Auth.: ORS 179.040 & 409.050

Stats. Implemented: ORS 179.321, 183.458; 426.070 & 426.385

Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHD 3-1988, f. 4-12-88, (and corrected 5-17-88), cert. ef. 6-1-88; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 1-2009(Temp), f. & cert. ef. 1-23-09 thru 7-22-09; MHS 2-2009(Temp), f. & cert. ef. 4-2-09 thru 7-22-09; MHS 3-2009, f. & cert. ef. 6-26-09; MHS 6-2009, f. & cert. ef. 12-28-09; MHS 5-2010(Temp), f. & cert. ef. 3-12-10 thru 9-8-10; MHS 12-2010, f. & cert. ef. 9-9-10; MHS 13-2010(Temp), f. & cert. ef. 11-19-10 thru 5-18-11; MHS 4-2011, f. & cert. ef. 5-19-11

309-114-0020

Involuntary Administration of Significant Procedures to Persons Committed to the Division with Good Cause

(1) Good cause: Good cause exists to administer a significant procedure to a person committed to the Division without informed consent if in the opinion of the treating physician or psychiatric nurse practitioner after consultation with the treatment team, the following factors are satisfied:

(a) Pursuant to OAR 309-114-0010(2), the person is deemed unable to consent to, refuse, withhold or withdraw consent to the significant procedure. This determination must be documented on the treating physician's or psychiatric nurse practitioner's informed consent form and the independent examining physician's evaluation form. It must include the specific questions asked and answers given regarding the patient's ability to weigh the risks and benefits of the proposed treatment, alternative treatment and no treatment including, but not limited to all relevant factors listed in 309-114-0010(3)(a).

(b) The proposed significant procedure will likely restore or prevent deterioration of the person's mental or physical health, alleviate extreme suffering or save or extend the person's life. This factor is established conclusively for purposes of a hearing under OAR 309-114-0025 by introducing into evidence the treating physician's or psychiatric nurse practitioner's informed consent form and the independent examining physician's evaluation form, unless this factor is affirmatively raised as an issue by the patient or his or her representative at the hearing.

(c) The proposed significant procedure is the most appropriate treatment for the person's condition according to current clinical practice all other less intrusive procedures have been considered and all criteria and information set forth in OAR 309-114-0010(3)(a) were considered. This factor is established conclusively for purposes of a hearing under 309-114-0025 by introducing into evidence the treating physician's or psychiatric nurse practitioner's informed consent form and the independent examining physician's evaluation form, unless this factor is affirmatively raised as an issue by the patient or his or her representative at the hearing.

(d) The institution made a conscientious effort to obtain informed consent from the patient. This factor is established conclusively for purposes of a hearing under OAR 309-114-0025 by introducing into evidence the treating physician's or psychiatric nurse practitioner's informed consent

form and the medication educator's form or progress note, unless this factor is affirmatively raised as an issue by the patient or his or her representative at the hearing. If the institution has reason to believe a patient has limited English language proficiency or the patient requests it, the institution will make reasonable accommodations to provide the patient with meaningful access to the informed consent process, such as providing the patient with the opportunity to have an interpreter orally translate written materials into the patient's native language and provide translation during the treating physician's or psychiatric nurse practitioner's attempts to obtain informed consent and the medication educator's attempt to provide information about the significant procedure. A "conscientious effort" to obtain informed consent means the following:

(A) The patient's treating physician or psychiatric nurse practitioner made at least two good faith attempts to obtain informed consent by attempting to explain the procedure to the patient and documenting those efforts in the patient's record; and

(B) The medication educator made at least one good faith attempt to provide the information required in OAR 309-114-0010(3)(a) and explain and discuss the proposed procedure with the patient.

(e) Because of the preliminary nature of their commitment, the following additional findings must be made for patients under ORS 161.370 jurisdiction:

(A) Medication is not requested for the sole purpose of restoring trial competency; and

(B) The patient is being medicated because of the patient's dangerousness or to treat the patient's grave disability.

(2) Independent Review: Prior to granting approval for the administration of a significant procedure for good cause to a person committed to the Division, the superintendent or chief medical officer of a state institution for the mentally ill shall obtain consultation and approval from an independent examining physician, or if a patient refuses to be examined, the superintendent or chief medical officer shall document that an independent examining physician made at least two good faith attempts to examine the patient. The superintendent or chief medical officer shall maintain a list of independent examining physicians and shall seek consultation and approval from independent examining physicians selected on a rotating basis from the list. The independent examining physician shall not be an employee of the Division, shall be a board-eligible psychiatrist, shall have been subjected to review by the medical staff executive committee as to qualifications to make such an examination, shall have been provided with a copy of administration rules OAR 309-114-0000 through 309-114-0030 and shall have participated in a training program regarding these rules, their meaning and application.

(3) The superintendent or chief medical officer shall provide to a patient to whom a significant procedure is proposed to be administered written advance notice of the intent to seek consultation and approval of an independent examining physician for the purpose of administering the procedure without the patient's consent.

(4) The physician selected to conduct the independent consultation shall:

(a) Review the person's medical chart including the records of efforts made to obtain the person's informed consent and

(A) Personally examine the person at least one time; or

(B) If the patient refuses to be examined, the physician shall make two good faith attempts to examine the patient. If the patient refuses to be examined during these two good faith attempts, the independent consultation and approval requirement outlined in subsection (4)(a)(A) and (4)(b) of this rule shall be deemed to be fulfilled.

(b) Discuss the matter with the person to determine the extent of the need for the procedure and the nature of the person's refusal, withholding or inability to consent to the significant procedure. This determination as well as the supporting evidence in the form of the specific questions asked and answers given regarding the patient's ability to weigh the risks and benefits of the proposed treatment, alternative treatment and no treatment must be documented in the patient's record;

(c) Consider additional information, if any, presented prior to or at the time of examination or interview as may be requested by the person or anyone on behalf of the person; and

(d) Make a determination whether the factors required under these rules exist for the particular person or that one or more factors are not present and complete a report of his or her findings which provides their approval or disapproval of the proposed significant procedure. The written report must be provided to:

(A) The superintendent or chief medical officer; and

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(B) The person to whom a significant procedure is proposed to be administered with a copy being made part of the person's record.

(5) Superintendent's Determination:

(a) The superintendent or chief medical officer shall approve or disapprove of the administration of the significant procedure to a person committed to the Division based on good cause provided that if the examining physician or psychiatric nurse practitioner found that one or more of the factors required by section (1) of this rule were not present or otherwise disapproved of the procedure; the superintendent or chief medical officer shall not approve the significant procedure and it shall not be performed;

(b) Approval of the significant procedure shall be only for as long as no substantial increase in risk is encountered in administering the significant procedure or significant procedure of a similar class during the term of a person's commitment, but in no case longer than 180 days. Disapproval shall be only for as long as no substantial change occurs in the person's condition during the term of commitment, but in no case longer than 180 days;

(c) Written notice of the superintendent's or chief medical officer's determination shall be provided to the patient and made part of the individual's record. This notice must be delivered to the patient and fully explained by facility medical staff. This notice must include a clear statement of the decision to treat without informed consent, specific basis for the decision, what evidence was relied on to make the decision and include a clear notice of the opportunity to ask for a contested case hearing with an administrative law judge if the patient disagrees with the decision. Attached must be a form with a simple procedure to request a hearing. The patient indicating in writing or verbally to any staff member a desire to challenge the institution's decision will be sufficient to request a contested case hearing pursuant to OAR 309 114 0025. The patient shall have 48 hours to request a contested case hearing after receiving this notice. If the patient does not request a hearing within the 48 hour period or the patient subsequently withdraws his initial hearing request and is not already receiving the significant procedure, the institution may involuntarily administer the significant procedure. A patient retains the right to request an initial hearing on the decision to administer a significant procedure without informed consent at any time.

(d) If the patient withdraws his or her initial request for hearing or refuses to attend the initial hearing without good cause, the administrative law judge will issue a dismissal order pursuant to OAR 137-003-0672(3). A dismissal order will allow the institution to immediately administer the significant procedure without informed consent as if the patient had never requested a hearing. If a dismissal order is issued, the patient may request a second hearing. If the patient withdraws his second request for hearing or refuses to attend the second hearing without good cause, the hearing will occur as scheduled with the institution presenting a prima facie case pursuant to ORS 183.417(4) and the administrative law judge will issue a proposed order by default. The institution will then issue a final order by default.

(e) Records of all reports by independent examining physicians of the determinations of the superintendent or chief medical officer under this rule shall be maintained by the superintendent or chief medical officer in a separate file and shall be summarized each year. Such summaries shall show:

(A) Each type of proposed significant procedure for which consultation with an independent examining physician was sought;

(B) The number of times consultation was sought from a particular independent examining physician for each type of proposed significant procedure;

(C) The number of times each independent examining physician approved and disapproved each type of proposed significant procedure; and

(D) The number of times the superintendent or chief medical officer approved and disapproved each type of proposed significant procedure.

(f) The summaries referred to in subsection (5)(e) of this rule shall be public records and shall be made available to the public during reasonable business hours in accordance with ORS Chapter 192.

(6) When treatment is being administered without informed consent, the ward physician or psychiatric nurse practitioner will write a progress note addressing any changes in patient's capacity to give informed consent every 60 days.

(7) At any time that a patient's condition changes so that there appears to his or her treating physician or psychiatric nurse practitioner to be a substantial improvement in the patient's capacity to consent to or refuse treatment, a formal re assessment of the patient's capacity to consent shall occur as described in OAR 309-114-0010 and 309-114-0020. No order to administer treatment without informed consent in non-emergency situations shall be valid for longer than 180 days or the duration of the commitment,

whichever is shorter, without re establishing the need for the order by following the procedures described in 309-114-0010 and 309-114-0020.

(8) When an individual is transferred to a state institution from a community hospital or another state institution where he or she was already being treated with a significant procedure without informed consent, the receiving institution must apply OAR 309-114-0000 through 309-114-0030 no later than 7 days after the date of admission to the new institution. A state institution can honor an existing order for involuntary administration of a significant procedure without informed consent if procedures such as those outlined in 309-114-0010 through 309-114-0030 have already been applied and all necessary documentation is in the patient's file.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070 & 426.385

Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHD 3-1988, f. 4-12-88, (and corrected 5-17-880, cert. ef. 6-1-88; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 1-2009(Temp), f. & cert. ef. 1-23-09 thru 7-22-09; MHS 3-2009, f. & cert. ef. 6-26-09; MHS 6-2010(Temp), f. & cert. ef. 3-24-10 thru 9-20-10; MHS 12-2010, f. & cert. ef. 9-9-10; MHS 13-2010(Temp), f. & cert. ef. 11-19-10 thru 5-18-11; MHS 4-2011, f. & cert. ef. 5-19-11

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Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: July '11 — Clarify rule regarding individual practitioner enrollment, amend rule to ensure is consistent with general rules.

Adm. Order No.: DMAP 7-2011

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Certified to be Effective: 7-1-11

Notice Publication Date: 5-1-2011

Rules Amended: 410-146-0440, 410-146-0460

Subject: The American Indian/Alaska Native Services Program rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to certain clients. The Division amended 410-146-0440 and 410-146-0460 as follows:

- Eliminate barriers to AI/AN providers enrolling individual practitioners employed by the health center, and to reference OAR 410-120-0045 and not an outreach agreement administered by the Division.

- Reflect the Oregon Health Authority name change and updated statutory reference.

- Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-146-0440

Prepaid Health Plan Supplemental Payments

(1) Effective January 1, 2001, the Division of Medical Assistance Programs (Division) is required by 42 USC 1396a(bb), to make supplemental payments to eligible Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC) that contract with Prepaid Health Plans (PHP). American Indian/Alaska Native (AI/AN) Program providers that are not FQHCs, and that elect to receive payment under Title XIX and XXI according to the Indian Health Services (IHS) rate under the Memorandum of Agreement (MOA) effective July 11, 1996 will also be eligible to receive supplemental payments in the same manner as an FQHC under 1902(bb)(5).

(2) AI/AN providers reimbursed according to a cost-based rate under the Prospective Payment System (PPS) are directed to Oregon administrative rule (OAR) 410-147-0460, Prepaid Health Plan Supplemental Payments.

(3) The PHP supplemental payment represents the difference, if any, between the payment received by the AI/AN provider from the PHP for treating the PHP enrollee and the payment to which the AI/AN provider would be entitled if they had billed the Division directly for these encounters according to the clinic's IHS rate (refer to OAR 410-146-0020).

(4) In accordance with federal regulations, the provider must take all reasonable measures to ensure that in most instances, with the exception of IHS, Medicaid will be the payer of last resort. Providers must make reasonable efforts to obtain payment first from other resources before submitting claims to the PHP (refer to OAR 410-120-1140, Verification of Eligibility).

(5) When any other coverage is known to the provider, the provider must bill the other resource prior to billing the PHP. When a provider

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receives a payment from any source prior to the submission of a claim to the PHP, the amount of the payment must be shown as a credit on the claim in the appropriate field (see OAR 410-120-1280, Billing and 410-120-1340, Payment).

(6) Supplemental payment by the Division for encounters submitted by AI/AN providers for purposes of this rule is reduced by any and all payments received by the AI/AN provider from outside resources, including Medicare, private insurance or any other coverage. AI/AN providers are required to report all payments received on the Managed Care Data Submission Worksheet, including:

- (a) Medicaid PHPs;
- (b) Medicare Advantage Managed Care Organizations (MCO);
- (c) Medicare, including Medicare MCO supplemental payments; and
- (d) Any Third party resources (TPR).

(7) The Division shall calculate the PHP supplemental payment in the aggregate of the difference between total payments received by the AI/AN provider, to include payments as listed in section (6) of this rule and the payment to which the AI/AN provider would have been eligible to claim as an encounter if they had billed the Division directly according to the IHS encounter rate.

(8) AI/AN providers must submit their clinic's data using the Managed Care Data Submission Template developed by the Division to report all PHP encounter and payment activity.

(9) To facilitate the Division processing PHP supplemental payments, the AI/AN must submit the following:

(a) To PHPs:

(A) Claims within the required timelines outlined in the contract with the PHP and in OAR 410-141-0420, Oregon Health Plan Prepaid Health Plan Billing Payment Under the Oregon Health Plan;

(B) The AI/AN National Provider Identifier (NPI) number and applicable associated taxonomy code registered with the Division for the health center must be used when submitting all claims to the PHPs;

(b) To the Division:

(A) Report total payments for all services submitted to the PHP;

(i) Including laboratory, radiology, nuclear medicine, and diagnostic ultrasound; and

(ii) Excluding any bonus or incentive payments;

(B) Report total payments for each category listed in the "Amounts Received During the Settlement Period" section of the Managed Care Data Submission Template coversheet;

(C) Payments must be reported at the detail line level on the Managed Care Data Submission Template worksheet, except for capitated payments, or per member per month and risk pool payments received from the PHP;

(D) The total number of actual encounters. An encounter represents all services for a like service element (medical, dental, mental health, or alcohol and chemical dependency) provided to an individual client on a single date of service. The total number of encounters is not the total number of clients assigned to the IHS or Tribal 638 facility or the total detail lines submitted on the Managed Care Data Submission Template worksheet;

(E) A list of individual practitioners with active Division enrollment including, names, legacy Division provider number and NPI number assigned to practitioners associated with the IHS or Tribal 638 facility. "Associated" refers to a practitioner who is either subcontracted or employed by the AI/AN provider.

(F) A current list of all PHP contracts. An updated list of all PHP contracts must be submitted annually to the Division no later than October 31 of each year.

(10) PHP supplemental payment process:

(a) The Division processes PHP supplemental payments on a quarterly basis. The quarterly settlement includes a final reconciliation for the reported time period.

(b) Upon processing a clinic's data and the PHP supplemental payment, the Division shall:

(A) Send a check to the AI/AN provider for PHP supplemental payment calculated from clinic data the Division was able to process;

(B) Provide a cover letter and summary of the payment calculation; and

(C) Return data that is incomplete, unmatched, or cannot otherwise be processed by the Division;

(c) The AI/AN provider is responsible for reviewing the data the Division was unable to process for accuracy and completeness. The clinic has 30 days, from the date of the Division's cover letter under section (9) of this rule, to make any corrections to the data and resubmit to the Division for processing. Documentation supporting any and all changes must

accompany the resubmitted data. A request for extension must be received by the Division prior to expiration of the 30 days, and must:

(A) Be in writing;

(B) Accompanied by a cover letter fully explaining the reason for the late submission; and

(C) Provide an anticipated date for providing the Division the clinic's resubmitted data and supporting documentation;

(d) Within 30 days of the Division's receipt of the re-submitted data, the Division shall:

(A) Review the data and issue a check for all encounters the Division verifies to be valid; and

(B) For quarterly data submissions, send a letter outlining the final quarterly settlement including any other pertinent information to accompany the check;

(e) The AI/AN provider must submit data to the Division within the timelines provided by the Division.

(11) Clinics must carefully review in a timely fashion the data that the Division was unable to process and returns to the AI/AN provider. If clinics do not bring any incomplete, inaccurate or missing data to the Division's attention within the time frames outlined, Division may not process an adjustment.

(12) The Division encourages AI/AN providers to request PHP supplemental payment in a timely manner.

(13) Clinics must exclude from a clinic's data submission for PHP supplemental payment, services provided to a PHP-enrolled non-AI/AN client denied by the PHP because the clinic does not have a contract or agreement with the PHP. This may not apply to family planning services, or HIV/AIDS prevention services. Family planning and HIV/AIDS prevention services provided to a PHP-enrolled client when a clinic does not have a contract or agreement with the PHP:

(a) Must be reported in the clinic's data submission for PHP supplemental payment if the clinic receives payment from the PHP;

(b) Cannot be reported in the clinic's data submission for PHP supplemental payment if the clinic is denied payment by the PHP. If the PHP denies payment to the clinic, the clinic can bill these services directly to the Division (see OAR 410-146-0060).

(14) If a PHP denies payment to a contracted AI/AN provider for all services, items and supplies provided to a client on a single date of service and meeting the definition of an "encounter" as defined in OAR 410-146-0085, for the reason that all services, items and supplies are non-covered by the plan, the Division may or may not make a supplemental payment to the clinic. The following examples are excluded from the provision of this rule:

(a) Encounters that will later be billed to the PHP as a covered global procedure (e.g. Obstetrics Global Encounter);

(b) Had payment received by Medicare, and any other third party resource not have exceeded the payment the PHP would have made, the PHP would have made payment;

(c) At least one of the detail lines reported for all services, items and supplies provided to a client on a single date of service and represents an "encounter," has a reported payment amount by the PHP.

(15) The Division will not reimburse some Medicaid-covered services that are only reimbursed by PHPs, and are not reimbursed by the Division. The Division will not make PHP supplemental payment for these services, as the Division does not reimburse these services when billed directly to the Division.

(16) It is the responsibility of the AI/AN provider to refer PHP-enrolled non-AI/AN clients back to their PHP if the AI/AN provider does not have a contract with the PHP, and the service to be provided is not family planning or HIV/AIDS prevention. The provider assumes full financial risk in serving a person not confirmed by the Division as eligible on the date of service. See OAR 410-120-1140, Verification of Eligibility. The provider must verify:

(a) That the individual receiving medical services is eligible on the date of service for the service provided; and

(b) Whether a client is enrolled with a PHP or receives services on an "open card" or fee-for-service basis.

Stat. Auth.: ORS 413.042, 414.065

Stats. Implemented: ORS 414.065

Hist.: OMAP 62-2004, f. 9-10-04, cert. ef. 10-1-04; DMAP 19-2007, f. 12-5-07, cert. ef. 1-1-08; DMAP 24-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 7-2011, f. 6-6-11, cert. ef. 7-1-11

410-146-0460

Compensation for Outstationed Eligibility Workers

(1) The Division of Medical Assistance Programs (Division) may provide reasonable compensation for activities directly related to the receipt and initial processing of applications for individuals, including low-income

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pregnant women and children, to apply for Medicaid at outstation locations other than state offices.

(2) The Division may provide reasonable compensation to eligible AI/AN providers for outreach activities performed by Out-stationed Outreach Workers (OSOW) equal to 100% of direct costs.

(3) American Indian/Alaska Native (AI/AN) Program providers must submit a budget each December 1st to the Division for review of the clinic OSOW costs for approval before any OSOW compensation is made each January 1st.

(4) AI/AN providers must be compliant with OAR 410-120-0045 Applications for Medical Assistance at provider locations, to be eligible for compensation under this rule.

(5) For staff employed by a clinic and performing outreach activities at less than full time, the clinic must calculate the percent of time spent performing OSOW services and maintain adequate documentation to support the percentage of time claimed. The percent must be used to calculate personnel expenses incurred by an AI/AN provider as outlined in section (7) of this rule and that are directly attributed to outreach activities performed by the employee.

(6) Case management is excluded from OSOW reimbursement. If an OSOW also does case management, calculate the OSOW expense as outlined in section (5) above.

(7) Direct cost expenses allowed for OSOW reimbursement:

(a) Personnel costs for OSOWs:

(A) Salary/wages;

(B) Taxes;

(C) Fringe benefits provided to OSOW;

(D) Premiums paid by the AI/AN Program provider for private health insurance;

(b) Travel expenses incurred by the AI/AN provider for the Division training on OSOW activities;

(c) Phone bills, if a dedicated line. Otherwise an estimate of telephone usage and resulting costs;

(d) Reasonable equipment necessary to perform outreach activities. A Tribal 638 provider reimbursed according to a cost-based rate will not include expenses for replacing equipment if the original cost of the equipment was reported on the cost statement when the clinic's initial cost-based encounter rate was calculated;

(e) Rent or space costs. A Tribal 638 provider reimbursed according to a cost-based rate will not include rent or space costs if 100% of facility costs were reported on the cost statement when the clinic's initial cost-based encounter rate was calculated;

(f) Reasonable office supplies necessary to perform outreach activities; and

(g) Postage.

(8) The Division excludes indirect costs relating to OSOW activities to Tribal 638 providers reimbursed according to a cost-based rate. Excluded indirect costs include and are not limited to the following:

(a) Any costs included in the initial calculation of a Tribal 638 clinic's cost-based encounter rate;

(b) Contracted interpretation services;

(c) Administrative overhead costs; and

(d) Operating expenses including utilities, building maintenance and repair, and janitorial services

(9) IHS and Tribal 638 Facilities that have a Medicaid Administrative Match contract that includes outreach costs are not eligible for separate outreach payments. IHS and Tribal 638 facilities cannot participate in the Medicaid Administrative Claiming (MAC) program if they are receiving OSOW compensation according to this rule.

Stat. Auth.: ORS 413.042, 414.065

Stats. Implemented: ORS 414.065

Hist.: OMAP 62-2004, f. 9-10-04, cert. ef. 10-1-04; DMAP 19-2007, f. 12-5-07, cert. ef. 1-1-08; DMAP 7-2011, f. 6-6-11, cert. ef. 7-1-11

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Rule Caption: July '11 — Clarify rule regarding individual practitioner enrollment, amend rule to ensure is consistent with general rules.

Adm. Order No.: DMAP 8-2011

Filed with Sec. of State: 6-6-2011

Certified to be Effective: 7-1-11

Notice Publication Date: 5-1-2011

Rules Amended: 410-147-0340, 410-147-0400

Subject: The Federally Qualified Health Centers and Rural Health Clinics (FQHC/RHC) Program rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to

certain clients. The Division amended 410-147-0340 and 410-147-0400 as follows:

- To eliminate barriers to FQHC/RHC's enrolling individual practitioners employed by the health center, and to reference OAR 410-120-0045 and not an outreach agreement administered by the Division.

- All above rules will reflect the Oregon Health Authority name change and updated statutory reference.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-147-0340

Federally Qualified Health Centers and Rural Health Clinics Provider Numbers

(1) Pursuant to National Provider Identifier (NPI) requirements in 45 CFR Part 162 providers must use a NPI, and in specific situations associated taxonomy code(s), when billing the Division of Medical Assistance Programs (Division).

(2) A Federally Qualified Health Center (FQHC) or Rural Health Clinic (RHC) shall register the NPI number and associated taxonomy code, obtained for the FQHC or RHC at the time of enrollment. Multiple sites are not separately enrolled, unless each site has a different tax identification number.

(3) The Division may grant an exception to section (2) of this rule upon written request to the Division of Medical Assistance Programs – Attn: FQHC/RHC Program Manager. The request must include a detailed explanation describing the:

(a) Need for separate enrollment of an additional site; and

(b) Mechanisms in place to assure no duplication of billings.

(4) If the Division finds evidence of duplicate or inappropriate billing resulting from provider misuse under multiple enrollments, the Division may terminate the exception upon written notice to the clinic.

(5) If the Division grants an exception to section (2) of this rule, the Division shall separately enroll each clinic site. When granted multiple provider enrollments, clinics must register:

(a) A separate NPI number for each clinic; or

(b) One NPI number and separate taxonomy codes for each clinic.

(6) If an FQHC or RHC has several clinic sites and one or more of the clinics are not designated as an FQHC or RHC, the non-FQHC or non-RHC (each individual clinic) must:

(a) Enroll as a billing provider; and

(b) Each practitioner must individually enroll.

(7) Upon enrollment and each October thereafter, FQHCs and RHCs must submit to the Division:

(a) A list including names and NPI numbers of individual practitioners associated with the FQHC/RHC; and

(b) A list including business names, addresses and facility NPI numbers for all Division-enrolled clinics affiliated or owned by the FQHC or RHC including any clinics that do not have FQHC or RHC status

(8) An FQHC or RHC that operates a retail pharmacy, provides durable medical equipment (DME), prosthetics, orthotics, and supplies (DMEPOS), must enroll separately as a pharmacy and/or DMEPOS provider. Refer to OAR chapter 410, division 121, Pharmaceutical and OAR chapter 410, division 122, DMEPOS; for specific information. These services are not billed under FQHC or RHC enrollment.

(9) The Division shall coincide registration of a clinic's NPI number and associated taxonomy codes if applicable, effective the date of enrollment with the Division as an FQHC or RHC, and after the encounter rate is established.

(10) Prepaid Health Plans (PHP) are required to report all PHP encounters using the FQHC/RHC's NPI and associated taxonomy code, if required, and not individual practitioner NPI numbers and taxonomy codes.

Stat. Auth.: ORS 413.042, 414.065

Stat. Implemented: ORS 414.065

Hist.: OMAP 63-2002, f. & cert. ef. 10-1-02; OMAP 71-2003, f. 9-15-03, cert. ef. 10-1-03; OMAP 63-2004, f. 9-10-04, cert. ef. 10-1-04; DMAP 25-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 8-2011, f. 6-6-11, cert. ef. 7-1-11

410-147-0400

Compensation for Outstationed Outreach Activities

(1) This rule provides reasonable compensation for activities directly related to the receipt and initial processing of applications for individuals, including low-income pregnant women and children, to apply for Medicaid at outstation locations other than state offices.

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(2) A federally qualified health center (FQHC) eligible in accordance with Oregon Administrative Rule (OAR) 410-120-0045 Applications for Medical Assistance at provider locations, will be eligible for compensation under this rule.

(3) "Initial processing" includes the following activities:

- (a) Taking applications;
- (b) Assisting applicants in completing the application;
- (c) Providing information as outlined in OAR 410-120-0045;
- (d) Obtaining required documentation to complete processing of the application;
- (e) Ensuring that the information contained on the application form is complete; and
- (f) Conducting any necessary interviews.

(4) "Initial processing" does not include evaluating the information contained on the application and the supporting documentation or making a determination of eligibility or ineligibility.

(5) At locations that are infrequently used by the designated low-income eligibility groups, the Division of Medical Assistance Programs (Division) may use the following resources:

- (a) Volunteers, provider or contractor employees; or
- (b) Its own eligibility staff, or
- (c) Telephone assistance by:
 - (A) The FQHC as outlined in section (8); or
 - (B) Prominently displaying a notice that includes the telephone number for the state OHP Application Center or the local branch office that applicants may call for assistance.

(6) Eligible FQHCs may be able to receive reasonable compensation for outreach activities performed by Outstationed Outreach Workers (OSOW) that is equal to 100% of direct costs:

(a) The Division will calculate an OSOW rate based on reasonable direct costs described in section (11) of this rule, and reported by a clinic according to section (7) of this rule;

(b) The Division will add the OSOW to the clinic's current base medical Prospective Payment System (PPS) encounter rate.

(7) Changes to OSOW compensation applied to the PPS encounter rate:

(a) Clinics must submit to the Division a cost statement for the preceding fiscal year no earlier than October 1, and no later than October 31, of each year for Division review and approval of the clinic's OSOW direct costs;

(b) Any change to the OSOW rate, based on the October cost statement submission, will be effective January 1 of the following year;

(c) If the Division determines that the OSOW rate is inflated, the clinic's OSOW rate will be adjusted effective immediately.

(8) Clinic locations with limited operating hours, or that limit access to the general public during their regular operating hours must calculate the actual time an OSOW meets face-to-face with the general public for receipt and the initial processing of applications. For example, if a clinic employs an OSOW at a satellite school-based health center (SBHC), and the SBHC can only be accessed by the general public outside of the school's normal hours of operation, use the percent of time an OSOW is available to meet face-to-face with potential applicants when reporting compensation as outlined in section (11) (c) of this rule.

(a) Clinics must display a notice in a prominent place that advises potential applicants when an OSOW will be available;

(b) The notice must include a telephone number that applicants may call for assistance.

(9) For staff employed by a clinic and performing outreach activities at less than full time, the clinic must calculate the percent of time spent performing OSOW services and maintain adequate documentation to support the percentage of time claimed. The percent must be used to calculate personnel expenses incurred by an FQHC as outlined in Section (10) (c) of this rule and that are directly attributed to outreach activities performed by the employee. Outreach activities:

(a) May include assisting individuals with completing applications for other Department of Human Services (Department) and Authority-administered programs where eligibility is determined by staff at local branch offices;

(b) Does not include assisting individuals with applying for non-Department and non-Authority-administered programs.

(10) A clinic is prohibited from claiming reimbursement for costs associated with personnel positions where 100% of costs were included in the FQHC's Prospective Payment System (PPS) encounter rate calculation;

(11) Direct cost expenses allowed for OSOW reimbursement:

(a) Travel expenses incurred by the FQHC for Division training on OSOW activities;

(b) Phone bills, if a dedicated line. Otherwise an estimate of telephone usage and resulting costs;

(c) Personnel costs for OSOWs:

(A) Wages will be the lesser of:

(i) Reported wages by the FQHC; or

(ii) Wages paid by the State of Oregon to an employee of the state providing enrollment assistance to clients applying for the Oregon Health Plan;

(B) Taxes;

(C) Fringe benefits provided to OSOW;

(D) Premiums paid by the FQHC for private health insurance.

(d) Reasonable equipment necessary to perform outreach activities.

Do not include expenses for replacing equipment if the original cost of the equipment was reported on the cost statement when the clinic's initial PPS encounter rate was calculated;

(e) Rent or space costs. Do not include rent or space costs if 100% of facility costs were reported on the cost statement when the clinic's initial PPS encounter rate was calculated;

(f) Reasonable office supplies necessary to perform outreach activities; and

(g) Postage.

(12) The Division excludes indirect costs relating to OSOW activities from calculation of the OSOW rate. Excluded indirect costs include and are not limited to the following:

(a) Any costs included in the initial calculation of a clinic's Prospective Payment System (PPS) encounter rate;

(b) Contracted interpretation services;

(c) Administrative overhead costs;

(d) Supervision costs; and

(e) Operating expenses including utilities, building maintenance and repair, and janitorial services.

(13) A Public Health Department designated as an FQHC or a School Based Health Center (SBHC) within the scope of an FQHC designation cannot participate in the Medicaid Administrative Claiming (MAC) program.

(14) If a clinic fails to submit the OSOW budget by November 1 of the required year, a clinic may not be eligible for compensation of OSOW costs as of January 1 for the coming year.

Stat. Auth.: ORS 413.042, 414.065

Stats. Implemented: ORS 414.065

Hist.: HR 13-1993, f. & cert. ef. 7-1-93; OMAP 35-1999, f. & cert. ef. 10-1-99; OMAP 20-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 62-2002, f. & cert. ef. 10-1-02, Renumbered from 410-128-0330; OMAP 71-2003, f. 9-15-03, cert. ef. 10-1-03; OMAP 27-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 47-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 8-2011, f. 6-6-11, cert. ef. 7-1-11

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Rule Caption: Move Law Enforcement Medical Liability Program from chapter 461 to 410.

Adm. Order No.: DMAP 9-2011

Filed with Sec. of State: 6-6-2011

Certified to be Effective: 7-1-11

Notice Publication Date: 5-1-2011

Rules Ren. & Amend: 461-012-0100 to 410-160-0000, 461-012-0150 to 410-160-0100

Subject: The Law Enforcement Medical Liability Act (LEMLA) program administrative rules govern Division payments for services to certain clients. The LEMLA Program is an existing program that is being moved from chapter 461 (Children, Adult and Families) to chapter 410 (Division of Medical Assistance Programs). The Division renumbered and amended the rules with current information, name changes, codification, punctuation and formatting consistent with other Division rules.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-160-0000

Definitions

For the purposes of OAR 410-160-0000 through 410-160-0100, the following definitions shall apply:

(1) LEMLA means the Law Enforcement Medical Liability Account.

(2) LEMLA Patient means a person who has suffered injuries related to law enforcement activity.

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(3) Injuries Related to Law Enforcement Activity means injuries sustained prior to booking, citation in lieu of arrest or release instead of booking that occur during and as a result of efforts by a law enforcement officer to restrain or detain, or to take or retain custody of, the individual. Whether injuries related to law enforcement activity have occurred shall be determined by the law enforcement agency.

(4) Release Date means the date the LEMLA patient was released from actual physical custody, as determined by the law enforcement agency.

(5) Cost of Such Services means "usual charge" as defined in OAR 410-120-0000.

(6) Hospital means a hospital as defined in OAR 410-120-0000.

(7) Overpayment means payment made by LEMLA to a claimant in excess of the amount due for the covered services and items billed.

(8) Claimant means a Medicaid provider.

(9) Medicaid Provider means a provider who has been issued a provider number by the Division and is not currently subject to sanction by the Division.

(10) Prior Payment Amount means the total of all payments received by the claimant from all other sources, including the LEMLA patient, prior to submitting a LEMLA claim.

(11) LEMLA Claim Amount means the total cost of such services provided to a LEMLA patient that are directly connected to injuries related to law enforcement activity. It shall not include any charges for services provided to a LEMLA patient for a preexisting disease or condition, or services that are unrelated to the "injuries related to law enforcement activities."

Stat. Auth.: ORS 413-042, ORS 414.065
Stats. Implemented: ORS 414.805 -- ORS 414.815
Hist.: AFS 1-1992, f. 1-14-92, cert. ef. 2-1-92; AFS 6-1992, f. & cert. ef. 3-9-92; AFS 24-1993, f. 10-27-93, cert. ef. 11-1-93; AFS 10-2002, f. & cert. ef. 7-1-02; Renumbered from 461-012-0100, DMAP 9-2011, f. 6-6-11, cert. ef. 7-1-11

410-160-0100

Process and Procedure

(1) The purpose of the Law Enforcement Medical Liability Account (LEMLA) is to provide a fund to reimburse a claimant for emergency medical services provided to a LEMLA patient.

(2) The time limit for submitting claims to LEMLA is one year after the date of injury. If a claimant has been paid by a LEMLA patient's insurer or health care contractor and the LEMLA patient's insurer or health care contractor subsequently demands return of the payment, a claimant must bill LEMLA not later than 180 days from the date of the demand letter or one year from the date of injury, whichever is later.

(3) The Division shall process all claims received in accordance with the following procedures:

(a) The claim shall be date stamped on the date received by LEMLA;

(b) The Division shall review each claim submitted to verify that the claim contains all of the following required information:

(A) The LEMLA claim form, with the following information:

(i) Certification by an authorized representative of the law enforcement agency involved with an injury that the injury is related to law enforcement activity;

(ii) The release date, if any, as determined by the law enforcement agency. If the LEMLA patient has not yet been released, state that on the LEMLA claim form;

(iii) LEMLA patient's name;

(iv) Prior payment amount;

(v) Date of injury;

(vi) Claimant's Medicaid provider number;

(vii) Claimant's name;

(viii) LEMLA claim amount;

(ix) Cause or nature of injury.

(B) Attached to the LEMLA form, the following information:

(i) Documentation that demonstrates the claimant has billed the LEMLA patient or the LEMLA patient's insurer or health care contractor for the charges or expenses owed to the claimant and that the claimant has made a reasonable effort to collect from the LEMLA patient or the LEMLA patient's insurer or health care contractor;

(ii) A copy of the hospital or provider billing document that shows the usual charge and date of service.

(c) The Division shall reject claims that do not contain all of the information required in subsection (3)(b) of this rule;

(d) The Division shall review the documentation of reasonable collection effort. If 45 days have not elapsed since the claimant billed the LEMLA patient or the LEMLA patient's insurer or health care contractor, the claim may be rejected;

(e) The Division shall review the date of injury. If the date stamped on the claim under subsection (3)(a) of this rule is more than one year after the date of injury, the claim shall be rejected. The one-year time limit may not apply if the provisions of section (2) of this rule apply with regards to an insurer or health care contractor demanding repayment of a previously paid claim.

(4) Using the LEMLA claim amount, the Division shall pay claimants, subject to any adjustment made under section (5) of this rule, according to the following:

(a) For hospitals, by the current "Hospital Fee Schedule-Adjusted Cost/Charge Ratios for Oregon Hospitals," established by the Director of the Department of Consumer and Business Services;

(b) For all Medicaid providers except hospitals, the Division shall pay 75 percent of the LEMLA claim amount.

(5) After determining the amount under section (4) of this rule, the Division shall add the amount received in section (6) of this rule. If the total is more than the usual charge, the Division shall reduce the amount of its payment by the amount in excess of the usual charge.

(6) The claimant is responsible for making reasonable effort to collect from the LEMLA patient or the LEMLA patient's insurer or health care contractor. Claimants are required to report all collections made when a claimant submits a claim to the Division for payment.

(7) If the Division has paid a claimant and the claimant subsequently receives payment from any other source, the claimant is required to repay the Division the amount received, minus the difference between the usual amount billed and the amount the Division paid. This means claimants are entitled to reimburse themselves for the amount the Division did not pay, with the excess due to the Division as repayment of an overpayment. The repayment is due and payable by check to the Division within 30 days after the claimant has received the funds from the other source.

(8) The Division shall continue to pay for medical services for injuries related to law enforcement activities while the LEMLA patient is incarcerated. Upon release of the LEMLA patient from physical custody, the Division shall no longer pay for further medical expenses incurred. If the LEMLA patient is cited in lieu of arrest or released instead of booked, the Division shall no longer pay for further medical expenses upon discharge or release from the hospital or other medical facility.

(9) The Division shall pay all accepted claims to the extent that the Division has sufficient funds available, subject to the maximum limit for payment of expenses authorized by law. The Division shall monitor the expenses and if the Division determines that the authorized limit may be exceeded, or that insufficient funds are available, the Division shall take the following actions:

(a) The Division shall continue to accept claims and date stamp them in the order the claims are received. The Division shall then suspend further processing of the claim;

(b) The Division shall notify each claimant that the claim has been suspended and the reason for the action;

(c) The Division shall maintain a file of suspended claims and await further legislative direction regarding the disposition of the claims.

Stat. Auth.: ORS 413.042, ORS 414.065
Stats. Implemented: ORS 414.805 -- ORS 414.815
Hist.: AFS 1-1992, f. 1-14-92, cert. ef. 2-1-92; AFS 6-1992, f. & cert. ef. 3-9-92; AFS 24-1993, f. 10-27-93, cert. ef. 11-1-93; AFS 18-1995, f. & cert. ef. 8-1-95; AFS 10-2002, f. & cert. ef. 7-1-02; Renumbered from 461-012-0150, DMAP 9-2011, f. 6-6-11, cert. ef. 7-1-11

Oregon Health Authority, Office of Private Health Partnerships Chapter 442

Rule Caption: Expand program income levels.

Adm. Order No.: OPHP 6-2011

Filed with Sec. of State: 5-19-2011

Certified to be Effective: 5-19-11

Notice Publication Date: 5-1-2011

Rules Amended: 442-005-0000

Subject: 442-005-0000 — FHIAP is expanding program income levels from 185 percent up through 200 percent to make insurance affordable to more children, adults, and families.

Rules Coordinator: Margaret Moran—(503) 378-5664

442-005-0000

Purpose and Statutory Authority

(1) OAR 442-005-0000 to 442-005-0350 are adopted to carry out the purpose of ORS 414.841 to 414.864, establishing within the Office of Private Health Partnerships a Family Health Insurance Assistance Program

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(FHIAP) for Oregon residents who earn up through 200 percent of the federal poverty level.

(2) OAR 442-005-0000 to 442-005-0350 are adopted pursuant to the general authority of the Office of Private Health Partnerships under ORS 414.858 and the specific authority in ORS 414.841 to 414.864.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHP 6-2011, f. & cert. ef. 5-19-11

**Oregon Health Licensing Agency,
Board of Cosmetology
Chapter 817**

Rule Caption: Reduce fees for recent graduates including initial certification, examination and application fee.

Adm. Order No.: BOC 3-2011

Filed with Sec. of State: 5-19-2011

Certified to be Effective: 6-1-11

Notice Publication Date: 3-1-2011

Rules Amended: 817-040-0003

Subject: Decrease the fees for application, examination and initial certification to reduce cost burden for recent cosmetology school graduates.

Rules Coordinator: Samantha Patnode—(503) 373-1917

817-040-0003

Fees

(1) Applicants and authorization holders are subject to provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency, in consultation with the Board, are as follows:

(a) Application:

(A) Practitioner certificate: \$20 per field of practice.

(B) Practitioner certificate by reciprocity: \$100 per field of practice.

(C) Independent contractor registration: \$50.

(D) Freelance authorization: \$25.

(E) Facility license: \$100.

(F) Temporary facility permit: \$50.

(G) Demonstration permit: \$25.

(b) Examination:

(A) Oregon laws & rules: \$35.

(B) Barbering: \$35.

(C) Hair design: \$35.

(D) Esthetics: \$35.

(E) Nail technology: \$35.

(F) Freelance authorization: \$25

(c) Original issuance of authorization to practice:

(A) Practitioner certificate: \$25 for two years.

(B) Practitioner certificate by reciprocity: \$45 for two years.

(C) Independent contractor registration: \$100 for one year.

(D) Freelance authorization: \$100 for one year.

(E) Facility license: \$110 for one year.

(d) Permits:

(A) Temporary facility: \$100.

(B) Demonstration: \$50.

(e) Renewal of authorization to practice:

(A) Practitioner certificate: \$45 for two years.

(B) Practitioner certificate: on-line payment: \$40 for two years.

(C) Independent contractor registration: \$100 for one year.

(D) Freelance authorization: \$100 for one year.

(E) Facility license: \$110 for one year.

(f) Other administrative fees:

(A) Delinquency fee: \$30 for each year in expired status up to three years.

(B) Replacement of freelance authorization, certificate, license or registration, including name change: \$25.

(C) Duplicate freelance authorization, certificate, license or registration document: \$25 per copy with maximum of three.

(D) Affidavit of licensure: \$50.

(E) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

(F) Information packets: \$10

Stat. Auth.: ORS 676.605, 676.606, 676.615 & 690.235

Stats. Implemented: ORS 676.605, 676.615, 690.235 & 30.701

Hist.: BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1990(Temp), f. 4-20-90 & cert. ef. 6-1-90; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08; BOC 2-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 12-25-09; BOC 3-2009(Temp), f. 12-21-09, cert. ef. 12-26-09 thru 5-31-10; BOC 1-2010, f. 3-31-10, cert. ef. 4-1-10; BOC 2-2010, f. & cert. ef. 10-1-10; BOC 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-10-11; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 3-2011, f. 5-19-11, cert. ef. 6-1-11

**Oregon Health Licensing Agency,
Board of Direct Entry Midwifery
Chapter 332**

Rule Caption: Amend to extend implementation date of risk information packets.

Adm. Order No.: DEM 2-2011(Temp)

Filed with Sec. of State: 5-19-2011

Certified to be Effective: 5-19-11 thru 11-15-11

Notice Publication Date:

Rules Amended: 332-025-0080

Subject: Amend OAR 338-025-0080(5) to extend the implementation date for risk information packets by requiring that each LDM provide risk information as published on the agency's website regarding out-of-hospital birth, malpresentation birth (breech), multiple gestations (twins), vaginal birth after cesarean (VBAC), and births exceeding 42 weeks gestation (post-dates) beginning January 1, 2012.

Rules Coordinator: Samantha Patnode—(503) 373-1917

332-025-0080

Informed Consent and Risk Information Practice Standards

(1) Informed consent means the consent obtained following a thorough and easily understood explanation of the information to the mother or mother's guardian.

(2) The explanation must be both verbal and written.

(3) An LDM must document the verbal explanation and the written informed consent process in the client's record. Informed consent information must include the following:

(a) Definition of procedure or process;

(b) Benefits of procedure or process;

(c) Risk(s) of procedure or process;

(d) Description of adverse outcomes;

(e) Risk of adverse outcomes; and

(f) Alternative procedures or processes and any risk(s) associated with them.

(4) An LDM must obtain mother's dated signature acknowledging she has received, reviewed, and understands the information, and has made an informed choice.

(5) Beginning on January 1, 2012, each LDM must provide risk information as published on the agency's website www.Oregon.gov/OHLA, and obtain informed consent for the following circumstances:

(a) Out-of-hospital birth;

(b) Vaginal birth after cesarean (VBAC);

(c) Breech;

(d) Multiple gestations; and

(e) Pregnancy exceeding 42 weeks gestation.

Stat. Auth.: ORS 487.485 & 676.615

Stats. Implemented: ORS 687.425, 687.480, 687.485, 676.606 & 676.607

Hist.: DEM 6-2010, f. 12-30-10, cert. ef. 1-1-11; DEM 2-2011(Temp), f. & cert. ef. 5-19-11 thru 11-15-11

**Oregon Housing and Community Services Department
Chapter 813**

Rule Caption: Allows Department to appoint a representative for contested case hearings on assessed civil penalties.

Adm. Order No.: OHCS 6-2011

Filed with Sec. of State: 5-25-2011

Certified to be Effective: 8-25-11

Notice Publication Date: 4-1-2011

Rules Adopted: 813-001-0060

Rules Repealed: 813-001-0060(T)

Subject: 813-001-0060 Allows an employee of Oregon Housing and Community Services to appear on behalf of the Department in con-

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tested case hearings conducted by the Department, by the Office of Administrative Hearings, or by another agency on civil penalties assessed by the Department against a landlord or owner of a manufactured dwelling park. Establishes actions employee may be involved in during the hearing.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-001-0060

Lay Representative, Contested Cases Involving Civil Penalty

(1) Subject to the approval of the Attorney General, an officer or employee of the Department is authorized to appear on behalf of the Department in a contested case hearing conducted by the Department or by the Office of Administrative Hearings on a civil penalty assessed by the Department against a landlord or owner of a manufactured dwelling park pursuant to section 4, chapter 619, Oregon Laws 2005.

(2) Subject to the approval of the Attorney General, an officer or employee of the Department is authorized to appear on behalf of the Department in a contested case hearing conducted before another agency on a civil penalty assessed by the Department against a landlord or owner of a manufactured dwelling park pursuant to section 4, chapter 619, Oregon Laws 2005.

(3) A representative of the Department under section (1) of this rule may not make legal argument on behalf of the Department, including an argument on any of the following:

- (a) The jurisdiction of the Department to hear the contested case;
- (b) The constitutionality of a statute or rule or the application of a constitutional requirement to the Department or an agency generally; or
- (c) The application of court precedent to the facts of the particular contested case proceeding.

(4) A representative of the Department under section (1) of this rule may do any of the following:

- (a) Examine and cross-examine witnesses;
- (b) Present motions, evidence and factual arguments; and
- (c) Present arguments on any of the following matters:

(A) The application of a statute or rule to the facts in the contested case;

(B) Comparison of prior actions of the Department in handling similar situations;

(C) The literal meaning of a statute or rule directly applicable to an issue in the contested case;

(D) The admissibility of evidence; and

(E) The correctness of procedures being followed in the contested case hearing.

Stat. Auth.: ORS 183.452

Stats. Implemented: ORS 183.452 & 2005 OL ch. 619 sec. 4

Hist.: OHCS 15-2010(Temp), f. & cert. ef. 12-1-10 thru 5-29-11; OHCS 6-2011, f. & cert. ef. 5-25-11

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Adopts new rule; amends rules regarding trustee to trustee transfer for eligible purchases at retirement.

Adm. Order No.: PERS 2-2011

Filed with Sec. of State: 6-1-2011

Certified to be Effective: 6-1-11

Notice Publication Date: 2-1-2011

Rules Adopted: 459-005-0580, 459-011-0150

Rules Amended: 459-015-0055, 459-050-0075, 459-050-0090

Subject: Senate Bill 399 (2009), codified as ORS 238.222, allows eligible members to restore forfeited creditable service or purchase retirement credit with pre-tax dollars transferred from certain other retirement plans. The bill has an operative date of September 1, 2011.

Previously, staff noticed rulemaking to address the parameters for eligibility to fund a purchase with a trustee-to-trustee transfer, guidance on how PERS will treat excess dollars transferred to PERS, and the relevant timelines. Conforming modifications were proposed to other administrative rules to reflect this new purchase funding method.

As these rules were developed further, staff concluded that putting these transfers in a broader context made sense, as these new rules addressed aspects of service credit purchases that were of general application, but no general rule addressed purchases. Also, while the Oregon Savings Growth Plan (OSGP) is a possible source of these

transfers, staff thought we should provide the opportunity for OSGP participants to use their funds to purchase service credit in other governmental plans, if those plans allow such purchases.

As a result, the rules originally noticed in January 2011 have been augmented with additional rules and revisions to address the issue of purchases more comprehensively.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-005-0580

Trustee-to-Trustee Transfers

(1) For purposes of this rule, "trustee-to-trustee transfer" means a transfer of funds from an eligible retirement plan to PERS for the purpose of obtaining restoration of forfeited creditable service or purchasing retirement credit pursuant to ORS 238.222.

(2)(a) Except as provided in subsection (c) of this section, PERS must receive the trustee-to-trustee transfer within the time period established in the particular statute for restoration of creditable service or obtaining retirement credit included in ORS 238.222(1).

(b) A trustee-to-trustee transfer received by PERS outside the time period determined under subsection (a) of this section for the transfer will be returned to the eligible retirement plan from which the transfer was received.

(c) If the cost of restoration of creditable service or obtaining retirement credit is adjusted and PERS determines that the amount required is greater than the amount originally received, a trustee-to-trustee transfer may be made to remit the additional amount required.

(d) Nothing in ORS 238.222 or this rule shall be construed to provide an extension of time for restoration of forfeited creditable service or obtaining retirement credit outside the time permitted under the relevant statutes.

(3) If PERS receives a trustee-to-trustee transfer and determines that all or a portion of the transfer may not be accepted by PERS and must be returned, PERS will transfer the amount back to the eligible retirement plan from which the transfer was received.

(4) The provisions of this rule are effective on September 1, 2011.

Stat. Auth.: ORS 238.222 & 238.650

Stats. Implemented: ORS 238.222, sec. 2, Ch. 971, OL 1999

Hist.: PERS 2-2011, f. & cert. ef. 6-1-11

459-011-0150

General Purchases

(1) For purposes of this rule, "purchase" means restoration of creditable service under ORS 238.115 or obtaining retirement credit under ORS 238.125, 238.135, 238.145, 238.148, 238.156, 238.157, 238.160, 238.162, 238.165, 238.175, 526.052 or section 2, Chapter 971, Oregon Laws 1999.

(2) To make a purchase, a member must submit the application for restoration of creditable service or to obtain retirement credit and the full purchase cost, provided by PERS, within the time period established in the particular statute.

(3)(a) If the purchase cost is adjusted and requires an additional payment, PERS will notify the member of the balance due. To complete the purchase, the balance due must be received by PERS by the later of:

(A) The date set by PERS; or

(B) The member's effective retirement date.

(b) If the balance due required in subsection (a) of this section is not received within the time period established in subsection (a) of this section, PERS will cancel the purchase and return the amount paid under section (2) of this rule to the member, subject to the provisions of OAR 459-005-0580.

(4) If the purchase cost is adjusted and is lower than the amount paid under section (2) of this rule, PERS will refund the excess amount to the member, subject to the provisions of OAR 459-005-0580.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.115, 238.125, 238.135, 238.145, 238.148, 238.156, 238.157, 238.160, 238.162, 238.165, 238.175, 526.052 and sec. 2, Ch. 971, Ol 1999

Hist.: PERS 2-2011, f. & cert. ef. 6-1-11

459-015-0055

Selection of Benefit Option and Commencement of Allowance

(1) Upon filing an application for a disability retirement allowance, the member may make a preliminary designation of beneficiary and a preliminary selection of benefit option.

(a) A member may choose from retirement Options 1, 2, 2A, 3, 3A, 15 year certain or refund annuity as set forth in ORS 238.300 and 238.305, or an optional disability retirement allowance under ORS 238.325.

(b) A member may not choose a lump-sum option.

(2) Within 90 days following the Director's, or the Director's designee's, approval of the application for disability retirement allowance, the member must submit a disability benefit application provided by PERS.

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Receipt of the final forms will supersede any preliminary beneficiary designation or benefit option.

(a) The final option selected applies only to the corresponding time period the member is receiving a disability retirement allowance.

(b) The beneficiary designation or benefit option may be changed up to 60 days after the date of the first actual (not estimated) benefit payment as provided in ORS 238.325(2). The beneficiary or benefit option change will be retroactive to the effective disability retirement date.

(c) If a member's disability retirement allowance is canceled before the first benefit payment or is discontinued, the option selected for the purposes of that disability retirement allowance is canceled and a new option may be selected upon a subsequent disability or service retirement.

(3) If the member does not submit a disability benefit application within 90 days following the Director's, or the Director's designee's, approval of the application for disability retirement allowance:

(a) The benefit will be the benefit as set forth under ORS 238.320(1) if the member is single, or the benefit as set forth under ORS 238.462 if the member is married; and

(b) For single members, the latest beneficiary designation on file for the PERS Chapter 238 Program will be used to determine the default beneficiary. If no designation exists, the beneficiary will be as provided for under ORS 238.390(2).

(c) The payment will commence within a reasonable period of time following the 90th day after approval.

(4) Purchases. If a member is eligible to make a purchase to restore creditable service or obtain retirement credit under ORS Chapter 238 or section 2, chapter 971, Oregon Laws 1999, the member must submit payment for the purchase(s) no later than the earlier of:

(a) 90 days following the date of the Director's, or the Director's designee's, approval of the application for disability retirement allowance; or

(b) The date the member submits the final disability benefit application required under section (2) of this rule.

(5) If the member elects to purchase all or a portion of creditable service or retirement credit through a trustee-to-trustee transfer as described in OAR 459-005-0580, the transfer must be received within the time line in section (4) of this rule.

(6) The payment of a disability retirement allowance shall commence within 10 business days following receipt by PERS of all of the items in (a) and (b) of this section, or the date the first payment is due, as set forth in section (7) of this rule, whichever is later:

(a) From the member:

(A) Completed disability benefit application;

(B) Proof of member's age;

(C) Proof of age for the designated beneficiary if a joint survivor option is elected; and

(D) Certification of marital status form.

(b) From the employer: Financial and demographic information indicating the member has separated from PERS-covered employment.

(7) A disability benefit accrues from the effective date of disability retirement. Except as provided as in section (8) of this rule, the benefit accrued for a month of disability retirement is payable on the first of the following month.

(8) Notwithstanding section (7) of this rule, no payment shall be made before the end of the period of 90 consecutive days beginning with the date of disability and shall be retroactive to the effective date of disability retirement.

(9) If PERS cannot calculate the actual disability benefit payment, an estimated payment will be made until PERS receives all the necessary information needed to calculate the actual benefit payment. The payment will be made retroactive to the effective date of disability if the benefits become due before the 90 consecutive day period of incapacitation has elapsed.

(a) If the estimated payment results in an underpayment of \$10 or more a month, the member will receive interest based on the provisions set forth in OAR 459-007-0015.

(b) If the estimated payment results in an overpayment of any amount, the overpayments may be recovered by decreasing the monthly benefit amount until the difference between the amount the member received and the amount the member should have received is recovered.

(10) Minimum disability benefit. A disability benefit will not be less than \$100 per month under the non-refund Option 1 benefit or the amount the member would have received for service retirement, if eligible, whichever is higher.

(11) In the event a member applying for a disability retirement allowance dies before the Director's approval of the application:

(a)(A) If the member has made a preliminary benefit option election, the preliminary election shall be effective upon the Director's approval of the application for disability retirement.

(B) If the deceased member was eligible to purchase additional creditable service or retirement credit under ORS Chapter 238, the beneficiary, if any, designated in the preliminary election may make the purchase(s) by submitting the required forms and payment within 90 days from the date the disability application is approved.

(b) If the member has not made a preliminary benefit option election, the member will be considered as having died before retirement.

(A) If the beneficiary designated under ORS 238.390(1) is the surviving spouse, the surviving spouse may, within 90 days from the date the disability application is approved, elect to have either Option 2 or 3 disability benefits or pre-retirement death benefits, as provided in ORS 238.390 or 238.395, if eligible.

(i) Regardless of the election made by the surviving spouse under paragraph (b)(A) of this section, all benefits will cease upon the surviving spouse's death.

(ii) If the deceased member was eligible to purchase additional creditable service or retirement credit under ORS Chapter 238, a surviving spouse who elects disability benefits under paragraph (b)(A) of this section, may make the purchase(s) by submitting the required forms and payment at the time of the election.

(B) If the beneficiary designated under ORS 238.390(1) is not the surviving spouse, the beneficiary will receive pre-retirement death benefits as provided in ORS 238.390 or 238.395, if eligible.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320, 238.325 & 238.330

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 15-2005, f. & cert. ef. 10-3-05; PERS 6-2008, f. & cert. ef. 4-2-08; PERS 7-2010, f. & cert. ef. 8-2-10; PERS 2-2011, f. & cert. ef. 6-1-11

459-050-0075

Distributions During Employment

The purpose of this rule is to describe the types of distributions available to a participant who has not had a severance of employment. Distributions made while a participant is still employed are in-service distributions.

(1) De minimis distribution. A de minimis distribution is an in-service distribution of the entire balance of a small account before the date a participant has a severance of employment. A de minimis distribution may be made if all of the following conditions are satisfied:

(a) No prior de minimis distribution was made to the participant;

(b) The total balance of the participant's account does not exceed the limitations in the Internal Revenue Code Section (IRC) 457(e)(9)(A), which is \$5,000;

(c) Participant has not made any contributions to the Deferred Compensation Plan in the two-year period before the date of distribution; and

(d) Participant has submitted an application for a de minimis distribution on forms provided by, or other methods approved by the Deferred Compensation Program. No distribution will be paid unless a complete application is filed with, and approved by, the Deferred Compensation Program.

(2) Unforeseeable emergency withdrawal. An unforeseeable emergency withdrawal is an in-service distribution made to a participant due to an unforeseeable emergency. This withdrawal may be made before the date a participant has a severance of employment and as defined in OAR 459-050-0150. A participant must apply for an unforeseeable emergency withdrawal using forms provided by, or other methods approved by, the Deferred Compensation Program as provided for in OAR 459-050-0150(4).

(3) Military distribution. A participant is treated as having been severed from employment during any period the participant is performing service in the uniformed services while on active duty for a period of more than 30 days for the purposes of the limitation on in-service distributions. For purposes of this rule, "uniformed services" has the same meaning as given in OAR 459-050-0072. This section applies to distributions made on or after January 1, 2009.

(4) Trustee-to-trustee transfers. A trustee-to-trustee transfer as defined in OAR 459-050-0090(1)(h) may be made while a participant is still employed.

(5) Funds available for in-service distribution. Only funds contributed to a deferred compensation plan, as defined in IRC 457, and earnings on those contributions may be distributed in a de minimis distribution or unforeseeable emergency withdrawal. Any funds directly transferred or

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rolled over to the Deferred Compensation Program from any plan other than an IRC 457 deferred compensation plan shall not be distributed for a de minimis distribution or an unforeseeable emergency withdrawal.

(6) Prohibitions on elective deferrals after an in-service distribution.

A participant who receives a de minimis distribution, an unforeseeable emergency withdrawal, or a military distribution may not make elective deferrals and employee contributions to the Deferred Compensation Program for a period of 6 consecutive months from the date of distribution.

[Publications: Publications referenced are available from the agency.]

Stat. Auth: ORS 243.470

Stats. Implemented: ORS 243.401 - 243.507

Hist.: PERS 13-2001(Temp), f. 12-14-01, cert. ef. 1-1-02 thru 6-28-02; PERS 9-2002, f. & cert. ef. 6-13-02; PERS 1-2009, f. & cert. ef. 2-12-09; PERS 2-2011, f. & cert. ef. 6-1-11

459-050-0090

Direct Rollover and Trustee-to-Trustee Transfer

The purpose of this rule is to establish the criteria and processes for direct rollovers between the Deferred Compensation Program and an eligible retirement plan and trustee-to-trustee transfers between the Deferred Compensation Program and either a defined benefit governmental plan or a deferred compensation plan described in Code Section 457(b) that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.

(1) Definitions. The following definitions apply for the purpose of this rule:

(a) "Code" means the Internal Revenue Code of 1986, as amended.

(b) "Direct Rollover" means:

(A) The payment of an eligible rollover distribution by the Deferred Compensation Plan to an eligible retirement plan specified by the distributee; or

(B) The payment of an eligible rollover distribution by an eligible retirement plan to the Deferred Compensation Program.

(c) "Distributee" means an individual who has requested a distribution under one of the following criteria:

(A) A Deferred Compensation Plan participant who has a severance of employment;

(B) A Deferred Compensation Plan participant who is approved for a de minimis distribution under OAR 459-050-0075(1);

(C) The surviving spouse of a deceased participant;

(D) The spouse or former spouse who is the alternate payee under a domestic relations order that satisfies the requirements of ORS 243.507 and OAR 459-050-0200 to 459-050-0250; or

(E) The non-spouse beneficiary of a deceased participant who is a designated beneficiary under Code Section 402(c)(11).

(F) A plan participant who has requested a trustee-to-trustee transfer for the purpose of purchasing permissive service credit as described in Code Section 415(n).

(d) "Distributing Plan" means an eligible retirement plan that is designated to distribute a direct rollover to another eligible plan (recipient plan).

(e) "Eligible Retirement Plan" means any one of the following that accepts the distributee's eligible rollover distribution:

(A) An individual retirement account or annuity described in Code Section 408(a) or (b), including a Roth IRA as described in Code Section 408(A);

(B) An annuity plan described in Code Section 403(a);

(C) An annuity contract described in Code Section 403(b);

(D) A qualified trust described in Code Section 401(a);

(E) An eligible deferred compensation plan described in Code Section 457(b) that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state; or

(F) A plan described in Code Section 401(k).

(f) "Eligible Rollover Distribution" means a distribution of all or a portion of a distributee's Deferred Compensation account. An eligible rollover distribution shall not include:

(A) A distribution that is one of a series of substantially equal periodic payments made no less frequently than annually for the life (or life expectancy) of the distributee or the joint lives (or life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;

(B) A distribution that is a required or minimum distribution under Code Section 401(a)(9);

(C) An amount that is distributed due to an unforeseen emergency under OAR 459-050-0075(2).

(g) "Recipient Plan" means an eligible retirement plan that is designated by a distributee to receive a direct rollover.

(h) "Trustee-to-Trustee Transfer" means a transfer either:

(A) By the Deferred Compensation Program to:

(i) A governmental defined benefit plan (within the meaning of Code Section 414(d)) for the purchase of permissive service credit as described in Code Section 415(n); or

(ii) A deferred compensation plan described in Code Section 457(b) that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.

(B) To the Deferred Compensation Program from a deferred compensation plan described in Code Section 457(b) that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.

(2) Direct rollover to an eligible retirement plan. The direct rollover of an eligible rollover distribution by the Deferred Compensation Program to an eligible retirement plan shall be interpreted and administered in accordance with Code Section 457(d)(1)(C) and all applicable regulations. A distributee may elect to have an eligible rollover distribution paid by the Deferred Compensation Program directly to an eligible retirement plan specified by the distributee.

(a) The Deferred Compensation Program staff shall provide each distributee with a written explanation of the direct rollover rules for an eligible distribution, as required by the Code.

(b) A distributee's right to elect a direct rollover is subject to the following limitations:

(A) A distributee may elect to have an eligible rollover distribution paid as a direct rollover to only one eligible retirement plan.

(B) A distributee may elect to have part of an eligible rollover distribution be paid directly to the distributee, and to have part of the distribution paid as a direct rollover only if the distributee elects to have at least \$500 transferred to the eligible retirement plan.

(c) A direct rollover election shall be in writing and must be signed by the distributee or by his or her authorized representative pursuant to a valid power of attorney. The direct rollover election may be on forms furnished by the Deferred Compensation Program, or on forms submitted by recipient plan which must include:

(A) The distributee's full name;

(B) The distributee's social security number;

(C) The distributee's account number with recipient plan, if available;

(D) The name and complete mailing address of recipient plan; and

(E) If the distributee is a non-spouse beneficiary of the member, the title of the recipient IRA account.

(d) The distributee is responsible for determining that the recipient plan's administrator will accept the direct rollover for the benefit of the distributee. Any taxes or penalties that are the result of the distributee's failure to ascertain that the recipient plan will accept the direct rollover shall be the sole liability of the distributee.

(3) Trustee-to-trustee transfer to another deferred compensation plan or governmental defined benefit plan.

(a) A trustee-to-trustee transfer request shall be in writing and must be signed by the distributee or by his or her authorized representative pursuant to a valid power of attorney. The trustee-to-trustee transfer request may be on forms furnished by the Deferred Compensation Program, or on forms submitted by the recipient plan which must include:

(A) The distributee's full name;

(B) The distributee's social security number;

(C) The distributee's account number with the recipient plan, if available;

(D) The name and complete mailing address of the recipient plan; and

(E) If the transfer is for the purpose of purchasing service credit under a governmental defined benefit plan, the exact amount to be transferred.

(b) The distributee is responsible for determining that the recipient plan's administrator will accept the trustee-to-trustee transfer for the benefit of the participant. Any taxes or penalties that are the result of the distributee's failure to ascertain that the recipient plan will accept the trustee-to-trustee transfer shall be the sole liability of the distributee.

(4) Direct rollover from an eligible retirement plan. The Deferred Compensation Program may accept rollover contributions from participants and direct rollovers of distributions from an eligible retirement plan on behalf of a participant. This section shall be interpreted and administered in accordance with Code Section 402(c) and all applicable regulations.

(a) The Deferred Compensation Program shall only accept pre-tax assets. After-tax employee contributions are not eligible for rollover into the Deferred Compensation Program.

(b) A direct rollover from an eligible retirement plan must be an eligible rollover distribution. It is the participant's responsibility to determine that the assets qualify for rollover treatment. Any taxes or penalties that are

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the result of the participant's failure to ascertain that the distributing plan assets qualify for a direct rollover to a deferred compensation plan described in Code Section 457(b), shall be the sole liability of the participant.

(c) Subject to the requirements of subsections (4)(c)(A) and (B) below, eligible rollover distribution(s) shall be credited to the participant's Deferred Compensation account established pursuant to the Plan and Agreement on file with the Deferred Compensation Program and shall be subject to all the terms and provisions of the Plan and Agreement. Account assets received from the distributing plan will be invested by the Deferred Compensation Plan record keeper in accordance with the terms and conditions of the Deferred Compensation Program according to the asset allocation the participant has established for monthly contributions unless instructed otherwise in writing on forms provided by the Deferred Compensation Program.

(A) Assets from an eligible retirement plan other than a Deferred Compensation Plan described in Code Section 457(b) will be segregated into a separate account established by the Deferred Compensation Program for tax purposes only, but not for investment purposes. For investment purposes, the participant's assets are treated as a single account. If a participant changes the allocation of existing assets among investment options within the plan, the transfer or reallocation shall apply to and will occur in all accounts automatically.

(B) Assets directly rolled over to the Deferred Compensation Program may be subject to the 10 percent penalty on early withdrawal to the extent that the funds directly rolled over are attributable to rollovers from a qualified plan, a 403(b) annuity, or an individual retirement account.

(5) Trustee-to-trustee transfer from another deferred compensation plan. The Deferred Compensation Program may accept trustee-to-trustee transfers from other eligible deferred compensation plans described in Code Section 457(b). Assets transferred from an eligible deferred compensation plan will be aggregated with the participant's accumulated Deferred Compensation Plan account.

Stat. Auth: ORS 243.470
Stats. Implemented: ORS 243.401 - 243.507
Hist.: PERS 2-2002(Temp), f. & cert. ef. 1-11-02 thru 6-28-02; PERS 9-2002, f. & cert. ef. 6-13-02; PERS 5-2007(Temp), f. & cert. ef. 2-16-07 thru 8-14-07; PERS 9-2007, f. & cert. ef. 7-26-07; PERS 8-2008(Temp), f. & cert. ef. 5-21-08 thru 11-10-08; PERS 11-2008, f. & cert. ef. 7-31-08; PERS 2-2011, f. & cert. ef. 6-1-11

Rule Caption: Eligibility and costs to members for requesting verification of retirement data.

Adm. Order No.: PERS 3-2011

Filed with Sec. of State: 6-1-2011

Certified to be Effective: 6-1-11

Notice Publication Date: 3-1-2011

Rules Amended: 459-005-0250

Subject: Senate Bill 897 allows members to request a verification of retirement data at no cost. The adopted rule modifications establish procedures for identifying and recovering administrative costs for providing additional verifications of retirement data after the member has received one free verification request.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-005-0250

Recovery of Administrative Costs

(1) Estimates.

(a) Any active or inactive member within two years of eligibility for service retirement may request from PERS an estimate of service retirement benefits (estimate).

(b) PERS shall provide a member with a maximum of two estimates in a calendar year at no cost.

(c) PERS shall charge a fee of \$60 for each estimate that exceeds the limit specified in subsection (b) of this section.

(d) A fee charged under subsection (c) of this section must be paid in full before receipt of the requested estimate(s). Payment must be made by check or money order payable to the Public Employees Retirement System.

(e) The provisions of subsections (a) to (d) of this section do not apply to current judge members during their term of office.

(f) A disability estimate shall be provided to a member if a completed disability application is on file with PERS. A disability estimate is provided at no charge.

(2) Verification of Retirement Data.

(a) Pursuant to section 3, chapter 1, Oregon Laws 2010 and OAR 459-005-0040, PERS shall provide one verification of retirement data at no cost.

(b) PERS shall charge a fee of \$100 for each verification of retirement data provided to a member who has already received at least one verification.

(c) A verification of retirement data that is reissued pursuant to OAR 459-005-0040(4)(e) is not subject to the fee established by this section.

(d) A fee charged under subsection (b) of this section must be paid in full at the time the member submits a request for a verification of retirement data. Payment must be made by check or money order payable to the Public Employees Retirement System.

(e) This section is effective on July 1, 2011.

(3) Full cost purchases. If a member purchases retirement credit under section 2, chapter 971, Oregon Laws 1999, ORS 238.148, 238.157, 238.162, or 238.175, a fee of \$145 shall be added to the cost of the purchase to cover the administrative costs incurred by PERS in processing the request.

Stat. Auth: ORS 238.650 & 238.610
Stat. Implemented: ORS 238.610, OL 2010, Ch. 1
Hist.: PERS 22-2003, f. 12-15-03 cert. ef. 1-1-04; PERS 22-2004, f. & cert. ef. 9-22-04; PERS 8-2009, f. & cert. ef. 7-21-09; PERS 3-2011, f. 7 cert. ef. 6-1-11

Oregon University System, Eastern Oregon University Chapter 579

Rule Caption: Amend Special Student and Course Fees.

Adm. Order No.: EOU 1-2011

Filed with Sec. of State: 6-6-2011

Certified to be Effective: 6-6-11

Notice Publication Date: 5-1-2011

Rules Amended: 579-020-0006

Subject: Amend fees charged to students for special uses or facilities, services or supplies at Eastern Oregon University.

Rules Coordinator: Teresa Carson-Mastrude—(541) 962-3773

579-020-0006

Special Student Fees

Eastern Oregon University intends to adopt by reference Special Student Fees for the 2011–2012 school year.

[ED NOTE: Fee list referenced is available from the agency.]

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: EOSC 3, f. & ef. 6-23-76; EOSC 8, f. & ef. 6-16-77; EOSC 6-1978, f. & ef. 10-2-78; EOSC 1-1979, f. & ef. 6-27-79; EOSC 1-1981, f. & ef. 1-12-81; EOSC 3-1981, f. & ef. 7-1-81; EOSC 2-1983, f. & ef. 12-16-83; EOSC 2-1984, f. & ef. 10-25-84; EOSC 1-1986, f. & ef. 2-13-86; EOSC 2-1988, f. & cert. ef. 10-28-88; EOSC 2-1989, f. & cert. ef. 7-31-89; EOSC 2-1990, f. & cert. ef. 10-9-90; EOSC 3-1991, f. & cert. ef. 9-20-91; EOSC 5-1990, f. & cert. ef. 12-20-91 (and corrected 1-2-92); EOSC 1-1992, f. & cert. ef. 5-13-92; EOSC 2-1992, f. & cert. ef. 8-24-92; EOSC 4-1993, f. & cert. ef. 8-2-93; EOSC 4-1994, f. & cert. ef. 7-25-94; EOSC 1-1996, f. & cert. ef. 8-15-96; EOU 1-2001, f. & cert. ef. 9-28-01; EOU 1-2003, f. & cert. ef. 7-31-03; EOU 1-2005, f. & cert. ef. 5-16-05; EOU 1-2006, f. & cert. ef. 4-14-06; EOU 1-2007, f. & cert. ef. 5-14-07; EOU 4-2007(Temp), f. & cert. ef. 8-15-07 thru 1-15-08; Administrative Correction 1-24-08; EOU 1-2008, f. & cert. ef. 3-14-08; EOU 5-2008, f. & cert. ef. 8-15-08; EOU 1-2009, f. & cert. ef. 3-12-09; EOSC 2-2009, f. & cert. ef. 8-14-09; EOU 3-2009, f. & cert. ef. 12-15-09; EOU 1-2010, f. & cert. ef. 5-13-10; EOU 2-2010, f. & cert. ef. 7-15-10; EOU 1-2011, f. & cert. ef. 6-6-11

Rule Caption: Repeal the EOU Dogs on Campus Policy.

Adm. Order No.: EOU 2-2011

Filed with Sec. of State: 6-6-2011

Certified to be Effective: 6-6-11

Notice Publication Date: 5-1-2011

Rules Repealed: 579-050-0005

Subject: The repeal of the Dogs on Campus policy is to accommodate institutional and federal ADA regulations and to establish appropriate policy related to Animal Control on the Eastern Oregon University campus.

Rules Coordinator: Teresa Carson-Mastrude—(541) 962-3773

Oregon University System, Oregon State University Chapter 576

Rule Caption: Sets fees/charges at Oregon State University, fiscal year 2011–2012.

Adm. Order No.: OSU 1-2011

Filed with Sec. of State: 6-13-2011

Certified to be Effective: 7-1-11

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Notice Publication Date: 5-1-2011

Rules Amended: 576-010-0000

Subject: The proposed amendment will set fees and charges for designated services at Oregon State University for fiscal year 2011–2012. The rule states” “The University hereby adopts by reference a list of fees and charges for fiscal year 2011–2012, the list of fees and charges is available at Oregon State University’s Valley Library, and is hereby incorporated by reference in this rule.

Rules Coordinator: Barbara Melton—(541) 737-6262

576-010-0000

Fees and Charges

The University hereby adopts by reference a list of fees and charges for fiscal year 2011–2012. This List of Fees and Charges is available at the Oregon State University Valley Library, and is hereby incorporated by reference in the rule.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 351.070, 352.360 & OAR 580-040-0010

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 3-1980, f. & ef. 10-31-80; OSU 1-1982, f. & ef. 8-27-82; OSU 1-1983(Temp), f. & ef. 9-26-83; OSU 1-1986, f. & ef. 6-4-86; OSU 2-1987, f. 6-11-87, ef. 7-1-87; OSU 2-1988, f. 6-15-88, cert. ef. 7-1-88; OSU 4-1989, f. 6-13-89, cert. ef. 7-1-89; OSU 1-1990, f. 6-15-90, cert. ef. 7-1-90; OSU 6-1991, f. 6-3-91, cert. ef. 7-1-91; OSU 2-1992, f. 6-5-92, cert. ef. 7-1-92; OSU 5-1993, f. 6-9-93, cert. ef. 7-1-93; OSU 1-1994, f. 6-8-94, cert. ef. 7-1-94; OSU 2-1995, f. 6-20-95, cert. ef. 7-1-95; OSU 6-1996, f. & cert. ef. 7-1-96; OSU 5-1997, f. 6-16-97, cert. ef. 7-1-97; OSU 7-1998, f. 6-30-98, cert. ef. 7-1-98; OSU 3-1999, f. 6-17-99, cert. ef. 7-1-99; OSU 1-2000, f. 6-21-00, cert. ef. 7-1-00; OSU 5-2001, f. 6-18-01, cert. ef. 7-1-01; OSU 6-2002, f. 6-5-02, cert. ef. 7-1-02; OSU 1-2003, f. 6-19-03, cert. ef. 7-1-03; OSU 1-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 1-2005, f. 6-13-05, cert. ef. 7-1-05; OSU 1-2006, f. 6-23-06, cert. ef. 7-1-06; OSU 1-2007, f. 6-18-07, cert. ef. 7-1-07; OSU 3-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 2-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 1-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 1-2011, f. 6-13-11, cert. ef. 7-1-11

Rule Caption: Disbursement by Electronic Fund Transfer (EFT).

Adm. Order No.: OSU 2-2011

Filed with Sec. of State: 6-13-2011

Certified to be Effective: 6-13-11

Notice Publication Date: 5-1-2011

Rules Adopted: 576-010-0006

Subject: Provides for Oregon State University to make disbursements primarily by Electronic Funds Transfer.

Rules Coordinator: Barbara Melton—(541) 737-6262

576-010-0006

Disbursement by Electronic Funds Transfer

(1) The primary payment method to persons or entities doing business with Oregon State University will be electronic funds transfer (EFT), unless otherwise provided in this rule. EFT is defined as the movement of funds by non-paper means, usually through a payment system including, but not limited to, an automated clearinghouse or the Federal Reserve’s Fedwire system.

(2) Oregon State University will make EFT payments by direct deposit to a checking or savings account designated by the recipient, recorded in the Oregon State University financial system and located in a financial institution within the United States.

(3) Notwithstanding section (2), Oregon State University may make payments by check when the Director of Business Affairs or his/her designee determines that one of the following specific exceptions applies:

(a) The individual or entity does not have a bank account or is otherwise unable to receive payment by EFT;

(b) The individual or entity has special circumstances, which Oregon State University will review on an individual case basis and consider whether the issuance of a paper check would be in the best interests of Oregon State University; or

(c) Oregon State University determines that issuance of a paper check is in the best interests of the University.

(4) A request for exception from this rule must be made in writing and approved by the Director of Business Affairs or his/her designee.

(5) If an exception is granted pursuant to section (3)(b) of this rule, Oregon State University may assess a fee for issuance of a paper check in order to recover the costs associated with such issuance. The fee shall be established pursuant to OAR 576-010-0000 and will be deducted from the amount of the payment.

(6) This rule does not apply to:

(a) Payments to Oregon State University employees for wages or other reimbursement of expenses that are related to the employment relationship;

(b) Payments to students that are related to their student status, including but not limited to stipends;

(c) Single payments less than \$500.00 that the Director of Business Affairs or his/her designee does not expect to be recurring;

(d) Payments that Oregon State University and the payee agree will be made by credit card or other non-check method.

Stat. Auth.: ORS 351 & 293.525

Stats. Implemented: ORS 351 & 293.525

Hist: OSU 2-2011, f. & cert. ef. 6-13-11

Rule Caption: Amendment of rules regarding OSU’s College of Veterinary Medicine’s Discounted Fee Program.

Adm. Order No.: OSU 3-2011

Filed with Sec. of State: 6-13-2011

Certified to be Effective: 6-13-11

Notice Publication Date: 5-1-2011

Rules Amended: 576-010-0031, 576-010-0036, 576-010-0041

Subject: This amendment adds veterinarians to Oregon State University’s College of Veterinary Medicine’s discounted fee program.

Rules Coordinator: Barbara Melton—(541) 737-6262

576-010-0031

Discounted Fee Program — Purpose

The purpose of this rule is to authorize the Veterinary Teaching Hospital to charge discounted fees for certain services and merchandise to faculty, professional students, staff and alumni of the College, as well as all Doctors of Veterinary Medicine and owners of service animals, through the establishment of a Discounted Fee Program. The Discounted Fee Program is established in OAR 576-010-0031 through 0041, and in policies adopted by the Hospital.

Stat. Auth.: ORS 351.070 & OAR 580-040-0010

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10; OSU 3-2011, f. & cert. ef. 6-13-11

576-010-0036

Definitions

The following definitions apply to OAR 576-010-0031, 576-010-0036 and 576-010-0041:

(1) “College” means the Oregon State University College of Veterinary Medicine

(2) “Discounted Fee Program” means the criteria and procedures described in OAR 576-010-0031 through 576-010-0041 for providing discounted fees to Eligible Participants for merchandise and service as described in this rule and in policies adopted by the Hospital.

(3) “Doctors of Veterinary Medicine” means graduates of American Veterinary Medical Association-recognized Colleges of Veterinary Medicine or veterinarians licensed to practice in Oregon.

(4) “Eligible Participant” means a person who meets the criteria set forth in OAR 576-010-0041(1).

(5) “Eligible Pet” means a pet that meets the criteria set forth in OAR 576-010-0041(2).

(6) “Eligible Services” means services described in OAR 576-010-0041(3).

(7) “Hospital” means the Oregon State University Veterinary Teaching Hospital.

Stat. Auth.: ORS 351.070 & OAR 580-040-0010

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10; OSU 3-2011, f. & cert. ef. 6-13-11

576-010-0041

Eligibility Criteria, Discount, Loss of Eligibility

(1) Participant Eligibility

(a) To be eligible for the faculty and staff discount in subsection (4)(a) of this rule, a person must be employed by the College on the date that the services are rendered or the merchandise is purchased.

(b) To be eligible for the professional student discount in subsection 4(b) of this rule, a student must be enrolled in the Doctor of Veterinary Medicine program with the College on the date that the services are rendered or the merchandise is purchased

(c) Graduates of the College and all Doctors of Veterinary Medicine are eligible for the alumni and veterinarian discount in subsection (4)(c) of this rule.

(d) Owners of assistance animals are eligible for the assistance animal discount in subsection (4)(d) of this rule if they present written documentation or certification that the animal assists the disabled. This documenta-

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tion, which must include the assistance organization's name, will be copied and included in the patient's record.

(2) Pet Eligibility.

(a) Discounts are limited to services performed, or merchandise purchased, for animals that are personally owned by the Eligible Participant and are enrolled in the Discount Program. An Eligible Participant may enroll in the Discount Program using forms provided by the Hospital. An Eligible Participant may enroll a maximum of four (4) animals in this Discount Program at a time. Animals must be enrolled in the Discount Program prior to the Hospital visit or at the time of admission.

(b) An animal may remain enrolled in the Discount Program until its death, unless ownership is transferred to a person who is not an Eligible Participant.

(3) Eligible Services. All services provided by the Hospital are eligible for the Discount Program, with the exception of services provided through the Veterinary Diagnostic Laboratory and the Small Animal Preventive Health Program.

(4) Discounts

(a) Eligible Participants who qualify under subsection (1)(a) of this rule will receive a 20% discount on Eligible Services for Eligible Pets and a 40% discount off the retail price of Drug Room merchandise purchased for Eligible Pets.

(b) Eligible Participants who qualify under subsection (1)(b) of this rule will receive a 25% discount on Eligible Services for Eligible Pets and a 40% discount off the retail price of Drug Room merchandise purchased for Eligible Pets.

(c) Eligible Participants who qualify under subsection (1)(c) of this rule will receive a 20% discount on Eligible Services for Eligible Pets.

(d) Eligible Participants who qualify under section (1)(d) of this rule will receive a 20% discount on Eligible Services for Eligible Pets.

(5) Participants in this Discount Program who violate this rule may have discount privileges permanently removed.

Stat. Auth.: ORS 351.070 & OAR 580-040-0010

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10; OSU 3-2011, f. & cert. ef. 6-13-11

Rule Caption: Amends Oregon State University's Student Conduct Code.

Adm. Order No.: OSU 4-2011

Filed with Sec. of State: 6-13-2011

Certified to be Effective: 6-13-11

Notice Publication Date: 5-1-2011

Rules Amended: 576-015-0020, 576-015-0050

Subject: This rule makes numbering corrections to OSU's Student Conduct Code, and deletes one unnecessary and redundant paragraph.

Rules Coordinator: Barbara Melton—(541) 737-6262

576-015-0020

Offenses Proscribed by the University

A Student or Student Organization found to have committed any of the following proscribed acts is subject to sanctions under these rules:

(1) Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures, or other institutional activities, including the institution's public service functions or other authorized activities on institutionally-owned or controlled property. Disruptive behavior may include but is not limited to the following, where it has the effect of obstructing or disrupting the University activities listed above:

(a) Repeatedly leaving and entering the classroom without authorization;

(b) Making loud or distracting noises;

(c) Arriving late or leaving early;

(d) Persisting in speaking without being recognized;

(e) Behavior that would cause a reasonable person to fear for his or her safety.

The instructor has authority to manage the classroom environment, which may include requiring a Student to leave when the Student's behavior disrupts the teaching or learning environment. If the Student refuses to leave, the instructor may call the Department of Public Safety for assistance and should submit an Incident Report Form to SCCS to initiate disciplinary proceedings.

(2) Academic or Scholarly Dishonesty:

(a) Academic or Scholarly Dishonesty is defined as an act of deception in which a Student seeks to claim credit for the work or effort of another person, or uses unauthorized materials or fabricated information in any

academic work or research, either through the Student's own efforts or the efforts of another.

(b) It includes:

(A) CHEATING — use or attempted use of unauthorized materials, information or study aids, or an act of deceit by which a Student attempts to misrepresent mastery of academic effort or information. This includes but is not limited to unauthorized copying or collaboration on a test or assignment, using prohibited materials and texts, any misuse of an electronic device, or using any deceptive means to gain academic credit.

(B) FABRICATION — falsification or invention of any information including but not limited to falsifying research, inventing or exaggerating data, or listing incorrect or fictitious references.

(C) ASSISTING — helping another commit an act of academic dishonesty. This includes but is not limited to paying or bribing someone to acquire a test or assignment, changing someone's grades or academic records, taking a test/doing an assignment for someone else by any means, including misuse of an electronic device. It is a violation of Oregon state law to create and offer to sell part or all of an educational assignment to another person (ORS 165.114).

(D) TAMPERING — altering or interfering with evaluation instruments or documents.

(E) PLAGIARISM — representing the words or ideas of another person or presenting someone else's words, ideas, artistry or data as one's own, or using one's own previously submitted work. Plagiarism includes but is not limited to copying another person's work (including unpublished material) without appropriate referencing, presenting someone else's opinions and theories as one's own, or working jointly on a project and then submitting it as one's own.

(c) Academic Dishonesty cases are handled initially by the academic units, following the process outlined in the University's Academic Dishonesty Report Form, and will also be referred to SCCS for action under these rules.

(3) Obstruction or disruption that interferes with freedom of movement, either pedestrian or vehicular, on institutionally-owned or controlled property.

(4) Hazing, defined as any action that endangers the physical, emotional, mental health or safety of an individual, or destroys or damages personal property for the purpose of initiation, membership, admission or participation in a group or organization. Expressed or implied consent of the person subject to hazing is not a defense. Apathy and acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. Acts that constitute hazing when they endanger the physical, emotional, mental health or safety of an individual, or destroy or damage personal property, include but are not limited to:

(a) Acts that are prohibited under any applicable law, including but not limited to ORS 163.197, under which hazing is a criminal violation;

(b) Interfering with a Student's academic performance by denying sufficient time for class, study or other academic activities;

(c) Compelling ingestion of any substance;

(d) Compelling participation in physical activities such as calisthenics, exercise, or other games or activities requiring physical exertion;

(e) Compelling exposure to weather elements or other physically or emotionally uncomfortable situations;

(f) Compelling excessive fatigue from sleep deprivation, physical activities, or exercise;

(g) Committing any act of physical brutality against another including but not limited to paddling, striking with fists, open hands or objects, and branding;

(h) Kidnapping or transporting another with the intent of stranding him or her;

(i) Compelling conduct that can be reasonably expected to embarrass or adversely affect the dignity of another, including the performance of public stunts and activities such as scavenger hunts;

(j) Intentionally creating work or labor for another;

(k) Compelling another to commit any sexual act or engage in lewd behavior

(l) Compelling any act that results in the destruction, defacement or removal of private or public property

(5) Harassment, defined as conduct of any sort directed at another that is severe, pervasive or persistent, and is of a nature that would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study or participate in his or her regular life activities or participate in the activities of the University, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life

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activities or participate in the activities of the University. Stalking behavior that meets this definition constitutes Harassment within the meaning of this rule.

(6) Sexual Harassment, as defined in the University's Policy on Sexual Harassment.

(7) Discriminatory Harassment, as defined in the University's Policy on Discriminatory Harassment.

(8) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on institutionally-owned or controlled property, in contravention of law or institutional rules.

(9) Illegal use, possession, or distribution of drugs or illegal substances on institutionally-owned or controlled property.

(10) Alcohol violations, including possession or consumption of alcohol by persons less than 21 years of age, furnishing alcohol to persons less than 21 years, or consumption of alcohol by a Student of any age in violation of the University's rules or policies on alcoholic beverages on University owned or controlled property or at University sponsored or supervised activities.

(11) Rape, sexual assault, or unwanted sexual contact of any kind, and the threat of such contact, are prohibited, as is any physical abuse. Sexual contact shall be considered "unwanted" or without consent if no clear consent is freely given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or otherwise without the physical or mental capacity to consent. If sexual contact is inflicted on someone who is intoxicated or impaired in the exercise of their judgment by alcohol or drugs, it may be considered without consent.

(12) Detention or physical abuse of any person or conduct that threatens imminent bodily harm or endangers the health of any person on any institutionally-owned or controlled property.

(13) Invasion of another's privacy, where that person has a reasonable expectation of privacy, including but not limited to the use of electronic devices to make an unauthorized audio or video recording of any person while on University owned or controlled property without his or her prior knowledge, or without his or her effective consent, when such a recording is of information or of images taken from or of a person at a time and place where she or he has a reasonable expectation of privacy and where the recording is reasonably likely to cause injury or distress.

(14) Unauthorized recording of a class or of organizational or University meetings. To obtain the required authorization, the Student or Student Organization must obtain expressed permission from the faculty member, Student Organization, or University representative or official in charge of the class, meeting, or activity.

(15) Malicious damage, misuse or theft of institutional property, or the property of any other person where such property is located on institutionally-owned or controlled property or, regardless of location, is in the care, custody, or control of an institution.

(16) Refusal by any person while on institutional property to comply with an order of the President or appropriate authorized official to leave such premises because of conduct proscribed by this rule when such conduct constitutes a danger to personal safety, property, or educational or other appropriate institutional activities on such premises.

(17) Unauthorized entry to or use of institutional facilities, including buildings and grounds.

(18) Smoking in unauthorized areas in violation of OAR 576-040-0010.

(19) Falsification or misuse of University information, including but not limited to records, permits, documents, computer resources, identification cards, etc.; or the furnishing of false or misleading information to the University or its representative; or refusal to provide one's name, class, school, and local address when requested by a University official, provided the official is identified and indicates legitimate reason for the request.

(20) Unauthorized use of University computing resources in violation of the University's Acceptable Use of Computing Resources Policy.

(21) Inciting others to engage in any of the conduct or to perform any of the acts prohibited herein. Inciting means that advocacy of proscribed conduct which calls on the person or persons addressed for imminent action, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the institution, including the safety of persons and the protection of its property.

(22) Violating the State Board of Higher Education's Policy on Intercollegiate Athletics as described in Section 8 of its Internal Management Directives, specifically including the subsection thereof entitled Code of Ethics.

(23) Violation of any federal or state law or city or local ordinance or University rule or policy that applies to the Student.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1996, f. & cert. ef. 6-21-96; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 4-1999, f. & cert. ef. 7-17-99; OSU 2-2002, f. & cert. ef. 2-25-02; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 4-2011, f. & cert. ef. 6-13-11

576-015-0050

Student Conduct and Community Standards (SCCS) Committee Hearing

(1) When an SCCS Committee hearing is called, the accused Student or Student Organization will appear before a panel of up to five faculty or staff and five Students appointed by the Vice Provost for Student Affairs and the Associated Students of Oregon State University, respectively. The Bylaws of the SCCS Committee are available from the Vice Provost for Student Affairs or the SCCS office.

(2) All SCCS Committee hearings are closed and information presented along with all supporting documents is confidential. The hearing is informal and does not follow administrative contested case or courtroom procedures.

(3) If the Student or Student Organization has been properly notified and fails to appear, the SCCS Committee may proceed with the hearing and conduct action may be taken.

(4) During the hearing, the accused Student or Student Organization may be accompanied by an advisor of the Student's/Student Organization's choice. The advisor may be a faculty or staff member, fellow Student, parent, or any person of the Student's/Student Organization's choice so long as the availability of the advisor does not hamper the timeliness of the hearing. The Student/Student Organization may choose to have an attorney serve as advisor, however the advisor does not represent the Student/Student Organization in a conduct hearing and the Student/Student Organization will be expected to speak for him/herself or themselves at all times.

(5) During the hearing, the Student or Student Organization has the opportunity to offer information and testimony on his/her/its own behalf. The Student/Student Organization also has the opportunity to review and respond to all information, statements, or evidence presented.

(6) The chairperson of the SCCS Committee, or designee, will decide any questions or objections to hearing procedures that are raised during the hearing.

(7) Members of the Committee may ask questions of any person present during the hearing and the chairperson will invite questions and comments from the accused Student/Student Organization and the victim-claimant if present. The chairperson may also invite questions or comments from advisors or others present. If the chairperson decides an essential person or piece of information is missing, the chairperson may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(8) After the chairperson has determined that all necessary information has been presented and questions answered, the Committee will go into executive session and all other persons will be excused. The Committee will determine, based on a preponderance of the evidence, whether or not it believes the accused Student/Student Organization is responsible for a violation of the Conduct Code and, if so, the Committee will reconvene with the accused Student/Student Organization and a representative of SCCS to consider what sanctions may be appropriate. The accused Student/Student Organization may waive his/her/their right to be present. The Committee may consider:

(a) Evidence of any mitigating circumstances presented by the Student/Student Organization; and

(b) Other relevant information, including but not limited to, evidence of prior violations of the Student Conduct Code presented by a representative of SCCS.

(9) The Committee will again go into executive session to make a decision about appropriate sanctions. The time between the conclusion of the hearing and the delivery of the recommendation to the Director of SCCS shall be no more than three days, excluding weekends and holidays. The Committee's decision will be in the form of a written recommendation to the Director of SCCS.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 4-2011, f. & cert. ef. 6-13-11

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Rule Caption: Revision of rules relating to university owned and operated housing.

ADMINISTRATIVE RULES

Adm. Order No.: OSU 5-2011
Filed with Sec. of State: 6-13-2011
Certified to be Effective: 6-13-11
Notice Publication Date: 5-1-2011
Rules Amended: 576-017-0005

Rules Repealed: 576-017-0010, 576-017-0015, 576-017-0020
Subject: This rule change clarifies Oregon State University's housing rules to bring them in line with current university policies, and repeal administrative rules that are unnecessary in light of those policies.

Rules Coordinator: Barbara Melton—(541) 737-6262

576-017-0005

General Housing Regulations

(1) University policies and administrative rules, including the University Housing and Dining Services Policy Guide, University Housing and Dining Services Room and Dining Contract, and any applicable Student Conduct rules or policies, apply to all residential students or residents who live in UHDS facilities, including residence halls, cooperative houses, or student family housing, regardless of the length of that residency.

(2) All students who live in residence halls, cooperative houses, or student family housing must be regularly enrolled students at Oregon State University, or be residents under contractual agreement to reside in University housing.

(3) University Housing and Dining Services provides services to Oregon State University students living in University housing facilities and is authorized to enforce any relevant policies or administrative rules regarding such facilities.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 2-1991, f. & cert. ef. 3-6-91; OSU 3-1994, f. 6-29-94, cert. ef. 7-1-94; OSU 1-1997, f. & cert. ef. 4-21-97; OSU 5-1998, f. & cert. ef. 6-24-98; OSU 5-2011, f. & cert. ef. 6-13-11

Rule Caption: Amends Oregon State University's Alcoholic Beverage Policy.

Adm. Order No.: OSU 6-2011

Filed with Sec. of State: 6-13-2011

Certified to be Effective: 6-13-11

Notice Publication Date: 5-1-2011

Rules Amended: 576-060-0010, 576-060-0015, 576-060-0020, 576-060-0025, 576-060-0031, 576-060-0038

Subject: These amendments eliminate reference to OARs that no longer exist, update names changes of various departments, add the baseball stadium complex and provide clarity in definitions.

Rules Coordinator: Barbara Melton—(541) 737-6262

576-060-0010

Purpose

These rules govern the conditions under which alcoholic beverages may be consumed in areas other than housing units on the University campus. Rules concerning use of alcoholic beverages by students in University housing units and by recognized student organizations are subject to University policies and guidelines as well as Oregon laws and local ordinances. Information is available through the Student Conduct and Community Standards Office, Student Leadership and Involvement or at the Oregon State University Administrative Policies and Procedures website. The University cautions against the excessive use of alcoholic beverages, and in the matters referred to in these rules, expects all persons serving or consuming alcoholic beverages to adhere to all applicable laws and regulations, including the regulations of the Oregon Liquor Control Commission ("OLCC").

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0015

Definitions

(1) "Insured Licensed Vendor" means a business entity that holds an annual liquor license issued by the OLCC and that carries public liability and liquor liability insurance at limits satisfactory to the University Director of Business Services.

(2) "Corvallis campus" means property owned or controlled by the University within the city limits of Corvallis, Oregon, except for those properties in use as single family dwellings.

(3) "Stadium" means the University football stadium complex, including the football center and the indoor practice center, and the University baseball stadium complex, in designated areas only.

(4) "University campus" means property owned or controlled by the University, including but not limited to the Corvallis campus, agricultural experiment stations, research forests, the Cascades campus at Central Oregon Community College, and Extension offices, except for those properties in use as single family dwellings.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0020

Use of Alcoholic Beverages on the Corvallis campus in connection with Oregon State University varsity football games

Alcoholic beverages may be served and consumed as provided in this rule in parking areas on the Corvallis campus in conjunction with scheduled Oregon State University varsity football games.

(1) Individuals wishing to picnic ("tailgate") prior to a varsity football game and serve non-bulk alcoholic beverages may do so only in parking areas other than those designated by signage as closed to tailgating. Food and non-alcoholic beverages must be available.

(2) No kegs or other bulk dispensing of alcoholic beverages are permitted in the parking areas without prior approval and registration in accordance with the process and requirements described in OAR 576-060-0035. The Vice President for Finance and Administration may designate specific areas in the parking areas in which any approved kegs and bulk dispensing must be located.

(3) Alcoholic beverages provided from kegs or bulk dispensing at group or individually sponsored events may not be served after the close of half-time of the football games.

(4) Any person violating this policy may be subject to disciplinary action and to removal from the premises as provided in OAR 576-060-0039.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0025

Use of Alcoholic Beverages at LaSells Stewart Center, CH2M Hill Alumni Center, the Memorial Union, Agricultural Experiment Stations, and Memorial Union East

Alcoholic beverages, limited to beer and wine, may be served at events at LaSells Stewart Center, CH2M Hill Alumni Center, Memorial Union, the Agricultural Experiment Stations, and the Gallery and Forum in Memorial Union East when prior approval is secured following the process and requirements described in OAR 576-060-0035.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 9-1991, f. & cert. ef. 7-25-91; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0031

Use of Alcoholic Beverages in the Stadium Complex

(1) Alcoholic beverages, limited to beer and wine, may be served and consumed at the Stadium if served with food and non-alcoholic beverages by the Insured Licensed Vendor that has an exclusive catering contract with the University for catering at the Stadium. The vendor shall provide, on a monthly basis, prior notice of events at which it will be serving alcoholic beverages to Business Services through the Office of Risk Management. Service by any provider other than the exclusive caterer under contract to the University requires prior approval following the process and requirements described in OAR 576-060-0035

(2) Alcoholic beverages may be served in the Stadium skyboxes and suites only in connection with varsity football games. Food and non-alcoholic beverages must be provided. The individual skybox and suite user (as listed in the use agreement) serving the alcoholic beverages must carry host liquor liability insurance coverage, or equivalent insurance coverage, with limits satisfactory to Business Services.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

ADMINISTRATIVE RULES

Hist.: OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 4-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0038

Prohibition

No person shall consume or carry an open container containing alcohol in any form or serve alcoholic beverages on campus except as provided in these rules and in University policies and guidelines. Information is available through the Student Conduct and Community Standards Office, Student Leadership and Involvement or at the Oregon State University Administrative Policies and Procedures website.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11

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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 1-2011(Temp)

Filed with Sec. of State: 6-10-2011

Certified to be Effective: 7-1-11 thru 12-28-11

Notice Publication Date:

Rules Amended: 577-060-0020

Subject: This amendments establishes updated fees, charges, for General Services for the 2011–2012 Fiscal year. It is in the best 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.

Rules Coordinator: Diane Kirk—(503) 725-2656

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 2011–2012 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; Administrative correction 11-19-09; PSU 1-2010(Temp), f. 4-5-10, cert. ef. 7-1-10 thru 11-1-10; PSU 2-2010, f. 6-16-10, cert. ef. 8-1-10; PSU 1-2011(Temp), f. 6-10-11, cert. ef. 7-1-11 thru 12-28-11

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Oregon University System, Southern Oregon University Chapter 573

Rule Caption: Special Fees.

Adm. Order No.: SOU 1-2011

Filed with Sec. of State: 6-13-2011

Certified to be Effective: 6-13-11

Notice Publication Date: 3-1-2011

Rules Amended: 573-040-0005

Subject: The proposed rule amendments eliminate fees that are no longer necessary and establish, increase, or decrease fees to more accurately reflect the actual costs of instruction for certain courses and special services not otherwise funded through the institution's operating budget.

Rules Coordinator: Treasa Sprague—(541) 552-6319

573-040-0005

Special Fees

The Special Fees for certain courses and general services approved by Southern Oregon University are hereby adopted by reference.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-040-0010

Hist.: SOU 4, f. & ef. 9-2-76; SOU 10, f. & ef. 5-9-77; SOU 6-1978, f. & ef. 6-2-77; SOU 8-1978, f. & ef. 12-15-78; SOU 2-1979, f. & ef. 6-20-79; SOU 4-1980, f. & ef. 5-20-80; SOU 4-1980, f. & ef. 5-20-80; SOU 2-1981, f. & ef. 6-2-81; SOU 3-1982, f. & ef. 7-1-82; SOU 4-1983, f. & ef. 5-26-83; SOU 1-1984, f. & ef. 6-20-84; SOU 4-1985, f. & ef. 6-3-85; SOU 9-1985, f. & ef. 12-17-85; SOU 2-1986, f. & ef. 5-30-86; SOU 1-1987, f. & ef. 6-5-87; SOU 4-1987, f. & ef. 9-4-87; SOU 1-1988, f. & cert. ef. 5-19-88; SOU 2-1988(Temp), f. & cert. ef. 9-2-88; SOU 4-1988, f. & cert. ef. 11-23-88; SOU 3-1989, f. & cert. ef. 6-1-89; SOU 3-1990, f. & cert. ef. 5-31-90; SOU 3-1991, f. & cert. ef. 5-30-91; SOU 1-1992, f. & cert. ef. 6-3-92; SOU 3-1993, f. & cert. ef. 5-21-93; SOU 2-1994, f. & cert. ef. 6-10-94; SOU 1-1995, f. & cert. ef. 6-7-95; SOU 1-1996, f. & cert. ef. 6-5-96; SOU 1-1997, f. & cert. ef. 5-20-97; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 2-1999, f. & cert. ef. 5-7-99; SOU 1-2000, f. & cert. ef. 4-10-00; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2002, f. & cert. ef. 4-11-02; SOU 1-2003, f. & cert. ef. 4-16-03; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 1-2005, f. & cert. ef. 4-11-05; SOU 1-2006, f. & cert. ef. 3-31-06; SOU 1-2007, f. & cert. ef. 4-25-07; SOU 4-2008, f. 4-9-08, cert. ef. 4-15-08; SOU 1-2009, f. 6-4-09, cert. ef. 6-15-09; SOU 4-2010, f. & cert. ef. 7-12-10; SOU 1-2011, f. & cert. ef. 6-13-11

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Rule Caption: Parking Enforcement and Appeals.

Adm. Order No.: SOU 2-2011

Filed with Sec. of State: 6-13-2011

Certified to be Effective: 6-13-11

Notice Publication Date: 5-1-2011

Rules Adopted: 573-050-0016

Rules Amended: 573-050-0005, 573-050-0015, 573-050-0020, 573-050-0025, 573-050-0040

Subject: This amendment in division 50 removes/modifies outdated language in the rule and increases permit fees.

Rules Coordinator: Treasa Sprague—(541) 552-6319

573-050-0005

Authority to Establish Motor Vehicle Regulations

Authority to establish regulations governing the use of motor vehicles on the Southern Oregon University (SOU) campus for visitors, faculty, staff, and students is derived from ORS 352.360 and action of the Oregon University System pursuant to such statute. The regulations as herein published have been approved by the Office of the Chancellor and filed with the Secretary of State in accordance with provisions of ORS 183.310 to 183.500. Strict enforcement of these regulations is necessary to minimize congestion, maintain safety on campus streets, enhance security, and maximize the use of existing parking facilities.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOU 5, f. & ef. 9-2-76; SOU 4-1979, f. 8-8-79, ef. 9-1-79; SOU 5-1980, f. & ef. 8-19-80; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 2-2011, f. & cert. ef. 6-13-11

573-050-0015

Definitions

(1) For the purpose of these regulations, the word "parking" means any vehicle which is stopped and/or waiting, regardless of the period of time the vehicle is stopped or whether a driver is present, except for a vehicle immobilized by traffic control, congestion, or accident.

(2) The word "vehicle" means any type of motor-powered conveyance including, but not limited to, automobiles, trucks, trailers, motorcycles, mopeds, scooters and all methods of transportation on wheels where license registration is required by motor vehicle laws of Oregon.

(3) The word "permit" as used in these regulations includes all the following:

- Faculty/Staff decal;
- Student Commuter decal;
- Residence Hall decal;
- Motorcycle and Scooter decal;
- Carpool decal;
- Temporary Substitute permit;
- Weekly Parking permit;

ADMINISTRATIVE RULES

- (h) Guest Parking permit;
- (i) Service Vehicle permit;
- (j) Daily Parking permit.
- (4) A "decal" is the permanent permit affixed to a vehicle.
- (5) The word "permit" means a valid decal or permit as recognized by the Parking Department.

(6) Service vehicles are defined as University-owned service trucks or cars, vehicles with commercial permits, or vehicles with special temporary service permits performing a service for Southern Oregon University.

(7) Delivery vehicles are defined as vehicles owned by companies doing pick-up and delivery business with the University departments or vehicles with temporary special delivery permits on pick-up and delivery business.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 352.360
Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 4-1982, f. & ef. 7-28-82; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 5-1987, f. & ef. 9-8-87; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-2011, f. & cert. ef. 6-13-11

573-050-0016

Service Vehicles, Delivery Vehicles, and Loading Zones

(1) Loading Zones:

(a) Loading zones are located throughout the campus and are reserved for people loading and unloading heavy or bulky packages;

(b) Metered and signed loading zones are limited to 30-minute occupancy;

(c) Loading zones are enforced at all times unless otherwise posted.

(2) Loading Docks:

(a) Loading docks are reserved for delivery vehicles;

(b) Under special circumstances, a private vehicle may be issued special use permission at Campus Public Safety;

(c) Loading docks are enforced at all times unless otherwise posted.

(3) Service Vehicles Spaces:

(a) Spaces are reserved for service vehicles;

(b) Under special circumstances, a private vehicle may be issued special use permission at Campus Public Safety.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 352.360
Hist.: SOU 2-2011, f. & cert. ef. 6-13-11

573-050-0020

Driver Responsibility

(1) All persons operating vehicles on campus are responsible for knowing and adhering to the regulations herein. All parking and vehicle operating regulations are enforced 24 hours per day unless posted otherwise. All vehicles driven or parked on SOU property shall be legally licensed and operated by a legally licensed driver. The license must be displayed upon request of Campus Public Safety Officers.

(2) The responsibility for locating a legal parking space rests with the operator of the vehicle. Lack of parking space or an overabundance of parking space is not a valid excuse for violating any University parking regulation.

(3) Persons whose vehicles have broken down on the campus must immediately notify Parking Services. Major mechanical repairs to vehicles on the campus are prohibited. Abandoned or junked vehicles remaining on the campus more than 72 hours will be removed at the owner's expense. Unlicensed vehicles parked on the campus will be considered abandoned and subject to removal at the owner's expense. Unlicensed vehicles include those with expired vehicle registration.

(4) Southern Oregon University assumes no liability for personal injuries or for the care and/or protection of any vehicle or its contents while the vehicle is operated or parked on campus.

(5) Vehicles involved in driving safety violations may have their vehicle permits to park on campus revoked by Parking Services Enforcement Director. Revocations may be appealed through the Traffic Appeals Board process.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 352.360
Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 2-2011, f. & cert. ef. 6-13-11

573-050-0025

Vehicle Permits, Parking Areas and Fee Schedule

(1) All vehicles parked on the University campus are required to display a valid SOU permit when the posted signs require a permit. Faculty/Staff lots are posted yellow; Student Commuter lots are posted

green; Resident Student lots are posted red. Parking Services can be contacted for the location where other types of permits may be obtained. Failure to display a permit may result in the issuance of a parking citation. Permits may be purchased during normal office hours at the Enrollment Services Center (ESC) located in Britt Hall. All permits are valid for the current academic year only, unless otherwise designated by Parking Services at the time of issuance; there are no open-ended permits. Permit is defined as any Parking Services sanctioned or issued permit. Examples include: decal, hangtag, guest, special, metered, temporary, courtesy*, media, or other placard or device issued or developed by Parking Services as needed to facilitate parking of vehicles on Southern Oregon University property. *(A courtesy permit refers to a Retiree, VIP, or a Volunteer.) Any misuse of these parking permits may cause them to be revoked.

(2) Parking permits and faculty/staff hangtags are serialized for use on specific vehicle(s) with a license plate designated by the purchaser at the time of purchase. Permits (decals) must be affixed outside to left-rear bumper, left-rear body, left-rear window, or rear-side window behind driver of the vehicle where visible. The adhesive on the back of the permit must be the attaching mechanism. Hangtags are to be hung from the rear-view mirror; serialized numbers facing out. Parking Services (at the Enrollment Services Center in Britt Hall) must be informed of changes in vehicles; re-registering the hangtags to the appropriate vehicle(s). If a vehicle is disposed of, the permit must be removed and returned to Parking Services.

(3) Parking permits may be purchased for the time period designated on the decals; generally the academic year. The academic year begins and ends in September. Parking permits purchased during the winter, spring, or summer terms are at a proportionately reduced rate.

(4) Faculty/Staff parking permits (or hangtags) will be sold to classified employees, graduate assistants, temporary employees who are half-time or more, and faculty. Faculty/staff employees working .50 FTE or less will be eligible for a permit at a reduced rate of one-half the cost of the permit. Hangtags are issued for a three-year period. Faculty/staff hangtags are considered the first permit. They are not to be sold as a second permit. Vehicles displaying a Faculty/Staff permit (or hangtag) are authorized to park in designated Faculty/Staff (yellow) parking areas.

(5) Student Commuter parking permits will be sold to students who live off campus and wish to bring vehicles on campus. Vehicles displaying a Student Commuter permit are authorized to park in designated Student Commuter (green) parking areas only.

(6) Residence Hall parking permits will be sold to students living in campus residence halls. Vehicles displaying a Residence Hall permit are authorized to park in designated Residence Hall (red) parking areas only.

(7) Second parking permits may be purchased for an additional vehicle if more than one vehicle will be brought to campus. The purchaser must also be the registered owner of the vehicle. Only one permit (the original or second permit) is valid in permit-required lots at a time. If both first and second permits of one person are parked in permit-required lots at the same time, both vehicles will be cited for improper permits. A second permit may not be purchased for a car if the first permit is for a vehicle used in a Residence Hall Parking area, a motorcycle, moped, or scooter.

(8) A replacement permit may be obtained for a damaged, unreadable permit or for a replacement vehicle. The replacement vehicle must be registered to the same owner as the original vehicle. The permit which is being replaced will be considered void and should be returned to Parking Services (at the Enrollment Services Center in Britt Hall) upon purchase of a replacement permit.

(9) Guest permits are available at Parking Services and departmental offices. Guest permits are issued for one day only. Guest permits may not be used in timed or visitor pay meter lots. Guest permits will not be valid if issued to University employees, faculty, students, buses, or vehicles displaying a valid parking permit. Guest permits will not be valid and a citation may be issued for failure to display permit if any of the following information is illegible or omitted:

- (a) Both license number and make or color of vehicle;
- (b) Date that permit is valid;
- (c) Name and telephone extension of departmental personnel issuing the permit.

(10) Carpool parking permits will be sold for the entire school year only if the carpool meets the following criteria:

(a) The carpool must contain at least two individuals with cars, but no more than six.

(b) No more than one vehicle from the carpool is allowed on campus at a particular time. They may not purchase a second permit. However, replacement permits are available if requirements as stated in the regulations for replacement permits are met.

ADMINISTRATIVE RULES

(11) Temporary replacement vehicles for a vehicle with a permit may be brought on campus after obtaining a Substitute Vehicle parking permit from Parking Services. This permit is used for temporary situations of short duration (30 days or less).

(12) Special permits may be approved by Parking Services on an as-needed basis.

(13) Weekly or Daily permits, for those persons who use the campus parking facilities only intermittently, may be purchased at Parking Services (at the Enrollment Services Center in Britt Hall) or may be available in departments that have purchased them for use in special programs or events on campus.

(14) Courtesy (purple), parking permits are available to personnel retiring with ten years of service or more. Courtesy (purple), permits are valid for all retirees only, not to be used by family or friends. Volunteer board members, designated governmental officials, media representatives, and such others as deemed necessary by the President will have dated and numbered VIP hangtags to facilitate their interaction with the institution. Media representatives will receive dated and numbered hangtags.

(15) Vendor or Volunteer permits may be obtained through Parking Services.

(a) Commercial permits will be sold to commercial vendors, including vending machine, video game, outside maintenance, travel, office supply, and food vendor companies, and contractors' employees. Companies or departments can purchase a long-term permit for six months or a year. Short-term permits are available for one day or one month. Companies or departments will be billed for the permits by Parking Services.

(b) Volunteer parking permits will be sold to departments for use by volunteers. Departments can purchase long-term permits for one year, short-term permits for less than one month or term-by-term. These permits will be billed by Parking Services to the issuing department. Volunteer permits are not valid if issued to current University employees, faculty or students.

(16) Disabled parking is in accordance with ORS 811.602, 811.605, 811.606, 811.607, and 811.615. Only vehicles displaying a disabled placard or license plate issued and registered at the Motor Vehicles Division (as designated in Rule 573-050-0020) will be allowed to park in spaces posted for use by disabled persons. These vehicles must also display an SOU permit or meter permit unless otherwise posted.

(a) Temporary placards are issued by the Motor Vehicle Division for persons with qualifying temporary disabilities (as provided by ORS 811.606 and 811.640). The requirements for parking on campus apply for all disabled parking listed above.

(b) Vehicles with an appropriate disabled placard or license plate and SOU permit may park in any lot or space without incurring citations, except where the lot or space is designated for parking limited to 60 minutes or less in a parking space reserved for other vehicles, or visitor-pay meter lots.

(17) Refunds will be given for student/staff parking permits for unused academic terms, except summer term. No refunds will be given for year permits that are not used summer term. Refunds will be given upon return of the permit or fragments thereof showing the permit numbers and expiration date. Refund schedules are on file at ESC.

(18) Vehicles displaying valid permits are not guaranteed a parking space on the campus.

(19) Vehicles displaying valid permits are not exempt from timed parking restrictions. Vehicles may park in a timed space or in a metered parking space but must comply with the time limits or metered fee payment of the specific space.

(20) Mopeds, scooters, & motorcycles must have a motorcycle permit and be parked in a motorcycle parking space. If a motorcycle has a full price vehicle parking permit they may park in a vehicle space that corresponds with the color of the permit. Motorcycles may park in timed spaces that are open to the public. Mopeds, scooters, and motorcycles parked in bicycle racks and on the campus grounds will be cited for improper parking. Vehicles parked inside University buildings will be towed at the owner's expense.

(21) If a faculty/staff hangtag is the first legal permit, and a motorcycle is the second vehicle, a decal may be purchased at second decal rate.

(22) If, during the process of issuing a parking citation, the driver of the violating vehicle drives away from the scene, thus preventing the issuing agent from placing the citation on the vehicle, the citation will be entered into the parking system as if it had been placed on the vehicle. When a driver leaves the scene during the issuing process, this will be considered "constructive notice" of the citation.

(23) Vehicles parked facing in the direction against one-way arrows will be cited for improper parking. Vehicles parked on the side of street opposing direction of usual traffic flow will be cited for improper parking.

(24) Vehicles using parking lots marked "Visitor Pay Parking" are required to display the serialized meter permit purchased at each lot of this type. Failure to display the meter permit in plain view on the left side of the vehicle's dashboard will result in a citation for failure to display a permit. There is no grace period to obtain change for the permit machine.

(25) Government Vehicles not assigned a permanent parking space may only be parked for a period of 24 hours in Faculty/Staff or Student parking spaces unless permission has been obtained from Parking Services. Vehicles may be liable for enforcement action for non-compliance.

(26) Buses may park where directed by Parking Services.

(27) Fee Schedule:

(a) Carpool, sold for entire school year only: \$82 each pool.

(b) Faculty and staff decal for first-registered vehicle: Fall term through summer term: \$125.

(c) Faculty/staff hangtags are issued for a three-year period: \$375.

(A) This fee is for a one-time purchase.

(B) Payroll deduction is available, plus applicable increases in permit fees.

(d) Student Commuter and Residence Hall decal for first-registered vehicle for only Fall term through summer term: \$118.

(e) Motorcycles, mopeds, and scooters, one vehicle only:

(A) Fall term through summer term: \$48.

(B) If motorcycles park in auto spaces, the fee is commensurate with full fee for the area.

(f) Second Vehicle permit: \$26.

(A) Second permits will be sold only to Faculty/Staff and Commuter permit holders. Red permit holders may not purchase a second permit.

(B) One second permit is allowed for each full-price (first-registered vehicle) permit purchased.

(C) Replacement permits can be obtained only in accordance with OAR 573-050-0025(8).

(g) Replacement permits or hangtags: \$26.

(h) Lost/stolen permits: \$21.

(i) Departmental Reserved Parking spaces (nonrefundable): \$100 over and above price for regular parking permit and a \$50 fee for each subsequent sign-change after a sign is posted.

(j) Commercial permit, each vehicle:

(A) Long-term, twelve months: \$164.

(B) Long-term, six months: \$97.

(C) Short-term, one month: \$26.

(D) Short-term, daily: \$9.

(k) Weekly parking permits: \$26 per week (available at Housing, and Parking Services).

(l) Daily parking permits: \$9 per day (available at Housing, and Parking Services).

(m) Department Daily Guest Pass booklets: \$40.

(n) Evening and weekend parking in designated lots: \$1.

(o) Visitor pay parking in specified lots: \$1 per hour (lot 12, and lot 29; in lot 1, pay \$0.25 per hour). Lots 27, 30, 32, are \$1.00 per visit after 6 p.m. and weekends.

(p) Volunteer permit:

(A) Volunteer, each vehicle, long-term, one year: \$6.

(B) Volunteer, each vehicle, short-term, less than one month: \$1.

(q) Handling charges:

(A) Deducting fines from payroll check: \$6.

(B) Out-of-state Department of Motor Vehicles research fee: \$6.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1981, f. & ef. 9-9-81; SOSC 4-1982, f. & ef. 7-28-82; SOSC 1-1983, f. & ef. 1-3-83; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98; SOU 1-1999, f. & cert. ef. 5-7-99; SOU 2-2000, f. & cert. ef. 6-9-00; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 3-2006, f. & cert. ef. 6-29-06; SOU 3-2007, f. & cert. ef. 7-23-07; SOU 3-2009, f. 10-1-09, cert. ef. 10-4-09; SOU 3-2010, f. & cert. ef. 6-8-10; SOU 2-2011, f. & cert. ef. 6-13-11

573-050-0040

Penalties for Offenses

Multiple violations may be cited for a single incident:

(1) Failure to display valid permit: Fine \$30.

(2) Fraudulent display of permit: Fine \$85.

ADMINISTRATIVE RULES

- (3) Permit not affixed: Fine \$25.
- (4) Improper permit: Fine \$20.
- (5) Parking in disabled space: Maximum fine \$ 450.
- (6) Overtime parking: Fine \$25.
- (7) Blocking wheel chair ramp: Fine \$100.
- (8) Improper parking: Fine \$30.
- (9) Parking in reserved space: Fine \$75.
- (10) Blocking traffic: Fine \$50.
- (11) Boot vehicle: Fine \$25.
- (12) Abandoning a vehicle: Fine \$100.

(13) A vehicle may be towed off campus property and impounded at the owner's expense (including additional fines) under the following circumstances:

- (a) Any vehicle is causing imminent danger to people or University property;
- (b) Any vehicle is without a valid yellow, green, or red parking permit and has records of \$100 or more in unpaid citations (may be towed or booted);
- (c) Any vehicle is left parked or standing in an area not normally used for parking, including parking on a sidewalk or on grass;
- (d) Any vehicle is improperly parked in a disabled space;
- (e) Any vehicle is blocking traffic, another vehicle, any door or fire exit, access to any trash container, fire lane, crosswalk, driveway, or it poses any other safety hazard (may also be cited for blocking traffic);
- (f) Any vehicle is determined to be abandoned on University property.

(14) Vehicles in timed parking areas may be cited when their time parked exceeds the posted time limit. The vehicle may be cited again after double the posted time limit is exceeded.

EXAMPLE: In a 30-minute parking area, a vehicle may be cited after 30 minutes; again after a total of 90 minutes (including the first 30 minutes); again after 150 minutes and so forth. Timed parking is defined as "limited duration" meaning one time parking per timed lot during a 24 hour period. Re-parking in the same lot constitutes continuous parking and the vehicle will be cited.

(15) Vehicles parked in permit-required parking areas may be cited every eight hours, not to exceed three citations every 24 hours.

(16) Other violations not defined by (1)–(15) above. \$50.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOCS 5, f. & ef. 9-2-76; SOCS 4-1979, f. 8-8-79, ef. 9-1-79; SOCS 5-1980, f. & ef. 8-19-80; SOCS 4-1982, f. & ef. 7-28-82; SOCS 6-1983, f. & ef. 8-23-83; SOCS 2-1984, f. & ef. 8-14-84; SOCS 8-1985, f. & ef. 8-12-85; SOCS 3-1986, f. & ef. 7-22-86; SOCS 5-1987, f. & ef. 9-8-87; SOCS 4-1989, f. & cert. ef. 9-19-89; SOCS 3-1990, f. & cert. ef. 5-31-90; SOCS 4-1991, f. & cert. ef. 6-11-91; SOCS 2-1994, f. & cert. ef. 6-10-94; SOCS 2-1996, f. & cert. ef. 8-2-96; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98; SOU 1-1999, f. & cert. ef. 5-7-99; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 3-2006, f. & cert. ef. 6-29-06; SOU 3-2007, f. & cert. ef. 7-23-07; SOU 3-2009, f. 10-1-09, cert. ef. 10-4-09; SOU 2-2011, f. & cert. ef. 6-13-11

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Rule Caption: Code of Student Conduct.

Adm. Order No.: SOU 3-2011

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Rules Amended: 573-076-0000, 573-076-0020, 573-076-0050, 573-076-0060, 573-076-0070, 573-076-0080, 573-076-0130

Subject: SOU's Code of Student Conduct outlining SOU's philosophy, expectations, policies, and procedures for students.

Rules Coordinator: Treasa Sprague—(541) 552-6319

573-076-0000

Introduction

(1) Participation as a member of the Southern Oregon University community entails respect for oneself and all other members of the campus community. All students, upon matriculation, agree that every other member of the campus community is to be respected as a colleague committed to the pursuit of knowledge and self-understanding. To misuse or abuse that mutual respect is to threaten the entire academic enterprise.

(2) Behaviors that impede others' ability to engage in their work and lives at the University and/or that are self-destructive have no place. The student code of conduct, prohibited conduct, and all of the University's policies are designed to guide students by providing clear descriptions of problematic behaviors and the responses that can be expected should they occur.

(3) Civility is the hallmark of this community. Hostility in any form has no place in open and honest learning. These ideals operate within the

balance between freedom of expression and freedom from threats to safety, both physical and emotional.

(4) Acceptance of admission to Southern Oregon University implies your acceptance of the University's rules and regulations, and compliance with them. All University rules and policies have been crafted to balance freedom and responsibility and to provide standards for the orderly operation of this educational community.

(5) Conduct occurs in the context of a community of scholars dedicated to personal and academic excellence. Joining this community obligates each member to observe the following principles:

- (a) Mutual respect
- (b) Personal and academic integrity
- (c) Civil discourse
- (d) Responsible decision making

(6) Most members of the SOU community act in a mature manner consistent with the benchmarks of mutual respect, civil discourse, appreciation of differences, and responsible choices. However, it is necessary to protect the many from the few who may choose to act in an irresponsible manner. This is one of the main reasons the University has a code of conduct and a comprehensive set of policies and regulations.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

573-076-0020

Jurisdiction

(1) Generally, University jurisdiction and discipline shall be limited to student conduct which occurs on University premises or which threatens the University community and/or the pursuit of its objectives (the term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, and/or University sponsored or controlled events). University jurisdiction and discipline may also apply to student conduct which occurs off-campus if such conduct causes concern for the University and/or the University community.

(2) Participants on overseas and off-campus programs are expected to act in accordance with University rules and regulations but assume added responsibility to the group and to the laws and regulations of the host country.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

573-076-0050

Conduct Officers and Conduct Boards

Hearings or other proceedings outlined in this Code may be held before the following individuals or boards.

(1) Dean of Students and/or Designee — in matters of alleged violations of University policy, the Dean or designee will contact the student in writing regarding the allegation(s) and how the matter is to be resolved.

(2) Peer Review Board (consisting of students appointed by the Dean of Students or Designee and approved by the ASSOU Senate) — in matters of alleged conduct violations, the PRB may hear allegations of misconduct at the joint discretion of the Dean of Students and the PRB Chair. The PRB also may act as a mediating body for disputes between students that fall outside of the scope of this Code.

(3) University Review Boards (consisting of at least one student, one faculty member, and one staff member) may be appointed by the Dean of Students or designee to hear alleged policy violations under the following circumstances:

(a) When alleged violations involve faculty and/or staff members as victims

(b) When other boards are unable to obtain a quorum or are unable to hear a case,

(c) At the discretion of the Dean of Students or designee.

(4) The Academic Honor Board consists of three students (approved by the ASSOU Student Senate) and three faculty members (approved by the Provost), and the Dean of Students or designee, who serves as a non-voting Board advisor. The Academic Honor Board serves these purposes:

(a) To hear all cases of alleged academic dishonesty, including alleged violations of provisions regarding the responsible use of academic technology.

(b) To advise and consult with academic and administrative officers in interpreting and articulating academic integrity standards, policies, and procedures.

(c) To recommend sanctions to the Dean of Students or designee as noted in this Code.

ADMINISTRATIVE RULES

(5) The Sexual Misconduct Review Board is composed of specially trained administrators and staff, three of whom will be selected to hear a case involving an alleged violation of this code, or those outlined in the Sexual Harassment Policy.

(6) At the discretion of the Dean of Students or designee, cases involving assault, intimidation, or other matters posing an immediate threat to the campus community, may be handled by the Dean of Students or designee, independent of conduct board action.

(7) Student members of any conduct board who are charged with any violation of this Code or with a criminal offense may be suspended from their conduct positions by the Dean of Students or designee until a final resolution of the situation is obtained. Students found responsible for any such violation or offense may be disqualified from any further participation in the University conduct system by the Dean of Students or designee.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

573-076-0060

Conduct Referrals and Hearing Procedures

(1) Any person may refer a student or a student group or organization suspected of violating University policy to the Dean of Students' Office. Persons making such referrals are required to provide information pertinent to the situation and will normally be expected to provide an incident report and written statement, and/or appear at a hearing as the complainant. The hearing format for resolution will be selected at the discretion of the Dean of Students or designee.

(2) The Dean of Students or designee may conduct an investigation (or request conduct of an investigation by other University officials) to determine if the allegations have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Dean of Students or designee. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the Dean of Students or designee will proceed with a hearing.

(3) All allegations of misconduct are presented to the accused student in written form. The notification includes the date, location, and description of the prohibited conduct relevant to the alleged violation. A time is set for a hearing, not less than three (3) calendar days and not more than fifteen (15) calendar days after the student has been notified. Minimum and maximum time limits for scheduling of hearings may be extended at the discretion of the Dean of Students or designee based on the academic calendar or at the written request of the accused student.

(4) Hearings are conducted according to the following guidelines:

(a) Hearings are conducted in private, unless both the accused student(s) and the complainant(s) agree to an open hearing.

(b) Admission of any person to the hearing is at the discretion of the conduct officer or conduct board chair.

(c) In hearings involving more than one accused student, the chair of the conduct board may permit the hearings concerning each student to be conducted separately.

(d) The complainant and the accused may be accompanied by advisors. The complainant and/or the accused is responsible for presenting his or her own information. Comments from advisors may be requested from the conduct officer or conduct board chair.

(e) The complainant, the accused, and the conduct officer/board have the privilege of presenting witnesses, subject to questioning by the conduct officer/board.

(f) Pertinent records, exhibits, and written statements may be accepted for consideration by a conduct officer/board at the discretion of the conduct officer or conduct board chair.

(g) All procedural questions are subject to the final decision of the Board Chair.

(h) After the hearing, the accused student is dismissed and the conduct officer or board (by majority vote) determines whether the student is responsible for each alleged policy violation.

(i) The conduct officer/board's determination is made on the basis of whether it is "more likely than not" that the accused student violated the policy(ies).

(j) Not more than ten (10) working days following the hearing, the accused student is notified in writing of the decision and its rationale, including any sanction(s) imposed, and the opportunity to appeal the decision.

(k) There is a record of all hearings before a hearing board, consisting of an audio recording and all written documentation including notes taken

during the hearing. The record is the property of the University and is maintained in the Office of the Dean of Students.

(l) Except in the case of a student accused of violating the "failure to comply with directives" policy by not appearing before a conduct board or University official, no student may be found to have violated the policy(ies) in question solely because the student failed to appear. In all hearings, the information in support of the allegations is presented and considered. Final decisions are based on the information available.

(5) Principles governing Honor Board decisions of alleged academic misconduct are as follows:

(a) Academic penalties (grades) are imposed only by faculty members (course instructor).

(b) Because academic dishonesty is a policy violation, disciplinary penalties (probation, suspension, or dismissal) may be imposed only by the Dean of Students or designee, upon recommendation from the Academic Honor Board, or when the Board cannot meet, upon recommendation from the faculty member.

(6) Sexual Misconduct Review Board hearings are conducted in accordance with guidelines established in the Sexual Conduct Policy.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

573-076-0070

Sanctions

(1) A disciplinary sanction is an educational tool designed to send a clear message regarding violation of University policy. Sanctions relate to the nature of the violation, with stronger sanctions imposed for more aggravated or repeated misconduct. Sanctions of probation, suspension, and dismissal require the approval of the Dean of Students.

(2) The following sanctions may be imposed when a student is found responsible for policy violation(s):

(a) Warning: A notice in writing to the student that the student is violating or has violated University policy.

(b) Loss of Privileges: Denial of specified privileges for a designated period of time.

(c) Fines: Previously established and published fines may be charged to a student's account.

(d) Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) Discretionary Sanctions: Work assignments, research, apology letters, service to the University, or other related discretionary assignments.

(f) Educational classes to be paid by fee assessed to violator. Fee may be paid directly or through community restitution.

(g) Conditional Disciplinary Probation: A written reprimand which places the student's participation in University activities in a provisional status. Probation may exclude the student from participation in co-curricular activities in which the student represents the University (e.g. varsity athletics and club sports, elected student office, debate, musical and dramatic groups). Probation may include mandatory counseling and includes the probability of more severe disciplinary sanctions if the student further violates University regulation(s) during the probationary period.

(h) Residence Hall Suspension: Separation of the student from the residence halls for a stated period of time, after which the student is eligible to return. Because the University maintains a one year residency requirement, a residence hall suspension may result in a suspension from the University, if the student has not completed the one year residency requirement. Conditions for readmission may be specified. The student may be issued a written trespass notice from one or more residence halls for the duration of the suspension.

(i) Residence Hall Expulsion: Permanent separation of the student from the residence halls. The student will be issued a written trespass notice from all residence halls at the time of the expulsion.

(j) Eviction from University Housing: Removal from any University owned or operated housing other than the residence halls (see 8 & 9 above). The student will be issued a written trespass notice from all University housing at the time of the eviction.

(k) Unconditional Probation: Immediate invocation of University suspension if additional violation(s) of University policies occur during a specified period of time. Unconditional Probation also includes the provisions of a disciplinary probation.

(l) University Suspension: Separation of the student from the University for a specific period of time after which the student is eligible to return. Conditions for readmission may be specified. At the discretion of the Dean of Students or designee, a University trespass order is in effect for

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the period of the suspension. A suspension may be deferred to the end of a term at the discretion of the Dean of Students or designee.

(m) University Dismissal: Permanent separation of the student from the University.

(3) The following sanctions may be imposed upon groups or organizations:

(a) Those sanctions listed above.

(b) Deactivation — Loss of all privileges, including University recognition, for a specified period of time.

(4) Interim Suspension — In certain circumstances, the Dean of Students or designee may impose a University or residence hall suspension prior to the hearing.

(a) Interim suspension may be imposed only:

(A) to ensure the safety and well being of members of the University community or preservation of University property and/or;

(B) to ensure the student's own physical or emotional safety and well being and/or;

(C) if the student poses a definite threat of disruption of or interference with the normal operations of the University.

(b) During the interim suspension, the student is denied access to the campus (including classes) and all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate.

(5) More than one of the sanctions listed above may be imposed for any single violation.

(6) Other than University dismissal, disciplinary sanctions are not made part of the student's permanent academic record, but are part of the student's confidential disciplinary record.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

573-076-0080

Appeals

(1) A decision may be appealed within ten (10) working days of the date of the sanction letter to the Dean of Students or designee. Such appeals must be in writing and must be delivered to the Dean of Students or designee. Appeals of decisions reached by the Dean of Students are to be directed to the Vice President for Student Affairs.

(2) An appeal is limited to one or more of the following purposes:

(a) To determine whether the original hearing was conducted fairly in light of the allegations and information presented and in conformity with the procedures outlined in this Code.

(b) To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether the facts were sufficient to establish that a violation of University policy occurred under the "more likely than not" standard.

(c) To determine whether the sanction(s) imposed were appropriate for the violation(s) which the student was found to have committed.

(d) To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

(3) If an appeal is granted, this written decision will be communicated to the original conduct officer/ board for action, if appropriate.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

573-076-0130

Prohibited Conduct

(1) Academic Misconduct

(a) Acts of academic misconduct involve the use or attempted use of any method that enables a student to misrepresent the quality or integrity of his or her academic work and are prohibited.

(b) Academic misconduct with respect to examinations includes but is not limited to copying from the work of another, allowing another student to copy from one's own work, unauthorized use of crib notes during exam time, arranging for another person to substitute in taking an examination, or giving or receiving unauthorized information prior to or during the examination.

(c) Academic misconduct with respect to written or other types of assignments includes but is not limited to:

(A) Failure to acknowledge the ideas or words of another that have been intentionally taken from any published or unpublished source;

(B) Placing one's name on papers, reports, or other documents that are the work of another individual;

(C) Flagrant misuse of the assistance provided by another in the process of completing academic work;

(D) Submission of the same paper or project for separate courses without prior authorization by faculty members;

(E) Fabrication, alteration, or other manipulation of data; or

(F) Knowingly aiding in or inciting the academic dishonesty of another.

(d) Academic dishonesty with respect to intellectual property includes but is not limited to theft, alteration, or destruction of the academic work of other members of the community, or of the educational resources, materials, or official documents of the University and is prohibited.

(2) Deliberate Acts of Dishonesty. In general, acts of dishonesty are prohibited. Such acts may include, but are not limited to:

(a) Furnishing false and/or misleading information to any University or community official, faculty member, administrative office, or conduct body;

(b) Forgery, alteration, and/or misuse of any University record, document, or instrument of identification;

(c) Bribery and/or coercion;

(d) Fraud and/or other misrepresentation.

(3) Animal Control

(a) The following animal-related behavior is prohibited:

(A) Inhumane or cruel treatment of animals on University premises;

(B) Bringing any animal inside a University Building, with the exception of guide or service animals approved by Disabled Student Services, or by special permission of the Dean of Students;

(C) Leaving an animal unattended on University premises, even when tethered;

(D) Leaving an animal in a closed vehicle on University premises.

(b) Additionally, resident students may not own or care for pets, other than fish in approved aquaria, in campus residence halls.

(4) Controlled Substances

(a) The unlawful use, abuse, sale, purchase, transfer, possession, manufacture, distribution, or dispensing of alcohol or other drugs on University property or as part of any University activity is prohibited.

(b) Use, possession, cultivation, manufacture, promotion, sale, and/or distribution of narcotics or other controlled substances, except as expressly permitted by law, is prohibited.

(c) Use and/or possession of prescription drugs prescribed to another is prohibited.

(d) The service of alcohol to and/or consumption by any person who is under the age of 21 or is intoxicated is prohibited.

(e) Public intoxication at any age is prohibited.

(f) Intoxication to the point of incapacitation at any age is prohibited.

(g) Common source containers of alcohol, such as kegs, are prohibited on campus except with prior written permission from the Vice President for Student Affairs.

(h) Alcohol and other drugs may not be consumed in the course of any class, laboratory, or other activity at which attendance is required as part of a student's course or degree requirements.

(5) Disorderly Conduct. Loud, aggressive, profane, abusive, drunken, and/or other behavior which disrupts or obstructs the orderly functioning of the University or disturbs the peace and/or comfort of person(s) on campus, on University owned or controlled property, or at University sponsored or supervised functions is prohibited. Exhibiting behavior that creates a concern for harm to self or others, or behavior that suggests a serious problem which is detrimental to the University and University community is prohibited.

(6) Disruption, Obstruction, or Interference. Engaging in, or inciting others to engage in the disruption, obstruction, and/or interference with of any of the following is prohibited:

(a) University student conduct proceedings;

(b) Educational activities in classrooms (both physical and online), lecture halls, campus library, laboratories, computer laboratories, theatres, or any other place where education and teaching activities take place;

(c) Classroom expectations. Disruption, obstruction, or interference includes classroom behavior, which, in the judgment of the instructor, impedes other students' opportunity to learn and/or which interferes with class objectives. This provision includes University classes held on and off Southern Oregon University premises, including distance learning and online courses.

(d) Operations of Campus Public Safety, fire, police, emergency services, and/or residential life staff;

(e) Interference with campus safety instruments;

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(f) Any student's ability to study, learn, and/or complete academic requirements including, but not limited to: destroying, preventing, and/or limiting access to information or records;

(g) Intentionally interfering with the freedom of expression of others on University premises or at University sponsored activities;

(h) University activities, including its public service functions, whether on- or off-campus, and other non-University activities which occur on University premises.

(7) Failure to Comply

(a) Failure to comply with University regulations, state and/or federal laws, and/or the directives of University and/or community officials while acting in their duties is prohibited.

(b) Failure to comply with the conditions of the Residential Life Housing Contract is prohibited.

(c) Failure to comply with University student conduct proceedings, including rules governing hearings procedures and sanctions imposed by University student conduct officials is prohibited.

(8) Gambling. Illegal gambling or wagering on University premises, or at any official function sponsored by the University is prohibited.

(9) Harassment, Discrimination, or other Abusive Behavior

(a) Physical or written/verbal abuse, threats, intimidation, harassment, coercion, or other conduct directed at a specific person, which threatens the health and safety of any person or seriously alarms or intimidates another person is prohibited.

(b) Written abuse, intimidation, or harassment through the use of Internet peer-networking sites, weblogs, or other online media which is open to the public is prohibited.

(c) Remarks, actions, or gestures which have the purpose or effect of creating an intimidating, hostile, and/or offensive working, campus living, and/or academic experience due to a race, color, sex, religion, age, marital status, national origin, gender identity or expression, the presence of any physical or sensory disability, veteran status, sexual orientation or any other basis protected by applicable local, state or federal law is prohibited.

(d) University Statement on Hate and Bias-motivated language: The University appreciates the complexity of defining language and actions that are not acceptable in a community which values freedom of expression. All members of the SOU community must be free to hold views that others may find distressing or offensive. However, freedom of expression does not include the right to intentionally and maliciously aggravate, intimidate, ridicule, or humiliate another person.

(10) Hazing. Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization is prohibited.

(11) Interference with Community Standards. Verbal or physical threats and/or intimidation of a person participating in a student conduct proceeding in any capacity is prohibited. Influencing or attempting to influence another person to commit an abuse of community standards is prohibited. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding is prohibited. Failure to comply with the sanction(s) imposed under the Code is prohibited.

(12) Misuse of Emergency Equipment and Procedures

(a) Tampering with, damage of, or intentional misuse of emergency devices or blocking of

fire exits or other means of impeding traffic is prohibited.

(b) Use of fire escapes, ground level fire doors, fire hoses, extinguishers, and/or alarm equipment in non-emergency situations is prohibited.

(c) Failure to comply with fire drill procedures or emergency building evacuation is prohibited.

(d) Initiating a false report or warning, or the threat of fire, explosion, false fire alarm, or other emergency is prohibited.

(13) Weapons & Destructive, Chemical, and/or Incendiary Devices

(a) On-campus use, possession, storage (unless authorized), or manufacture of the following is prohibited:

(A) Firearms or other devices capable of casting a projectile;

(B) Any weapon, device, instrument, material, or substance which is designed to, or may by use, inflict injury upon another person;

(C) Explosives, bombs, or other incendiary or destructive devices;

(D) Fireworks of any kind.

(b) Attempting, committing, or aiding the intentional commission of an act which results in a fire being ignited which causes damage, or is

intended to cause damage, to the property of the University, to the property of another individual, or to personal property is prohibited.

(14) Noise. Activities in violation of established quiet hours in residence halls and academic buildings or which violate local, state or federal noise ordinances is prohibited.

(15) Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions is prohibited.

(16) Sexual Misconduct. Sexual Misconduct is defined as any sexual contact or sexual behavior that is non-consensual and/or inflicted upon someone who is incapacitated, and/or forced, and is prohibited. Additionally, Sexual Exploitation, and Sexual Harassment are prohibited. Definitions, as outlined by the Oregon University System, are as follows:

(a) Sexual Contact means the touching of the genitalia, anus, buttocks, breasts or mouth, as well as, any contact for the purpose of sexual gratification.

(b) Sexual Behavior means any action, short of sexual contact, done for purposes of sexual gratification, and may include but is not limited to voyeurism, exposing, masturbation, frottage, and audio/video recording.

(c) Non-consensual is the absence of shared sexual permission. Shared sexual permission is clear, voluntary, non-coerced and clearly indicates a willingness to participate in sexual contact/behavior, whether through affirmative verbal responses or non-verbal communication unmistakable in meaning and given by an adult (age 18 or older). Shared sexual permission to one form of sexual contact/behavior does not operate as permission to any other or the same form of sexual contact/behavior.

(d) Incapacitation is a mental or physical condition that renders a person unable to grant consent. Incapacitation may be a state or condition resulting from the use of alcohol or other drugs, or lack of sleep, sleep, and unconsciousness. Incapacitation may also be the result of a cognitive impairment, such as a developmental disability, brain injury, or mental illness.

(e) Force includes but is not limited to physical force, violence, abuse, threat of force (direct or implied), intimidation, extortion, harassment, coercion, fraud, duress or pressure.

(f) Sexual Exploitation occurs when a person takes non-consensual, unjust or abusive advantage of another in a sexual or intimate context, for his/her own advantage or benefit, or to benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute non-consensual sexual misconduct. Sexual exploitation includes permitting or facilitating non-consensual viewing, taking of photographs, videotaping, or audio taping of sexual or intimate activity, knowingly inflicting another person with HIV or other sexually transmitted infection, inducing incapacitation of another person with the intent to facilitate sexual misconduct against that person, and/or compelling prostitution.

(g) Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other physical conduct of a sexual nature when:

(A) Submission to such conduct is made a term or condition of employment or academic advancement (explicitly or implicitly).

(B) Submission or rejection to such conduct is used as a basis for employment or academic advancement decisions, or

(C) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or learning environment; or creating an intimidating, hostile or offensive work, academic, residential living, or any University-related environment.

(17) Smoking. Smoking is prohibited:

(a) In any University building;

(b) Within 25 feet of any University building;

(c) In any University vehicle;

(d) In any other designated areas.

(18) Stalking. Stalking is a pattern of repeated harassment by unwanted attention and/or contact, and is prohibited. Stalking includes, but is not limited to:

(a) Following or lying in wait for the victim

(b) Repeated unwanted, intrusive, and frightening contact from the perpetrator by phone, mail, email, etc.

(c) Damaging the victims property

(d) Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets

(e) Repeatedly sending the victim unwanted gifts.

(f) Harassment through the Internet, known as "cyberstalking," "online stalking," or "Internet stalking."

(g) Securing personal information about the victim by accessing public records, using Internet search devices, hiring private investigators, con-

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tacting friends, family, work, or neighbors, going through the victim's garbage, following the victim, etc.

(19) Theft. Attempted or actual theft and/or damage to University property or property of students, other members of the University, or others legitimately using College property is prohibited.

(20) Vandalism or Unauthorized Use of Property. Unauthorized use and/or abuse of University property is prohibited. Such acts may include, but are not limited to:

(a) Alteration, duplication, and/or misuse of keys, University documents, or identification;

(b) Unauthorized entry into, or use of, University premises or equipment, including but not limited to camping, building a fire, or use of an unauthorized heating, cooking or electrical device.

(c) Damage, vandalism, misuse, or theft of University property, or the property of another person, group, or agency;

(e) Graffiti, which is defined as intentionally defacing public and/or private property, regardless of the purpose;

(f) Littering, which is defined as throwing, discarding, placing, or depositing items in University buildings or on University grounds, except in receptacles provided for such purposes.

(21) Unwelcome Use of Electronic Devices. Unwanted communication with another person using computers, email, cell phones, or any other digital device is prohibited. Abuse, misuse, and/or theft of computer data, equipment, and/or software, including unauthorized file-sharing and distribution of electronic materials is also prohibited.

(22) Violation of Local, State, or Federal Laws. Violation of local, state, or federal laws on or off University premises that may be reasonably expected to have a negative impact on the University or members of the University community in any form is prohibited.

(23) Violent, Threatening, Coercive, or Abusive Conduct. Examples of prohibited violence and abusive behavior include, but are not limited to, the following:

(a) Slapping, punching, or otherwise physically attacking a person;

(b) A direct or implied threat of harm or hostile behavior that creates a reasonable fear of injury to another person or unreasonably subjects another individual to emotional distress;

(c) Brandishing a weapon or an object which appears to be a weapon in a threatening manner;

(d) Intimidating, threatening, or directing abusive language toward another person;

(e) Intentionally damaging University property and/or the property of a member of the SOU community or a visitor;

(f) Committing acts motivated by and/or related to racial or sexual harassment or domestic violence;

(g) Retaliation and/or harassment against a person making a report in good faith.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

Oregon Youth Authority Chapter 416

Rule Caption: Agency certification of employees to provide mental health services to offenders in OYA facilities.

Adm. Order No.: OYA 1-2011(Temp)

Filed with Sec. of State: 6-14-2011

Certified to be Effective: 6-14-11 thru 12-1-11

Notice Publication Date:

Rules Adopted: 416-070-0010, 416-070-0020, 416-070-0030, 416-070-0040, 416-070-0050, 416-070-0060

Subject: These rules establish the Oregon Youth Authority's (OYA) standards for certifying OYA mental health treatment employees as Treatment Services Supervisors or Qualified Mental Health Professional (QMHP). Mental health treatment employees must be certified under these rules to provide mental health services to offenders in OYA facilities. Adopting temporary rules allows OYA to comply with SB 423 (2011), pending rules hearing and permanent adoption.

Rules Coordinator: Winifred Skinner—(503) 373-7570

416-070-0010

Definitions

(1) Behavioral and Treatment Services Director: A person who leads and directs OYA clinical direction and behavioral treatment services statewide and reports to the OYA Director.

(2) Clinical Supervision: Oversight by a qualified person of mental health services and supports provided according to this rule, including ongoing evaluation and improvement of the effectiveness of those services and supports.

(3) Diagnosis: A diagnosis consistent with the most current Diagnostic and Statistical Manual of Mental Disorders (DSM).

(4) Mental Health Assessment: The written assessment by a QMHP of an offender's mental status and emotional, cognitive, family, developmental, behavioral, social, recreational, physical, nutritional, school or vocational, substance abuse, cultural and legal functioning, concluding with a completed DSM five-axes diagnosis, clinical formulation, prognosis for treatment, treatment recommendations and plan.

(5) Mental Status Examination: An overall standardized assessment of an offender's mental functioning and cognitive abilities.

(6) OYA: Oregon Youth Authority

(7) Qualified Mental Health Professional (QMHP): A person who provides mental health treatment services to offenders in OYA facilities.

(8) Treatment Services Supervisor: A person who provides supervision of the mental health treatment services and supports provided by a QMHP at an OYA facility.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11

416-070-0020

Credentialing and Certification Process

(1) The Behavioral and Treatment Services Director is responsible for credentialing employees hired as OYA Treatment Services Supervisors and QMHPs.

(2) Treatment Services Supervisors and QMHPs must meet the requirements established in OAR 416-070-0030 as a Treatment Services Supervisor or QMHP.

(3) The Behavioral and Treatment Services Director is responsible for reviewing education, experience and competencies to determine if the individual can be certified as meeting the professional standards of a Treatment Services Supervisor or QMHP as set forth in these rules.

(4) A copy of transcripts, academic degrees, licenses, certifications, and verification forms used to record the credentialing and certification information must be retained in the Treatment Services Supervisor's or QMHP's personnel file.

(5) A position description must be provided to the employee describing the duties that a Treatment Services Supervisor or QMHP are certified to provide.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11

416-070-0030

Qualified Mental Health Professional (QMHP) and Treatment Services Supervisor Standards

(1) A person must meet the following minimum qualifications to be certified to work as a QMHP in an OYA facility:

(a) The person is a licensed medical practitioner, or the person meets the following minimum qualifications:

(A) Holds any of the following educational degrees:

(B) Graduate degree in psychology; or

(C) Bachelor's degree in nursing and licensed by the State of Oregon;

or

(D) Graduate degree in social work; or

(E) Graduate degree in a behavioral science field; or

(F) Graduate degree in recreational, music, or art therapy; or

(G) Bachelor's degree in occupational therapy and licensed by the State of Oregon; and

(b) Whose education and experience demonstrate the competency to identify precipitating events; gather histories of mental and physical disabilities, alcohol and drug use, past mental health services and criminal justice contacts; assess family, social and work relationships; conduct a Mental Status Examination; document a multiaxial DSM Diagnosis; write and supervise a treatment plan; draft a Mental Health Assessment and provide individual, family and/or group therapy within the scope of their training.

(2) A person must meet the following minimum qualifications to be certified to work as a Treatment Services Supervisor in an OYA facility:

(a) A graduate degree in psychology, social work, counseling, or other behavioral science; and

(b) The QMHP qualifications listed in section (1) of this rule.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11

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416-070-0040

Clinical Supervision of QMHP Employees

- (1) A QMHP must deliver services under the direct supervision of:
 - (a) a Treatment Services Supervisor; or
 - (b) a person designated by the Behavioral and Treatment Services

Director to provide clinical supervision.

(2) The Treatment Services Supervisor or person designated by the Behavioral and Treatment Services Director to provide clinical supervision must operate within the scope of his or her practice or licensure, and demonstrate the competency to oversee and evaluate the mental health treatment services and supports provided by a QMHP.

(3) Clinical supervision must be provided at least monthly for each QMHP supervised.

(4) The effectiveness of a QMHP's mental health services will be evaluated by overseeing the QMHP's service documentation, case planning, ethical practice, and assessment skills.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11

416-070-0050

QMPH Recertification

(1) A QMHP certification issued under these rules is subject to renewal every two years.

(a) All QMHP certifications will expire on September 30. The issuance date of the certified person's first certification will determine if the certification expires on an odd or even year. Certifications issued in odd-numbered years expire in the next odd-numbered year, and certifications issued in even-numbered years expire in the next even-numbered year.

(b) The Behavioral and Treatment Services Director will send a reminder notice to the certified person at least 30 days prior to certification expiration.

(c) A person seeking renewal of a certification must submit the following to the Behavioral and Treatment Services Director:

(A) Verification of current certification in CPR and First aid by a recognized training agency;

(B) A copy of the person's current annual performance appraisal reflecting performance in mental health services; and

(C) Documentation of Continuing Education Credits (CEC) verifying at least 50 credit hours in the immediate preceding two years. The CEC must include the following:

(i) At least 24 hours of clinical supervision per year;

(ii) At least five hours of training pertinent to the mental health services in an OYA facility which may include OYA training, supervisor-approved completed readings, verified workshop attendance, or class participation in a graduate program focusing on mental health treatment of mental health disorders.

(2) If the person's previous certification has expired, the person must apply for recertification by submitting the documents listed in subsection (c) of this rule to the Behavioral and Treatment Services Director. The person may not provide mental health services until the person is recertified.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11

416-070-0060

Variances

(1) The Behavioral and Treatment Services Director may grant a variance to the criteria used to determine the certification status of a QMHP or Treatment Services Supervisor if the Behavioral and Treatment Services Director is able to document the reason for the variance and the proposed timeline for the variance.

(2) Signed documentation from the Behavioral and Treatment Services Director indicating support of the variance must be retained in the subject QMHP or Treatment Services Supervisor employee's personnel file.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11

***** Racing Commission Chapter 462

Rule Caption: Proposed rulemaking will edit OARs to provide more detailed direction to licensees regarding regulatory expectations.

Adm. Order No.: RC 1-2011

Filed with Sec. of State: 6-6-2011

Certified to be Effective: 6-9-11

Notice Publication Date: 4-1-2011

Rules Amended: 462-210-0030, 462-210-0040, 462-220-0030

Subject: 462-210-0030 (Establishing an Account): Remove language pertaining to player account balance requirements.

462-210-0040(3)(a)(A) (Operation of an Account): Amends the section to state, "Cash deposit made at an approved outlet, or other deposit mechanisms as approved by the commission."

462-210-0040(13) (Operation of an Account): Amends section to read, "Upon request by an account holder the account wagering center shall provide on an annual basis, at no cost, a written statement of an individual's account activity. Unless written notice to the contrary is received by the account wagering center within fourteen (14) days of the date that any statement is sent to an account holder, the statement will be deemed accepted as correct."

462-220-0030(1) (Approval of the License for a Hub Operation): Adds (1)(a) and (1)(a)(A) which state: (1)(a) "A license may range from one to five years in length and the length should be so noted in the application submitted" and, (1)(a)(A) "The current, daily licensing fee is to be remitted no later than June 30th of each year licensing has been granted or is being requested."

462-220-0030(6)(a) (Approval of the License for a Hub Operation): Removes "FDIC" requirement and establishes new requirement for regulatory enforcement.

462-220-0030(9) (Approval of the License for a Hub Operation): Amends 9(a)(b)(c) to read as follows:

An applicant must provide the following to the commission:

(a) Access to customer call monitoring, account holder detail, and electronic wagering data;

(b) On site regulatory visits of the call center by authorized commission staff; and

(c) Reimbursement to the commission for expenses associated with out-of-state regulatory visits.

462-220-0030(10) (Approval of the License for a Hub Operation): Adds new sub-section (10) which reads: "An applicant must maintain all customer account related documentation for a period of not less than one year, and audio recording for a period of not less than three months."

Rules Coordinator: Nancy A. Artmann—(971) 673-0211

462-210-0030

Establishing An Account

(1) An established account is necessary to place account wagers. An account may be established at either an account wagering center or by mail to a race meet licensee:

(a) For establishing the account with an account wagering center an application form must be signed or otherwise authorized in a manner acceptable to the commission and include:

(A) The applicant's full legal name;

(B) Principal residence address;

(C) Telephone number; and

(D) Any other information required by the commission.

(b) Each application submitted will be subject to electronic verification with respect to name, principal residence address and date of birth by either a national, independent, individual reference service company or another technology which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by individual reference service companies. An account wagering center may require the applicant's social security number to complete the verification process and for tax reporting purposes. If there is a discrepancy between the application submitted and the information provided by the electronic verification described above or if no information on the applicant is available from such electronic verification, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If these measures prove unsatisfactory, then the applicant will be contacted by the account wagering center and given instructions as to how to resolve the matter.

(c) All account holder identities must be verified via electronic means or copies of other documents before a wager can occur.

(2) Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the account

ADMINISTRATIVE RULES

wagering center provided the account wagering center informs the account holder in writing prior to the change.

(3) The applicant shall supply the account wagering center with an alpha-numeric code, to be used as a secure personal identification code when the account holder is placing an account wager. The account holder has the right to change this code at any time.

(4) The account wagering center may not establish an account for any person whose principal residence address is not within the State of Oregon. The principal residence address shall be established by reliance on the information submitted on the application form provided and certified by the applicant.

(5) The holder of the account shall receive at the time the account is approved:

(a) Unique account identification number;

(b) Copy of the account wagering rules and such other information and material that is pertinent to the operation of the account; and

(c) Such other information as the account wagering center or commission may deem appropriate.

(6) The account wagering center shall accept accounts in the name of a natural person only.

(7) The account is nontransferable between natural persons.

(8) The account wagering center may close or refuse to open an account for what it deems good and sufficient reason, and shall order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules.

Stat. Auth.: ORS 462.270(3) & 462.700

Stats. Implemented: ORS 462.142

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2002, f. & cert. ef. 1-3-02; RC 3-2007, f. 3-29-07, cert. ef. 7-1-07; RC 1-2009, f. 4-21-09, cert. ef. 7-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 1-2011, f. 6-6-11, cert. ef. 6-9-11

462-210-0040

Operation of an Account

(1) The account wagering center may refuse deposits to an account for what it deems good and sufficient reason.

(2) The account wagering center may suspend any account or close any account at any time provided that when an account is closed, the account wagering center shall, within five business days, return to the account holder all monies then on deposit by sending a check to the principal residence address as listed on the application.

(3) Credits to an account after the initial establishment of the account may be made as follows:

(a) Deposits to an account by an account holder shall be made in the following forms:

(A) Cash deposit made at an approved outlet, or other deposit mechanisms as approved by the commission; or

(B) Check, money order or negotiable order of withdrawal given or sent to an account wagering center; or

(C) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, which may be given by telephone to the account wagering center by the account holder if the use of the card has been approved by the account wagering center; or

(D) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account.

(E) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the account wagering center.

(c) For fees for service or other transaction-related charges by the race meet licensee and/or agent of the race meet licensee.

(4) Debits to an account shall be made as follows:

(a) Upon receipt by the account wagering center of an account wager, the account wagering center shall debit the account in the amount of the wager; or

(b) For fees for service or other transaction-related charges by the race meet licensee and/or agent of the race meet licensee; or

(c) An account wagering center may authorize a withdrawal from an account when one of the following exists:

(A) The account holder of an account appears personally at the account wagering center and provides the following:

(i) Proper identification;

(ii) The correct secure personal identification code; and

(iii) A properly completed and signed withdrawal slip.

(B) The account holder sends to the account wagering center a properly completed and signed withdrawal slip. Upon receipt of a properly completed and signed withdrawal slip, and if there are sufficient funds in the account to cover the withdrawal, the account wagering center shall, within five business days of its receipt, send a check to the account holder. The check shall be payable to the holder of the account and in the amount of the requested withdrawal. If funds are not sufficient to cover the withdrawal, the account holder will be notified in writing and those funds in the account will be withdrawn and sent to the account holder within the five-day time period. Electronic funds transfers may be used for withdrawals in lieu of a check at the discretion of the account holder and the account wagering center subject to the same conditions described for electronic funds transfer credits described in subsection (3)(a)(D) of this rule.

(d) The race meet licensee and/or the agent of the race meet licensee may close accounts in which there has been no activity for at least six (6) months, returning funds remaining therein to the account holder at his/her principal residence address.

(e) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws.

(5) The account wagering center shall not accept wagers from an account holder in an amount in excess of the account balance.

(6) Checks, money orders and other negotiable instruments shall be posted to the credit of the account holder in accordance with financial institution funds availability schedules.

(7) Monies deposited with the account wagering center for account wagering shall not bear any interest to the account holder.

(8) Account wagers shall be accepted during such time and on such days in such manner as designated by the commission.

(9) Notwithstanding any other rules, the managing employee of the account wagering center may at any time declare the account wagering center closed for receiving wagers on any pari-mutuel pool, race, group of races, or closed for all wagering. Anytime the account wagering center is closed during normal wagering hours by the managing employee a written report must be filed with the commission within forty-eight (48) hours.

(10) The account wagering center has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

(11) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and secure personal identification code. Except where the account wagering center or its employees or agents act without good faith or fail to exercise ordinary care, the account wagering center shall not be responsible for any loss arising from the use by any other person or persons of an account holder's account. The account holder must immediately notify the account wagering center of a breach of the account's security.

(12) Payment on winning pari-mutuel wagers and credits for account wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.

(13) Upon request by an account holder the account wagering center shall provide on an annual basis, at no cost, a written statement of an individual's account activity. Unless written notice to the contrary is received by the account wagering center within fourteen (14) days of the date that any statement is sent to an account holder, the statement will be deemed accepted as correct.

(14) The principal residence address provided in writing by the account holder at the time of application is deemed to be the proper address for the purposes of mailing checks, statements of account, account withdrawals, notices, or other appropriate correspondence. The mailing of checks or other correspondence to the address given by the account holder shall be at the sole risk of the account holder.

(15) No employee or agent of the account wagering center shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the account wagering center, except to the account holder as required by these rules, the commission, and as otherwise required by state or federal law, or the rules of racing of this state.

Stat. Auth.: ORS 462.270(3) & 462.700

Stats. Implemented: ORS 462.142

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2002, f. & cert. ef. 1-3-02; RC 1-2011, f. 6-6-11, cert. ef. 6-9-11

ADMINISTRATIVE RULES

462-220-0030

Approval of the License for a Hub Operation

(1) Prior to operating a hub the entity must apply for and be granted a license from the commission to conduct simulcasting and pari-mutuel wagering in accordance with ORS 462.725 and these rules as a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub."

(a) A license may range from one to five years in length and the length should be so noted in the application submitted.

(b) The current, daily licensing fee is to be remitted no later than June 30th of each year licensing has been granted or is being requested.

(2) An applicant for a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub" license must provide the following information as part of the application thirty days prior to the scheduled commission meeting at which the application is to be presented:

(a) The applicant's legal name;

(b) If the applicant is a corporation, the names, addresses, dates of birth of its shareholders, directors and officers; if a shareholder is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders, directors and officers must be provided;

(c) If the applicant is a partnership the names, addresses, dates of birth of the partners; if a partner is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its share holders must be provided;

(d) If the applicant is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in subsection (2)(b) and (2)(c) of this rule shall be required from the directors of the membership organization, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(e) The names of the race tracks the applicant, or its agent, has contracts with that allow the applicant to provide the simulcast signals and pari-mutuel wagering on the product;

(f) Financial information from the applicant that demonstrates whether the applicant has the financial resources to install and operate a hub;

(g) A detailed budget showing anticipated revenue, expenditures and cash flows by month, from the hub's operation during the license period;

(h) The number of days that the applicant is planning to operate the hub during the fiscal year in which they are seeking to be licensed;

(i) A list of all hub personnel containing the name, position, job location, license number and expiration date. All current gaming licenses should be listed, regardless of jurisdiction;

(j) A chart illustrating the organizational structure, including reporting lines;

(k) A list of all states where the hub is operating; and

(l) Documentation of proper filing that the Hub applicant and/or parent company is registered to do business in the state of Oregon.

(3) As part of the application for licensure as a hub, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate;

(b) The requirements for a "qualified subscriber based service" or "closed loop subscriber based system" set out in OAR 462-220-0010(2);

(c) Programs for responsible wagering;

(d) Mitigation for the effects of account wagering on the source market in Oregon. In addition to the source market mitigation plan as outlined in the application, more detailed source market information shall be provided by the hub at the commission's request. A mitigation plan must include one of the following options:

(A) An agreement with a state commercial race meet licensee as defined in ORS 462.062, a copy of which has been submitted to the commission; or

(B) A written agreement with the Oregon HBPA, a copy of which has been submitted to the commission; or

(C) A written plan submitted to, and approved by, the commission that mitigates the effect of account wagering and provides equitable compensation to the commercial race meet licensee as defined in ORS 462.062. Source market fees shall be paid statewide on Oregon accounts. Accounts must be available to Oregon residents if a hub is licensed in Oregon.

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Oregon. The commission may require changes in a proposed plan of operations as a condition of granting a license. No subsequent changes in the system's operation

may occur unless ordered by the commission or until approval is obtained from the commission after it receives a written request.

(f) A list of any affiliate sites or potential affiliate sites of the hub. The operating plan must provide the following information and meet the following affiliate guidelines:

(A) The name and web address of the affiliate site.

(B) The person or companies involved in the affiliate agreement.

(C) That the affiliate site agreement is clearly noted as either a marketing or service agreement.

(D) Customers using the affiliate site will be customers of the licensed hub, subject to the same verification process and account operational procedures as any other customer of said hub licensee.

(E) The wagers placed through the affiliate site will be processed through equipment owned and operated by the licensed hub and their commission approved tote provider.

(F) The commission approved totalizator provider will incorporate the handle of the affiliate site into the handle report for the licensed hub, or generate a separate daily report for this handle. In either case, the handle will count as part of the hub licensee's handle, and the hub licensee will be responsible for all taxes on the handle generated from their own site and any affiliate sites.

(G) The affiliate site will be branded in some form to indicate to the customer that they will be wagering through systems operated by the licensed hub. The commission reserves the right to approve or deny any affiliate sites. Additionally, the commission may determine a handle level at which an affiliate site may need to apply for its own hub license, or at which the hub licensee must be subject to the tax rate described in OAR 462-220-0040(3)(c).

(4) The commission may conduct investigations or inspections or request additional information from the applicant as it deems appropriate in determining whether to approve the license application.

(5) The fee of \$200 per day that the hub is scheduled to operate must accompany the application. If the license is denied by the commission the fee will be refunded less the amount equal to the amount that the commission expended in conducting investigations and inspections which was in excess of the expenses that would have otherwise been incurred by the commission.

(6) To ensure that the funds of an applicant's account holders will be properly held and maintained by the applicant:

(a) The applicant must provide evidence to the commission that the applicant has established a segregated account (the Bank Account) in which all funds of its account holders will be deposited in an insured account, approved by the commission, solely for the benefit of the account holders:

(A) No hub shall use the funds deposited in the Bank Account for any purpose except to facilitate the wagering activities and other instructions or agreements of account holders. The funds of an account holder held in the Bank Account shall remain the property of the account holder for all purposes until wagered by the account holder or otherwise withdrawn or used in accordance with the account holder's instruction or agreement;

(B) The hub shall maintain a record of each deposit, withdrawal or other use of funds held in the Bank Account for each account holder (the Customer Record);

(C) Any account holder, who claims that any credit or debit to his or her Customer Record is incorrect or who claims that any deposit, withdrawal or use of the account holder's funds is incorrect, may file a claim with the commission. The commission shall investigate all claims and provide the hub with an opportunity to respond to such claim. The hub may submit any information, documentation or other evidence supporting its position with respect to the claim. If the commission determines that the Customer Record is incorrect or that any deposit, withdrawal or use of an account holder's funds was incorrect, the hub shall have 10 days to correct same as instructed by the commission. Such correction may require the hub to correct the Customer Record for the account holder, to deposit additional funds into the Bank Account for the account holder, to remit funds directly to the account holder, or any combination thereof.

(b) The applicant must provide a \$50,000 irrevocable bond, letter of credit, or other security instrument to the commission, in a form acceptable to the commission, which designates the commission as the beneficiary thereof (the Security Instrument). The Security Instrument shall permit the commission to make draws to cover such amounts as the commission finds is necessary. For example, if a hub fails to deposit funds into the Bank Account for an account holder or to remit funds directly to the account holder, as described in subsection 6(a)(C) above, within 10 days of the commission's decision, the commission may draw down on or take other

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appropriate action against the Security Instrument to ensure the account holder is immediately made whole.

(7) An applicant licensed under this section may enter into such agreements, as for what it deems good and sufficient reasons, that are necessary to promote, advertise and further the sport of racing or that may be necessary for the effective operation of interstate account wagering, including, without limitation, television production and telecommunications services.

(8) An applicant must maintain an operational presence within the State of Oregon. A call center for customer wagering, a sub-contract with an existing call center for customer wagering, or a business office is required. In addition, totalizator equipment must be located in Oregon, and services must be provided by a totalizator vendor identified in the hub operating plan as approved by the commission.

(9) An applicant must provide the following to the commission:

(a) Access to customer call monitoring, account holder detail, and electronic wagering data;

(b) On site regulatory visits of the call center by authorized commission staff; and

(c) Reimbursement to the commission for expenses associated with out-of-state regulatory visits.

(10) An applicant must maintain all customer account-related documentation for a period of not less than one year, and audio recording for a period of not less than three months.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 3-2007, f. 3-29-07, cert. ef. 7-1-07; RC 1-2009, f. 4-21-09, cert. ef. 7-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 1-2011, f. 6-6-11, cert. ef. 6-9-11

**Secretary of State,
Archives Division
Chapter 166**

Rule Caption: Clarifying Agencies adopting or amending rules incorporating published standards by reference.

Adm. Order No.: OSA 1-2011(Temp)

Filed with Sec. of State: 6-10-2011

Certified to be Effective: 6-10-11 thru 12-7-11

Notice Publication Date:

Rules Amended: 166-500-0040

Subject: This rule amendment eliminates a discrepancy found between ORS 183.360(2) and OAR 166-500-0040(1)(C).

Rules Coordinator: Julie Yamaka—(503) 378-5199

166-500-0040

Components of a Permanent Administrative Rule Filing

(1) Permanent Administrative Rule filings have these three components:

(a) Two Certificate and Order for Filing Permanent Administrative Rules forms, including:

(A) One original filing form bearing the original signature of the agency's authorized signer; and

(B) One photocopy of the original filing form.

(b) One 8-1/2 by 11 inch paper copy of the complete and final rule text for each rule listed on the Certificate:

(A) Agencies shall number paper copy pages consecutively and note any special instructions where needed.

(B) Agencies shall include tables, appendices and other specially formatted material in the original paper copy filed with the Administrative Rules Unit. These items may be omitted from print Oregon Administrative Rule publications per ORS 183.360(2)(a).

(C) Agencies adopting or amending rules incorporating published standards by reference may omit copies of the publications per ORS 183.360(2)(a).

(c) A diskette or CD that contains:

(A) The final rule text as described in 166-500-0055;

(B) A Word copy of the Certificate and Order for Filing Administrative Rules; and

(C) PDFs of any tables, appendices or other specially formatted material appearing in the rule text, submitted as described in 166-500-0055(2). These items may be omitted from print publications, but when possible the Administrative Rules Unit will include these items in the on-line Administrative Rules Compilation.

(2) Each Certificate and Order for Filing Permanent Administrative Rules shall be comprised only of administrative rules for which prior notice

was published in the Oregon Bulletin. This provision does not apply in the case of rules being renumbered only.

(3) Forms are available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit Website at <<http://arcweb.sos.state.or.us/banners/rules.htm>>.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.325, 183.330, 183.335, 183.355 & 183.360

Hist.: OSA 9-1997(Temp), f. & cert. ef. 10-6-97; [OSA 4-1995, f. 8-15-95, cert. ef. 9-1-95; Suspended by OSA 9-1997(Temp), f. & cert. ef. 10-6-97]; OSA 13-1997, f. & cert. ef. 11-3-97, Renumbered from 166-510-0011; OSA 3-2003, f. & cert. ef. 11-20-03; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 5-2009, f. & cert. ef. 7-1-09; OSA 1-2011(Temp), f. & cert. ef. 6-10-11 thru 12-7-11

**Teacher Standards and Practices Commission
Chapter 584**

Rule Caption: Amends Transitional School Social Worker rule, amends LCA fee and implements social worker license fee, cites statute for Division 20 rule.

Adm. Order No.: TSPC 5-2011

Filed with Sec. of State: 6-15-2011

Certified to be Effective: 6-15-11

Notice Publication Date: 4-1-2011

Rules Amended: 584-020-0040, 584-036-0055, 584-070-0431

Subject: 584-020-0040 – *Grounds for Disciplinary Action* – Adds citation for the statute referring to an educator's privilege relating to confidentiality of student information.

584-036-0055 – *Fees* – Reduces proposed fee for prospective License of Conditional Assignment (LCA) to \$25. Adds Initial Social Worker License Fee [\$100].

584-070-0431 – *Transitional School Social Worker License for First Time Out-of-State Applicants* – Clarifies that applicant must not have previously held an Oregon social worker or school social worker license. Clarifies eligibility requirements and sanctions for misrepresentation of license.

Rules Coordinator: Lynn Beaton—(503) 373-0981

584-020-0040

Grounds for Disciplinary Action

(1) The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction or convicted of attempt to commit such crimes as defined in 161.405. Evaluation of substantially equivalent crimes or attempts to commit crimes will be based on Oregon laws in effect at the time of the conviction, regardless of the jurisdiction in which the conviction occurred. The crimes listed in 342.143 are:

(a) ORS 163.095 – Aggravated Murder;

(b) ORS 163.115 – Murder;

(c) ORS 163.185 – Assault in the First Degree;

(d) ORS 163.235 – Kidnapping in the First Degree;

(e) ORS 163.355 – Rape in the Third Degree;

(f) ORS 163.365 – Rape in the Second Degree;

(g) ORS 163.375 – Rape in the First Degree;

(h) ORS 163.385 – Sodomy in the Third Degree;

(i) ORS 163.395 – Sodomy in the Second Degree;

(j) ORS 163.405 – Sodomy in the First Degree;

(k) ORS 163.408 – Unlawful Sexual Penetration in the Second Degree;

(l) ORS 163.411 – Unlawful Sexual Penetration in the First Degree;

(m) ORS 163.415 – Sexual Abuse in the Third Degree;

(n) ORS 163.425 – Sexual Abuse in the Second Degree;

(o) ORS 163.427 – Sexual Abuse in the First Degree;

(p) ORS 163.432 – Online Sexual Corruption of a Child in the Second Degree;

Degree;

(q) ORS 163.433 – Online Sexual Corruption of a Child in the First Degree;

Degree;

(r) ORS 163.435 – Contributing to the Sexual Delinquency of a Minor;

Minor;

(s) ORS 163.445 – Sexual Misconduct;

(t) ORS 163.465 – Public Indecency;

(u) ORS 163.515 – Bigamy;

(v) ORS 163.525 – Incest;

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- (w) ORS 163.547 – Child Neglect in the First Degree;
- (x) ORS 163.575 – Endangering the Welfare of a Minor;
- (y) ORS 163.670 – Using Child in Display of Sexually Explicit Conduct;
- (z) ORS 163.675 – Sale or Exhibition of Visual Reproduction of Sexual Conduct by a Child;
- (aa) ORS 163.680 – Paying for Viewing Sexual Conduct Involving a Child;
- (bb) ORS 163.684 – Encouraging Child Sexual Abuse in the First Degree;
- (cc) ORS 163.686 – Encouraging Child Sexual Abuse in the Second Degree;
- (dd) ORS 163.687 – Encouraging Child Sexual Abuse in the Third Degree;
- (ee) ORS 163.688 – Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First Degree;
- (ff) ORS 163.689 – Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree;
- (gg) ORS 164.325 – Arson in the First Degree;
- (hh) ORS 164.415 – Robbery in the First Degree;
- (ii) ORS 166.005 – Treason;
- (jj) ORS 166.087 – Abuse of a Corpse in the First Degree;
- (kk) ORS 167.007 – Prostitution;
- (ll) ORS 167.012 – Promoting Prostitution;
- (mm) ORS 167.017 – Compelling Prostitution;
- (nn) ORS 167.054 – Furnishing Sexually Explicit Material to a Child
- (oo) ORS 167.057 – Luring a Minor
- (pp) ORS 167.062 – Sadoomasochistic Abuse for Sexual Conduct in a Live Show;
- (qq) ORS 167.075 – Exhibiting an Obscene Performance to a Minor;
- (rr) ORS 167.080 – Displaying Obscene Materials to Minors;
- (ss) ORS 167.090 – Publicly Displaying Nudity or Sex for Advertising Purposes;
- (tt) ORS 475.848 – Unlawful manufacture of heroin within 1,000 feet of school;
- (uu) ORS 475.852 – Unlawful delivery of heroin within 1,000 feet of school;
- (vv) ORS 475.858 – Unlawful manufacture of marijuana within 1,000 feet of school;
- (ww) ORS 475.860 – Unlawful delivery of marijuana;
- (xx) ORS 475.862 – Unlawful delivery of marijuana within 1,000 feet of school;
- (yy) ORS 475.864(4) – Possession of less than 1 ounce of marijuana within 1,000 feet of school;
- (zz) ORS 475.868 – Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;
- (aaa) ORS 475.872 – Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;
- (bbb) ORS 475.878 – Unlawful manufacture of cocaine within 1,000 feet of school;
- (ccc) ORS 475.880 – Unlawful delivery of cocaine;
- (ddd) ORS 475.882 – Unlawful delivery of cocaine within 1,000 feet of school;
- (eee) ORS 475.888 – Unlawful manufacture of methamphetamine within 1,000 feet of school;
- (fff) ORS 475.890 – Unlawful delivery of methamphetamine;
- (ggg) ORS 475.892 – Unlawful delivery of methamphetamine within 1,000 feet of school;
- (hhh) ORS 475.904 – Unlawful manufacture or delivery of controlled substance within 1,000 feet of school; or
- (iii) ORS 475.906 – Penalties for distribution to minors.

(2) An applicant fails to meet the requirement of ORS 342.143 “good moral character” if the applicant engages in gross neglect of duty, gross unfitness, in violation of section (4) of this rule or other acts which are in violation of sections (1) or (3) of this rule.

(3) The Commission may initiate proceedings to suspend or revoke the license or registration of an educator under ORS 342.175 or deny a license or registration to an applicant under 342.143 who:

- (a) Has been convicted of a crime not listed in section (1) of this rule, if the Commission finds that the nature of the act or acts constituting the crime for which the educator was convicted render the educator unfit to hold a license;
- (b) Is charged with knowingly making any false statement in the application for a license or registration;
- (c) Is charged with gross neglect of duty;

- (d) Is charged with gross unfitness; or
- (e) Is convicted of a crime involving the illegal use, sale or possession of controlled substances.

(4) Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following may be admissible as evidence of gross neglect of duty. Consideration may include but is not limited to:

- (a) Knowing and substantial unauthorized use of: school name or financial credit; school materials or equipment for personal purposes; or school personnel to provide personal services unrelated to school business;
- (b) Knowing and substantial unauthorized use of employment time or school resources for private purposes;
- (c) Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties;
- (d) Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250;
- (e) Violent or destructive behavior on school premises or at a school-sponsored activity;
- (f) Any sexual conduct with a student;
- (g) Appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance;
- (h) Unauthorized disclosure of student records information received in confidence by the educator under ORS 40.245, (See, subsection (6), below);

- (i) Knowingly assigning an educator in violation of licensure requirements;
- (j) Resignation from a contract in violation of ORS 342.553,
- (k) Knowing violation of any order or rule of the Commission;
- (l) Sexual harassment;
- (m) Knowing and willful failure of a chief administrator to report a violation of Commission standards as required by OAR 584-020-0041;
- (n) Substantial deviation from professional standards of competency set forth in OAR 584-020-0010 through 584-020-0030;
- (o) Substantial deviation from professional standards of ethics set forth in OAR 584-020-0035;
- (p) Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation;
- (q) Knowing and unauthorized use of school computer equipment to receive, store, produce or send sexually explicit materials;
- (r) Knowingly working without a license; or
- (s) Failing to report child abuse pursuant to ORS 419B.010.

(5) Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours or off school premises when such conduct bears a demonstrable relationship to the educator’s ability to fulfill professional responsibilities effectively. The following may be admissible as evidence of gross unfitness. Consideration may include but is not limited to:

- (a) Revocation, suspension or denial of a license by another state for reasons and through procedures that are the same as, or substantially equivalent to, those permitting similar action in Oregon;
- (b) Fraud or misrepresentation;
- (c) Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means.
- (d) Commission of an act listed in OAR 584-020-0040(1);
- (e) Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction; or
- (f) Violation of a term of probation imposed by a court.

(6) In any proceeding brought under subsection (4)(h) of this rule, the Commission may not impose a sanction more severe than a suspension of the educator’s license.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1983, f. & ef. 7-21-83; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 2-1988, f. & cert. ef. 4-7-88; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1993, f. & cert. ef. 9-29-93; TS 5-1996, f. & cert. ef. 9-24-96; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 8-1998 f. & cert. ef. 12-9-98; TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 6-1999(Temp), f. & cert. ef. 9-20-99 thru 3-17-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 4-2000, f. & cert. ef. 7-17-00; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 8-2008, f. & cert. ef. 11-13-08; TSPC 4-2010, f. & cert. ef. 7-15-10; TSPC 5-2011, f. & cert. ef. 6-15-11

ADMINISTRATIVE RULES

584-036-0055

Fees

(1) All fees are assessed for evaluation of the application and are not refundable.

(2) If the applicant is eligible for the license, registration, or certificate for which application is made and the license, registration or certificate is issued within 90 days of original application, the commission shall issue the license, without additional charge with the following exceptions:

(a) If the commission determines the application is incomplete and fails to notify the applicant in less than one calendar week, the commission will extend the 90 days by an amount equal to the number of days the commission delayed notifying the applicant of incomplete items.

(b) For renewable licenses with a 120 day grace period, the original application fee remains good throughout the 120 days.

(c) If the commission fails to issue the license within 90 days due to commission backlog, the fee shall remain good until the license is issued or 120 days, whichever is less.

(3) The fee for evaluating an initial application:

(a) Initial I License (3 years): \$100;

(b) Initial I Teaching License (18 months): \$50;

(c) Initial II Teaching License (3 years): \$100;

(d) Basic License (3 years): \$100;

(e) Continuing License (5 years): \$100;

(f) Standard License (5 years): \$100;

(g) Restricted Transitional License (1 year or 3 years): \$100;

(h) Limited License (3 years): \$100;

(i) American Indian Language License (3 years): \$100;

(j) Substitute License (3 years): \$100;

(k) Restricted Substitute License (3 years, 60 days per year): \$100;

(l) Exceptional Administrator License (3 years): \$100;

(m) Career and Technical Education I Teaching License (1 year): \$100;

(n) Career and Technical Education II Teaching License (3 years): \$100;

(o) Five-Year Career and Technical Education License (5 years): \$100;

(p) Emergency License (term at discretion of Executive Director): \$100;

(q) School Nurse Certification (3 years): \$100;

(r) International Visiting Teaching License (1 year): \$100;

(s) License for Conditional Assignment (1 to 3 years) \$25;

(t) Initial Administrator License (3 years): \$100;

(u) Initial School Psychologist License (3 years): \$100; and

(v) Initial School Social Worker License (3 years): \$100.

(4) The fee for evaluating all applications for a first Oregon license based on completion of an out-of-state educator preparation program or an out of state license is \$120 regardless of the license issued.

(5) The fee for registration of a charter school teacher or administrator is \$75 which includes the fee for required criminal records and fingerprinting costs.

(6) The fee for evaluating an application for renewal of any license or certification is \$100 except as follows:

(a) Renewal of a one-year Restricted Transitional Teaching License is \$25;

(b) Renewal of a charter school registration is \$25;

(c) Renewal of an International Visiting Teacher License is \$25;

(d) Renewal of Career and Technical Education I Teaching License is \$25; and

(e) Renewal of License for Conditional Assignment is \$25.

(7) The fee for each of the following circumstances is \$20:

(a) A duplicate license, registration, or certificate for any reason;

(b) An approved extension to a provisional license; and

(c) Adding a district to an existing restricted license requiring a co-applicant school district.

(8) The fee for evaluating an application to add one or more endorsements or authorization levels to a currently valid license is \$100. No additional fee is required to add an endorsement or authorization in conjunction with an application for renewal or reinstatement of a license.

(9) The fee to evaluate an application for reinstatement of an expired license or certificate is \$100 plus a late application fee of \$25 for each month or portion of a month that the license or certificate has been expired to a maximum of \$200 total.

(a) The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license, registration or school nurse certification.

(b) Late fees may only be imposed one time following the expiration of a license or school nurse certificate. If the applicant does not initially qualify for the license or certificate the applicant is seeking to reinstate, no additional late fees will be imposed upon application for subsequent licenses so long as the applicant has a current active license, registration or certification in effect at the time of application.

(10) The fee for evaluating an application for reinstatement of a suspended license or certificate is \$100 in addition to the \$100 application fee for a total of \$200. The fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license or certificate.

(11) The fee for evaluating an application for reinstatement of a suspended charter school registration is \$50 and does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired registration.

(12) In addition to the application fees required by this rule, the Commission shall collect a late application fee not to exceed \$25 per month up to a maximum of \$125 from an applicant who fails to make timely application for renewal of the license, certificate or registration.

(13) The fee for evaluating an application for reinstatement of a revoked license or certificate is \$150 in addition to the \$100 application fee for a total of \$250. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license, or school nurse certificate.

(14) The fee for evaluating an application for reinstatement of a revoked charter school registration is \$150 in addition to the \$25 application fee for a total of \$175. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration.

(15) Forfeiture for a check which the applicant's bank will not honor is \$25, unrelated to any evaluation fees. The total amount due shall be paid in cash, credit, or Money Order at the Commission's office.

(16) The fee for evaluating licensure applications submitted on behalf of teachers participating in exchange programs or on Congressional appointment from foreign countries is \$100.

(17) The fee for alternative assessment in lieu of the test for licensure endorsement is \$100.

(18) The fee for expedited service for an emergency or other license, registration or certificate is \$99 plus the fee for the license registration or certificate application as defined in this administrative rule.

(19) The fee to evaluate an application for reinstatement of an expired charter school registration is \$25 plus a late application fee of \$25 for each month or portion of a month that the registration has been expired to a maximum of \$125 total. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration.

(20) The fee for a criminal records check including fingerprinting is \$62.

(21) The fee for a "highly qualified teacher" evaluation is \$50.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430; 342.430 - 342.455; 342.533

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 3-1983, f. & ef. 5-16-83; TS 4-1983, f. 5-17-83, ef. 7-1-83; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 4-1985, f. 10-4-85, ef. 1-1-86; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 5-1988, f. 10-6-88, cert. ef. 1-15-89; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1994, f. 7-19-94, cert. ef. 10-15-94; TS 5-1994, f. 9-29-95, cert. ef. 10-15-94; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 2-2000, f. & cert. ef. 5-15-00; TSPC 1-2003, f. & cert. ef. 1-13-03; TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 6-2005(Temp), f. & cert. ef. 8-16-05 thru 1-30-06; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 11-2005(Temp), f. 11-18-05, cert. ef. 1-1-06 thru 6-29-06; TSPC 5-2006, f. & cert. ef. 2-10-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2008, f. & cert. ef. 6-13-08; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 1-2009(Temp), f. & cert. ef. 2-27-09 thru 8-25-09; Administrative correction 9-29-09; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 4-2010, f. & cert. ef. 7-15-10; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 9-2010, f. 12-15-10, cert. ef. 1-1-11; TSPC 5-2011, f. & cert. ef. 6-15-11

584-070-0431

Transitional School Social Worker License for First Time Out-of-State Applicants

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant who has never been licensed in Oregon as a social worker or school social worker may be granted a Transitional School Social Worker License.

(2) The Transitional School Social Worker License is issued for eighteen months and is not renewable.

(3) The Transitional School Social Worker License is valid for:

(a) School social work at all age or grade levels; and

(b) Substitute counseling at any level.

ADMINISTRATIVE RULES

(4) Transitional School Social Workers must qualify for either an Initial School Social Worker or Continuing School Social Worker at the expiration of license in eighteen months.

(5) To be eligible for a Transitional School Social Worker License, the applicant must:

(a) Have a master's or higher degree in social work from a regionally accredited institution or approved foreign equivalent;

(b) Hold an unrestricted school social worker license or certificate in any state or comparable jurisdiction; and

(c) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(6) Persons holding a Transitional School Social Worker License may:

(a) Substitute as a School Counselor for a period not to exceed three consecutive months without obtaining the School Counselor License;

(b) Not substitute as a School Psychologist; and

(c) Not accept any full or part-time position as a School Counselor or as a School Psychologist and may not go by the title of School Counselor or School Psychologist.

(7) Violations of the provisions in subsection (6) of this section may result in referral to the Commission for violation of professional practices.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 -342.430

Hist.: TSPC 10-2010, f. 12-30-10, cert. ef. 1-1-11; TSPC 4-2011, f. & cert. ef. 4-14-11; TSPC 5-2011, f. & cert. ef. 6-15-11

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123-042-0165	12-1-2010	Amend	1-1-2011	137-078-0015(T)	12-1-2010	Repeal	1-1-2011
123-042-0175	12-1-2010	Amend	1-1-2011	137-078-0020	12-1-2010	Amend	1-1-2011
123-042-0180	12-1-2010	Amend	1-1-2011	137-078-0020(T)	12-1-2010	Repeal	1-1-2011
123-042-0190	12-1-2010	Amend	1-1-2011	137-078-0025	12-1-2010	Amend	1-1-2011
123-043-0025	12-1-2010	Amend	1-1-2011	137-078-0025(T)	12-1-2010	Repeal	1-1-2011
123-155-0000	1-3-2011	Am. & Ren.	2-1-2011	137-078-0030	12-1-2010	Amend	1-1-2011
123-155-0100	1-3-2011	Am. & Ren.	2-1-2011	137-078-0030(T)	12-1-2010	Repeal	1-1-2011
123-155-0150	1-3-2011	Am. & Ren.	2-1-2011	137-078-0035	12-1-2010	Amend	1-1-2011
123-155-0175	1-3-2011	Am. & Ren.	2-1-2011	137-078-0035(T)	12-1-2010	Repeal	1-1-2011
123-155-0200	1-3-2011	Am. & Ren.	2-1-2011	137-078-0040	12-1-2010	Amend	1-1-2011
123-155-0250	1-3-2011	Am. & Ren.	2-1-2011	137-078-0040(T)	12-1-2010	Repeal	1-1-2011
123-155-0270	1-3-2011	Am. & Ren.	2-1-2011	137-078-0041	12-1-2010	Adopt	1-1-2011
123-155-0300	1-3-2011	Am. & Ren.	2-1-2011	137-078-0041(T)	12-1-2010	Repeal	1-1-2011
123-155-0350	1-3-2011	Am. & Ren.	2-1-2011	137-078-0045	12-1-2010	Amend	1-1-2011
123-155-0400	1-3-2011	Am. & Ren.	2-1-2011	137-078-0045(T)	12-1-2010	Repeal	1-1-2011
123-450-0000	1-3-2011	Adopt	2-1-2011	137-078-0050	12-1-2010	Amend	1-1-2011
123-635-0050	1-3-2011	Repeal	2-1-2011	137-078-0050(T)	12-1-2010	Repeal	1-1-2011
137-020-0150	1-1-2011	Amend	2-1-2011	137-078-0051	12-1-2010	Adopt	1-1-2011
137-020-0160	1-1-2011	Amend	2-1-2011	137-078-0051(T)	12-1-2010	Repeal	1-1-2011
137-050-0700	1-4-2011	Amend	2-1-2011	137-082-0210	4-1-2011	Amend	5-1-2011
137-050-0700(T)	1-4-2011	Repeal	2-1-2011	137-082-0220	4-1-2011	Amend	5-1-2011
137-050-0745	1-26-2011	Amend(T)	3-1-2011	137-082-0230	4-1-2011	Amend	5-1-2011

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141-089-0510	3-1-2011	Repeal	4-1-2011	141-089-0830	3-1-2011	Adopt	4-1-2011
141-089-0515	3-1-2011	Repeal	4-1-2011	141-089-0835	3-1-2011	Adopt	4-1-2011
141-089-0520	3-1-2011	Repeal	4-1-2011	141-093-0100	3-1-2011	Adopt	4-1-2011
141-089-0525	3-1-2011	Repeal	4-1-2011	141-093-0103	3-1-2011	Adopt	4-1-2011
141-089-0530	3-1-2011	Repeal	4-1-2011	141-093-0104	3-1-2011	Adopt	4-1-2011
141-089-0585	3-1-2011	Repeal	4-1-2011	141-093-0105	3-1-2011	Adopt	4-1-2011
141-089-0590	3-1-2011	Repeal	4-1-2011	141-093-0107	3-1-2011	Adopt	4-1-2011
141-089-0595	3-1-2011	Repeal	4-1-2011	141-093-0110	3-1-2011	Adopt	4-1-2011
141-089-0600	3-1-2011	Repeal	4-1-2011	141-093-0115	3-1-2011	Adopt	4-1-2011
141-089-0605	3-1-2011	Repeal	4-1-2011	141-093-0120	3-1-2011	Adopt	4-1-2011
141-089-0607	3-1-2011	Repeal	4-1-2011	141-093-0125	3-1-2011	Adopt	4-1-2011
141-089-0610	3-1-2011	Repeal	4-1-2011	141-093-0130	3-1-2011	Adopt	4-1-2011
141-089-0615	3-1-2011	Repeal	4-1-2011	141-093-0135	3-1-2011	Adopt	4-1-2011
141-089-0620	3-1-2011	Adopt	4-1-2011	141-093-0140	3-1-2011	Adopt	4-1-2011
141-089-0625	3-1-2011	Adopt	4-1-2011	141-093-0141	3-1-2011	Adopt	4-1-2011
141-089-0630	3-1-2011	Adopt	4-1-2011	141-093-0145	3-1-2011	Adopt	4-1-2011
141-089-0635	3-1-2011	Adopt	4-1-2011	141-093-0150	3-1-2011	Adopt	4-1-2011
141-089-0640	3-1-2011	Adopt	4-1-2011	141-093-0151	3-1-2011	Adopt	4-1-2011
141-089-0645	3-1-2011	Adopt	4-1-2011	141-093-0155	3-1-2011	Adopt	4-1-2011
141-089-0650	3-1-2011	Adopt	4-1-2011	141-093-0160	3-1-2011	Adopt	4-1-2011
141-089-0655	3-1-2011	Adopt	4-1-2011	141-093-0165	3-1-2011	Adopt	4-1-2011
141-089-0656	3-1-2011	Adopt	4-1-2011	141-093-0170	3-1-2011	Adopt	4-1-2011
141-089-0660	3-1-2011	Adopt	4-1-2011	141-093-0175	3-1-2011	Adopt	4-1-2011
141-089-0665	3-1-2011	Adopt	4-1-2011	141-100-0000	3-1-2011	Am. & Ren.	4-1-2011
141-089-0670	3-1-2011	Adopt	4-1-2011	141-100-0010	3-1-2011	Amend	4-1-2011
141-089-0675	3-1-2011	Adopt	4-1-2011	141-100-0020	3-1-2011	Amend	4-1-2011
141-089-0680	3-1-2011	Adopt	4-1-2011	141-100-0030	3-1-2011	Amend	4-1-2011
141-089-0685	3-1-2011	Adopt	4-1-2011	141-100-0035	3-1-2011	Adopt	4-1-2011
141-089-0690	3-1-2011	Adopt	4-1-2011	141-100-0040	3-1-2011	Amend	4-1-2011
141-089-0695	3-1-2011	Adopt	4-1-2011	141-100-0050	3-1-2011	Am. & Ren.	4-1-2011
141-089-0700	3-1-2011	Adopt	4-1-2011	141-100-0052	3-1-2011	Adopt	4-1-2011
141-089-0705	3-1-2011	Adopt	4-1-2011	141-100-0055	3-1-2011	Amend	4-1-2011
141-089-0710	3-1-2011	Adopt	4-1-2011	141-100-0060	3-1-2011	Amend	4-1-2011
141-089-0715	3-1-2011	Adopt	4-1-2011	141-100-0070	3-1-2011	Amend	4-1-2011
141-089-0720	3-1-2011	Adopt	4-1-2011	141-100-0080	3-1-2011	Amend	4-1-2011
141-089-0725	3-1-2011	Adopt	4-1-2011	141-100-0090	3-1-2011	Amend	4-1-2011
141-089-0730	3-1-2011	Adopt	4-1-2011	150-280.075	1-1-2011	Amend	2-1-2011
141-089-0735	3-1-2011	Adopt	4-1-2011	150-293.525(1)(b)	1-1-2011	Amend	2-1-2011
141-089-0740	3-1-2011	Adopt	4-1-2011	150-294.175(2)-(B)	1-1-2011	Amend	2-1-2011
141-089-0745	3-1-2011	Adopt	4-1-2011	150-307.126	1-1-2011	Adopt	2-1-2011
141-089-0750	3-1-2011	Adopt	4-1-2011	150-311.160	1-1-2011	Repeal	2-1-2011
141-089-0755	3-1-2011	Adopt	4-1-2011	150-314.402(1)	1-1-2011	Amend	2-1-2011
141-089-0760	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(A)	12-1-2010	Amend(T)	1-1-2011
141-089-0765	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(A)	3-21-2011	Amend	5-1-2011
141-089-0770	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(A) (Temp)	3-21-2011	Repeal	5-1-2011
141-089-0775	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(C)	12-1-2010	Suspend	1-1-2011
141-089-0780	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(C)	3-21-2011	Adopt	5-1-2011
141-089-0785	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(C) (Temp)	3-21-2011	Repeal	5-1-2011
141-089-0790	3-1-2011	Adopt	4-1-2011	150-314.760	1-1-2011	Repeal	2-1-2011
141-089-0795	3-1-2011	Adopt	4-1-2011	150-315.354	12-17-2010	Amend(T)	2-1-2011
141-089-0800	3-1-2011	Adopt	4-1-2011	150-316.587(8)-(A)	1-1-2011	Amend	2-1-2011
141-089-0805	3-1-2011	Adopt	4-1-2011	150-316.OL2010.CH66	1-1-2011	Adopt	2-1-2011
141-089-0810	3-1-2011	Adopt	4-1-2011	150-323.500(9)	1-1-2011	Amend	2-1-2011
141-089-0815	3-1-2011	Adopt	4-1-2011	150-323.500(9) (T)	1-1-2011	Repeal	2-1-2011
141-089-0820	3-1-2011	Adopt	4-1-2011	150-465.101(5)-(B)	1-1-2011	Adopt	2-1-2011

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161-006-0025	7-1-2011	Amend(T)	6-1-2011	162-015-0100	1-27-2011	Repeal	3-1-2011
162-001-0010	1-27-2011	Repeal	3-1-2011	162-015-0110	1-27-2011	Repeal	3-1-2011
162-010-0030	1-27-2011	Amend	3-1-2011	162-015-0120	1-27-2011	Repeal	3-1-2011
162-011-0000	1-27-2011	Repeal	3-1-2011	162-015-0130	1-27-2011	Repeal	3-1-2011
162-011-0010	1-27-2011	Repeal	3-1-2011	162-016-0000	1-27-2011	Repeal	3-1-2011
162-011-0020	1-27-2011	Repeal	3-1-2011	165-001-0009	4-8-2011	Adopt	5-1-2011
162-011-0030	1-27-2011	Repeal	3-1-2011	165-001-0015	4-8-2011	Amend	5-1-2011
162-011-0040	1-27-2011	Repeal	3-1-2011	165-001-0016	4-8-2011	Adopt	5-1-2011
162-012-0000	1-27-2011	Repeal	3-1-2011	165-001-0034	4-8-2011	Adopt	5-1-2011
162-012-0010	1-27-2011	Repeal	3-1-2011	165-001-0036	4-8-2011	Adopt	5-1-2011
162-012-0020	1-27-2011	Repeal	3-1-2011	165-001-0040	4-8-2011	Amend	5-1-2011
162-012-0030	1-27-2011	Repeal	3-1-2011	165-010-0005	2-4-2011	Amend	3-1-2011
162-012-0040	1-27-2011	Repeal	3-1-2011	165-012-0005	4-8-2011	Amend	5-1-2011
162-012-0050	1-27-2011	Repeal	3-1-2011	165-013-0010	4-8-2011	Amend	5-1-2011
162-013-0000	1-27-2011	Repeal	3-1-2011	165-020-0005	2-4-2011	Amend	3-1-2011
162-013-0010	1-27-2011	Repeal	3-1-2011	165-020-2027	2-11-2011	Adopt(T)	3-1-2011
162-013-0020	1-27-2011	Repeal	3-1-2011	165-020-2028	2-18-2011	Adopt(T)	4-1-2011
162-013-0030	1-27-2011	Repeal	3-1-2011	165-020-2029	2-18-2011	Adopt(T)	4-1-2011
162-013-0040	1-27-2011	Repeal	3-1-2011	165-020-2030	2-22-2011	Adopt(T)	4-1-2011
162-013-0050	1-27-2011	Repeal	3-1-2011	165-020-2031	3-8-2011	Adopt(T)	4-1-2011
162-013-0060	1-27-2011	Repeal	3-1-2011	166-500-0040	6-10-2011	Amend(T)	7-1-2011
162-014-0000	1-27-2011	Repeal	3-1-2011	170-061-0015	2-28-2011	Amend	4-1-2011
162-014-0010	1-27-2011	Repeal	3-1-2011	170-062-0000	12-1-2010	Amend(T)	1-1-2011
162-014-0020	1-27-2011	Repeal	3-1-2011	170-062-0000	4-1-2011	Amend	5-1-2011
162-014-0030	1-27-2011	Repeal	3-1-2011	170-062-0000(T)	4-1-2011	Repeal	5-1-2011
162-014-0040	1-27-2011	Repeal	3-1-2011	172-001-0005	1-10-2011	Amend	2-1-2011
162-014-0050	1-27-2011	Repeal	3-1-2011	172-005-0000	1-10-2011	Amend	2-1-2011
162-014-0060	1-27-2011	Repeal	3-1-2011	172-005-0010	1-10-2011	Amend	2-1-2011
162-014-0070	1-27-2011	Repeal	3-1-2011	172-005-0020	1-10-2011	Amend	2-1-2011
162-014-0080	1-27-2011	Repeal	3-1-2011	172-005-0030	1-10-2011	Amend	2-1-2011
162-014-0090	1-27-2011	Repeal	3-1-2011	172-005-0040	1-10-2011	Amend	2-1-2011
162-014-0100	1-27-2011	Repeal	3-1-2011	172-005-0050	1-10-2011	Amend	2-1-2011
162-014-0110	1-27-2011	Repeal	3-1-2011	172-005-0060	1-10-2011	Amend	2-1-2011
162-014-0120	1-27-2011	Repeal	3-1-2011	172-005-0065	1-10-2011	Adopt	2-1-2011
162-014-0130	1-27-2011	Repeal	3-1-2011	172-005-0070	1-10-2011	Amend	2-1-2011
162-014-0140	1-27-2011	Repeal	3-1-2011	177-040-0000	1-1-2011	Amend	2-1-2011
162-014-0150	1-27-2011	Repeal	3-1-2011	177-040-0001	1-1-2011	Amend	2-1-2011
162-014-0160	1-27-2011	Repeal	3-1-2011	177-040-0003	1-1-2011	Amend	2-1-2011
162-014-0170	1-27-2011	Repeal	3-1-2011	177-040-0005	5-1-2011	Amend	6-1-2011
162-014-0180	1-27-2011	Repeal	3-1-2011	177-040-0024	1-1-2011	Adopt	2-1-2011
162-014-0190	1-27-2011	Repeal	3-1-2011	177-040-0070	1-1-2011	Amend	2-1-2011
162-014-0200	1-27-2011	Repeal	3-1-2011	177-045-0000	5-1-2011	Amend	6-1-2011
162-014-0210	1-27-2011	Repeal	3-1-2011	177-045-0010	5-1-2011	Amend	6-1-2011
162-014-0220	1-27-2011	Repeal	3-1-2011	177-085-0065	12-12-2010	Amend	1-1-2011
162-014-0230	1-27-2011	Repeal	3-1-2011	177-094-0080	12-1-2010	Amend	1-1-2011
162-014-0240	1-27-2011	Repeal	3-1-2011	177-098-0010	12-12-2010	Amend	1-1-2011
162-015-0000	1-27-2011	Repeal	3-1-2011	177-098-0040	12-12-2010	Amend	1-1-2011
162-015-0010	1-27-2011	Repeal	3-1-2011	177-098-0060	12-12-2010	Amend	1-1-2011
162-015-0020	1-27-2011	Repeal	3-1-2011	177-098-0110	12-12-2010	Amend	1-1-2011
162-015-0030	1-27-2011	Repeal	3-1-2011	177-099-0100	3-1-2011	Adopt	4-1-2011
162-015-0040	1-27-2011	Repeal	3-1-2011	190-001-0000	12-1-2010	Repeal	1-1-2011
162-015-0050	1-27-2011	Repeal	3-1-2011	190-001-0005	12-1-2010	Repeal	1-1-2011
162-015-0060	1-27-2011	Repeal	3-1-2011	190-010-0000	1-3-2011	Repeal	2-1-2011
162-015-0070	1-27-2011	Repeal	3-1-2011	190-010-0005	1-3-2011	Repeal	2-1-2011
162-015-0080	1-27-2011	Repeal	3-1-2011	190-010-0010	1-3-2011	Repeal	2-1-2011

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190-010-0020	1-3-2011	Repeal	2-1-2011	257-010-0055	2-28-2011	Amend	3-1-2011
190-010-0025	1-3-2011	Repeal	2-1-2011	257-010-0055(T)	2-28-2011	Repeal	3-1-2011
190-010-0030	1-3-2011	Repeal	2-1-2011	257-050-0200	3-8-2011	Amend	4-1-2011
190-010-0035	1-3-2011	Am. & Ren.	2-1-2011	259-008-0011	12-23-2010	Amend	2-1-2011
190-010-0040	1-3-2011	Repeal	2-1-2011	259-008-0011(T)	12-23-2010	Repeal	2-1-2011
213-013-0010	1-1-2012	Amend	1-1-2011	259-008-0025	5-1-2011	Amend	5-1-2011
213-017-0006	12-26-2010	Amend	1-1-2011	259-009-0005	5-1-2011	Amend	5-1-2011
213-017-0006(T)	12-26-2010	Repeal	1-1-2011	259-009-0062	5-1-2011	Amend	5-1-2011
213-070-0000	1-1-2011	Adopt	1-1-2011	259-009-0070	4-1-2011	Amend	4-1-2011
213-070-0005	1-1-2011	Adopt	1-1-2011	259-020-0031	6-13-2011	Amend(T)	7-1-2011
213-070-0010	1-1-2011	Adopt	1-1-2011	259-025-0000	6-1-2011	Amend	6-1-2011
213-070-0020	1-1-2011	Adopt	1-1-2011	259-060-0500	7-1-2011	Amend(T)	7-1-2011
213-070-0030	1-1-2011	Adopt	1-1-2011	274-031-0001	3-24-2011	Adopt	5-1-2011
213-070-0040	1-1-2011	Adopt	1-1-2011	274-031-0002	3-24-2011	Adopt	5-1-2011
213-070-0050	1-1-2011	Adopt	1-1-2011	274-031-0003	3-24-2011	Adopt	5-1-2011
250-010-0430	2-1-2011	Amend	2-1-2011	274-031-0004	3-24-2011	Adopt	5-1-2011
250-010-0450	2-1-2011	Amend	2-1-2011	274-031-0005	3-24-2011	Adopt	5-1-2011
250-010-0650	2-1-2011	Amend	2-1-2011	274-031-0006	3-24-2011	Adopt	5-1-2011
250-020-0151	1-3-2011	Amend(T)	2-1-2011	274-031-0007	3-24-2011	Adopt	5-1-2011
250-020-0151	5-2-2011	Amend	6-1-2011	274-031-0008	3-24-2011	Adopt	5-1-2011
250-020-0151(T)	5-2-2011	Repeal	6-1-2011	274-031-0009	3-24-2011	Adopt	5-1-2011
250-020-0221	4-8-2011	Amend(T)	5-1-2011	291-006-0005	3-1-2011	Amend	4-1-2011
250-020-0241	5-2-2011	Amend	6-1-2011	291-006-0011	3-1-2011	Adopt	4-1-2011
250-020-0280	5-25-2011	Amend	4-1-2011	291-006-0012	3-1-2011	Adopt	4-1-2011
250-020-0280	6-1-2011	Amend	6-1-2011	291-006-0015	3-1-2011	Amend	4-1-2011
250-020-0280	6-15-2011	Amend(T)	6-1-2011	291-006-0020	3-1-2011	Repeal	4-1-2011
250-021-0040	1-3-2011	Amend(T)	2-1-2011	291-006-0025	3-1-2011	Repeal	4-1-2011
250-021-0040	5-2-2011	Amend	6-1-2011	291-006-0031	3-1-2011	Adopt	4-1-2011
250-021-0040(T)	5-2-2011	Repeal	6-1-2011	291-006-0035	3-1-2011	Adopt	4-1-2011
255-001-0005	1-11-2011	Amend	2-1-2011	291-006-0040	3-1-2011	Adopt	4-1-2011
255-001-0010	1-11-2011	Amend	2-1-2011	291-006-0045	3-1-2011	Adopt	4-1-2011
255-001-0016	1-11-2011	Amend	2-1-2011	291-015-0100	11-19-2010	Amend	1-1-2011
255-005-0005	12-1-2010	Amend	1-1-2011	291-015-0100(T)	11-19-2010	Repeal	1-1-2011
255-005-0005(T)	12-1-2010	Repeal	1-1-2011	291-015-0105	11-19-2010	Amend	1-1-2011
255-015-0015	12-1-2010	Amend	1-1-2011	291-015-0105(T)	11-19-2010	Repeal	1-1-2011
255-020-0005	3-4-2011	Amend	4-1-2011	291-015-0110	11-19-2010	Amend	1-1-2011
255-020-0015	3-4-2011	Amend	4-1-2011	291-015-0110(T)	11-19-2010	Repeal	1-1-2011
255-030-0027	12-1-2010	Amend	1-1-2011	291-015-0115	11-19-2010	Amend	1-1-2011
255-030-0027(T)	12-1-2010	Repeal	1-1-2011	291-015-0115(T)	11-19-2010	Repeal	1-1-2011
255-032-0036	5-26-2011	Adopt(T)	7-1-2011	291-015-0120	11-19-2010	Amend	1-1-2011
255-060-0018	1-11-2011	Adopt	2-1-2011	291-015-0120(T)	11-19-2010	Repeal	1-1-2011
255-080-0001	12-1-2010	Amend	1-1-2011	291-015-0125	11-19-2010	Amend	1-1-2011
255-080-0005	12-1-2010	Amend	1-1-2011	291-015-0125(T)	11-19-2010	Repeal	1-1-2011
255-080-0008	12-1-2010	Adopt	1-1-2011	291-015-0130	11-19-2010	Repeal	1-1-2011
255-080-0008	12-1-2010	Amend	1-1-2011	291-015-0135	11-19-2010	Amend	1-1-2011
255-080-0011	12-1-2010	Amend	1-1-2011	291-015-0135(T)	11-19-2010	Repeal	1-1-2011
257-010-0015	2-28-2011	Amend	3-1-2011	291-015-0140	11-19-2010	Repeal	1-1-2011
257-010-0015(T)	2-28-2011	Repeal	3-1-2011	291-015-0145	11-19-2010	Repeal	1-1-2011
257-010-0020	2-28-2011	Amend	3-1-2011	291-015-0150	11-19-2010	Repeal	1-1-2011
257-010-0020(T)	2-28-2011	Repeal	3-1-2011	291-024-0005	5-31-2011	Amend(T)	7-1-2011
257-010-0025	2-28-2011	Amend	3-1-2011	291-024-0010	5-31-2011	Amend(T)	7-1-2011
257-010-0025(T)	2-28-2011	Repeal	3-1-2011	291-024-0015	5-31-2011	Amend(T)	7-1-2011
257-010-0045	2-28-2011	Amend	3-1-2011	291-024-0016	5-31-2011	Amend(T)	7-1-2011
257-010-0045(T)	2-28-2011	Repeal	3-1-2011	291-024-0020	5-31-2011	Amend(T)	7-1-2011
257-010-0050	2-28-2011	Amend	3-1-2011	291-024-0025	5-31-2011	Amend(T)	7-1-2011

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291-024-0060	5-31-2011	Amend(T)	7-1-2011	291-048-0320	12-13-2010	Adopt(T)	1-1-2011
291-024-0066	5-31-2011	Amend(T)	7-1-2011	291-048-0320	4-1-2011	Adopt	5-1-2011
291-024-0071	5-31-2011	Amend(T)	7-1-2011	291-048-0320(T)	4-1-2011	Repeal	5-1-2011
291-024-0080	5-31-2011	Amend(T)	7-1-2011	291-063-0010	12-1-2010	Amend(T)	1-1-2011
291-027-0020	5-2-2011	Amend	6-1-2011	291-063-0010	6-2-2011	Amend	7-1-2011
291-027-0030	5-2-2011	Amend	6-1-2011	291-063-0010(T)	6-2-2011	Repeal	7-1-2011
291-027-0040	5-2-2011	Amend	6-1-2011	291-063-0016	12-1-2010	Amend(T)	1-1-2011
291-027-0050	5-2-2011	Amend	6-1-2011	291-063-0016	6-2-2011	Amend	7-1-2011
291-027-0055	5-2-2011	Adopt	6-1-2011	291-063-0016(T)	6-2-2011	Repeal	7-1-2011
291-027-0060	5-2-2011	Repeal	6-1-2011	291-063-0030	12-1-2010	Amend(T)	1-1-2011
291-027-0065	5-2-2011	Adopt	6-1-2011	291-063-0030	6-2-2011	Amend	7-1-2011
291-027-0070	5-2-2011	Amend	6-1-2011	291-063-0030(T)	6-2-2011	Repeal	7-1-2011
291-027-0080	5-2-2011	Amend	6-1-2011	291-097-0010	4-8-2011	Amend	5-1-2011
291-048-0100	12-13-2010	Am. & Ren.(T)	1-1-2011	291-097-0010(T)	4-8-2011	Repeal	5-1-2011
291-048-0100	4-1-2011	Am. & Ren.	5-1-2011	291-097-0020	4-8-2011	Amend	5-1-2011
291-048-0100(T)	4-1-2011	Repeal	5-1-2011	291-097-0020(T)	4-8-2011	Repeal	5-1-2011
291-048-0110	12-13-2010	Am. & Ren.(T)	1-1-2011	291-097-0025	4-8-2011	Amend	5-1-2011
291-048-0110	4-1-2011	Am. & Ren.	5-1-2011	291-097-0025(T)	4-8-2011	Repeal	5-1-2011
291-048-0110(T)	4-1-2011	Repeal	5-1-2011	291-097-0031	4-8-2011	Adopt	5-1-2011
291-048-0115	12-13-2010	Am. & Ren.(T)	1-1-2011	291-097-0040	4-8-2011	Amend	5-1-2011
291-048-0115	4-1-2011	Am. & Ren.	5-1-2011	291-097-0040(T)	4-8-2011	Repeal	5-1-2011
291-048-0115(T)	4-1-2011	Repeal	5-1-2011	291-097-0050	4-8-2011	Amend	5-1-2011
291-048-0120	12-13-2010	Suspend	1-1-2011	291-097-0050(T)	4-8-2011	Repeal	5-1-2011
291-048-0120	4-1-2011	Repeal	5-1-2011	291-105-0005	6-10-2011	Amend(T)	7-1-2011
291-048-0130	12-13-2010	Am. & Ren.(T)	1-1-2011	291-105-0100	6-10-2011	Amend(T)	7-1-2011
291-048-0130	4-1-2011	Am. & Ren.	5-1-2011	291-109-0100	3-1-2011	Amend	4-1-2011
291-048-0130(T)	4-1-2011	Repeal	5-1-2011	291-109-0110	3-1-2011	Amend	4-1-2011
291-048-0140	12-13-2010	Am. & Ren.(T)	1-1-2011	291-109-0120	3-1-2011	Amend	4-1-2011
291-048-0140	4-1-2011	Am. & Ren.	5-1-2011	291-109-0125	3-1-2011	Adopt	4-1-2011
291-048-0140(T)	4-1-2011	Repeal	5-1-2011	291-109-0140	3-1-2011	Amend	4-1-2011
291-048-0150	12-13-2010	Am. & Ren.(T)	1-1-2011	291-109-0150	3-1-2011	Amend	4-1-2011
291-048-0150	4-1-2011	Am. & Ren.	5-1-2011	291-109-0160	3-1-2011	Amend	4-1-2011
291-048-0150(T)	4-1-2011	Repeal	5-1-2011	291-109-0170	3-1-2011	Amend	4-1-2011
291-048-0160	12-13-2010	Am. & Ren.(T)	1-1-2011	291-109-0180	3-1-2011	Amend	4-1-2011
291-048-0160	4-1-2011	Am. & Ren.	5-1-2011	291-109-0190	3-1-2011	Amend	4-1-2011
291-048-0160(T)	4-1-2011	Repeal	5-1-2011	291-124-0005	11-19-2010	Amend	1-1-2011
291-048-0170	12-13-2010	Am. & Ren.(T)	1-1-2011	291-124-0010	11-19-2010	Amend	1-1-2011
291-048-0170	4-1-2011	Am. & Ren.	5-1-2011	291-124-0015	11-19-2010	Repeal	1-1-2011
291-048-0170(T)	4-1-2011	Repeal	5-1-2011	291-124-0016	11-19-2010	Adopt	1-1-2011
291-048-0180	12-13-2010	Suspend	1-1-2011	291-124-0017	11-19-2010	Adopt	1-1-2011
291-048-0180	4-1-2011	Repeal	5-1-2011	291-124-0020	11-19-2010	Amend	1-1-2011
291-048-0190	12-13-2010	Am. & Ren.(T)	1-1-2011	291-124-0025	11-19-2010	Repeal	1-1-2011
291-048-0190	4-1-2011	Am. & Ren.	5-1-2011	291-124-0030	11-19-2010	Amend	1-1-2011
291-048-0190(T)	4-1-2011	Repeal	5-1-2011	291-124-0035	11-19-2010	Amend	1-1-2011
291-048-0230	12-13-2010	Adopt(T)	1-1-2011	291-124-0041	11-19-2010	Amend	1-1-2011
291-048-0230	4-1-2011	Adopt	5-1-2011	291-124-0055	11-19-2010	Amend	1-1-2011
291-048-0230(T)	4-1-2011	Repeal	5-1-2011	291-124-0060	11-19-2010	Amend	1-1-2011
291-048-0240	12-13-2010	Adopt(T)	1-1-2011	291-124-0065	11-19-2010	Amend	1-1-2011
291-048-0240	4-1-2011	Adopt	5-1-2011	291-124-0070	11-19-2010	Amend	1-1-2011
291-048-0240(T)	4-1-2011	Repeal	5-1-2011	291-124-0075	11-19-2010	Amend	1-1-2011
291-048-0270	12-13-2010	Adopt(T)	1-1-2011	291-124-0080	11-19-2010	Amend	1-1-2011
291-048-0270	4-1-2011	Adopt	5-1-2011	291-124-0085	11-19-2010	Amend	1-1-2011
291-048-0270(T)	4-1-2011	Repeal	5-1-2011	291-124-0090	11-19-2010	Adopt	1-1-2011
291-048-0280	12-13-2010	Adopt(T)	1-1-2011	291-124-0095	11-19-2010	Repeal	1-1-2011
291-048-0280	4-1-2011	Adopt	5-1-2011	291-131-0020	4-1-2011	Amend(T)	4-1-2011

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291-131-0035	4-1-2011	Amend(T)	4-1-2011	291-180-0655	3-4-2011	Suspend	4-1-2011
291-131-0037	4-1-2011	Amend(T)	4-1-2011	291-180-0665	3-4-2011	Suspend	4-1-2011
291-180-0115	3-4-2011	Suspend	4-1-2011	291-202-0020	1-28-2011	Amend	3-1-2011
291-180-0125	3-4-2011	Suspend	4-1-2011	291-202-0100	1-28-2011	Adopt	3-1-2011
291-180-0135	3-4-2011	Suspend	4-1-2011	291-202-0110	1-28-2011	Adopt	3-1-2011
291-180-0145	3-4-2011	Suspend	4-1-2011	291-202-0120	1-28-2011	Adopt	3-1-2011
291-180-0155	3-4-2011	Suspend	4-1-2011	291-202-0130	1-28-2011	Adopt	3-1-2011
291-180-0165	3-4-2011	Suspend	4-1-2011	309-034-0150	2-4-2011	Repeal	3-1-2011
291-180-0175	3-4-2011	Suspend	4-1-2011	309-034-0160	2-4-2011	Repeal	3-1-2011
291-180-0185	3-4-2011	Suspend	4-1-2011	309-034-0170	2-4-2011	Repeal	3-1-2011
291-180-0195	3-4-2011	Suspend	4-1-2011	309-034-0180	2-4-2011	Repeal	3-1-2011
291-180-0205	3-4-2011	Suspend	4-1-2011	309-034-0190	2-4-2011	Repeal	3-1-2011
291-180-0215	3-4-2011	Suspend	4-1-2011	309-034-0205	2-4-2011	Repeal	3-1-2011
291-180-0225	3-4-2011	Suspend	4-1-2011	309-034-0210	2-4-2011	Repeal	3-1-2011
291-180-0235	3-4-2011	Suspend	4-1-2011	309-034-0240	2-4-2011	Repeal	3-1-2011
291-180-0245	3-4-2011	Suspend	4-1-2011	309-034-0250	2-4-2011	Repeal	3-1-2011
291-180-0251	3-4-2011	Adopt(T)	4-1-2011	309-034-0260	2-4-2011	Repeal	3-1-2011
291-180-0255	3-4-2011	Suspend	4-1-2011	309-034-0270	2-4-2011	Repeal	3-1-2011
291-180-0261	3-4-2011	Adopt(T)	4-1-2011	309-034-0290	2-4-2011	Repeal	3-1-2011
291-180-0285	3-4-2011	Suspend	4-1-2011	309-034-0310	2-4-2011	Repeal	3-1-2011
291-180-0295	3-4-2011	Suspend	4-1-2011	309-034-0320	2-4-2011	Repeal	3-1-2011
291-180-0305	3-4-2011	Suspend	4-1-2011	309-034-0400	2-4-2011	Amend	3-1-2011
291-180-0315	3-4-2011	Suspend	4-1-2011	309-034-0410	2-4-2011	Amend	3-1-2011
291-180-0325	3-4-2011	Suspend	4-1-2011	309-034-0420	2-4-2011	Amend	3-1-2011
291-180-0335	3-4-2011	Suspend	4-1-2011	309-034-0430	2-4-2011	Amend	3-1-2011
291-180-0345	3-4-2011	Suspend	4-1-2011	309-034-0440	2-4-2011	Amend	3-1-2011
291-180-0355	3-4-2011	Suspend	4-1-2011	309-034-0450	2-4-2011	Amend	3-1-2011
291-180-0365	3-4-2011	Suspend	4-1-2011	309-034-0460	2-4-2011	Amend	3-1-2011
291-180-0375	3-4-2011	Suspend	4-1-2011	309-034-0470	2-4-2011	Amend	3-1-2011
291-180-0385	3-4-2011	Suspend	4-1-2011	309-034-0480	2-4-2011	Amend	3-1-2011
291-180-0395	3-4-2011	Suspend	4-1-2011	309-034-0490	2-4-2011	Amend	3-1-2011
291-180-0405	3-4-2011	Suspend	4-1-2011	309-034-0500	2-4-2011	Adopt	3-1-2011
291-180-0415	3-4-2011	Suspend	4-1-2011	309-041-0200	2-1-2011	Repeal	3-1-2011
291-180-0425	3-4-2011	Suspend	4-1-2011	309-041-0205	2-1-2011	Repeal	3-1-2011
291-180-0435	3-4-2011	Suspend	4-1-2011	309-041-0210	2-1-2011	Repeal	3-1-2011
291-180-0445	3-4-2011	Suspend	4-1-2011	309-041-0215	2-1-2011	Repeal	3-1-2011
291-180-0455	3-4-2011	Suspend	4-1-2011	309-041-0220	2-1-2011	Repeal	3-1-2011
291-180-0465	3-4-2011	Suspend	4-1-2011	309-041-0225	2-1-2011	Repeal	3-1-2011
291-180-0475	3-4-2011	Suspend	4-1-2011	309-041-0230	2-1-2011	Repeal	3-1-2011
291-180-0485	3-4-2011	Suspend	4-1-2011	309-041-0235	2-1-2011	Repeal	3-1-2011
291-180-0495	3-4-2011	Suspend	4-1-2011	309-041-0240	2-1-2011	Repeal	3-1-2011
291-180-0505	3-4-2011	Suspend	4-1-2011	309-041-0245	2-1-2011	Repeal	3-1-2011
291-180-0515	3-4-2011	Suspend	4-1-2011	309-041-0250	2-1-2011	Repeal	3-1-2011
291-180-0525	3-4-2011	Suspend	4-1-2011	309-041-0255	2-1-2011	Repeal	3-1-2011
291-180-0535	3-4-2011	Suspend	4-1-2011	309-041-1300	2-1-2011	Renumber	3-1-2011
291-180-0545	3-4-2011	Suspend	4-1-2011	309-041-1310	2-1-2011	Renumber	3-1-2011
291-180-0555	3-4-2011	Suspend	4-1-2011	309-041-1320	2-1-2011	Renumber	3-1-2011
291-180-0565	3-4-2011	Suspend	4-1-2011	309-041-1330	2-1-2011	Renumber	3-1-2011
291-180-0575	3-4-2011	Suspend	4-1-2011	309-041-1340	2-1-2011	Renumber	3-1-2011
291-180-0585	3-4-2011	Suspend	4-1-2011	309-041-1350	2-1-2011	Renumber	3-1-2011
291-180-0595	3-4-2011	Suspend	4-1-2011	309-041-1360	2-1-2011	Renumber	3-1-2011
291-180-0605	3-4-2011	Suspend	4-1-2011	309-041-1370	2-1-2011	Renumber	3-1-2011
291-180-0615	3-4-2011	Suspend	4-1-2011	309-043-0000	2-1-2011	Repeal	3-1-2011
291-180-0625	3-4-2011	Suspend	4-1-2011	309-043-0005	2-1-2011	Repeal	3-1-2011
291-180-0635	3-4-2011	Suspend	4-1-2011	309-043-0010	2-1-2011	Repeal	3-1-2011

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309-043-0020	2-1-2011	Repeal	3-1-2011	309-114-0020	11-19-2010	Amend(T)	1-1-2011
309-043-0025	2-1-2011	Repeal	3-1-2011	309-114-0020	5-19-2011	Amend	7-1-2011
309-043-0030	2-1-2011	Repeal	3-1-2011	309-114-0030	11-19-2010	Amend(T)	1-1-2011
309-043-0035	2-1-2011	Repeal	3-1-2011	309-114-0040	11-19-2010	Adopt(T)	1-1-2011
309-043-0040	2-1-2011	Repeal	3-1-2011	309-114-0050	11-19-2010	Adopt(T)	1-1-2011
309-043-0045	2-1-2011	Repeal	3-1-2011	309-114-0060	11-19-2010	Adopt(T)	1-1-2011
309-043-0050	2-1-2011	Repeal	3-1-2011	309-114-0070	11-19-2010	Adopt(T)	1-1-2011
309-043-0055	2-1-2011	Repeal	3-1-2011	330-070-0010	12-22-2010	Amend	2-1-2011
309-043-0060	2-1-2011	Repeal	3-1-2011	330-070-0010(T)	12-22-2010	Repeal	2-1-2011
309-043-0065	2-1-2011	Repeal	3-1-2011	330-070-0013	12-22-2010	Amend	2-1-2011
309-043-0070	2-1-2011	Repeal	3-1-2011	330-070-0013(T)	12-22-2010	Repeal	2-1-2011
309-043-0075	2-1-2011	Repeal	3-1-2011	330-070-0014	12-22-2010	Amend	2-1-2011
309-043-0080	2-1-2011	Repeal	3-1-2011	330-070-0019	12-22-2010	Adopt	2-1-2011
309-043-0085	2-1-2011	Repeal	3-1-2011	330-070-0019(T)	12-22-2010	Repeal	2-1-2011
309-043-0090	2-1-2011	Repeal	3-1-2011	330-070-0020	12-22-2010	Amend	2-1-2011
309-043-0095	2-1-2011	Repeal	3-1-2011	330-070-0021	12-22-2010	Amend	2-1-2011
309-043-0100	2-1-2011	Repeal	3-1-2011	330-070-0022	12-22-2010	Amend	2-1-2011
309-043-0105	2-1-2011	Repeal	3-1-2011	330-070-0022(T)	12-22-2010	Repeal	2-1-2011
309-043-0110	2-1-2011	Repeal	3-1-2011	330-070-0024	12-22-2010	Amend	2-1-2011
309-043-0115	2-1-2011	Repeal	3-1-2011	330-070-0025	12-22-2010	Amend	2-1-2011
309-043-0120	2-1-2011	Repeal	3-1-2011	330-070-0026	12-22-2010	Amend	2-1-2011
309-043-0125	2-1-2011	Repeal	3-1-2011	330-070-0027	12-22-2010	Amend	2-1-2011
309-043-0130	2-1-2011	Repeal	3-1-2011	330-070-0045	12-22-2010	Amend	2-1-2011
309-043-0135	2-1-2011	Repeal	3-1-2011	330-070-0055	12-22-2010	Amend	2-1-2011
309-043-0140	2-1-2011	Repeal	3-1-2011	330-070-0059	12-22-2010	Amend	2-1-2011
309-043-0145	2-1-2011	Repeal	3-1-2011	330-070-0060	12-22-2010	Amend	2-1-2011
309-043-0150	2-1-2011	Repeal	3-1-2011	330-070-0062	12-22-2010	Amend	2-1-2011
309-043-0155	2-1-2011	Repeal	3-1-2011	330-070-0063	12-22-2010	Amend	2-1-2011
309-043-0160	2-1-2011	Repeal	3-1-2011	330-070-0064	12-22-2010	Amend	2-1-2011
309-043-0165	2-1-2011	Repeal	3-1-2011	330-070-0070	12-22-2010	Amend	2-1-2011
309-043-0170	2-1-2011	Repeal	3-1-2011	330-070-0073	12-22-2010	Amend	2-1-2011
309-043-0175	2-1-2011	Repeal	3-1-2011	330-070-0089	12-22-2010	Amend	2-1-2011
309-043-0180	2-1-2011	Repeal	3-1-2011	330-070-0091	12-22-2010	Amend	2-1-2011
309-043-0185	2-1-2011	Repeal	3-1-2011	330-070-0097	12-22-2010	Amend	2-1-2011
309-043-0190	2-1-2011	Repeal	3-1-2011	330-09-0140	4-18-2011	Amend(T)	5-1-2011
309-043-0195	2-1-2011	Repeal	3-1-2011	330-090-0105	11-23-2010	Amend	1-1-2011
309-043-0200	2-1-2011	Repeal	3-1-2011	330-090-0105(T)	11-23-2010	Repeal	1-1-2011
309-049-0000	2-1-2011	Renumber	3-1-2011	330-090-0110	11-23-2010	Amend	1-1-2011
309-049-0005	2-1-2011	Renumber	3-1-2011	330-090-0110	4-18-2011	Amend(T)	5-1-2011
309-049-0010	2-1-2011	Renumber	3-1-2011	330-090-0110(T)	11-23-2010	Repeal	1-1-2011
309-049-0015	2-1-2011	Renumber	3-1-2011	330-090-0120	11-23-2010	Amend	1-1-2011
309-049-0020	2-1-2011	Renumber	3-1-2011	330-090-0120(T)	11-23-2010	Repeal	1-1-2011
309-100-0100	1-7-2011	Adopt(T)	2-1-2011	330-090-0130	11-23-2010	Amend	1-1-2011
309-100-0110	1-7-2011	Adopt(T)	2-1-2011	330-090-0130	4-18-2011	Amend(T)	5-1-2011
309-100-0120	1-7-2011	Adopt(T)	2-1-2011	330-090-0130(T)	11-23-2010	Repeal	1-1-2011
309-100-0130	1-7-2011	Adopt(T)	2-1-2011	330-090-0133	11-23-2010	Amend	1-1-2011
309-100-0140	1-7-2011	Adopt(T)	2-1-2011	330-090-0133	4-18-2011	Amend(T)	5-1-2011
309-100-0150	1-7-2011	Adopt(T)	2-1-2011	330-090-0133(T)	11-23-2010	Repeal	1-1-2011
309-102-0000	1-7-2011	Suspend	2-1-2011	330-090-0140	11-23-2010	Amend	1-1-2011
309-102-0005	1-7-2011	Suspend	2-1-2011	330-090-0140(T)	11-23-2010	Repeal	1-1-2011
309-102-0010	1-7-2011	Suspend	2-1-2011	330-090-0150	11-23-2010	Amend	1-1-2011
309-102-0015	1-7-2011	Suspend	2-1-2011	330-090-0150(T)	11-23-2010	Repeal	1-1-2011
309-102-0020	1-7-2011	Suspend	2-1-2011	330-090-0350	11-23-2010	Adopt	1-1-2011
309-102-0025	1-7-2011	Suspend	2-1-2011	330-090-0350(T)	11-23-2010	Repeal	1-1-2011
309-114-0005	11-19-2010	Amend(T)	1-1-2011	330-090-0450	11-23-2010	Adopt	1-1-2011

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330-090-0450(T)	11-23-2010	Repeal	1-1-2011	332-025-0020	1-1-2011	Amend	2-1-2011
330-112-0000	12-15-2010	Adopt	1-1-2011	332-025-0020	4-4-2011	Amend(T)	5-1-2011
330-112-0000(T)	12-15-2010	Repeal	1-1-2011	332-025-0021	1-1-2011	Amend	2-1-2011
330-112-0010	12-15-2010	Adopt	1-1-2011	332-025-0021	4-4-2011	Amend(T)	5-1-2011
330-112-0010(T)	12-15-2010	Repeal	1-1-2011	332-025-0022	1-1-2011	Amend	2-1-2011
330-112-0020	12-15-2010	Adopt	1-1-2011	332-025-0022	4-4-2011	Amend(T)	5-1-2011
330-112-0020(T)	12-15-2010	Repeal	1-1-2011	332-025-0030	1-1-2011	Amend	2-1-2011
330-112-0030	12-15-2010	Adopt	1-1-2011	332-025-0040	1-1-2011	Amend	2-1-2011
330-112-0030(T)	12-15-2010	Repeal	1-1-2011	332-025-0040	4-4-2011	Amend(T)	5-1-2011
330-112-0040	12-15-2010	Adopt	1-1-2011	332-025-0050	1-1-2011	Amend	2-1-2011
330-112-0040(T)	12-15-2010	Repeal	1-1-2011	332-025-0060	1-1-2011	Amend	2-1-2011
330-112-0050	12-15-2010	Adopt	1-1-2011	332-025-0070	1-1-2011	Adopt	2-1-2011
330-112-0050(T)	12-15-2010	Repeal	1-1-2011	332-025-0080	1-1-2011	Adopt	2-1-2011
330-112-0060	12-15-2010	Adopt	1-1-2011	332-025-0080	5-19-2011	Amend(T)	7-1-2011
330-112-0060(T)	12-15-2010	Repeal	1-1-2011	332-025-0100	1-1-2011	Adopt	2-1-2011
330-112-0070	12-15-2010	Adopt	1-1-2011	332-030-0000	1-1-2011	Amend	2-1-2011
330-112-0070(T)	12-15-2010	Repeal	1-1-2011	333-002-0000	3-1-2011	Amend	4-1-2011
330-112-0080	12-15-2010	Adopt	1-1-2011	333-002-0010	3-1-2011	Amend	4-1-2011
330-112-0080(T)	12-15-2010	Repeal	1-1-2011	333-002-0020	3-1-2011	Amend	4-1-2011
330-112-0090	12-15-2010	Adopt	1-1-2011	333-002-0030	3-1-2011	Amend	4-1-2011
330-112-0090(T)	12-15-2010	Repeal	1-1-2011	333-002-0035	3-1-2011	Amend	4-1-2011
330-112-0100	12-15-2010	Adopt	1-1-2011	333-002-0040	3-1-2011	Amend	4-1-2011
330-112-0100(T)	12-15-2010	Repeal	1-1-2011	333-002-0050	3-1-2011	Amend	4-1-2011
330-160-0015	2-22-2011	Amend	4-1-2011	333-002-0060	3-1-2011	Amend	4-1-2011
330-160-0015	3-4-2011	Amend	4-1-2011	333-002-0070	3-1-2011	Amend	4-1-2011
330-160-0015(T)	2-22-2011	Repeal	4-1-2011	333-002-0080	3-1-2011	Amend	4-1-2011
330-160-0020	3-4-2011	Amend	4-1-2011	333-002-0090	3-1-2011	Repeal	4-1-2011
330-160-0025	3-4-2011	Amend	4-1-2011	333-002-0100	3-1-2011	Amend	4-1-2011
330-160-0030	3-4-2011	Amend	4-1-2011	333-002-0110	3-1-2011	Repeal	4-1-2011
330-160-0040	2-22-2011	Adopt	4-1-2011	333-002-0120	3-1-2011	Amend	4-1-2011
330-160-0040(T)	2-22-2011	Repeal	4-1-2011	333-002-0130	3-1-2011	Amend	4-1-2011
330-160-0050	3-4-2011	Adopt	4-1-2011	333-002-0140	3-1-2011	Amend	4-1-2011
331-010-0050	3-1-2011	Adopt(T)	4-1-2011	333-002-0150	3-1-2011	Amend	4-1-2011
331-010-0050	3-17-2011	Adopt(T)	5-1-2011	333-002-0160	3-1-2011	Amend	4-1-2011
331-010-0050(T)	3-17-2011	Suspend	5-1-2011	333-002-0170	3-1-2011	Amend	4-1-2011
331-020-0040	3-1-2011	Amend(T)	4-1-2011	333-002-0180	3-1-2011	Amend	4-1-2011
331-020-0040	3-17-2011	Amend(T)	5-1-2011	333-002-0190	3-1-2011	Amend	4-1-2011
331-020-0040(T)	3-17-2011	Suspend	5-1-2011	333-002-0200	3-1-2011	Amend	4-1-2011
331-565-0090	4-1-2011	Amend(T)	5-1-2011	333-002-0210	3-1-2011	Amend	4-1-2011
331-705-0071	5-10-2011	Adopt(T)	6-1-2011	333-002-0220	3-1-2011	Amend	4-1-2011
332-015-0000	1-1-2011	Amend	2-1-2011	333-002-0230	3-1-2011	Amend	4-1-2011
332-015-0010	1-1-2011	Repeal	2-1-2011	333-005-0000	1-1-2011	Am. & Ren.	2-1-2011
332-015-0030	1-1-2011	Amend	2-1-2011	333-005-0010	1-1-2011	Am. & Ren.	2-1-2011
332-015-0040	1-1-2011	Amend	2-1-2011	333-005-0020	1-1-2011	Am. & Ren.	2-1-2011
332-015-0050	1-1-2011	Amend	2-1-2011	333-005-0030	1-1-2011	Am. & Ren.	2-1-2011
332-015-0060	1-1-2011	Repeal	2-1-2011	333-005-0040	1-1-2011	Am. & Ren.	2-1-2011
332-015-0065	1-1-2011	Repeal	2-1-2011	333-005-0050	1-1-2011	Am. & Ren.	2-1-2011
332-015-0070	1-1-2011	Amend	2-1-2011	333-005-0060	1-1-2011	Am. & Ren.	2-1-2011
332-015-0070	4-4-2011	Amend(T)	5-1-2011	333-008-0020	12-28-2010	Amend	2-1-2011
332-015-0080	1-1-2011	Adopt	2-1-2011	333-008-0020(T)	12-28-2010	Repeal	2-1-2011
332-020-0000	1-1-2011	Amend	2-1-2011	333-008-0040	12-28-2010	Amend	2-1-2011
332-020-0010	1-1-2011	Amend	2-1-2011	333-008-0045	12-28-2010	Adopt	2-1-2011
332-020-0015	1-1-2011	Amend	2-1-2011	333-012-0250	3-29-2011	Am. & Ren.	5-1-2011
332-020-0017	1-1-2011	Adopt	2-1-2011	333-064-0040	4-21-2011	Amend	6-1-2011
332-020-0020	1-1-2011	Amend	2-1-2011	333-064-0070	4-21-2011	Repeal	6-1-2011
332-020-0020(T)	1-1-2011	Repeal	2-1-2011	333-076-0101	12-15-2010	Amend	1-1-2011

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333-076-0108	12-15-2010	Amend	1-1-2011	334-001-0055	1-1-2011	Amend	2-1-2011
333-076-0109	12-15-2010	Amend	1-1-2011	334-001-0055	4-21-2011	Amend	6-1-2011
333-076-0111	12-15-2010	Amend	1-1-2011	334-010-0033	1-1-2011	Amend	2-1-2011
333-076-0114	12-15-2010	Amend	1-1-2011	334-010-0033	4-21-2011	Amend	6-1-2011
333-076-0115	12-15-2010	Amend	1-1-2011	335-001-0009	2-1-2011	Amend	3-1-2011
333-076-0125	12-15-2010	Amend	1-1-2011	335-060-0005	2-1-2011	Amend	3-1-2011
333-076-0130	12-15-2010	Amend	1-1-2011	335-060-0010	2-1-2011	Amend	3-1-2011
333-076-0135	12-15-2010	Amend	1-1-2011	335-060-0030	2-1-2011	Amend	3-1-2011
333-076-0140	12-15-2010	Amend	1-1-2011	335-070-0020	2-1-2011	Amend	3-1-2011
333-076-0145	12-15-2010	Amend	1-1-2011	335-070-0055	2-1-2011	Amend	3-1-2011
333-076-0155	12-15-2010	Amend	1-1-2011	335-070-0085	2-1-2011	Amend	3-1-2011
333-076-0160	12-15-2010	Amend	1-1-2011	335-095-0030	2-1-2011	Amend	3-1-2011
333-076-0165	12-15-2010	Amend	1-1-2011	335-095-0040	2-1-2011	Amend	3-1-2011
333-076-0170	12-15-2010	Amend	1-1-2011	335-095-0055	2-1-2011	Repeal	3-1-2011
333-076-0175	12-15-2010	Amend	1-1-2011	338-005-0030	3-1-2011	Amend(T)	4-1-2011
333-076-0180	12-15-2010	Amend	1-1-2011	338-005-0030	3-4-2011	Amend(T)	4-1-2011
333-076-0190	12-15-2010	Amend	1-1-2011	339-001-0005	7-1-2011	Amend	7-1-2011
333-076-0250	12-15-2010	Adopt	1-1-2011	339-001-0006	7-1-2011	Amend	7-1-2011
333-076-0255	12-15-2010	Adopt	1-1-2011	339-005-0000	7-1-2011	Amend	7-1-2011
333-076-0260	12-15-2010	Adopt	1-1-2011	339-010-0012	7-1-2011	Adopt	7-1-2011
333-076-0265	12-15-2010	Adopt	1-1-2011	339-010-0018	7-1-2011	Adopt	7-1-2011
333-076-0270	12-15-2010	Adopt	1-1-2011	339-010-0020	7-1-2011	Amend	7-1-2011
333-255-0070	1-6-2011	Amend	2-1-2011	339-010-0050	7-1-2011	Amend	7-1-2011
333-255-0070(T)	1-6-2011	Repeal	2-1-2011	340-012-0054	3-15-2011	Amend	4-1-2011
333-255-0071	1-6-2011	Amend	2-1-2011	340-012-0140	3-15-2011	Amend	4-1-2011
333-255-0072	1-6-2011	Amend	2-1-2011	340-016-0080	12-20-2010	Amend	2-1-2011
333-255-0073	1-6-2011	Amend	2-1-2011	340-016-0088	12-20-2010	Adopt	2-1-2011
333-265-0050	1-6-2011	Amend	2-1-2011	340-016-0100	12-20-2010	Repeal	2-1-2011
333-265-0090	1-6-2011	Amend	2-1-2011	340-016-0110	12-20-2010	Repeal	2-1-2011
333-265-0090(T)	1-6-2011	Repeal	2-1-2011	340-016-0120	12-20-2010	Repeal	2-1-2011
333-265-0105	1-6-2011	Amend	2-1-2011	340-016-0130	12-20-2010	Repeal	2-1-2011
333-265-0105(T)	1-6-2011	Repeal	2-1-2011	340-016-0140	12-20-2010	Repeal	2-1-2011
333-265-0110	1-6-2011	Amend	2-1-2011	340-016-0150	12-20-2010	Repeal	2-1-2011
333-500-0005	12-15-2010	Amend	1-1-2011	340-016-0210	12-20-2010	Amend	2-1-2011
333-500-0010	12-15-2010	Amend	1-1-2011	340-041-0033	12-21-2010	Amend	2-1-2011
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333-500-0025	12-15-2010	Amend	1-1-2011	340-141-0010	12-23-2010	Amend	2-1-2011
333-500-0030	12-15-2010	Amend	1-1-2011	340-143-0001	3-17-2011	Amend	5-1-2011
333-500-0031	12-15-2010	Adopt	1-1-2011	340-143-0005	3-17-2011	Amend	5-1-2011
333-500-0034	12-15-2010	Amend	1-1-2011	340-143-0010	3-17-2011	Amend	5-1-2011
333-500-0040	12-15-2010	Amend	1-1-2011	340-143-0020	3-17-2011	Amend	5-1-2011
333-500-0065	12-15-2010	Amend	1-1-2011	340-143-0030	3-17-2011	Adopt	5-1-2011
333-501-0010	12-15-2010	Amend	1-1-2011	340-143-0040	3-17-2011	Adopt	5-1-2011
333-501-0015	12-15-2010	Amend	1-1-2011	340-143-0050	3-17-2011	Adopt	5-1-2011
333-501-0035	12-15-2010	Amend	1-1-2011	340-143-0060	3-17-2011	Adopt	5-1-2011
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333-501-0060	12-15-2010	Adopt	1-1-2011	340-200-0040	2-24-2011	Amend	4-1-2011
333-505-0005	12-15-2010	Amend	1-1-2011	340-200-0040	3-15-2011	Amend	4-1-2011
333-505-0020	12-15-2010	Amend	1-1-2011	340-200-0040	5-1-2011	Amend	6-1-2011
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333-505-0033	12-15-2010	Amend	1-1-2011	340-202-0060	5-1-2011	Amend	6-1-2011
333-505-0050	12-15-2010	Amend	1-1-2011	340-202-0210	5-1-2011	Amend	6-1-2011
334-001-0012	1-1-2011	Amend	2-1-2011	340-215-0060	5-1-2011	Amend	6-1-2011

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340-216-0025	5-1-2011	Amend	6-1-2011	340-257-0090	4-29-2011	Amend	6-1-2011
340-216-0040	5-1-2011	Amend	6-1-2011	340-257-0110	4-29-2011	Amend	6-1-2011
340-216-0052	5-1-2011	Amend	6-1-2011	340-257-0120	4-29-2011	Amend	6-1-2011
340-216-0054	5-1-2011	Amend	6-1-2011	340-257-0140	4-29-2011	Amend	6-1-2011
340-216-0056	5-1-2011	Amend	6-1-2011	340-262-0010	3-15-2011	Repeal	4-1-2011
340-216-0060	2-24-2011	Amend	4-1-2011	340-262-0020	3-15-2011	Repeal	4-1-2011
340-216-0060	5-1-2011	Amend	6-1-2011	340-262-0030	3-15-2011	Repeal	4-1-2011
340-216-0064	2-24-2011	Amend	4-1-2011	340-262-0040	3-15-2011	Repeal	4-1-2011
340-216-0064	5-1-2011	Amend	6-1-2011	340-262-0050	3-15-2011	Repeal	4-1-2011
340-216-0066	5-1-2011	Amend	6-1-2011	340-262-0100	3-15-2011	Repeal	4-1-2011
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340-216-0090	5-1-2011	Amend	6-1-2011	340-262-0120	3-15-2011	Repeal	4-1-2011
340-220-0030	12-20-2010	Amend	2-1-2011	340-262-0130	3-15-2011	Repeal	4-1-2011
340-220-0040	12-20-2010	Amend	2-1-2011	340-262-0200	3-15-2011	Repeal	4-1-2011
340-220-0050	12-20-2010	Amend	2-1-2011	340-262-0210	3-15-2011	Repeal	4-1-2011
340-222-0042	5-1-2011	Amend	6-1-2011	340-262-0220	3-15-2011	Repeal	4-1-2011
340-222-0045	5-1-2011	Amend	6-1-2011	340-262-0230	3-15-2011	Repeal	4-1-2011
340-223-0010	12-10-2010	Amend	1-1-2011	340-262-0240	3-15-2011	Repeal	4-1-2011
340-223-0020	12-10-2010	Amend	1-1-2011	340-262-0250	3-15-2011	Repeal	4-1-2011
340-223-0030	12-10-2010	Amend	1-1-2011	340-262-0300	3-15-2011	Repeal	4-1-2011
340-223-0040	12-10-2010	Amend	1-1-2011	340-262-0310	3-15-2011	Repeal	4-1-2011
340-223-0050	12-10-2010	Amend	1-1-2011	340-262-0320	3-15-2011	Repeal	4-1-2011
340-223-0060	12-10-2010	Adopt	1-1-2011	340-262-0330	3-15-2011	Repeal	4-1-2011
340-223-0070	12-10-2010	Adopt	1-1-2011	340-262-0400	3-15-2011	Adopt	4-1-2011
340-223-0080	12-10-2010	Adopt	1-1-2011	340-262-0450	3-15-2011	Adopt	4-1-2011
340-224-0010	5-1-2011	Amend	6-1-2011	340-262-0500	3-15-2011	Adopt	4-1-2011
340-224-0050	5-1-2011	Amend	6-1-2011	340-262-0600	3-15-2011	Adopt	4-1-2011
340-224-0060	5-1-2011	Amend	6-1-2011	340-262-0700	3-15-2011	Adopt	4-1-2011
340-224-0070	5-1-2011	Amend	6-1-2011	340-262-0800	3-15-2011	Adopt	4-1-2011
340-225-0020	5-1-2011	Amend	6-1-2011	340-262-0900	3-15-2011	Adopt	4-1-2011
340-225-0030	5-1-2011	Amend	6-1-2011	350-030-0015	5-1-2011	Amend	5-1-2011
340-225-0045	5-1-2011	Amend	6-1-2011	350-030-0020	5-1-2011	Amend	5-1-2011
340-225-0050	5-1-2011	Amend	6-1-2011	350-030-0025	5-1-2011	Amend	5-1-2011
340-225-0060	5-1-2011	Amend	6-1-2011	350-030-0030	5-1-2011	Amend	5-1-2011
340-225-0090	5-1-2011	Amend	6-1-2011	350-030-0060	5-1-2011	Amend	5-1-2011
340-228-0300	5-1-2011	Amend	6-1-2011	350-030-0080	5-1-2011	Amend	5-1-2011
340-230-0030	2-24-2011	Amend	4-1-2011	350-040-0010	5-1-2011	Amend	5-1-2011
340-230-0300	2-24-2011	Amend	4-1-2011	350-040-0020	5-1-2011	Amend	5-1-2011
340-230-0400	2-24-2011	Repeal	4-1-2011	350-040-0050	5-1-2011	Amend	5-1-2011
340-230-0410	2-24-2011	Repeal	4-1-2011	350-040-0055	5-1-2011	Adopt	5-1-2011
340-238-0040	2-24-2011	Amend	4-1-2011	350-040-0060	5-1-2011	Amend	5-1-2011
340-238-0060	2-24-2011	Amend	4-1-2011	350-040-0065	5-1-2011	Amend	5-1-2011
340-242-0500	2-24-2011	Amend	4-1-2011	350-040-0070	5-1-2011	Amend	5-1-2011
340-244-0030	2-24-2011	Amend	4-1-2011	350-040-0080	5-1-2011	Amend	5-1-2011
340-244-0220	2-24-2011	Amend	4-1-2011	350-050-0020	5-1-2011	Amend	5-1-2011
340-244-0234	2-24-2011	Amend	4-1-2011	350-050-0035	5-1-2011	Amend	5-1-2011
340-244-0236	2-24-2011	Amend	4-1-2011	350-050-0040	5-1-2011	Amend	5-1-2011
340-244-0238	2-24-2011	Amend	4-1-2011	350-050-0045	5-1-2011	Amend	5-1-2011
340-244-0242	2-24-2011	Amend	4-1-2011	350-050-0060	5-1-2011	Amend	5-1-2011
340-244-0244	2-24-2011	Amend	4-1-2011	350-050-0070	5-1-2011	Amend	5-1-2011
340-244-0248	2-24-2011	Amend	4-1-2011	350-050-0080	5-1-2011	Amend	5-1-2011
340-246-0230	5-1-2011	Amend	6-1-2011	350-050-0085	5-1-2011	Amend	5-1-2011
340-257-0030	4-29-2011	Amend	6-1-2011	350-050-0090	5-1-2011	Amend	5-1-2011
340-257-0050	4-29-2011	Amend	6-1-2011	350-050-0100	5-1-2011	Amend	5-1-2011

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350-060-0040	5-1-2011	Amend	5-1-2011	407-007-0330	4-15-2011	Amend(T)	5-1-2011
350-060-0042	5-1-2011	Amend	5-1-2011	407-007-0340	4-15-2011	Amend(T)	5-1-2011
350-060-0045	5-1-2011	Amend	5-1-2011	407-007-0350	4-15-2011	Amend(T)	5-1-2011
350-060-0047	5-1-2011	Adopt	5-1-2011	407-020-0000	2-1-2011	Am. & Ren.	3-1-2011
350-060-0050	5-1-2011	Amend	5-1-2011	407-020-0005	2-1-2011	Am. & Ren.	3-1-2011
350-060-0055	5-1-2011	Amend	5-1-2011	407-020-0010	2-1-2011	Am. & Ren.	3-1-2011
350-060-0060	5-1-2011	Amend	5-1-2011	407-020-0015	2-1-2011	Am. & Ren.	3-1-2011
350-060-0070	5-1-2011	Amend	5-1-2011	407-045-0260	1-1-2011	Amend	2-1-2011
350-060-0080	5-1-2011	Amend	5-1-2011	407-045-0260(T)	1-1-2011	Repeal	2-1-2011
350-060-0100	5-1-2011	Amend	5-1-2011	407-045-0820	1-1-2011	Amend	2-1-2011
350-060-0110	5-1-2011	Amend	5-1-2011	407-045-0820(T)	1-1-2011	Repeal	2-1-2011
350-060-0120	5-1-2011	Amend	5-1-2011	409-015-0010	3-1-2011	Amend	3-1-2011
350-060-0130	5-1-2011	Amend	5-1-2011	409-030-0000	3-1-2011	Renumber	3-1-2011
350-060-0160	5-1-2011	Amend	5-1-2011	409-030-0005	3-1-2011	Renumber	3-1-2011
350-060-0170	5-1-2011	Amend	5-1-2011	409-030-0010	3-1-2011	Renumber	3-1-2011
350-060-0190	5-1-2011	Amend	5-1-2011	409-030-0020	3-1-2011	Renumber	3-1-2011
350-060-0200	5-1-2011	Amend	5-1-2011	409-030-0030	3-1-2011	Renumber	3-1-2011
350-060-0205	5-1-2011	Amend	5-1-2011	409-030-0050	3-1-2011	Renumber	3-1-2011
350-060-0210	5-1-2011	Amend	5-1-2011	409-030-0065	3-1-2011	Renumber	3-1-2011
350-070-0040	5-1-2011	Amend	5-1-2011	409-110-0000	2-1-2011	Amend	3-1-2011
350-070-0042	5-1-2011	Amend	5-1-2011	409-110-0005	2-1-2011	Amend	3-1-2011
350-070-0045	5-1-2011	Amend	5-1-2011	409-110-0010	2-1-2011	Amend	3-1-2011
350-070-0046	5-1-2011	Adopt	5-1-2011	409-110-0015	2-1-2011	Amend	3-1-2011
350-070-0050	5-1-2011	Amend	5-1-2011	409-110-0020	2-1-2011	Amend	3-1-2011
350-070-0070	5-1-2011	Amend	5-1-2011	410-050-0401	2-1-2011	Renumber	3-1-2011
350-070-0080	5-1-2011	Amend	5-1-2011	410-050-0411	2-1-2011	Renumber	3-1-2011
350-070-0090	5-1-2011	Amend	5-1-2011	410-050-0421	2-1-2011	Renumber	3-1-2011
350-070-0120	5-1-2011	Amend	5-1-2011	410-050-0431	2-1-2011	Renumber	3-1-2011
350-070-0170	5-1-2011	Amend	5-1-2011	410-050-0451	2-1-2011	Renumber	3-1-2011
350-070-0200	5-1-2011	Amend	5-1-2011	410-050-0461	2-1-2011	Renumber	3-1-2011
350-070-0210	5-1-2011	Amend	5-1-2011	410-050-0471	2-1-2011	Renumber	3-1-2011
350-070-0220	5-1-2011	Amend	5-1-2011	410-050-0481	2-1-2011	Renumber	3-1-2011
350-070-0225	5-1-2011	Amend	5-1-2011	410-050-0491	2-1-2011	Renumber	3-1-2011
350-081-0017	5-1-2011	Adopt	5-1-2011	410-050-0501	2-1-2011	Renumber	3-1-2011
350-081-0020	5-1-2011	Amend	5-1-2011	410-050-0511	2-1-2011	Renumber	3-1-2011
350-081-0082	5-1-2011	Amend	5-1-2011	410-050-0521	2-1-2011	Renumber	3-1-2011
350-081-0540	5-1-2011	Amend	5-1-2011	410-050-0531	2-1-2011	Renumber	3-1-2011
350-081-0560	5-1-2011	Amend	5-1-2011	410-050-0541	2-1-2011	Renumber	3-1-2011
350-081-0570	5-1-2011	Amend	5-1-2011	410-050-0551	2-1-2011	Renumber	3-1-2011
350-081-0580	5-1-2011	Amend	5-1-2011	410-050-0561	2-1-2011	Renumber	3-1-2011
350-081-0590	5-1-2011	Amend	5-1-2011	410-050-0591	2-1-2011	Renumber	3-1-2011
350-120-0025	5-1-2011	Repeal	5-1-2011	410-050-0601	2-1-2011	Renumber	3-1-2011
350-120-0030	5-1-2011	Repeal	5-1-2011	410-120-0030	1-1-2011	Amend	2-1-2011
350-120-0040	5-1-2011	Repeal	5-1-2011	410-120-1195	1-1-2011	Amend	2-1-2011
350-120-0050	5-1-2011	Amend	5-1-2011	410-120-1200	1-1-2011	Amend	2-1-2011
407-007-0200	4-15-2011	Amend(T)	5-1-2011	410-120-1230	1-1-2011	Amend	2-1-2011
407-007-0210	4-15-2011	Amend(T)	5-1-2011	410-120-1280	1-1-2011	Amend	2-1-2011
407-007-0220	4-15-2011	Amend(T)	5-1-2011	410-120-1295	1-1-2011	Amend	2-1-2011
407-007-0230	4-15-2011	Amend(T)	5-1-2011	410-120-1340	1-1-2011	Amend	2-1-2011
407-007-0240	4-15-2011	Amend(T)	5-1-2011	410-121-0000	1-1-2011	Amend	2-1-2011
407-007-0250	4-15-2011	Amend(T)	5-1-2011	410-121-0030	1-1-2011	Amend	2-1-2011
407-007-0290	4-15-2011	Amend(T)	5-1-2011	410-121-0030	3-1-2011	Amend(T)	4-1-2011
407-007-0300	4-15-2011	Amend(T)	5-1-2011	410-121-0040	1-1-2011	Amend	2-1-2011
407-007-0315	4-15-2011	Amend(T)	5-1-2011	410-121-0149	1-1-2011	Amend	2-1-2011
407-007-0320	4-15-2011	Amend(T)	5-1-2011	410-121-0155	1-1-2011	Amend	2-1-2011
407-007-0325	4-15-2011	Amend(T)	5-1-2011	410-121-0160	1-1-2011	Amend	2-1-2011

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410-121-4000	5-5-2011	Adopt	6-1-2011	410-136-0820	1-1-2011	Amend	1-1-2011
410-121-4005	5-5-2011	Adopt	6-1-2011	410-136-0840	1-1-2011	Amend	1-1-2011
410-121-4010	5-5-2011	Adopt	6-1-2011	410-136-0860	1-1-2011	Amend	1-1-2011
410-121-4015	5-5-2011	Adopt	6-1-2011	410-138-0000	1-1-2011	Amend	2-1-2011
410-121-4020	5-5-2011	Adopt	6-1-2011	410-138-0005	1-1-2011	Amend	2-1-2011
410-122-0080	3-25-2011	Amend	5-1-2011	410-138-0007	1-1-2011	Amend	2-1-2011
410-122-0080(T)	3-25-2011	Repeal	5-1-2011	410-138-0009	1-1-2011	Amend	2-1-2011
410-122-0180	3-25-2011	Amend	5-1-2011	410-138-0020	1-1-2011	Amend	2-1-2011
410-122-0180(T)	3-25-2011	Repeal	5-1-2011	410-138-0040	1-1-2011	Amend	2-1-2011
410-123-1000	1-1-2011	Amend	1-1-2011	410-138-0060	1-1-2011	Amend	2-1-2011
410-123-1085	1-1-2011	Repeal	1-1-2011	410-138-0080	1-1-2011	Amend	2-1-2011
410-123-1220	1-1-2011	Amend	1-1-2011	410-138-0300	1-1-2011	Repeal	2-1-2011
410-123-1260	1-1-2011	Amend	1-1-2011	410-138-0360	1-1-2011	Repeal	2-1-2011
410-123-1540	1-1-2011	Amend	1-1-2011	410-138-0380	1-1-2011	Repeal	2-1-2011
410-125-0047	1-1-2011	Amend	1-1-2011	410-138-0390	1-1-2011	Amend	2-1-2011
410-125-0080	1-1-2011	Amend	1-1-2011	410-138-0400	1-1-2011	Repeal	2-1-2011
410-125-0085	1-1-2011	Amend	1-1-2011	410-138-0420	1-1-2011	Amend	2-1-2011
410-125-0100	1-1-2011	Repeal	1-1-2011	410-138-0440	1-1-2011	Repeal	2-1-2011
410-125-0140	1-1-2011	Amend	1-1-2011	410-138-0460	1-1-2011	Repeal	2-1-2011
410-125-0360	1-1-2011	Amend	1-1-2011	410-138-0500	1-1-2011	Repeal	2-1-2011
410-125-0410	1-1-2011	Amend	1-1-2011	410-138-0540	1-1-2011	Repeal	2-1-2011
410-125-0450	1-1-2011	Adopt	1-1-2011	410-138-0560	1-1-2011	Repeal	2-1-2011
410-125-1020	1-1-2011	Amend	1-1-2011	410-138-0600	1-1-2011	Repeal	2-1-2011
410-125-2000	1-1-2011	Amend	1-1-2011	410-138-0640	1-1-2011	Repeal	2-1-2011
410-125-2020	1-1-2011	Amend	1-1-2011	410-138-0660	1-1-2011	Repeal	2-1-2011
410-125-2030	1-1-2011	Amend	1-1-2011	410-138-0680	1-1-2011	Repeal	2-1-2011
410-127-0020	1-1-2011	Amend	1-1-2011	410-138-0700	1-1-2011	Repeal	2-1-2011
410-127-0060	1-1-2011	Amend	1-1-2011	410-138-0710	1-1-2011	Repeal	2-1-2011
410-127-0065	1-1-2011	Amend	1-1-2011	410-138-0740	1-1-2011	Repeal	2-1-2011
410-127-0080	1-1-2011	Amend	1-1-2011	410-138-0760	1-1-2011	Repeal	2-1-2011
410-129-0220	3-25-2011	Amend	5-1-2011	410-138-0780	1-1-2011	Repeal	2-1-2011
410-129-0220(T)	3-25-2011	Repeal	5-1-2011	410-141-0000	1-1-2011	Amend	2-1-2011
410-130-0200	1-1-2011	Amend	1-1-2011	410-141-0070	1-1-2011	Amend	2-1-2011
410-130-0255	1-1-2011	Amend	1-1-2011	410-141-0080	1-1-2011	Amend	2-1-2011
410-130-0580	1-1-2011	Amend	1-1-2011	410-141-0120	1-1-2011	Amend	2-1-2011
410-130-0585	1-1-2011	Amend	1-1-2011	410-141-0220	1-1-2011	Amend	2-1-2011
410-130-0587	1-1-2011	Amend	1-1-2011	410-141-0260	1-1-2011	Amend	2-1-2011
410-136-0030	1-1-2011	Amend	1-1-2011	410-141-0263	1-1-2011	Amend	2-1-2011
410-136-0040	1-1-2011	Amend	1-1-2011	410-141-0280	1-1-2011	Amend	2-1-2011
410-136-0045	1-1-2011	Amend	1-1-2011	410-141-0300	1-1-2011	Amend	2-1-2011
410-136-0050	1-1-2011	Amend	1-1-2011	410-141-0420	1-1-2011	Amend	2-1-2011
410-136-0060	1-1-2011	Amend	1-1-2011	410-141-0520	1-1-2011	Amend	2-1-2011
410-136-0070	1-1-2011	Amend	1-1-2011	410-141-0520	4-1-2011	Amend	5-1-2011
410-136-0080	1-1-2011	Amend	1-1-2011	410-141-0520(T)	1-1-2011	Repeal	2-1-2011
410-136-0140	1-1-2011	Amend	1-1-2011	410-142-0020	1-1-2011	Amend	1-1-2011
410-136-0160	1-1-2011	Amend	1-1-2011	410-142-0100	1-1-2011	Amend	1-1-2011
410-136-0180	1-1-2011	Amend	1-1-2011	410-142-0110	1-1-2011	Adopt	1-1-2011
410-136-0200	1-1-2011	Amend	1-1-2011	410-142-0200	1-1-2011	Amend	1-1-2011
410-136-0220	1-1-2011	Amend	1-1-2011	410-142-0225	1-1-2011	Amend	1-1-2011
410-136-0240	1-1-2011	Amend	1-1-2011	410-142-0240	1-1-2011	Amend	1-1-2011
410-136-0300	1-1-2011	Amend	1-1-2011	410-142-0280	1-1-2011	Amend	1-1-2011
410-136-0320	1-1-2011	Amend	1-1-2011	410-142-0300	1-1-2011	Amend	1-1-2011
410-136-0340	1-1-2011	Amend	1-1-2011	410-146-0021	1-1-2011	Amend	1-1-2011
410-136-0350	1-1-2011	Amend	1-1-2011	410-146-0085	1-1-2011	Amend	1-1-2011
410-136-0440	1-1-2011	Amend	1-1-2011	410-146-0086	1-1-2011	Amend	1-1-2011

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410-146-0140	1-1-2011	Repeal	1-1-2011	411-320-0045	12-1-2010	Amend(T)	1-1-2011
410-146-0440	7-1-2011	Amend	7-1-2011	411-320-0045	6-2-2011	Amend	7-1-2011
410-146-0460	7-1-2011	Amend	7-1-2011	411-320-0080	1-1-2011	Amend	2-1-2011
410-147-0120	1-1-2011	Amend	1-1-2011	411-320-0080(T)	1-1-2011	Repeal	2-1-2011
410-147-0140	1-1-2011	Amend	1-1-2011	411-320-0130	12-1-2010	Amend(T)	1-1-2011
410-147-0200	1-1-2011	Amend	1-1-2011	411-320-0130	6-2-2011	Amend	7-1-2011
410-147-0220	1-1-2011	Repeal	1-1-2011	411-320-0170	12-1-2010	Amend(T)	1-1-2011
410-147-0320	1-1-2011	Amend	1-1-2011	411-320-0175	1-1-2011	Amend	2-1-2011
410-147-0340	7-1-2011	Amend	7-1-2011	411-320-0175(T)	1-1-2011	Repeal	2-1-2011
410-147-0400	7-1-2011	Amend	7-1-2011	411-328-0570	2-7-2011	Amend(T)	3-1-2011
410-147-0480	1-1-2011	Amend	1-1-2011	411-328-0810	2-7-2011	Amend(T)	3-1-2011
410-147-0610	1-1-2011	Repeal	1-1-2011	411-335-0030	2-7-2011	Amend(T)	3-1-2011
411-031-0020	12-1-2010	Amend	1-1-2011	411-335-0050	2-7-2011	Amend(T)	3-1-2011
411-031-0020(T)	12-1-2010	Repeal	1-1-2011	411-335-0380	2-7-2011	Amend(T)	3-1-2011
411-031-0040	12-1-2010	Amend	1-1-2011	411-340-0030	11-17-2010	Amend(T)	1-1-2011
411-031-0040(T)	12-1-2010	Repeal	1-1-2011	411-340-0030	5-5-2011	Amend	6-1-2011
411-034-0010	1-1-2011	Amend	2-1-2011	411-340-0030(T)	5-5-2011	Repeal	6-1-2011
411-034-0020	1-1-2011	Amend	2-1-2011	411-340-0040	11-17-2010	Amend(T)	1-1-2011
411-050-0412	1-1-2011	Amend	2-1-2011	411-340-0040	5-5-2011	Amend	6-1-2011
411-050-0499	1-1-2011	Repeal	2-1-2011	411-340-0040(T)	5-5-2011	Repeal	6-1-2011
411-054-0005	4-1-2011	Amend	5-1-2011	411-340-0060	11-17-2010	Amend(T)	1-1-2011
411-054-0005(T)	4-1-2011	Repeal	5-1-2011	411-340-0060(T)	5-5-2011	Repeal	6-1-2011
411-054-0012	4-1-2011	Amend	5-1-2011	411-340-0120	11-17-2010	Amend(T)	1-1-2011
411-054-0012(T)	4-1-2011	Repeal	5-1-2011	411-340-0120	5-5-2011	Amend	6-1-2011
411-067-0000	4-1-2011	Amend	5-1-2011	411-340-0120(T)	5-5-2011	Repeal	6-1-2011
411-067-0010	4-1-2011	Amend	5-1-2011	411-345-0030	2-7-2011	Amend(T)	3-1-2011
411-067-0020	4-1-2011	Amend	5-1-2011	411-345-0100	2-7-2011	Amend(T)	3-1-2011
411-067-0030	4-1-2011	Repeal	5-1-2011	411-345-0260	2-7-2011	Amend(T)	3-1-2011
411-067-0050	4-1-2011	Amend	5-1-2011	411-346-0110	2-10-2011	Amend(T)	3-1-2011
411-067-0055	4-1-2011	Amend	5-1-2011	411-346-0150	2-10-2011	Amend(T)	3-1-2011
411-067-0060	4-1-2011	Amend	5-1-2011	411-346-0160	2-10-2011	Amend(T)	3-1-2011
411-067-0065	4-1-2011	Adopt	5-1-2011	411-346-0165	2-10-2011	Amend(T)	3-1-2011
411-067-0070	4-1-2011	Amend	5-1-2011	411-346-0190	2-10-2011	Amend(T)	3-1-2011
411-067-0080	4-1-2011	Amend	5-1-2011	411-346-0200	2-10-2011	Amend(T)	3-1-2011
411-067-0083	4-1-2011	Amend	5-1-2011	411-346-0220	2-10-2011	Amend(T)	3-1-2011
411-067-0086	4-1-2011	Adopt	5-1-2011	411-360-0070	1-1-2011	Amend	2-1-2011
411-067-0087	4-1-2011	Repeal	5-1-2011	411-360-0070(T)	1-1-2011	Repeal	2-1-2011
411-067-0090	4-1-2011	Amend	5-1-2011	413-010-0055	12-29-2010	Amend	2-1-2011
411-067-0100	4-1-2011	Amend	5-1-2011	413-010-0055(T)	12-29-2010	Repeal	2-1-2011
411-200-0010	5-1-2011	Amend	6-1-2011	413-010-0081	12-29-2010	Amend	2-1-2011
411-200-0020	5-1-2011	Amend	6-1-2011	413-010-0082	12-29-2010	Amend	2-1-2011
411-200-0030	5-1-2011	Amend	6-1-2011	413-010-0083	12-29-2010	Amend	2-1-2011
411-200-0035	5-1-2011	Adopt	6-1-2011	413-010-0084	12-29-2010	Repeal	2-1-2011
411-200-0040	5-1-2011	Amend	6-1-2011	413-010-0085	12-29-2010	Amend	2-1-2011
411-304-0035	1-1-2011	Amend	2-1-2011	413-010-0086	12-29-2010	Repeal	2-1-2011
411-308-0020	2-1-2011	Amend(T)	3-1-2011	413-010-0360	12-29-2010	Repeal	2-1-2011
411-308-0050	2-1-2011	Amend(T)	3-1-2011	413-010-0370	12-29-2010	Repeal	2-1-2011
411-308-0060	2-1-2011	Amend(T)	3-1-2011	413-010-0380	12-29-2010	Repeal	2-1-2011
411-308-0070	2-1-2011	Amend(T)	3-1-2011	413-040-0240	1-4-2011	Amend	2-1-2011
411-308-0080	2-1-2011	Amend(T)	3-1-2011	413-040-0240(T)	1-4-2011	Repeal	2-1-2011
411-308-0090	2-1-2011	Amend(T)	3-1-2011	413-070-0500	12-29-2010	Amend	2-1-2011
411-308-0120	2-1-2011	Amend(T)	3-1-2011	413-070-0505	12-29-2010	Amend	2-1-2011
411-320-0020	1-1-2011	Amend	2-1-2011	413-070-0510	12-29-2010	Amend	2-1-2011
411-320-0020(T)	1-1-2011	Repeal	2-1-2011	413-070-0514	12-29-2010	Adopt	2-1-2011
411-320-0030	12-1-2010	Amend(T)	1-1-2011	413-070-0514	3-22-2011	Amend(T)	5-1-2011

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413-070-0515	12-29-2010	Am. & Ren.	2-1-2011	413-120-0057	12-29-2010	Adopt	2-1-2011
413-070-0516	12-29-2010	Adopt	2-1-2011	413-120-0060	12-29-2010	Amend	2-1-2011
413-070-0516	3-22-2011	Amend(T)	5-1-2011	413-120-0060	3-22-2011	Amend(T)	5-1-2011
413-070-0517	12-29-2010	Repeal	2-1-2011	413-120-0075	12-29-2010	Am. & Ren.	2-1-2011
413-070-0518	12-29-2010	Adopt	2-1-2011	413-120-0080	12-29-2010	Repeal	2-1-2011
413-070-0518	3-22-2011	Amend(T)	5-1-2011	413-120-0190	12-29-2010	Amend	2-1-2011
413-070-0519	12-29-2010	Adopt	2-1-2011	413-120-0195	12-29-2010	Amend	2-1-2011
413-070-0519	3-22-2011	Amend(T)	5-1-2011	413-120-0200	12-29-2010	Repeal	2-1-2011
413-070-0520	12-29-2010	Amend	2-1-2011	413-120-0210	12-29-2010	Repeal	2-1-2011
413-070-0524	12-29-2010	Amend	2-1-2011	413-120-0220	12-29-2010	Amend	2-1-2011
413-070-0532	12-29-2010	Amend	2-1-2011	413-120-0222	12-29-2010	Adopt	2-1-2011
413-070-0536	12-29-2010	Amend	2-1-2011	413-120-0225	12-29-2010	Adopt	2-1-2011
413-070-0540	12-29-2010	Amend	2-1-2011	413-120-0230	12-29-2010	Repeal	2-1-2011
413-070-0548	12-29-2010	Am. & Ren.	2-1-2011	413-120-0240	12-29-2010	Amend	2-1-2011
413-070-0550	12-29-2010	Amend	2-1-2011	413-120-0243	12-29-2010	Adopt	2-1-2011
413-070-0550	3-22-2011	Amend(T)	5-1-2011	413-120-0246	12-29-2010	Adopt	2-1-2011
413-070-0552	12-29-2010	Amend	2-1-2011	413-120-0250	12-29-2010	Repeal	2-1-2011
413-070-0556	12-29-2010	Amend	2-1-2011	413-120-0255	12-29-2010	Repeal	2-1-2011
413-070-0565	12-29-2010	Amend	2-1-2011	413-120-0260	12-29-2010	Repeal	2-1-2011
413-070-0570	12-28-2010	Adopt	2-1-2011	413-120-0265	12-29-2010	Repeal	2-1-2011
413-070-0572	12-28-2010	Adopt	2-1-2011	413-120-0270	12-29-2010	Repeal	2-1-2011
413-070-0574	12-28-2010	Adopt	2-1-2011	413-120-0275	12-29-2010	Repeal	2-1-2011
413-070-0600	12-29-2010	Amend	2-1-2011	413-120-0280	12-29-2010	Repeal	2-1-2011
413-070-0620	12-29-2010	Amend	2-1-2011	413-120-0285	12-29-2010	Repeal	2-1-2011
413-070-0625	12-29-2010	Amend	2-1-2011	413-120-0290	12-29-2010	Repeal	2-1-2011
413-070-0630	12-29-2010	Amend	2-1-2011	413-120-0300	12-29-2010	Repeal	2-1-2011
413-070-0640	12-29-2010	Amend	2-1-2011	413-120-0310	12-29-2010	Repeal	2-1-2011
413-070-0645	12-29-2010	Amend	2-1-2011	413-120-0500	12-29-2010	Amend	2-1-2011
413-070-0651	12-29-2010	Adopt(T)	2-1-2011	413-120-0510	12-29-2010	Amend	2-1-2011
413-070-0655	12-29-2010	Adopt(T)	2-1-2011	413-120-0520	12-29-2010	Repeal	2-1-2011
413-070-0660	12-29-2010	Adopt(T)	2-1-2011	413-120-0521	12-29-2010	Adopt	2-1-2011
413-070-0665	12-29-2010	Adopt(T)	2-1-2011	413-120-0530	12-29-2010	Repeal	2-1-2011
413-070-0670	12-29-2010	Adopt(T)	2-1-2011	413-120-0540	12-29-2010	Repeal	2-1-2011
413-110-0100	12-29-2010	Amend	2-1-2011	413-120-0541	12-29-2010	Adopt	2-1-2011
413-110-0110	12-29-2010	Amend	2-1-2011	413-120-0550	12-29-2010	Am. & Ren.	2-1-2011
413-110-0120	12-29-2010	Repeal	2-1-2011	413-120-0570	12-29-2010	Adopt	2-1-2011
413-110-0130	12-29-2010	Amend	2-1-2011	413-120-0590	12-29-2010	Adopt	2-1-2011
413-110-0132	12-29-2010	Adopt	2-1-2011	413-120-0595	12-29-2010	Adopt	2-1-2011
413-110-0132	4-4-2011	Amend(T)	5-1-2011	413-120-0700	12-29-2010	Adopt	2-1-2011
413-110-0140	12-29-2010	Repeal	2-1-2011	413-120-0710	12-29-2010	Adopt	2-1-2011
413-110-0150	12-29-2010	Adopt	2-1-2011	413-120-0720	12-29-2010	Adopt	2-1-2011
413-120-0000	12-29-2010	Amend	2-1-2011	413-120-0730	12-29-2010	Adopt	2-1-2011
413-120-0010	12-29-2010	Amend	2-1-2011	413-120-0730	3-22-2011	Amend(T)	5-1-2011
413-120-0015	12-29-2010	Repeal	2-1-2011	413-120-0750	12-29-2010	Adopt	2-1-2011
413-120-0020	12-29-2010	Amend	2-1-2011	413-120-0750	3-22-2011	Amend(T)	5-1-2011
413-120-0020	3-22-2011	Amend(T)	5-1-2011	413-120-0760	12-29-2010	Adopt	2-1-2011
413-120-0021	12-29-2010	Adopt	2-1-2011	413-120-0760	3-22-2011	Amend(T)	5-1-2011
413-120-0021	3-22-2011	Amend(T)	5-1-2011	413-120-0800	12-29-2010	Amend	2-1-2011
413-120-0025	12-29-2010	Adopt	2-1-2011	413-120-0810	12-29-2010	Amend	2-1-2011
413-120-0030	12-29-2010	Repeal	2-1-2011	413-120-0820	12-29-2010	Repeal	2-1-2011
413-120-0033	12-29-2010	Am. & Ren.	2-1-2011	413-120-0830	12-29-2010	Amend	2-1-2011
413-120-0035	12-29-2010	Amend	2-1-2011	413-120-0840	12-29-2010	Adopt	2-1-2011
413-120-0035	3-22-2011	Amend(T)	5-1-2011	413-120-0850	12-29-2010	Adopt	2-1-2011
413-120-0040	12-29-2010	Repeal	2-1-2011	413-120-0860	12-29-2010	Adopt	2-1-2011
413-120-0045	12-29-2010	Am. & Ren.	2-1-2011	413-120-0870	12-29-2010	Adopt	2-1-2011
413-120-0053	12-29-2010	Adopt	2-1-2011	413-120-0900	12-28-2010	Adopt	2-1-2011

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413-120-0910	12-28-2010	Adopt	2-1-2011	415-054-0070	3-9-2011	Repeal	4-1-2011
413-120-0920	12-28-2010	Adopt	2-1-2011	415-054-0075	3-9-2011	Repeal	4-1-2011
413-120-0925	12-28-2010	Adopt	2-1-2011	415-054-0076	3-9-2011	Repeal	4-1-2011
413-120-0930	12-28-2010	Adopt	2-1-2011	415-054-0080	3-9-2011	Repeal	4-1-2011
413-120-0940	12-28-2010	Adopt	2-1-2011	415-054-0090	3-9-2011	Repeal	4-1-2011
413-120-0945	12-28-2010	Adopt	2-1-2011	415-054-0100	3-9-2011	Repeal	4-1-2011
413-120-0950	12-28-2010	Adopt	2-1-2011	415-054-0200	3-9-2011	Repeal	4-1-2011
413-120-0960	12-28-2010	Adopt	2-1-2011	415-054-0210	3-9-2011	Repeal	4-1-2011
413-120-0970	12-28-2010	Adopt	2-1-2011	415-054-0220	3-9-2011	Repeal	4-1-2011
413-130-0150	12-29-2010	Repeal	2-1-2011	415-054-0230	3-9-2011	Repeal	4-1-2011
413-130-0160	12-29-2010	Repeal	2-1-2011	415-054-0240	3-9-2011	Repeal	4-1-2011
413-130-0170	12-29-2010	Repeal	2-1-2011	415-054-0300	3-9-2011	Repeal	4-1-2011
413-130-0180	12-29-2010	Repeal	2-1-2011	415-054-0310	3-9-2011	Repeal	4-1-2011
414-205-0055	1-1-2011	Amend	2-1-2011	415-054-0320	3-9-2011	Repeal	4-1-2011
414-205-0100	1-1-2011	Amend	2-1-2011	415-054-0330	3-9-2011	Repeal	4-1-2011
414-205-0110	1-1-2011	Amend	2-1-2011	415-054-0340	3-9-2011	Repeal	4-1-2011
414-205-0170	1-1-2011	Amend	2-1-2011	415-054-0350	3-9-2011	Repeal	4-1-2011
414-300-0005	1-1-2011	Amend	2-1-2011	415-054-0360	3-9-2011	Repeal	4-1-2011
414-300-0010	1-1-2011	Amend	2-1-2011	415-054-0370	3-9-2011	Repeal	4-1-2011
414-300-0015	1-1-2011	Amend	2-1-2011	415-054-0400	3-9-2011	Adopt	4-1-2011
414-300-0030	1-1-2011	Amend	2-1-2011	415-054-0400(T)	3-9-2011	Repeal	4-1-2011
414-300-0040	1-1-2011	Amend	2-1-2011	415-054-0410	3-9-2011	Adopt	4-1-2011
414-300-0110	1-1-2011	Amend(T)	2-1-2011	415-054-0410(T)	3-9-2011	Repeal	4-1-2011
414-300-0110	6-1-2011	Amend	7-1-2011	415-054-0420	3-9-2011	Adopt	4-1-2011
414-300-0110(T)	6-1-2011	Repeal	7-1-2011	415-054-0420(T)	3-9-2011	Repeal	4-1-2011
414-300-0120	1-1-2011	Amend	2-1-2011	415-054-0430	3-9-2011	Adopt	4-1-2011
414-300-0250	1-1-2011	Amend	2-1-2011	415-054-0430(T)	3-9-2011	Repeal	4-1-2011
414-300-0415	1-1-2011	Amend	2-1-2011	415-054-0440	3-9-2011	Adopt	4-1-2011
414-350-0010	1-1-2011	Amend	2-1-2011	415-054-0440(T)	3-9-2011	Repeal	4-1-2011
414-350-0020	1-1-2011	Amend	2-1-2011	415-054-0450	3-9-2011	Adopt	4-1-2011
414-350-0030	1-1-2011	Amend	2-1-2011	415-054-0450(T)	3-9-2011	Repeal	4-1-2011
414-350-0050	1-1-2011	Amend	2-1-2011	415-054-0460	3-9-2011	Adopt	4-1-2011
414-350-0060	1-1-2011	Amend	2-1-2011	415-054-0460(T)	3-9-2011	Repeal	4-1-2011
414-350-0090	1-1-2011	Amend	2-1-2011	415-054-0470	3-9-2011	Adopt	4-1-2011
414-350-0100	1-1-2011	Amend	2-1-2011	415-054-0470(T)	3-9-2011	Repeal	4-1-2011
414-350-0110	1-1-2011	Amend(T)	2-1-2011	415-054-0480	3-9-2011	Adopt	4-1-2011
414-350-0110	6-1-2011	Amend	7-1-2011	415-054-0480(T)	3-9-2011	Repeal	4-1-2011
414-350-0110(T)	6-1-2011	Repeal	7-1-2011	415-054-0490	3-9-2011	Adopt	4-1-2011
414-350-0115	1-1-2011	Amend	2-1-2011	415-054-0490(T)	3-9-2011	Repeal	4-1-2011
414-350-0200	1-1-2011	Amend	2-1-2011	415-054-0500	3-9-2011	Adopt	4-1-2011
414-350-0210	1-1-2011	Amend	2-1-2011	415-054-0500(T)	3-9-2011	Repeal	4-1-2011
414-350-0375	1-1-2011	Amend	2-1-2011	415-054-0510	3-9-2011	Adopt	4-1-2011
414-350-0380	1-1-2011	Amend	2-1-2011	415-054-0510(T)	3-9-2011	Repeal	4-1-2011
414-425-0010	5-1-2011	Amend(T)	6-1-2011	415-054-0520	3-9-2011	Adopt	4-1-2011
414-425-0030	5-1-2011	Amend(T)	6-1-2011	415-054-0520(T)	3-9-2011	Repeal	4-1-2011
414-450-0010	5-1-2011	Amend(T)	6-1-2011	415-054-0530	3-9-2011	Adopt	4-1-2011
414-450-0030	5-1-2011	Amend(T)	6-1-2011	415-054-0540	3-9-2011	Adopt	4-1-2011
415-054-0005	3-9-2011	Repeal	4-1-2011	415-054-0550	3-9-2011	Adopt	4-1-2011
415-054-0010	3-9-2011	Repeal	4-1-2011	415-054-0560	3-9-2011	Adopt	4-1-2011
415-054-0015	3-9-2011	Repeal	4-1-2011	415-054-0570	3-9-2011	Adopt	4-1-2011
415-054-0017	3-9-2011	Repeal	4-1-2011	415-054-0580	3-9-2011	Adopt	4-1-2011
415-054-0018	3-9-2011	Repeal	4-1-2011	415-065-0055	2-11-2011	Amend(T)	3-1-2011
415-054-0045	3-9-2011	Repeal	4-1-2011	416-070-0010	6-14-2011	Adopt(T)	7-1-2011
415-054-0050	3-9-2011	Repeal	4-1-2011	416-070-0020	6-14-2011	Adopt(T)	7-1-2011
415-054-0055	3-9-2011	Repeal	4-1-2011	416-070-0030	6-14-2011	Adopt(T)	7-1-2011

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416-070-0040	6-14-2011	Adopt(T)	7-1-2011	441-674-0005	1-20-2011	Amend	3-1-2011
416-070-0050	6-14-2011	Adopt(T)	7-1-2011	441-674-0005(T)	1-1-2011	Repeal	2-1-2011
416-070-0060	6-14-2011	Adopt(T)	7-1-2011	441-674-0100	1-1-2011	Adopt	2-1-2011
436-009-0003	4-1-2011	Amend	4-1-2011	441-674-0100(T)	1-1-2011	Repeal	2-1-2011
436-009-0004	4-1-2011	Amend	4-1-2011	441-674-0120	1-1-2011	Adopt	2-1-2011
436-009-0005	4-1-2011	Amend	4-1-2011	441-674-0120(T)	1-1-2011	Repeal	2-1-2011
436-009-0010	4-1-2011	Amend	4-1-2011	441-674-0130	1-1-2011	Adopt	2-1-2011
436-009-0020	4-1-2011	Amend	4-1-2011	441-674-0130(T)	1-1-2011	Repeal	2-1-2011
436-009-0030	4-1-2011	Amend	4-1-2011	441-674-0140	1-1-2011	Adopt	2-1-2011
436-009-0040	4-1-2011	Amend	4-1-2011	441-674-0140(T)	1-1-2011	Repeal	2-1-2011
436-009-0050	4-1-2011	Amend	4-1-2011	441-674-0210	1-1-2011	Adopt	2-1-2011
436-009-0070	4-1-2011	Amend	4-1-2011	441-674-0210(T)	1-1-2011	Repeal	2-1-2011
436-009-0080	4-1-2011	Amend	4-1-2011	441-674-0220	1-1-2011	Adopt	2-1-2011
436-009-0090	4-1-2011	Amend	4-1-2011	441-674-0220(T)	1-1-2011	Repeal	2-1-2011
436-009-0114	4-1-2011	Adopt	4-1-2011	441-674-0230	1-1-2011	Adopt	2-1-2011
436-009-0120	4-1-2011	Amend	4-1-2011	441-674-0230(T)	1-1-2011	Repeal	2-1-2011
436-009-0125	4-1-2011	Amend	4-1-2011	441-674-0240	1-1-2011	Adopt	2-1-2011
436-009-0155	4-1-2011	Amend	4-1-2011	441-674-0240(T)	1-1-2011	Repeal	2-1-2011
436-009-0160	4-1-2011	Amend	4-1-2011	441-674-0250	1-1-2011	Adopt	2-1-2011
436-009-0180	4-1-2011	Amend	4-1-2011	441-674-0250(T)	1-1-2011	Repeal	2-1-2011
436-009-0199	4-1-2011	Am. & Ren.	4-1-2011	441-674-0310	1-1-2011	Adopt	2-1-2011
436-009-0200	4-1-2012	Adopt	4-1-2011	441-674-0310(T)	1-1-2011	Repeal	2-1-2011
436-009-0205	4-1-2012	Adopt	4-1-2011	441-674-0510	1-20-2011	Adopt	3-1-2011
436-009-0206	4-1-2012	Adopt	4-1-2011	441-674-0520	1-20-2011	Adopt	3-1-2011
436-009-0207	4-1-2012	Adopt	4-1-2011	441-674-0910	1-1-2011	Adopt	2-1-2011
436-009-0210	4-1-2012	Adopt	4-1-2011	441-674-0910(T)	1-1-2011	Repeal	2-1-2011
436-009-0215	4-1-2012	Adopt	4-1-2011	441-674-0915	1-1-2011	Adopt	2-1-2011
436-009-0220	4-1-2012	Adopt	4-1-2011	441-674-0915(T)	1-1-2011	Repeal	2-1-2011
436-009-0225	4-1-2012	Adopt	4-1-2011	441-674-0920	1-1-2011	Adopt	2-1-2011
436-009-0230	4-1-2012	Adopt	4-1-2011	441-674-0920(T)	1-1-2011	Repeal	2-1-2011
436-009-0235	4-1-2012	Adopt	4-1-2011	441-710-0035	12-1-2010	Amend	1-1-2011
436-009-0240	4-1-2012	Adopt	4-1-2011	441-710-0071	12-1-2010	Adopt	1-1-2011
436-009-0245	4-1-2012	Adopt	4-1-2011	441-710-0500	3-8-2011	Amend	4-1-2011
436-009-0250	4-1-2012	Adopt	4-1-2011	441-930-0010	1-1-2011	Amend	2-1-2011
436-009-0255	4-1-2012	Adopt	4-1-2011	441-930-0030	1-1-2011	Amend	2-1-2011
436-009-0260	4-1-2012	Adopt	4-1-2011	441-930-0035	1-1-2011	Adopt	2-1-2011
436-009-0265	4-1-2012	Adopt	4-1-2011	441-930-0045	1-1-2011	Adopt	2-1-2011
436-009-0270	4-1-2012	Adopt	4-1-2011	441-930-0065	1-1-2011	Adopt	2-1-2011
436-009-0275	4-1-2012	Adopt	4-1-2011	441-930-0068	1-1-2011	Adopt	2-1-2011
436-009-0280	4-1-2012	Adopt	4-1-2011	441-930-0070	1-1-2011	Amend	2-1-2011
436-009-0285	4-1-2012	Adopt	4-1-2011	441-930-0080	1-1-2011	Amend	2-1-2011
436-009-0290	4-1-2012	Adopt	4-1-2011	441-930-0210	1-1-2011	Amend	2-1-2011
436-010-0230	4-1-2011	Amend	4-1-2011	441-930-0220	1-1-2011	Amend	2-1-2011
436-010-0265	4-1-2011	Amend	4-1-2011	441-930-0230	1-1-2011	Amend	2-1-2011
436-010-0290	4-1-2011	Amend	4-1-2011	441-930-0240	1-1-2011	Amend	2-1-2011
436-060-0095	4-1-2011	Amend	4-1-2011	441-930-0250	1-1-2011	Amend	2-1-2011
436-085-0003	7-1-2011	Amend	7-1-2011	441-930-0255	1-1-2011	Adopt	2-1-2011
436-085-0005	7-1-2011	Amend	7-1-2011	441-930-0260	1-1-2011	Amend	2-1-2011
436-085-0025	7-1-2011	Amend	7-1-2011	441-930-0267	1-1-2011	Adopt	2-1-2011
436-085-0030	7-1-2011	Amend	7-1-2011	441-930-0270	1-1-2011	Amend	2-1-2011
437-003-0001	2-9-2011	Amend	3-1-2011	441-930-0280	1-1-2011	Repeal	2-1-2011
437-003-1423	2-9-2011	Adopt	3-1-2011	441-930-0290	1-1-2011	Amend	2-1-2011
437-003-3600	2-9-2011	Adopt	3-1-2011	441-930-0300	1-1-2011	Amend	2-1-2011
441-035-0010	2-15-2011	Amend	3-1-2011	441-930-0310	1-1-2011	Amend	2-1-2011
441-505-1135	12-1-2010	Adopt	1-1-2011	441-930-0320	1-1-2011	Amend	2-1-2011
441-674-0005	1-1-2011	Adopt	2-1-2011	441-930-0330	1-1-2011	Amend	2-1-2011

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441-930-0350	1-1-2011	Amend	2-1-2011	442-010-0210	3-8-2011	Amend	4-1-2011
441-930-0360	1-1-2011	Amend	2-1-2011	442-010-0220	1-18-2011	Adopt	3-1-2011
442-005-0000	5-19-2011	Amend	7-1-2011	442-010-0220	3-8-2011	Amend	4-1-2011
442-005-0010	2-25-2011	Amend	4-1-2011	442-010-0230	1-18-2011	Adopt	3-1-2011
442-005-0030	1-5-2011	Amend(T)	2-1-2011	442-010-0230	3-8-2011	Amend	4-1-2011
442-005-0030	4-22-2011	Amend	6-1-2011	442-010-0240	1-18-2011	Adopt	3-1-2011
442-005-0030(T)	1-5-2011	Suspend	2-1-2011	442-010-0240	3-8-2011	Amend	4-1-2011
442-005-0050	2-25-2011	Amend	4-1-2011	442-010-0250	1-18-2011	Adopt	3-1-2011
442-005-0060	2-25-2011	Amend	4-1-2011	442-010-0250	3-8-2011	Amend	4-1-2011
442-005-0070	4-22-2011	Amend	6-1-2011	442-010-0260	1-18-2011	Adopt	3-1-2011
442-005-0100	2-25-2011	Amend	4-1-2011	442-010-0260	3-8-2011	Amend	4-1-2011
442-005-0240	4-22-2011	Amend	6-1-2011	442-010-0270	1-18-2011	Adopt	3-1-2011
442-010-0010	1-18-2011	Amend	3-1-2011	442-010-0270	3-8-2011	Amend	4-1-2011
442-010-0010	3-8-2011	Amend	4-1-2011	442-010-0280	1-18-2011	Adopt	3-1-2011
442-010-0020	1-18-2011	Amend	3-1-2011	442-010-0280	3-8-2011	Amend	4-1-2011
442-010-0020	3-8-2011	Amend	4-1-2011	443-002-0070	1-26-2011	Amend	3-1-2011
442-010-0030	1-18-2011	Amend	3-1-2011	443-002-0190	1-26-2011	Amend	3-1-2011
442-010-0030	3-8-2011	Amend	4-1-2011	459-005-0040	11-24-2010	Adopt	1-1-2011
442-010-0040	1-18-2011	Amend	3-1-2011	459-005-0250	6-1-2011	Amend	7-1-2011
442-010-0040	3-8-2011	Amend	4-1-2011	459-005-0580	6-1-2011	Adopt	7-1-2011
442-010-0050	3-8-2011	Amend	4-1-2011	459-011-0150	6-1-2011	Adopt	7-1-2011
442-010-0055	1-18-2011	Amend	3-1-2011	459-015-0055	6-1-2011	Amend	7-1-2011
442-010-0055	3-8-2011	Amend	4-1-2011	459-050-0075	6-1-2011	Amend	7-1-2011
442-010-0060	1-18-2011	Amend	3-1-2011	459-050-0090	6-1-2011	Amend	7-1-2011
442-010-0060	3-8-2011	Amend	4-1-2011	459-060-0020	11-24-2010	Amend	1-1-2011
442-010-0065	3-8-2011	Adopt	4-1-2011	459-070-0100	2-2-2011	Amend	3-1-2011
442-010-0070	1-18-2011	Amend	3-1-2011	459-070-0110	2-2-2011	Amend	3-1-2011
442-010-0070	3-8-2011	Amend	4-1-2011	461-001-0000	1-1-2011	Amend	2-1-2011
442-010-0075	3-8-2011	Adopt	4-1-2011	461-012-0100	7-1-2011	Am. & Ren.	7-1-2011
442-010-0080	1-18-2011	Amend	3-1-2011	461-012-0150	7-1-2011	Am. & Ren.	7-1-2011
442-010-0080	3-8-2011	Amend	4-1-2011	461-025-0311	1-1-2011	Amend	2-1-2011
442-010-0085	3-8-2011	Adopt	4-1-2011	461-025-0311(T)	1-1-2011	Repeal	2-1-2011
442-010-0090	3-8-2011	Amend	4-1-2011	461-101-0010	1-1-2011	Amend	2-1-2011
442-010-0100	1-18-2011	Amend	3-1-2011	461-101-0010(T)	1-1-2011	Repeal	2-1-2011
442-010-0100	3-8-2011	Amend	4-1-2011	461-110-0210	4-1-2011	Amend	5-1-2011
442-010-0110	1-18-2011	Amend	3-1-2011	461-110-0310	4-1-2011	Amend	5-1-2011
442-010-0110	3-8-2011	Amend	4-1-2011	461-110-0330	4-1-2011	Amend	5-1-2011
442-010-0120	1-18-2011	Amend	3-1-2011	461-110-0340	4-1-2011	Amend	5-1-2011
442-010-0120	3-8-2011	Amend	4-1-2011	461-110-0350	4-1-2011	Amend	5-1-2011
442-010-0130	1-18-2011	Amend	3-1-2011	461-110-0370	4-1-2011	Amend	5-1-2011
442-010-0130	3-8-2011	Amend	4-1-2011	461-110-0390	4-1-2011	Amend	5-1-2011
442-010-0140	1-18-2011	Amend	3-1-2011	461-110-0400	4-1-2011	Amend	5-1-2011
442-010-0140	3-8-2011	Amend	4-1-2011	461-110-0410	4-1-2011	Amend	5-1-2011
442-010-0150	1-18-2011	Amend	3-1-2011	461-110-0430	4-1-2011	Amend	5-1-2011
442-010-0150	3-8-2011	Amend	4-1-2011	461-110-0530	4-1-2011	Amend	5-1-2011
442-010-0160	1-18-2011	Amend	3-1-2011	461-110-0630	1-1-2011	Amend	2-1-2011
442-010-0160	3-8-2011	Amend	4-1-2011	461-110-0630	4-1-2011	Amend	5-1-2011
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442-010-0180	1-18-2011	Amend	3-1-2011	461-115-0071	1-1-2011	Amend	2-1-2011
442-010-0180	3-8-2011	Amend	4-1-2011	461-115-0071(T)	1-1-2011	Repeal	2-1-2011
442-010-0190	1-18-2011	Amend	3-1-2011	461-115-0530	3-1-2011	Amend(T)	4-1-2011
442-010-0190	3-8-2011	Amend	4-1-2011	461-115-0705	4-1-2011	Amend	5-1-2011
442-010-0200	1-18-2011	Adopt	3-1-2011	461-115-0705(T)	4-1-2011	Repeal	5-1-2011
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461-130-0310	1-1-2011	Amend	2-1-2011	461-155-0290	3-1-2011	Amend(T)	4-1-2011
461-130-0315	1-1-2011	Amend	2-1-2011	461-155-0291	3-1-2011	Amend(T)	4-1-2011
461-130-0320	1-1-2011	Repeal	2-1-2011	461-155-0295	3-1-2011	Amend(T)	4-1-2011
461-130-0323	1-1-2011	Repeal	2-1-2011	461-155-0320	1-1-2011	Amend	2-1-2011
461-130-0325	1-1-2011	Repeal	2-1-2011	461-155-0320(T)	1-1-2011	Repeal	2-1-2011
461-130-0327	1-1-2011	Amend	2-1-2011	461-155-0528	1-1-2011	Adopt	2-1-2011
461-130-0328	1-1-2011	Amend	2-1-2011	461-155-0528	2-1-2011	Amend(T)	3-1-2011
461-130-0330	1-1-2011	Amend	2-1-2011	461-155-0528(T)	1-1-2011	Repeal	2-1-2011
461-130-0335	1-1-2011	Amend	2-1-2011	461-155-0575	4-1-2011	Adopt(T)	5-1-2011
461-135-0010	1-1-2011	Amend	2-1-2011	461-155-0688	1-1-2011	Amend	2-1-2011
461-135-0095	4-1-2011	Amend	5-1-2011	461-155-0688(T)	1-1-2011	Repeal	2-1-2011
461-135-0095(T)	4-1-2011	Repeal	5-1-2011	461-155-0693	1-1-2011	Amend	2-1-2011
461-135-0210	1-1-2011	Amend	2-1-2011	461-155-0693	2-1-2011	Amend(T)	3-1-2011
461-135-0210(T)	1-1-2011	Repeal	2-1-2011	461-155-0693(T)	1-1-2011	Repeal	2-1-2011
461-135-0400	1-1-2011	Amend	2-1-2011	461-160-0015	1-1-2011	Amend(T)	2-1-2011
461-135-0400	2-16-2011	Amend(T)	4-1-2011	461-160-0015	4-1-2011	Amend	5-1-2011
461-135-0400	3-22-2011	Amend(T)	5-1-2011	461-160-0015(T)	4-1-2011	Repeal	5-1-2011
461-135-0400(T)	1-1-2011	Repeal	2-1-2011	461-160-0400	4-1-2011	Amend	5-1-2011
461-135-0400(T)	3-22-2011	Suspend	5-1-2011	461-160-0400(T)	4-1-2011	Repeal	5-1-2011
461-135-0780	1-1-2011	Amend	2-1-2011	461-160-0410	1-1-2011	Amend	2-1-2011
461-135-0950	4-1-2011	Amend	5-1-2011	461-160-0430	1-1-2011	Amend	2-1-2011
461-135-1100	1-1-2011	Amend	2-1-2011	461-160-0430	1-1-2011	Amend(T)	2-1-2011
461-135-1100(T)	1-1-2011	Repeal	2-1-2011	461-160-0430	4-1-2011	Amend	5-1-2011
461-135-1120	3-1-2011	Amend(T)	4-1-2011	461-160-0430(T)	1-1-2011	Repeal	2-1-2011
461-135-1125	1-1-2011	Amend	2-1-2011	461-160-0430(T)	4-1-2011	Repeal	5-1-2011
461-135-1125(T)	1-1-2011	Repeal	2-1-2011	461-160-0530	1-1-2011	Repeal	2-1-2011
461-135-1195	1-1-2011	Amend	2-1-2011	461-160-0700	1-1-2011	Amend	2-1-2011
461-135-1197	1-1-2011	Adopt	2-1-2011	461-160-0700	1-1-2011	Amend(T)	2-1-2011
461-135-1250	1-1-2011	Amend	2-1-2011	461-160-0700	4-1-2011	Amend	5-1-2011
461-135-1250	6-15-2011	Amend(T)	7-1-2011	461-160-0700(T)	1-1-2011	Repeal	2-1-2011
461-135-1250(T)	1-1-2011	Repeal	2-1-2011	461-160-0700(T)	4-1-2011	Repeal	5-1-2011
461-140-0110	4-1-2011	Amend	5-1-2011	461-170-0010	4-1-2011	Amend	5-1-2011
461-145-0140	1-1-2011	Amend(T)	2-1-2011	461-170-0010(T)	4-1-2011	Repeal	5-1-2011
461-145-0143	1-1-2011	Suspend	2-1-2011	461-170-0011	1-1-2011	Amend	2-1-2011
461-145-0220	1-1-2011	Amend(T)	2-1-2011	461-175-0010	1-1-2011	Amend	2-1-2011
461-145-0530	2-4-2011	Amend(T)	3-1-2011	461-175-0010(T)	1-1-2011	Repeal	2-1-2011
461-150-0055	1-1-2011	Amend	2-1-2011	461-175-0200	1-1-2011	Amend	2-1-2011
461-150-0055	1-1-2011	Amend(T)	2-1-2011	461-175-0200(T)	1-1-2011	Repeal	2-1-2011
461-150-0055	2-4-2011	Amend(T)	3-1-2011	461-175-0250	1-1-2011	Amend	2-1-2011
461-150-0055	4-1-2011	Amend	5-1-2011	461-175-0250(T)	1-1-2011	Repeal	2-1-2011
461-150-0055(T)	1-1-2011	Repeal	2-1-2011	461-190-0211	1-1-2011	Amend(T)	2-1-2011
461-150-0055(T)	2-4-2011	Suspend	3-1-2011	461-190-0211	4-1-2011	Amend	5-1-2011
461-150-0055(T)	4-1-2011	Repeal	5-1-2011	461-190-0211(T)	4-1-2011	Repeal	5-1-2011
461-155-0030	1-1-2011	Amend	2-1-2011	461-190-0212	6-2-2011	Adopt(T)	7-1-2011
461-155-0030	1-1-2011	Amend(T)	2-1-2011	461-190-0416	2-14-2011	Amend(T)	3-1-2011
461-155-0030	4-1-2011	Amend	5-1-2011	461-193-0560	1-1-2011	Amend	2-1-2011
461-155-0030(T)	1-1-2011	Repeal	2-1-2011	461-193-0560(T)	1-1-2011	Repeal	2-1-2011
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461-155-0035	1-1-2011	Amend	2-1-2011	462-210-0040	6-9-2011	Amend	7-1-2011
461-155-0035(T)	1-1-2011	Repeal	2-1-2011	462-220-0030	6-9-2011	Amend	7-1-2011
461-155-0180	1-1-2011	Amend	2-1-2011	471-010-0111	12-13-2010	Adopt	1-1-2011
461-155-0180	1-20-2011	Amend(T)	3-1-2011	471-030-0037	3-1-2011	Amend(T)	4-1-2011
461-155-0180(T)	1-1-2011	Repeal	2-1-2011	471-030-0038	3-1-2011	Amend(T)	4-1-2011
461-155-0225	1-1-2011	Amend	2-1-2011	471-030-0048	7-1-2011	Amend(T)	6-1-2011

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471-031-0200	12-13-2010	Amend	1-1-2011	579-050-0005	6-6-2011	Repeal	7-1-2011
471-031-0225	12-13-2010	Repeal	1-1-2011	580-040-0035	1-20-2011	Amend	3-1-2011
471-031-0230	12-13-2010	Repeal	1-1-2011	581-001-0005	4-22-2011	Amend	6-1-2011
471-031-0235	12-13-2010	Adopt	1-1-2011	581-015-2030	4-22-2011	Amend	6-1-2011
471-040-0005	2-9-2011	Amend(T)	3-1-2011	581-020-0345	2-1-2011	Amend	3-1-2011
571-004-0020	2-7-2011	Amend	3-1-2011	581-020-0350	12-17-2010	Repeal	2-1-2011
571-004-0025	2-7-2011	Amend	3-1-2011	581-022-0421	2-1-2011	Amend	3-1-2011
571-004-0030	2-7-2011	Amend	3-1-2011	581-022-0617	12-17-2010	Adopt	2-1-2011
571-004-0035	2-7-2011	Repeal	3-1-2011	581-045-0009	1-1-2011	Amend	2-1-2011
571-004-0040	2-7-2011	Repeal	3-1-2011	581-051-0305	2-1-2011	Amend	3-1-2011
571-004-0045	2-7-2011	Amend	3-1-2011	581-051-0306	2-1-2011	Amend	3-1-2011
571-004-0050	2-7-2011	Amend	3-1-2011	581-053-0002	3-17-2011	Amend	5-1-2011
571-004-0055	2-7-2011	Amend	3-1-2011	581-053-0006	3-17-2011	Amend	5-1-2011
573-001-0075	12-8-2010	Amend	1-1-2011	582-001-0010	3-1-2011	Amend(T)	3-1-2011
573-040-0005	6-13-2011	Amend	7-1-2011	582-030-0040	3-1-2011	Amend(T)	3-1-2011
573-050-0005	6-13-2011	Amend	7-1-2011	582-050-0000	3-1-2011	Amend(T)	3-1-2011
573-050-0015	6-13-2011	Amend	7-1-2011	582-050-0005	3-1-2011	Amend(T)	3-1-2011
573-050-0016	6-13-2011	Adopt	7-1-2011	582-050-0010	3-1-2011	Amend(T)	3-1-2011
573-050-0020	6-13-2011	Amend	7-1-2011	582-050-0020	3-1-2011	Amend(T)	3-1-2011
573-050-0025	6-13-2011	Amend	7-1-2011	582-050-0060	3-1-2011	Amend(T)	3-1-2011
573-050-0040	6-13-2011	Amend	7-1-2011	582-060-0010	3-1-2011	Amend(T)	3-1-2011
573-076-0000	6-13-2011	Amend	7-1-2011	582-060-0020	3-1-2011	Amend(T)	3-1-2011
573-076-0020	6-13-2011	Amend	7-1-2011	582-070-0010	3-1-2011	Amend(T)	3-1-2011
573-076-0050	6-13-2011	Amend	7-1-2011	582-070-0020	3-1-2011	Amend(T)	3-1-2011
573-076-0060	6-13-2011	Amend	7-1-2011	582-070-0025	3-1-2011	Amend(T)	3-1-2011
573-076-0070	6-13-2011	Amend	7-1-2011	582-070-0030	3-1-2011	Amend(T)	3-1-2011
573-076-0080	6-13-2011	Amend	7-1-2011	582-070-0040	3-1-2011	Amend(T)	3-1-2011
573-076-0130	6-13-2011	Amend	7-1-2011	582-070-0042	3-1-2011	Amend(T)	3-1-2011
574-050-0005	2-2-2011	Amend	3-1-2011	582-070-0043	3-1-2011	Amend(T)	3-1-2011
574-050-0005	5-2-2011	Amend	6-1-2011	582-070-0044	3-1-2011	Amend(T)	3-1-2011
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575-080-0110	11-16-2010	Adopt	1-1-2011	583-030-0035	11-16-2010	Amend	1-1-2011
575-080-0120	11-16-2010	Adopt	1-1-2011	583-050-0011	11-16-2010	Amend	1-1-2011
575-080-0130	11-16-2010	Adopt	1-1-2011	583-050-0016	11-16-2010	Amend	1-1-2011
575-080-0135	11-16-2010	Adopt	1-1-2011	584-010-0090	1-1-2011	Amend	2-1-2011
575-080-0140	11-16-2010	Adopt	1-1-2011	584-017-0200	1-1-2011	Amend	2-1-2011
575-080-0145	11-16-2010	Adopt	1-1-2011	584-017-0201	1-1-2011	Amend	2-1-2011
576-010-0000	7-1-2011	Amend	7-1-2011	584-017-0300	1-1-2011	Amend	2-1-2011
576-010-0006	6-13-2011	Adopt	7-1-2011	584-017-0390	1-1-2011	Amend	2-1-2011
576-010-0031	6-13-2011	Amend	7-1-2011	584-017-0480	1-1-2011	Amend	2-1-2011
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576-010-0041	6-13-2011	Amend	7-1-2011	584-017-0510	1-26-2011	Adopt	3-1-2011
576-015-0020	6-13-2011	Amend	7-1-2011	584-017-0520	1-26-2011	Adopt	3-1-2011
576-015-0050	6-13-2011	Amend	7-1-2011	584-017-0530	1-26-2011	Adopt	3-1-2011
576-017-0005	6-13-2011	Amend	7-1-2011	584-017-0541	1-26-2011	Adopt	3-1-2011
576-017-0010	6-13-2011	Repeal	7-1-2011	584-017-0551	1-26-2011	Adopt	3-1-2011
576-017-0015	6-13-2011	Repeal	7-1-2011	584-017-0555	1-26-2011	Adopt	3-1-2011
576-017-0020	6-13-2011	Repeal	7-1-2011	584-017-0560	1-26-2011	Adopt	3-1-2011
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576-060-0020	6-13-2011	Amend	7-1-2011	584-020-0040	6-15-2011	Amend	7-1-2011
576-060-0025	6-13-2011	Amend	7-1-2011	584-021-0120	3-15-2011	Amend	4-1-2011
576-060-0031	6-13-2011	Amend	7-1-2011	584-021-0165	1-1-2011	Amend	1-1-2011
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584-036-0105	3-15-2011	Amend	4-1-2011	603-052-1212	3-17-2011	Adopt(T)	5-1-2011
584-042-0002	1-1-2011	Repeal	2-1-2011	603-052-1215	3-17-2011	Adopt(T)	5-1-2011
584-042-0006	1-1-2011	Repeal	2-1-2011	603-052-1230	12-17-2010	Amend	2-1-2011
584-042-0009	1-1-2011	Repeal	2-1-2011	603-052-1250	12-17-2010	Amend	2-1-2011
584-042-0044	1-1-2011	Amend	1-1-2011	617-030-0010	4-5-2011	Amend	5-1-2011
584-048-0065	1-1-2011	Am. & Ren.	2-1-2011	629-001-0015	1-7-2011	Amend(T)	2-1-2011
584-060-0014	3-15-2011	Amend	4-1-2011	629-001-0015	3-15-2011	Amend	4-1-2011
584-060-0062	1-28-2011	Amend	3-1-2011	629-001-0015(T)	3-15-2011	Repeal	4-1-2011
584-060-0162	1-1-2011	Amend	1-1-2011	629-001-0020	1-7-2011	Amend(T)	2-1-2011
584-060-0171	1-1-2011	Amend	1-1-2011	629-001-0020	3-15-2011	Amend	4-1-2011
584-060-0181	1-1-2011	Amend	1-1-2011	629-001-0020(T)	3-15-2011	Repeal	4-1-2011
584-060-0181	3-15-2011	Amend	4-1-2011	629-041-0035	1-7-2011	Amend(T)	2-1-2011
584-060-0182	1-1-2011	Amend	1-1-2011	629-041-0035	3-15-2011	Amend	4-1-2011
584-060-0190	1-1-2011	Amend	1-1-2011	629-041-0035(T)	3-15-2011	Repeal	4-1-2011
584-060-0200	1-1-2011	Amend	1-1-2011	635-003-0003	5-1-2011	Amend	6-1-2011
584-060-0210	1-1-2011	Amend	2-1-2011	635-004-0005	3-22-2011	Amend	5-1-2011
584-060-0220	1-1-2011	Amend	2-1-2011	635-004-0009	3-22-2011	Amend	5-1-2011
584-060-0220	3-15-2011	Amend	4-1-2011	635-004-0016	5-26-2011	Amend	7-1-2011
584-065-0125	3-15-2011	Adopt	4-1-2011	635-004-0017	3-4-2011	Amend(T)	4-1-2011
584-070-0001	1-1-2011	Amend	1-1-2011	635-004-0017	5-26-2011	Amend	7-1-2011
584-070-0111	1-1-2011	Amend	1-1-2011	635-004-0018	1-1-2011	Amend	1-1-2011
584-070-0111	3-15-2011	Amend	4-1-2011	635-004-0019	12-7-2010	Amend(T)	1-1-2011
584-070-0112	1-1-2011	Amend	1-1-2011	635-004-0019	1-1-2011	Amend	1-1-2011
584-070-0132	1-1-2011	Amend	1-1-2011	635-004-0019	1-1-2011	Amend(T)	2-1-2011
584-070-0205	1-1-2011	Adopt	2-1-2011	635-004-0019	1-11-2011	Amend(T)	2-1-2011
584-070-0211	1-1-2011	Amend	2-1-2011	635-004-0019	3-3-2011	Amend(T)	4-1-2011
584-070-0221	1-1-2011	Amend	2-1-2011	635-004-0019	5-13-2011	Amend(T)	6-1-2011
584-070-0271	1-1-2011	Amend	2-1-2011	635-004-0019(T)	12-7-2010	Suspend	1-1-2011
584-070-0310	1-1-2011	Amend	1-1-2011	635-004-0019(T)	1-1-2011	Suspend	2-1-2011
584-070-0401	1-1-2011	Adopt	2-1-2011	635-004-0019(T)	1-11-2011	Suspend	2-1-2011
584-070-0411	1-1-2011	Adopt	2-1-2011	635-004-0019(T)	3-3-2011	Suspend	4-1-2011
584-070-0411	4-14-2011	Amend	5-1-2011	635-004-0019(T)	5-13-2011	Suspend	6-1-2011
584-070-0421	1-1-2011	Adopt	2-1-2011	635-004-0025	1-1-2011	Amend	1-1-2011
584-070-0421	4-14-2011	Amend	5-1-2011	635-004-0035	1-1-2011	Amend	1-1-2011
584-070-0431	1-1-2011	Adopt	2-1-2011	635-004-0070	1-1-2011	Amend	1-1-2011
584-070-0431	4-14-2011	Amend	5-1-2011	635-004-0075	1-1-2011	Amend	1-1-2011
584-070-0431	6-15-2011	Amend	7-1-2011	635-005-0045	12-10-2010	Amend(T)	1-1-2011
584-080-0031	1-1-2011	Amend	1-1-2011	635-005-0055	3-15-2011	Amend(T)	4-1-2011
584-080-0151	3-15-2011	Amend	4-1-2011	635-005-0190	1-1-2011	Amend	1-1-2011
584-080-0152	3-15-2011	Amend	4-1-2011	635-006-0215	1-1-2011	Amend	1-1-2011
584-080-0153	1-1-2011	Amend	1-1-2011	635-006-0232	1-10-2011	Amend	2-1-2011
584-080-0161	1-1-2011	Amend	1-1-2011	635-006-1075	11-23-2010	Amend(T)	1-1-2011
584-080-0171	1-1-2011	Amend	1-1-2011	635-006-1095	12-15-2010	Amend(T)	1-1-2011
589-002-0100	4-20-2011	Amend	6-1-2011	635-007-0545	12-6-2010	Amend	1-1-2011
603-011-0250	1-7-2011	Amend	2-1-2011	635-007-0825	12-6-2010	Repeal	1-1-2011
603-011-0255	1-6-2011	Amend	2-1-2011	635-007-0830	12-6-2010	Repeal	1-1-2011
603-011-0256	1-7-2011	Amend	2-1-2011	635-008-0055	1-1-2011	Amend	2-1-2011
603-011-0263	1-6-2011	Amend	2-1-2011	635-008-0148	1-14-2011	Amend	2-1-2011
603-011-0264	1-6-2011	Amend	2-1-2011	635-008-0149	1-14-2011	Amend	2-1-2011
603-011-0281	1-7-2011	Amend	2-1-2011	635-008-0151	1-14-2011	Amend	2-1-2011
603-011-0340	1-6-2011	Amend	2-1-2011	635-008-0151	5-24-2011	Amend	7-1-2011
603-011-0365	1-6-2011	Repeal	2-1-2011	635-008-0153	1-1-2011	Amend	2-1-2011
603-027-0420	1-26-2011	Amend	3-1-2011	635-008-0163	7-1-2011	Adopt	7-1-2011
603-042-0020	5-10-2011	Amend	6-1-2011	635-010-0157	1-1-2011	Amend	2-1-2011

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635-013-0003	1-1-2011	Amend	2-1-2011	635-023-0125(T)	5-7-2011	Suspend	6-1-2011
635-013-0003	5-1-2011	Amend	6-1-2011	635-023-0125(T)	5-15-2011	Suspend	6-1-2011
635-013-0004	1-1-2011	Amend	2-1-2011	635-023-0125(T)	5-27-2011	Suspend	7-1-2011
635-014-0080	1-1-2011	Amend	2-1-2011	635-023-0125(T)	6-2-2011	Suspend	7-1-2011
635-014-0090	1-1-2011	Amend	2-1-2011	635-023-0128	1-1-2011	Amend	2-1-2011
635-014-0090	6-1-2011	Amend(T)	7-1-2011	635-023-0128	6-16-2011	Amend(T)	7-1-2011
635-016-0080	1-1-2011	Amend	2-1-2011	635-023-0130	1-1-2011	Amend	2-1-2011
635-016-0090	1-1-2011	Amend	2-1-2011	635-023-0134	1-1-2011	Amend	2-1-2011
635-016-0090	5-1-2011	Amend(T)	6-1-2011	635-023-0134	4-23-2011	Amend(T)	5-1-2011
635-017-0080	1-1-2011	Amend	2-1-2011	635-039-0080	1-1-2011	Amend	1-1-2011
635-017-0090	1-1-2011	Amend	2-1-2011	635-039-0080	3-22-2011	Amend	5-1-2011
635-017-0095	1-1-2011	Amend	2-1-2011	635-039-0085	3-22-2011	Amend	5-1-2011
635-017-0095	1-1-2011	Amend(T)	2-1-2011	635-039-0085	6-4-2011	Amend(T)	7-1-2011
635-017-0095	2-17-2011	Amend(T)	3-1-2011	635-039-0090	1-1-2011	Amend	1-1-2011
635-017-0095	3-17-2011	Amend(T)	5-1-2011	635-039-0090	3-22-2011	Amend	5-1-2011
635-017-0095	3-21-2011	Amend	5-1-2011	635-041-0005	5-5-2011	Amend(T)	6-1-2011
635-017-0095(T)	2-17-2011	Suspend	3-1-2011	635-041-0015	5-5-2011	Amend(T)	6-1-2011
635-017-0095(T)	3-17-2011	Suspend	5-1-2011	635-041-0020	5-5-2011	Amend(T)	6-1-2011
635-018-0080	1-1-2011	Amend	2-1-2011	635-041-0025	5-5-2011	Amend(T)	6-1-2011
635-018-0090	1-1-2011	Amend	2-1-2011	635-041-0045	3-21-2011	Amend	5-1-2011
635-018-0090	1-1-2011	Amend(T)	2-1-2011	635-041-0045	5-5-2011	Amend(T)	6-1-2011
635-018-0090	4-15-2011	Amend(T)	4-1-2011	635-041-0045	5-10-2011	Amend(T)	6-1-2011
635-018-0090	4-15-2011	Amend(T)	4-1-2011	635-041-0045	6-6-2011	Amend(T)	7-1-2011
635-018-0090	5-10-2011	Amend(T)	6-1-2011	635-041-0045	6-9-2011	Amend(T)	7-1-2011
635-018-0090(T)	4-15-2011	Suspend	4-1-2011	635-041-0045	6-16-2011	Amend(T)	7-1-2011
635-018-0090(T)	4-15-2011	Suspend	4-1-2011	635-041-0045(T)	5-10-2011	Suspend	6-1-2011
635-018-0090(T)	5-10-2011	Suspend	6-1-2011	635-041-0045(T)	6-6-2011	Suspend	7-1-2011
635-019-0080	1-1-2011	Amend	2-1-2011	635-041-0045(T)	6-9-2011	Suspend	7-1-2011
635-019-0090	1-1-2011	Amend	2-1-2011	635-041-0045(T)	6-16-2011	Suspend	7-1-2011
635-019-0090	5-28-2011	Amend(T)	7-1-2011	635-041-0065	2-1-2011	Amend(T)	3-1-2011
635-019-0090	6-13-2011	Amend(T)	7-1-2011	635-041-0065	2-10-2011	Amend(T)	3-1-2011
635-019-0090(T)	6-13-2011	Suspend	7-1-2011	635-041-0065	3-21-2011	Amend	5-1-2011
635-021-0080	1-1-2011	Amend	2-1-2011	635-041-0065(T)	2-10-2011	Suspend	3-1-2011
635-021-0090	1-1-2011	Amend	2-1-2011	635-041-0076	5-10-2011	Amend(T)	6-1-2011
635-021-0090	5-28-2011	Amend(T)	7-1-2011	635-041-0076	6-16-2011	Amend(T)	7-1-2011
635-023-0080	1-1-2011	Amend	2-1-2011	635-041-0076(T)	6-16-2011	Suspend	7-1-2011
635-023-0090	1-1-2011	Amend	2-1-2011	635-042-0010	3-21-2011	Amend	5-1-2011
635-023-0095	1-1-2011	Amend	2-1-2011	635-042-0022	3-29-2011	Amend(T)	5-1-2011
635-023-0095	1-1-2011	Amend(T)	2-1-2011	635-042-0022	4-6-2011	Amend(T)	5-1-2011
635-023-0095	2-11-2011	Amend(T)	3-1-2011	635-042-0022	5-12-2011	Amend(T)	6-1-2011
635-023-0095	3-21-2011	Amend	5-1-2011	635-042-0022	5-18-2011	Amend(T)	7-1-2011
635-023-0095	4-10-2011	Amend(T)	5-1-2011	635-042-0022(T)	5-18-2011	Suspend	7-1-2011
635-023-0095(T)	2-11-2011	Suspend	3-1-2011	635-042-0027	6-16-2011	Amend(T)	7-1-2011
635-023-0095(T)	4-10-2011	Suspend	5-1-2011	635-042-0027(T)	6-16-2011	Suspend	7-1-2011
635-023-0125	1-1-2011	Amend	2-1-2011	635-042-0032	3-21-2011	Amend	5-1-2011
635-023-0125	2-14-2011	Amend(T)	3-1-2011	635-042-0060	3-21-2011	Amend	5-1-2011
635-023-0125	4-8-2011	Amend(T)	5-1-2011	635-042-0110	5-10-2011	Amend(T)	6-1-2011
635-023-0125	4-16-2011	Amend(T)	5-1-2011	635-042-0115	5-10-2011	Amend(T)	6-1-2011
635-023-0125	4-21-2011	Amend(T)	6-1-2011	635-042-0130	12-1-2010	Amend(T)	1-1-2011
635-023-0125	5-7-2011	Amend(T)	6-1-2011	635-042-0130	3-21-2011	Amend	5-1-2011
635-023-0125	5-15-2011	Amend(T)	6-1-2011	635-042-0135	1-15-2011	Amend(T)	2-1-2011
635-023-0125	5-27-2011	Amend(T)	7-1-2011	635-042-0145	2-13-2011	Amend(T)	3-1-2011
635-023-0125	6-2-2011	Amend(T)	7-1-2011	635-042-0145	3-21-2011	Amend	5-1-2011
635-023-0125(T)	4-8-2011	Suspend	5-1-2011	635-042-0145	4-21-2011	Amend(T)	6-1-2011
635-023-0125(T)	4-16-2011	Suspend	5-1-2011	635-042-0145	4-28-2011	Amend(T)	6-1-2011

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635-042-0145(T)	4-21-2011	Suspend	6-1-2011	635-046-0055	7-1-2011	Adopt	7-1-2011
635-042-0145(T)	4-28-2011	Suspend	6-1-2011	635-049-0025	1-1-2011	Amend(T)	2-1-2011
635-042-0145(T)	5-12-2011	Suspend	6-1-2011	635-049-0025	6-3-2011	Amend	7-1-2011
635-042-0145(T)	5-18-2011	Suspend	7-1-2011	635-049-0025(T)	6-3-2011	Repeal	7-1-2011
635-042-0160	2-13-2011	Amend(T)	3-1-2011	635-049-0265	1-1-2011	Amend(T)	2-1-2011
635-042-0160	3-21-2011	Amend	5-1-2011	635-049-0265	6-3-2011	Amend	7-1-2011
635-042-0160	4-21-2011	Amend(T)	6-1-2011	635-049-0265(T)	6-3-2011	Repeal	7-1-2011
635-042-0160	5-11-2011	Amend(T)	6-1-2011	635-050-0045	7-1-2011	Amend	7-1-2011
635-042-0160(T)	4-21-2011	Suspend	6-1-2011	635-051-0048	1-19-2011	Amend(T)	3-1-2011
635-042-0160(T)	5-11-2011	Suspend	6-1-2011	635-051-0076	1-28-2011	Adopt(T)	3-1-2011
635-042-0170	2-13-2011	Amend(T)	3-1-2011	635-051-0076	7-1-2011	Suspend	7-1-2011
635-042-0170	3-21-2011	Amend	5-1-2011	635-051-0078	1-28-2011	Adopt(T)	3-1-2011
635-042-0170	4-21-2011	Amend(T)	6-1-2011	635-051-0078	7-1-2011	Suspend	7-1-2011
635-042-0170	5-11-2011	Amend(T)	6-1-2011	635-055-0000	1-14-2011	Amend	2-1-2011
635-042-0170(T)	4-21-2011	Suspend	6-1-2011	635-055-0030	1-14-2011	Amend	2-1-2011
635-042-0170(T)	5-11-2011	Suspend	6-1-2011	635-055-0035	1-14-2011	Amend	2-1-2011
635-042-0180	2-13-2011	Amend(T)	3-1-2011	635-055-0037	1-14-2011	Amend	2-1-2011
635-042-0180	3-21-2011	Amend	5-1-2011	635-056-0000	2-15-2011	Amend	3-1-2011
635-042-0180	4-21-2011	Amend(T)	6-1-2011	635-056-0010	2-15-2011	Amend	3-1-2011
635-042-0180	5-18-2011	Amend(T)	7-1-2011	635-056-0020	2-15-2011	Amend	3-1-2011
635-042-0180(T)	4-21-2011	Suspend	6-1-2011	635-056-0050	2-15-2011	Amend	3-1-2011
635-042-0180(T)	5-18-2011	Suspend	7-1-2011	635-056-0050	7-1-2011	Amend	7-1-2011
635-043-0051	5-4-2011	Amend	6-1-2011	635-056-0060	2-15-2011	Amend	3-1-2011
635-043-0051	6-3-2011	Amend	7-1-2011	635-056-0060	7-1-2011	Amend	7-1-2011
635-043-0100	1-28-2011	Amend(T)	3-1-2011	635-056-0070	2-15-2011	Amend	3-1-2011
635-043-0100	7-1-2011	Repeal	7-1-2011	635-056-0070	7-1-2011	Amend	7-1-2011
635-044-0000	2-15-2011	Amend	3-1-2011	635-056-0075	2-15-2011	Amend	3-1-2011
635-044-0060	2-15-2011	Amend	3-1-2011	635-056-0080	2-15-2011	Amend	3-1-2011
635-044-0200	7-1-2011	Amend	7-1-2011	635-056-0130	2-15-2011	Amend	3-1-2011
635-044-0205	7-1-2011	Amend	7-1-2011	635-057-0000	2-15-2011	Amend	3-1-2011
635-044-0210	7-1-2011	Amend	7-1-2011	635-060-0023	1-1-2011	Amend	2-1-2011
635-044-0215	7-1-2011	Amend	7-1-2011	635-060-0030	1-1-2011	Amend	2-1-2011
635-044-0220	7-1-2011	Repeal	7-1-2011	635-060-0055	1-1-2011	Amend	2-1-2011
635-044-0225	7-1-2011	Repeal	7-1-2011	635-065-0001	1-1-2011	Amend	2-1-2011
635-044-0230	7-1-2011	Repeal	7-1-2011	635-065-0015	1-1-2011	Amend	2-1-2011
635-044-0235	7-1-2011	Repeal	7-1-2011	635-065-0090	1-1-2011	Amend	2-1-2011
635-044-0240	7-1-2011	Adopt	7-1-2011	635-065-0401	1-1-2011	Amend	2-1-2011
635-044-0245	7-1-2011	Adopt	7-1-2011	635-065-0625	1-1-2011	Amend	2-1-2011
635-044-0250	7-1-2011	Adopt	7-1-2011	635-065-0700	1-1-2011	Amend	2-1-2011
635-044-0255	7-1-2011	Adopt	7-1-2011	635-065-0705	1-1-2011	Amend	2-1-2011
635-044-0280	7-1-2011	Adopt	7-1-2011	635-065-0740	1-1-2011	Amend	2-1-2011
635-044-0300	7-1-2011	Adopt	7-1-2011	635-065-0760	1-1-2011	Amend	2-1-2011
635-044-0305	7-1-2011	Adopt	7-1-2011	635-065-0765	6-3-2011	Amend	7-1-2011
635-044-0310	7-1-2011	Adopt	7-1-2011	635-066-0000	1-1-2011	Amend	2-1-2011
635-045-0002	1-1-2011	Amend	2-1-2011	635-067-0000	1-1-2011	Amend	2-1-2011
635-046-0000	7-1-2011	Adopt	7-1-2011	635-067-0000	6-3-2011	Amend	7-1-2011
635-046-0005	7-1-2011	Repeal	7-1-2011	635-068-0000	3-1-2011	Amend	3-1-2011
635-046-0010	7-1-2011	Repeal	7-1-2011	635-068-0000	6-3-2011	Amend	7-1-2011
635-046-0015	7-1-2011	Repeal	7-1-2011	635-069-0000	2-1-2011	Amend	3-1-2011
635-046-0020	7-1-2011	Repeal	7-1-2011	635-069-0000	6-3-2011	Amend	7-1-2011
635-046-0025	7-1-2011	Repeal	7-1-2011	635-070-0000	6-3-2011	Amend	7-1-2011
635-046-0030	7-1-2011	Repeal	7-1-2011	635-071-0000	6-3-2011	Amend	7-1-2011
635-046-0035	7-1-2011	Repeal	7-1-2011	635-072-0000	1-1-2011	Amend	2-1-2011
635-046-0040	7-1-2011	Adopt	7-1-2011	635-073-0000	2-1-2011	Amend	3-1-2011

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635-073-0076	1-1-2011	Amend	2-1-2011	660-004-0022	3-16-2011	Amend	5-1-2011
635-075-0001	1-1-2011	Amend	2-1-2011	660-004-0025	2-2-2011	Amend	3-1-2011
635-075-0003	6-3-2011	Amend	7-1-2011	660-004-0025	3-16-2011	Amend	5-1-2011
635-075-0010	1-1-2011	Amend	2-1-2011	660-004-0028	2-2-2011	Amend	3-1-2011
635-080-0016	1-1-2011	Amend	2-1-2011	660-004-0028	3-16-2011	Amend	5-1-2011
635-080-0021	1-1-2011	Amend	2-1-2011	660-004-0030	2-2-2011	Amend	3-1-2011
635-080-0023	1-1-2011	Amend	2-1-2011	660-004-0030	3-16-2011	Amend	5-1-2011
635-080-0026	1-1-2011	Amend	2-1-2011	660-004-0035	2-2-2011	Amend	3-1-2011
635-120-0020	5-4-2011	Repeal	6-1-2011	660-004-0035	3-16-2011	Amend	5-1-2011
635-135-0020	5-4-2011	Repeal	6-1-2011	660-004-0040	2-2-2011	Amend	3-1-2011
635-140-0000	5-4-2011	Amend	6-1-2011	660-004-0040	3-16-2011	Amend	5-1-2011
635-140-0005	5-4-2011	Amend	6-1-2011	660-006-0000	2-2-2011	Amend	3-1-2011
635-140-0010	5-4-2011	Amend	6-1-2011	660-006-0003	2-2-2011	Amend	3-1-2011
635-140-0015	5-4-2011	Adopt	6-1-2011	660-006-0004	2-2-2011	Amend	3-1-2011
635-140-0025	5-4-2011	Repeal	6-1-2011	660-006-0005	2-2-2011	Amend	3-1-2011
635-160-0000	5-4-2011	Amend	6-1-2011	660-006-0010	2-2-2011	Amend	3-1-2011
635-160-0030	5-4-2011	Repeal	6-1-2011	660-006-0015	2-2-2011	Amend	3-1-2011
635-170-0015	12-29-2010	Amend(T)	2-1-2011	660-006-0020	2-2-2011	Amend	3-1-2011
635-170-0015	5-4-2011	Repeal	6-1-2011	660-006-0025	2-2-2011	Amend	3-1-2011
635-180-0015	5-4-2011	Repeal	6-1-2011	660-006-0026	2-2-2011	Amend	3-1-2011
635-190-0030	5-4-2011	Repeal	6-1-2011	660-006-0027	2-2-2011	Amend	3-1-2011
635-195-0010	5-4-2011	Repeal	6-1-2011	660-006-0029	2-2-2011	Amend	3-1-2011
635-200-0030	3-2-2011	Repeal	4-1-2011	660-006-0031	2-2-2011	Amend	3-1-2011
644-010-0010	1-1-2011	Amend(T)	1-1-2011	660-006-0035	2-2-2011	Amend	3-1-2011
644-010-0010	2-14-2011	Amend	3-1-2011	660-006-0040	2-2-2011	Amend	3-1-2011
644-010-0010(T)	2-14-2011	Repeal	3-1-2011	660-006-0050	2-2-2011	Amend	3-1-2011
646-040-0000	5-31-2011	Amend	7-1-2011	660-006-0055	2-2-2011	Amend	3-1-2011
647-010-0010	7-1-2011	Amend	6-1-2011	660-006-0057	2-2-2011	Amend	3-1-2011
660-001-0000	12-8-2010	Amend	1-1-2011	660-006-0060	2-2-2011	Amend	3-1-2011
660-001-0005	12-8-2010	Amend	1-1-2011	660-033-0010	3-16-2011	Amend	5-1-2011
660-001-0007	12-8-2010	Amend	1-1-2011	660-033-0020	3-16-2011	Amend	5-1-2011
660-001-0201	12-8-2010	Amend	1-1-2011	660-033-0030	3-16-2011	Amend	5-1-2011
660-001-0210	12-8-2010	Amend	1-1-2011	660-033-0120	3-16-2011	Amend	5-1-2011
660-001-0220	12-8-2010	Amend	1-1-2011	660-033-0130	11-23-2010	Amend	1-1-2011
660-001-0230	12-8-2010	Amend	1-1-2011	660-033-0130	3-16-2011	Amend	5-1-2011
660-003-0005	12-8-2010	Amend	1-1-2011	660-033-0130(T)	11-23-2010	Repeal	1-1-2011
660-003-0010	12-8-2010	Amend	1-1-2011	660-033-0135	3-16-2011	Amend	5-1-2011
660-003-0015	12-8-2010	Amend	1-1-2011	660-033-0140	3-16-2011	Amend	5-1-2011
660-003-0020	12-8-2010	Amend	1-1-2011	660-033-0145	3-16-2011	Amend	5-1-2011
660-003-0025	12-8-2010	Amend	1-1-2011	660-044-0000	6-1-2011	Adopt	7-1-2011
660-003-0032	12-8-2010	Amend	1-1-2011	660-044-0005	6-1-2011	Adopt	7-1-2011
660-003-0033	12-8-2010	Amend	1-1-2011	660-044-0010	6-1-2011	Adopt	7-1-2011
660-003-0050	12-8-2010	Amend	1-1-2011	660-044-0020	6-1-2011	Adopt	7-1-2011
660-004-0000	2-2-2011	Amend	3-1-2011	660-044-0025	6-1-2011	Adopt	7-1-2011
660-004-0000	3-16-2011	Amend	5-1-2011	660-044-0030	6-1-2011	Adopt	7-1-2011
660-004-0005	2-2-2011	Amend	3-1-2011	660-044-0035	6-1-2011	Adopt	7-1-2011
660-004-0005	3-16-2011	Amend	5-1-2011	678-030-0027	11-19-2010	Amend	1-1-2011
660-004-0010	2-2-2011	Amend	3-1-2011	690-095-0005	12-14-2010	Adopt	1-1-2011
660-004-0010	3-16-2011	Amend	5-1-2011	690-095-0010	12-14-2010	Adopt	1-1-2011
660-004-0015	2-2-2011	Amend	3-1-2011	690-095-0015	12-14-2010	Adopt	1-1-2011
660-004-0015	3-16-2011	Amend	5-1-2011	690-095-0020	12-14-2010	Adopt	1-1-2011
660-004-0018	2-2-2011	Amend	3-1-2011	690-095-0025	12-14-2010	Adopt	1-1-2011
660-004-0018	3-16-2011	Amend	5-1-2011	690-095-0030	12-14-2010	Adopt	1-1-2011

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690-095-0040	12-14-2010	Adopt	1-1-2011	734-051-0345	1-19-2011	Amend	3-1-2011
690-095-0045	12-14-2010	Adopt	1-1-2011	734-051-0345(T)	1-19-2011	Repeal	3-1-2011
690-095-0050	12-14-2010	Adopt	1-1-2011	734-051-0500	1-19-2011	Amend	3-1-2011
690-095-0055	12-14-2010	Adopt	1-1-2011	734-051-0500(T)	1-19-2011	Repeal	3-1-2011
690-095-0060	12-14-2010	Adopt	1-1-2011	734-051-0530	1-19-2011	Amend	3-1-2011
690-095-0065	12-14-2010	Adopt	1-1-2011	734-051-0530(T)	1-19-2011	Repeal	3-1-2011
690-095-0070	12-14-2010	Adopt	1-1-2011	734-070-0005	5-27-2011	Amend	7-1-2011
690-095-0075	12-14-2010	Adopt	1-1-2011	734-070-0010	5-27-2011	Amend	7-1-2011
690-095-0080	12-14-2010	Adopt	1-1-2011	734-070-0017	1-28-2011	Adopt	3-1-2011
690-095-0085	12-14-2010	Adopt	1-1-2011	734-070-0025	5-27-2011	Amend	7-1-2011
690-095-0090	12-14-2010	Adopt	1-1-2011	734-071-0010	5-27-2011	Amend	7-1-2011
690-095-0095	12-14-2010	Adopt	1-1-2011	734-072-0010	5-27-2011	Amend	7-1-2011
690-095-0100	12-14-2010	Adopt	1-1-2011	734-072-0015	5-27-2011	Amend	7-1-2011
731-001-0005	5-27-2011	Amend	7-1-2011	734-072-0020	5-27-2011	Amend	7-1-2011
731-017-0005	12-22-2010	Adopt	2-1-2011	734-072-0022	5-27-2011	Amend	7-1-2011
731-017-0010	12-22-2010	Adopt	2-1-2011	734-072-0023	5-27-2011	Amend	7-1-2011
731-017-0015	12-22-2010	Adopt	2-1-2011	734-072-0030	5-27-2011	Amend	7-1-2011
731-017-0020	12-22-2010	Adopt	2-1-2011	734-073-0050	5-27-2011	Amend	7-1-2011
731-017-0025	12-22-2010	Adopt	2-1-2011	734-073-0056	5-27-2011	Amend	7-1-2011
731-017-0030	12-22-2010	Adopt	2-1-2011	734-073-0065	5-27-2011	Amend	7-1-2011
731-017-0035	12-22-2010	Adopt	2-1-2011	734-074-0020	5-27-2011	Amend	7-1-2011
731-017-0040	12-22-2010	Adopt	2-1-2011	734-074-0023	5-27-2011	Amend	7-1-2011
731-017-0045	12-22-2010	Adopt	2-1-2011	734-074-0051	5-27-2011	Amend	7-1-2011
731-017-0050	12-22-2010	Adopt	2-1-2011	734-075-0035	5-27-2011	Amend	7-1-2011
731-017-0055	12-22-2010	Adopt	2-1-2011	734-075-0065	5-27-2011	Repeal	7-1-2011
731-035-0070	12-22-2010	Amend	2-1-2011	734-075-0075	5-27-2011	Repeal	7-1-2011
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734-020-0017	5-27-2011	Amend	7-1-2011	734-076-0075	5-27-2011	Amend	7-1-2011
734-024-0005	5-27-2011	Adopt	7-1-2011	734-076-0115	5-27-2011	Amend	7-1-2011
734-024-0015	5-27-2011	Adopt	7-1-2011	734-076-0165	5-27-2011	Amend	7-1-2011
734-024-0020	5-27-2011	Adopt	7-1-2011	734-076-0175	5-27-2011	Amend	7-1-2011
734-024-0030	5-27-2011	Adopt	7-1-2011	734-077-0010	5-27-2011	Amend	7-1-2011
734-024-0040	5-27-2011	Adopt	7-1-2011	734-078-0020	5-27-2011	Amend	7-1-2011
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734-051-0040	1-19-2011	Amend	3-1-2011	734-082-0035	5-27-2011	Amend	7-1-2011
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734-051-0045	1-19-2011	Amend	3-1-2011	734-082-0070	5-27-2011	Amend	7-1-2011
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734-051-0070	1-19-2011	Amend	3-1-2011	735-032-0065	12-22-2010	Adopt	2-1-2011
734-051-0070(T)	1-19-2011	Repeal	3-1-2011	735-034-0000	3-16-2011	Amend	5-1-2011
734-051-0080	1-19-2011	Amend	3-1-2011	735-034-0005	3-16-2011	Amend	5-1-2011
734-051-0080(T)	1-19-2011	Repeal	3-1-2011	735-034-0010	3-16-2011	Amend	5-1-2011
734-051-0135	1-19-2011	Amend	3-1-2011	735-040-0098	1-28-2011	Amend	3-1-2011
734-051-0135(T)	1-19-2011	Repeal	3-1-2011	735-040-0098(T)	1-28-2011	Repeal	3-1-2011
734-051-0245	1-19-2011	Amend	3-1-2011	735-046-0050	1-1-2011	Amend	2-1-2011
734-051-0245(T)	1-19-2011	Repeal	3-1-2011	735-060-0000	1-1-2011	Amend	1-1-2011
734-051-0255	1-19-2011	Amend	3-1-2011	735-060-0120	1-1-2011	Amend	1-1-2011
734-051-0255(T)	1-19-2011	Repeal	3-1-2011	735-062-0002	1-1-2011	Amend	1-1-2011
734-051-0295	1-19-2011	Amend	3-1-2011	735-062-0070	1-1-2011	Amend	1-1-2011
734-051-0295(T)	1-19-2011	Repeal	3-1-2011	735-062-0200	1-1-2011	Amend	1-1-2011
734-051-0315	1-19-2011	Amend	3-1-2011	735-072-0020	3-2-2011	Amend	4-1-2011

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735-080-0040	3-16-2011	Amend	5-1-2011	800-015-0010	2-1-2011	Amend	3-1-2011
735-080-0046	3-16-2011	Adopt	5-1-2011	800-015-0015	2-1-2011	Amend	3-1-2011
735-090-0000	1-1-2011	Amend	2-1-2011	800-015-0030	2-1-2011	Amend	3-1-2011
735-090-0020	1-1-2011	Amend	2-1-2011	800-020-0015	2-1-2011	Amend	3-1-2011
735-090-0042	1-1-2011	Adopt	2-1-2011	800-020-0015	7-1-2012	Amend	7-1-2011
735-090-0101	1-1-2011	Amend	2-1-2011	800-020-0020	7-1-2011	Amend	3-1-2011
735-100-0030	2-18-2011	Am. & Ren.	4-1-2011	800-020-0025	2-1-2011	Amend	3-1-2011
735-150-0015	4-22-2011	Amend	6-1-2011	800-020-0025	7-1-2011	Amend	3-1-2011
735-150-0055	1-1-2011	Amend	2-1-2011	800-020-0026	2-1-2011	Amend	3-1-2011
735-154-0005	3-16-2011	Amend	5-1-2011	800-025-0020	2-1-2011	Amend	3-1-2011
735-176-0000	1-1-2011	Amend	1-1-2011	800-025-0023	2-1-2011	Amend	3-1-2011
735-176-0010	1-1-2011	Amend	1-1-2011	800-025-0025	2-1-2011	Amend	3-1-2011
735-176-0017	1-1-2011	Amend	1-1-2011	800-025-0027	2-1-2011	Amend	3-1-2011
735-176-0019	1-1-2011	Amend	1-1-2011	800-025-0030	2-1-2011	Amend	3-1-2011
735-176-0020	1-1-2011	Amend	1-1-2011	800-025-0050	2-1-2011	Amend	3-1-2011
735-176-0021	1-1-2011	Amend	1-1-2011	800-025-0060	2-1-2011	Amend	3-1-2011
735-176-0022	1-1-2011	Amend	1-1-2011	800-030-0025	2-1-2011	Amend	3-1-2011
735-176-0023	1-1-2011	Adopt	1-1-2011	800-030-0030	2-1-2011	Adopt	3-1-2011
735-176-0030	1-1-2011	Amend	1-1-2011	800-030-0050	2-1-2011	Amend	3-1-2011
735-176-0040	1-1-2011	Amend	1-1-2011	801-001-0035	1-1-2011	Amend	1-1-2011
735-176-0045	1-1-2011	Amend	1-1-2011	801-005-0010	1-1-2011	Amend	1-1-2011
736-010-0015	3-24-2011	Amend(T)	5-1-2011	801-010-0010	1-1-2011	Amend	1-1-2011
736-010-0025	3-24-2011	Amend(T)	5-1-2011	801-010-0050	1-1-2011	Amend	1-1-2011
736-010-0026	3-24-2011	Amend(T)	5-1-2011	801-010-0060	1-1-2011	Amend	1-1-2011
736-010-0030	3-24-2011	Amend(T)	5-1-2011	801-010-0065	1-1-2011	Amend	1-1-2011
736-010-0066	2-15-2011	Adopt	3-1-2011	801-010-0073	1-1-2011	Amend	1-1-2011
736-019-0000	3-30-2011	Amend	5-1-2011	801-010-0075	1-1-2011	Amend	1-1-2011
736-019-0020	3-30-2011	Amend	5-1-2011	801-010-0078	1-1-2011	Amend	1-1-2011
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736-019-0060	3-30-2011	Amend	5-1-2011	801-010-0080	1-1-2011	Amend	1-1-2011
736-019-0070	3-30-2011	Adopt	5-1-2011	801-010-0100	1-1-2011	Amend	1-1-2011
736-019-0080	3-30-2011	Amend	5-1-2011	801-010-0110	1-1-2011	Amend	1-1-2011
736-019-0100	3-30-2011	Amend	5-1-2011	801-010-0115	1-1-2011	Amend	1-1-2011
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737-010-0020	1-28-2011	Amend	3-1-2011	801-010-0125	1-1-2011	Amend	1-1-2011
737-100-0010	2-18-2011	Adopt	4-1-2011	801-010-0130	1-1-2011	Amend	1-1-2011
737-100-0040	2-18-2011	Adopt	4-1-2011	801-010-0170	1-1-2011	Amend	1-1-2011
740-100-0010	5-27-2011	Amend	7-1-2011	801-010-0190	1-1-2011	Amend	1-1-2011
740-100-0020	5-27-2011	Amend	7-1-2011	801-010-0340	1-1-2011	Amend	1-1-2011
740-100-0065	5-27-2011	Amend	7-1-2011	801-010-0345	1-1-2011	Amend	1-1-2011
740-100-0070	5-27-2011	Amend	7-1-2011	801-040-0010	1-1-2011	Amend	1-1-2011
740-100-0080	5-27-2011	Amend	7-1-2011	801-040-0050	1-1-2011	Amend	1-1-2011
740-100-0085	5-27-2011	Amend	7-1-2011	804-001-0002	7-1-2011	Amend	7-1-2011
740-100-0090	5-27-2011	Amend	7-1-2011	806-001-0003	7-1-2011	Amend	7-1-2011
740-100-0100	5-27-2011	Amend	7-1-2011	806-010-0105	12-14-2010	Amend	1-1-2011
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800-010-0040	2-1-2011	Amend	3-1-2011	812-001-0200	5-1-2011	Amend	6-1-2011
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812-002-0320	1-1-2011	Amend	2-1-2011	813-065-0150	3-1-2011	Adopt(T)	4-1-2011
812-002-0640	5-1-2011	Amend	6-1-2011	813-065-0200	3-1-2011	Adopt(T)	4-1-2011
812-002-0677	1-1-2011	Adopt	2-1-2011	813-065-0210	3-1-2011	Adopt(T)	4-1-2011
812-002-0700	5-1-2011	Amend	6-1-2011	813-065-0220	3-1-2011	Adopt(T)	4-1-2011
812-003-0310	5-1-2011	Amend	6-1-2011	813-065-0230	3-1-2011	Adopt(T)	4-1-2011
812-003-0320	5-1-2011	Amend	6-1-2011	813-065-0240	3-1-2011	Adopt(T)	4-1-2011
812-003-0321	5-1-2011	Adopt	6-1-2011	813-230-0000	2-7-2011	Amend	3-1-2011
812-005-0800	3-1-2011	Amend	4-1-2011	813-230-0000(T)	2-7-2011	Repeal	3-1-2011
812-006-0150	3-1-2011	Amend	4-1-2011	813-230-0005	2-7-2011	Amend	3-1-2011
812-006-0250	3-1-2011	Amend	4-1-2011	813-230-0005(T)	2-7-2011	Repeal	3-1-2011
812-007-0031	5-1-2011	Adopt	6-1-2011	813-230-0007	2-7-2011	Adopt	3-1-2011
812-007-0032	5-1-2011	Adopt	6-1-2011	813-230-0007(T)	2-7-2011	Repeal	3-1-2011
812-007-0323	12-22-2010	Adopt(T)	2-1-2011	813-230-0015	2-7-2011	Amend	3-1-2011
812-007-0323	3-1-2011	Adopt	4-1-2011	813-230-0015(T)	2-7-2011	Repeal	3-1-2011
812-007-0323(T)	3-1-2011	Repeal	4-1-2011	817-005-0005	5-5-2011	Amend	6-1-2011
812-008-0065	5-1-2011	Adopt	6-1-2011	817-010-0065	5-5-2011	Amend	6-1-2011
812-008-0070	3-1-2011	Amend	4-1-2011	817-010-0090	5-5-2011	Repeal	6-1-2011
812-008-0072	3-1-2011	Amend	4-1-2011	817-020-0006	5-5-2011	Amend	6-1-2011
812-008-0074	1-1-2011	Amend	2-1-2011	817-030-0005	3-1-2011	Amend(T)	4-1-2011
812-008-0074	3-1-2011	Amend	4-1-2011	817-030-0005	5-5-2011	Amend	6-1-2011
812-008-0077	5-1-2011	Adopt	6-1-2011	817-030-0005(T)	5-5-2011	Repeal	6-1-2011
812-008-0209	5-1-2011	Amend	6-1-2011	817-030-0015	3-1-2011	Amend(T)	4-1-2011
812-020-0090	1-1-2011	Amend	2-1-2011	817-030-0015	5-5-2011	Repeal	6-1-2011
812-021-0016	4-28-2011	Amend(T)	6-1-2011	817-030-0018	3-1-2011	Amend(T)	4-1-2011
812-025-0000	1-1-2011	Adopt	2-1-2011	817-030-0018	5-5-2011	Repeal	6-1-2011
812-025-0005	1-1-2011	Adopt	2-1-2011	817-030-0020	5-5-2011	Repeal	6-1-2011
812-025-0010	1-1-2011	Adopt	2-1-2011	817-030-0030	5-5-2011	Amend	6-1-2011
812-025-0015	1-1-2011	Adopt	2-1-2011	817-030-0040	5-5-2011	Repeal	6-1-2011
812-025-0020	1-1-2011	Adopt	2-1-2011	817-030-0045	5-5-2011	Repeal	6-1-2011
812-025-0025	1-1-2011	Adopt	2-1-2011	817-030-0055	5-5-2011	Repeal	6-1-2011
812-025-0030	1-1-2011	Adopt	2-1-2011	817-030-0065	5-5-2011	Amend	6-1-2011
812-025-0032	5-1-2011	Adopt	6-1-2011	817-030-0071	5-5-2011	Adopt	6-1-2011
812-025-0035	1-1-2011	Adopt	2-1-2011	817-035-0010	5-5-2011	Amend	6-1-2011
812-025-0040	1-1-2011	Adopt	2-1-2011	817-035-0030	5-5-2011	Repeal	6-1-2011
812-025-0045	1-1-2011	Adopt	2-1-2011	817-035-0050	3-1-2011	Amend(T)	4-1-2011
812-030-0223	5-1-2011	Adopt	6-1-2011	817-035-0050	5-5-2011	Amend	6-1-2011
812-030-0235	5-1-2011	Adopt	6-1-2011	817-035-0050(T)	5-5-2011	Repeal	6-1-2011
813-001-0060	12-1-2010	Adopt(T)	1-1-2011	817-035-0070	5-5-2011	Amend	6-1-2011
813-001-0060	8-25-2011	Adopt	7-1-2011	817-035-0110	5-5-2011	Amend	6-1-2011
813-001-0060(T)	8-25-2011	Repeal	7-1-2011	817-040-0003	3-1-2011	Amend(T)	4-1-2011
813-007-0055	3-21-2011	Repeal	5-1-2011	817-040-0003	5-5-2011	Amend	6-1-2011
813-007-0057	3-21-2011	Adopt	5-1-2011	817-040-0003	6-1-2011	Amend	7-1-2011
813-007-0060	3-21-2011	Repeal	5-1-2011	817-040-0003(T)	5-5-2011	Repeal	6-1-2011
813-008-0005	3-1-2011	Am. & Ren.(T)	4-1-2011	817-060-0050	5-5-2011	Adopt	6-1-2011
813-008-0010	3-1-2011	Suspend	4-1-2011	817-060-0050(T)	5-5-2011	Repeal	6-1-2011
813-008-0015	3-1-2011	Am. & Ren.(T)	4-1-2011	817-090-0025	5-5-2011	Amend	6-1-2011
813-008-0020	3-1-2011	Suspend	4-1-2011	817-090-0035	5-5-2011	Amend	6-1-2011
813-008-0025	3-1-2011	Suspend	4-1-2011	817-090-0045	5-5-2011	Amend	6-1-2011
813-008-0030	3-1-2011	Suspend	4-1-2011	817-090-0050	5-5-2011	Amend	6-1-2011
813-008-0040	3-1-2011	Suspend	4-1-2011	817-090-0055	5-5-2011	Amend	6-1-2011
813-041-0020	12-15-2010	Amend	1-1-2011	817-090-0065	5-5-2011	Amend	6-1-2011
813-042-0030	2-17-2011	Amend	4-1-2011	817-090-0070	5-5-2011	Amend	6-1-2011
813-043-0030	2-17-2011	Amend	4-1-2011	817-090-0075	5-5-2011	Amend	6-1-2011
813-065-0120	3-1-2011	Adopt(T)	4-1-2011	817-090-0080	5-5-2011	Amend	6-1-2011
813-065-0130	3-1-2011	Adopt(T)	4-1-2011	817-090-0085	5-5-2011	Amend	6-1-2011

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817-090-0095	5-5-2011	Amend	6-1-2011	833-120-0021	5-15-2011	Amend(T)	6-1-2011
817-090-0100	5-5-2011	Amend	6-1-2011	833-120-0031	5-15-2011	Amend(T)	6-1-2011
817-090-0105	5-5-2011	Amend	6-1-2011	833-120-0041	5-15-2011	Amend(T)	6-1-2011
817-090-0110	5-5-2011	Amend	6-1-2011	833-130-0080	1-1-2011	Adopt	1-1-2011
817-090-0115	5-5-2011	Amend	6-1-2011	836-009-0007	1-1-2011	Amend	2-1-2011
818-013-0001	2-1-2011	Amend	2-1-2011	836-011-0000	1-1-2011	Amend	2-1-2011
818-013-0001(T)	2-1-2011	Repeal	2-1-2011	836-011-0250	2-4-2011	Adopt	3-1-2011
818-013-0005	2-1-2011	Amend	2-1-2011	836-011-0253	2-4-2011	Adopt	3-1-2011
818-013-0005(T)	2-1-2011	Repeal	2-1-2011	836-011-0255	2-4-2011	Adopt	3-1-2011
818-013-0010	2-1-2011	Amend	2-1-2011	836-011-0258	2-4-2011	Adopt	3-1-2011
818-013-0010(T)	2-1-2011	Repeal	2-1-2011	836-011-0260	2-4-2011	Adopt	3-1-2011
818-013-0015	2-1-2011	Amend	2-1-2011	836-011-0515	12-15-2010	Amend	1-1-2011
818-013-0015(T)	2-1-2011	Repeal	2-1-2011	836-031-0600	2-23-2011	Amend	4-1-2011
818-013-0020	2-1-2011	Amend	2-1-2011	836-031-0620	2-23-2011	Amend	4-1-2011
818-013-0020(T)	2-1-2011	Repeal	2-1-2011	836-031-0630	2-23-2011	Amend	4-1-2011
818-013-0025	2-1-2011	Amend	2-1-2011	836-031-0640	2-23-2011	Amend	4-1-2011
818-013-0025(T)	2-1-2011	Repeal	2-1-2011	836-031-0650	2-23-2011	Repeal	4-1-2011
818-013-0030	2-1-2011	Amend	2-1-2011	836-031-0660	2-23-2011	Repeal	4-1-2011
818-013-0030(T)	2-1-2011	Repeal	2-1-2011	836-031-0670	2-23-2011	Amend	4-1-2011
818-013-0035	2-1-2011	Amend	2-1-2011	836-031-0680	2-23-2011	Amend	4-1-2011
818-013-0035(T)	2-1-2011	Repeal	2-1-2011	836-031-0690	2-23-2011	Amend	4-1-2011
818-021-0017	6-1-2011	Amend(T)	6-1-2011	836-051-0030	2-23-2011	Adopt	4-1-2011
818-026-0060	6-1-2011	Amend(T)	6-1-2011	836-051-0032	2-23-2011	Adopt	4-1-2011
818-026-0065	6-1-2011	Amend(T)	6-1-2011	836-051-0034	2-23-2011	Adopt	4-1-2011
818-026-0070	6-1-2011	Amend(T)	6-1-2011	836-051-0036	2-23-2011	Adopt	4-1-2011
820-010-0209	1-14-2011	Amend	2-1-2011	836-051-0038	2-23-2011	Adopt	4-1-2011
820-010-0210	1-14-2011	Amend	2-1-2011	836-051-0040	2-23-2011	Adopt	4-1-2011
820-010-0212	1-14-2011	Amend	2-1-2011	836-052-0114	2-23-2011	Amend	4-1-2011
820-010-0213	1-14-2011	Amend	2-1-2011	836-052-0145	2-23-2011	Amend	4-1-2011
820-010-0214	1-14-2011	Amend	2-1-2011	836-052-0151	2-23-2011	Amend	4-1-2011
820-010-0215	12-28-2010	Amend(T)	2-1-2011	836-052-0160	2-23-2011	Amend	4-1-2011
820-010-0215	1-14-2011	Amend	2-1-2011	836-052-0636	2-10-2011	Amend	3-1-2011
820-010-0215(T)	1-14-2011	Repeal	2-1-2011	836-052-0756	2-10-2011	Amend	3-1-2011
820-010-0305	1-14-2011	Amend	2-1-2011	836-052-0776	2-10-2011	Amend	3-1-2011
820-010-0325	5-12-2011	Amend	6-1-2011	836-052-0790	2-10-2011	Adopt	3-1-2011
820-010-0400	1-14-2011	Amend	2-1-2011	836-052-1000	2-23-2011	Amend	4-1-2011
820-010-0417	1-14-2011	Amend	2-1-2011	836-053-0510	2-23-2011	Amend	4-1-2011
820-010-0427	1-14-2011	Amend	2-1-2011	836-071-0110	1-1-2011	Amend	2-1-2011
820-010-0435	1-14-2011	Repeal	2-1-2011	836-071-0118	1-1-2011	Adopt	2-1-2011
820-010-0463	1-14-2011	Amend	2-1-2011	836-071-0120	1-1-2011	Amend	2-1-2011
820-010-0505	1-14-2011	Amend	2-1-2011	836-080-0090	2-4-2011	Amend	3-1-2011
820-010-0520	1-14-2011	Amend	2-1-2011	836-080-0095	2-4-2011	Am. & Ren.	3-1-2011
820-010-0635	5-12-2011	Amend	6-1-2011	836-080-0170	2-4-2011	Adopt	3-1-2011
833-020-0011	2-1-2011	Amend	2-1-2011	836-080-0172	2-4-2011	Adopt	3-1-2011
833-020-0051	2-1-2011	Amend	2-1-2011	836-080-0175	2-4-2011	Adopt	3-1-2011
833-020-0081	1-1-2011	Amend	1-1-2011	836-080-0178	2-4-2011	Adopt	3-1-2011
833-040-0021	1-1-2011	Amend	1-1-2011	836-080-0180	2-4-2011	Adopt	3-1-2011
833-050-0081	1-1-2011	Amend	1-1-2011	836-080-0183	2-4-2011	Adopt	3-1-2011
833-055-0001	1-1-2011	Repeal	1-1-2011	836-080-0185	2-4-2011	Adopt	3-1-2011
833-055-0010	1-1-2011	Repeal	1-1-2011	836-080-0188	2-4-2011	Adopt	3-1-2011
833-055-0020	1-1-2011	Repeal	1-1-2011	836-080-0193	2-4-2011	Adopt	3-1-2011
833-060-0012	1-1-2011	Amend	1-1-2011	836-080-0800	3-1-2011	Adopt	2-1-2011
833-060-0062	1-1-2011	Adopt	1-1-2011	836-080-0805	3-1-2011	Adopt	2-1-2011
833-100-0021	1-1-2011	Amend	1-1-2011	836-080-0810	3-1-2011	Adopt	2-1-2011
833-110-0021	1-1-2011	Amend	1-1-2011	836-100-0010	2-10-2011	Adopt	3-1-2011

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836-100-0015	2-10-2011	Adopt	3-1-2011	845-010-0146	11-20-2010	Adopt(T)	1-1-2011
836-100-0015(T)	2-10-2011	Repeal	3-1-2011	845-010-0154	1-1-2011	Am. & Ren.	2-1-2011
837-012-0315	1-1-2011	Amend(T)	2-1-2011	845-013-0030	5-1-2011	Amend	6-1-2011
837-012-0315	6-29-2011	Amend	6-1-2011	845-013-0050	5-1-2011	Amend	6-1-2011
837-012-0330	1-1-2011	Amend(T)	2-1-2011	845-013-0070	12-3-2010	Amend(T)	1-1-2011
837-012-0330	6-29-2011	Amend	6-1-2011	845-015-0138	1-1-2011	Adopt	2-1-2011
837-012-0510	5-2-2011	Amend	4-1-2011	847-001-0005	4-25-2011	Amend	6-1-2011
837-012-0515	5-2-2011	Amend	4-1-2011	847-001-0015	4-25-2011	Amend	6-1-2011
837-012-0520	5-2-2011	Amend	4-1-2011	847-001-0022	4-25-2011	Adopt	6-1-2011
837-012-0525	5-2-2011	Amend	4-1-2011	847-008-0070	4-25-2011	Amend	6-1-2011
837-012-0535	5-2-2011	Amend	4-1-2011	847-010-0100	2-11-2011	Renumber	3-1-2011
837-012-0540	5-2-2011	Amend	4-1-2011	847-035-0001	2-11-2011	Amend	3-1-2011
837-012-0550	5-2-2011	Amend	4-1-2011	847-035-0030	2-11-2011	Amend	3-1-2011
837-012-0555	5-2-2011	Amend	4-1-2011	847-035-0030	4-8-2011	Amend	5-1-2011
837-012-0560	5-2-2011	Amend	4-1-2011	847-035-0030	4-25-2011	Amend	6-1-2011
837-012-0565	5-2-2011	Amend	4-1-2011	847-050-0027	2-11-2011	Amend	3-1-2011
837-040-0020	4-1-2011	Amend	4-1-2011	847-065-0005	2-11-2011	Amend	3-1-2011
837-041-0050	12-1-2010	Amend	1-1-2011	847-065-0010	4-25-2011	Amend	6-1-2011
837-047-0100	12-28-2010	Adopt	1-1-2011	847-065-0015	4-25-2011	Amend	6-1-2011
837-047-0110	12-28-2010	Adopt	1-1-2011	847-065-0020	4-25-2011	Amend	6-1-2011
837-047-0120	12-28-2010	Adopt	1-1-2011	847-065-0025	4-25-2011	Amend	6-1-2011
837-047-0130	12-28-2010	Adopt	1-1-2011	847-065-0030	4-25-2011	Amend	6-1-2011
837-047-0135	12-28-2010	Adopt	1-1-2011	847-065-0035	4-25-2011	Amend	6-1-2011
837-047-0140	12-28-2010	Adopt	1-1-2011	847-065-0040	4-25-2011	Amend	6-1-2011
837-047-0150	12-28-2010	Adopt	1-1-2011	847-065-0045	4-25-2011	Amend	6-1-2011
837-047-0160	12-28-2010	Adopt	1-1-2011	847-065-0050	4-25-2011	Amend	6-1-2011
837-047-0170	12-28-2010	Adopt	1-1-2011	847-065-0055	4-25-2011	Amend	6-1-2011
839-001-0200	1-1-2011	Amend	2-1-2011	847-065-0060	4-25-2011	Amend	6-1-2011
839-020-0027	1-1-2011	Amend	2-1-2011	847-065-0065	4-25-2011	Amend	6-1-2011
839-025-0004	1-1-2011	Amend	2-1-2011	847-065-0070	4-25-2011	Adopt	6-1-2011
839-025-0013	1-1-2011	Amend	2-1-2011	850-035-0230	6-15-2011	Amend	7-1-2011
839-025-0020	1-1-2011	Amend	2-1-2011	850-050-0200	4-12-2011	Adopt	5-1-2011
839-025-0020	6-8-2011	Amend(T)	7-1-2011	850-060-0212	12-13-2010	Amend	1-1-2011
839-025-0035	1-1-2011	Amend	2-1-2011	850-060-0225	4-12-2011	Amend	5-1-2011
839-025-0060	1-1-2011	Amend	2-1-2011	850-060-0226	12-13-2010	Amend	1-1-2011
839-025-0080	6-8-2011	Amend(T)	7-1-2011	850-060-0226	4-12-2011	Amend	5-1-2011
839-025-0100	1-1-2011	Amend	2-1-2011	850-060-0226	6-15-2011	Amend	7-1-2011
839-025-0230	1-1-2011	Amend	2-1-2011	851-002-0010	11-29-2010	Amend	1-1-2011
839-025-0530	6-8-2011	Amend(T)	7-1-2011	851-002-0040	11-29-2010	Amend	1-1-2011
839-025-0700	1-1-2011	Amend	2-1-2011	851-021-0005	11-29-2010	Amend	1-1-2011
839-025-0700	4-1-2011	Amend	5-1-2011	851-021-0010	11-29-2010	Amend	1-1-2011
839-050-0440	2-1-2011	Amend	3-1-2011	851-021-0045	11-29-2010	Amend	1-1-2011
839-050-0445	2-1-2011	Amend	3-1-2011	851-021-0055	11-29-2010	Amend	1-1-2011
845-003-0670	1-1-2011	Amend	2-1-2011	851-021-0065	11-29-2010	Amend	1-1-2011
845-005-0311	3-1-2011	Amend	4-1-2011	851-021-0090	11-29-2010	Amend	1-1-2011
845-005-0331	3-1-2011	Amend	4-1-2011	851-031-0045	11-29-2010	Amend	1-1-2011
845-005-0355	3-1-2011	Amend	4-1-2011	851-031-0070	11-29-2010	Amend	1-1-2011
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845-006-0345	1-1-2011	Amend	2-1-2011	851-046-0005	12-2-2010	Repeal	1-1-2011
845-006-0425	5-1-2011	Amend	6-1-2011	851-046-0010	12-2-2010	Repeal	1-1-2011
845-006-0480	3-1-2011	Amend	4-1-2011	851-046-0020	12-2-2010	Repeal	1-1-2011
845-008-0050	1-1-2011	Adopt	2-1-2011	851-046-0030	12-2-2010	Repeal	1-1-2011
845-008-0070	1-1-2011	Adopt	2-1-2011	851-046-0040	12-2-2010	Repeal	1-1-2011
845-008-0080	1-1-2011	Adopt	2-1-2011	851-063-0030	6-23-2011	Amend(T)	7-1-2011
845-008-0090	1-1-2011	Adopt	2-1-2011	851-070-0000	12-2-2010	Adopt	1-1-2011

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851-070-0005	12-2-2010	Adopt	1-1-2011	858-010-0015	1-25-2011	Amend	3-1-2011
851-070-0005(T)	12-2-2010	Repeal	1-1-2011	858-010-0016	5-31-2011	Amend	7-1-2011
851-070-0010	12-2-2010	Adopt	1-1-2011	858-010-0017	5-31-2011	Amend	7-1-2011
851-070-0010(T)	12-2-2010	Repeal	1-1-2011	858-010-0036	1-25-2011	Amend	3-1-2011
851-070-0020	12-2-2010	Adopt	1-1-2011	858-010-0036	5-31-2011	Amend	7-1-2011
851-070-0020(T)	12-2-2010	Repeal	1-1-2011	858-010-0039	1-25-2011	Amend	3-1-2011
851-070-0030	12-2-2010	Adopt	1-1-2011	858-010-0061	5-31-2011	Adopt	7-1-2011
851-070-0030(T)	12-2-2010	Repeal	1-1-2011	858-010-0065	5-31-2011	Amend	7-1-2011
851-070-0040	12-2-2010	Adopt	1-1-2011	858-020-0085	5-31-2011	Amend	7-1-2011
851-070-0040(T)	12-2-2010	Repeal	1-1-2011	858-040-0015	1-25-2011	Amend	3-1-2011
851-070-0050	12-2-2010	Adopt	1-1-2011	858-040-0035	5-31-2011	Amend	7-1-2011
851-070-0050(T)	12-2-2010	Repeal	1-1-2011	859-300-0001	2-15-2011	Adopt	3-1-2011
851-070-0060	12-2-2010	Adopt	1-1-2011	859-300-0001(T)	2-15-2011	Repeal	3-1-2011
851-070-0060(T)	12-2-2010	Repeal	1-1-2011	859-300-0010	2-15-2011	Adopt	3-1-2011
851-070-0070	12-2-2010	Adopt	1-1-2011	859-300-0010(T)	2-15-2011	Repeal	3-1-2011
851-070-0070(T)	12-2-2010	Repeal	1-1-2011	859-300-0020	2-15-2011	Adopt	3-1-2011
851-070-0080	12-2-2010	Adopt	1-1-2011	859-300-0020(T)	2-15-2011	Repeal	3-1-2011
851-070-0080(T)	12-2-2010	Repeal	1-1-2011	859-300-0030	2-15-2011	Adopt	3-1-2011
851-070-0090	12-2-2010	Adopt	1-1-2011	859-300-0030(T)	2-15-2011	Repeal	3-1-2011
851-070-0090(T)	12-2-2010	Repeal	1-1-2011	859-300-0040	2-15-2011	Adopt	3-1-2011
851-070-0100	12-2-2010	Adopt	1-1-2011	859-300-0040(T)	2-15-2011	Repeal	3-1-2011
851-070-0100(T)	12-2-2010	Repeal	1-1-2011	859-300-0050	2-15-2011	Adopt	3-1-2011
855-010-0050	2-8-2011	Adopt(T)	3-1-2011	859-300-0050(T)	2-15-2011	Repeal	3-1-2011
855-010-0055	2-8-2011	Adopt(T)	3-1-2011	859-300-0060	2-15-2011	Adopt	3-1-2011
855-010-0057	2-8-2011	Adopt(T)	3-1-2011	859-300-0060(T)	2-15-2011	Repeal	3-1-2011
855-010-0060	2-8-2011	Adopt(T)	3-1-2011	859-300-0070	2-15-2011	Adopt	3-1-2011
855-010-0065	2-8-2011	Adopt(T)	3-1-2011	859-300-0070(T)	2-15-2011	Repeal	3-1-2011
855-010-0067	2-8-2011	Adopt(T)	3-1-2011	859-300-0080	2-15-2011	Adopt	3-1-2011
855-010-0070	2-8-2011	Adopt(T)	3-1-2011	859-300-0080(T)	2-15-2011	Repeal	3-1-2011
855-010-0075	2-8-2011	Adopt(T)	3-1-2011	859-300-0090	2-15-2011	Adopt	3-1-2011
855-010-0080	2-8-2011	Adopt(T)	3-1-2011	859-300-0090(T)	2-15-2011	Repeal	3-1-2011
855-010-0085	2-8-2011	Adopt(T)	3-1-2011	859-300-0100	2-15-2011	Adopt	3-1-2011
855-010-0087	2-8-2011	Adopt(T)	3-1-2011	859-300-0100(T)	2-15-2011	Repeal	3-1-2011
855-011-0005	12-23-2010	Adopt	2-1-2011	859-300-0110	2-15-2011	Adopt	3-1-2011
855-011-0005(T)	12-23-2010	Repeal	2-1-2011	859-300-0110(T)	2-15-2011	Repeal	3-1-2011
855-011-0020	12-23-2010	Adopt	2-1-2011	859-300-0120	2-15-2011	Adopt	3-1-2011
855-011-0020(T)	12-23-2010	Repeal	2-1-2011	859-300-0120(T)	2-15-2011	Repeal	3-1-2011
855-011-0030	12-23-2010	Adopt	2-1-2011	859-300-0130	2-15-2011	Adopt	3-1-2011
855-011-0030(T)	12-23-2010	Repeal	2-1-2011	859-300-0130(T)	2-15-2011	Repeal	3-1-2011
855-011-0040	12-23-2010	Adopt	2-1-2011	859-300-0140	2-15-2011	Adopt	3-1-2011
855-011-0040(T)	12-23-2010	Repeal	2-1-2011	859-300-0140(T)	2-15-2011	Repeal	3-1-2011
855-011-0050	12-23-2010	Adopt	2-1-2011	859-300-0150	2-15-2011	Adopt	3-1-2011
855-011-0050(T)	12-23-2010	Repeal	2-1-2011	859-300-0150(T)	2-15-2011	Repeal	3-1-2011
855-019-0265	4-18-2011	Adopt	6-1-2011	859-300-0160	2-15-2011	Adopt	3-1-2011
855-021-0010	12-23-2010	Amend	2-1-2011	859-300-0160(T)	2-15-2011	Repeal	3-1-2011
855-041-0065	12-23-2010	Amend	2-1-2011	859-300-0170	2-15-2011	Adopt	3-1-2011
855-041-0600	4-18-2011	Amend	6-1-2011	859-300-0170(T)	2-15-2011	Repeal	3-1-2011
855-041-0645	4-18-2011	Adopt	6-1-2011	859-300-0180	2-15-2011	Adopt	3-1-2011
855-045-0220	4-18-2011	Amend	6-1-2011	859-300-0180(T)	2-15-2011	Repeal	3-1-2011
855-045-0240	4-18-2011	Amend	6-1-2011	859-300-0190	2-15-2011	Adopt	3-1-2011
855-080-0021	4-11-2011	Amend	5-1-2011	859-300-0190(T)	2-15-2011	Repeal	3-1-2011
855-080-0021(T)	4-11-2011	Repeal	5-1-2011	859-300-0200	2-15-2011	Adopt	3-1-2011
856-010-0014	12-14-2010	Amend	1-1-2011	859-300-0200(T)	2-15-2011	Repeal	3-1-2011
858-010-0007	1-25-2011	Amend	3-1-2011	859-300-0210	2-15-2011	Adopt	3-1-2011
858-010-0010	1-25-2011	Amend	3-1-2011	859-300-0210(T)	2-15-2011	Repeal	3-1-2011

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859-300-0220(T)	2-15-2011	Repeal	3-1-2011	877-020-0015	1-1-2011	Repeal	1-1-2011
859-300-0230	2-15-2011	Adopt	3-1-2011	877-020-0016	1-1-2011	Amend	1-1-2011
859-300-0230(T)	2-15-2011	Repeal	3-1-2011	877-020-0020	1-1-2011	Repeal	1-1-2011
860-022-0041	2-23-2011	Amend(T)	4-1-2011	877-020-0030	1-1-2011	Repeal	1-1-2011
860-024-0020	5-4-2011	Amend	6-1-2011	877-020-0046	1-1-2011	Amend	1-1-2011
860-024-0021	5-4-2011	Amend	6-1-2011	877-020-0055	1-1-2011	Amend	1-1-2011
860-027-0050	12-20-2010	Amend	2-1-2011	877-020-0057	1-1-2011	Amend	1-1-2011
860-027-0175	12-2-2010	Adopt	1-1-2011	877-020-0060	1-1-2011	Amend	1-1-2011
860-034-0393	12-20-2010	Amend	2-1-2011	877-022-0005	1-1-2011	Amend	1-1-2011
860-034-0730	12-20-2010	Amend	2-1-2011	877-025-0001	1-1-2011	Amend	1-1-2011
860-084-0190	11-19-2010	Amend	1-1-2011	877-025-0006	1-1-2011	Amend	1-1-2011
863-014-0020	1-1-2011	Amend	1-1-2011	877-025-0011	1-1-2011	Amend	1-1-2011
863-020-0025	2-4-2011	Amend(T)	3-1-2011	877-025-0016	1-1-2011	Amend	1-1-2011
863-025-0065	1-1-2011	Amend	1-1-2011	877-025-0021	1-1-2011	Amend	1-1-2011
863-025-0068	1-1-2011	Adopt	1-1-2011	877-030-0025	1-1-2011	Amend	1-1-2011
875-010-0006	3-2-2011	Amend	4-1-2011	877-030-0030	1-1-2011	Amend	1-1-2011
875-010-0016	3-2-2011	Amend	4-1-2011	877-030-0040	1-1-2011	Amend	1-1-2011
875-010-0021	3-2-2011	Amend	4-1-2011	877-030-0050	1-1-2011	Repeal	1-1-2011
875-020-0005	3-2-2011	Repeal	4-1-2011	877-030-0070	1-1-2011	Amend	1-1-2011
875-020-0010	3-2-2011	Repeal	4-1-2011	877-030-0080	1-1-2011	Amend	1-1-2011
875-020-0015	3-2-2011	Repeal	4-1-2011	877-030-0090	1-1-2011	Amend	1-1-2011
875-020-0020	3-2-2011	Repeal	4-1-2011	877-030-0100	1-1-2011	Amend	1-1-2011
875-020-0025	3-2-2011	Repeal	4-1-2011	877-035-0000	1-1-2011	Repeal	1-1-2011
875-020-0030	3-2-2011	Repeal	4-1-2011	877-035-0010	1-1-2011	Repeal	1-1-2011
875-020-0035	3-2-2011	Repeal	4-1-2011	877-035-0012	1-1-2011	Repeal	1-1-2011
875-020-0040	3-2-2011	Repeal	4-1-2011	877-035-0013	1-1-2011	Repeal	1-1-2011
875-020-0045	3-2-2011	Repeal	4-1-2011	877-035-0015	1-1-2011	Repeal	1-1-2011
875-020-0050	3-2-2011	Repeal	4-1-2011	877-040-0000	1-1-2011	Amend	1-1-2011
875-020-0055	3-2-2011	Repeal	4-1-2011	877-040-0003	1-1-2011	Amend	1-1-2011
875-030-0010	3-2-2011	Amend	4-1-2011	877-040-0010	1-1-2011	Amend	1-1-2011
875-030-0020	3-2-2011	Amend	4-1-2011	877-040-0019	1-1-2011	Adopt	1-1-2011
875-030-0025	3-2-2011	Amend	4-1-2011	877-040-0050	1-1-2011	Amend	1-1-2011
877-001-0006	1-1-2011	Adopt	1-1-2011	918-001-0006	7-1-2011	Repeal	6-1-2011
877-001-0015	1-1-2011	Adopt	1-1-2011	918-098-1000	3-11-2011	Amend	4-1-2011
877-001-0020	1-1-2011	Adopt	1-1-2011	918-098-1010	3-11-2011	Amend	4-1-2011
877-001-0025	1-1-2011	Adopt	1-1-2011	918-098-1015	3-11-2011	Amend	4-1-2011
877-005-0101	1-1-2011	Adopt	1-1-2011	918-098-1020	3-11-2011	Amend	4-1-2011
877-010-0005	1-1-2011	Amend	1-1-2011	918-098-1025	3-11-2011	Amend	4-1-2011
877-010-0010	1-1-2011	Amend	1-1-2011	918-098-1028	3-11-2011	Adopt	4-1-2011
877-010-0015	1-1-2011	Amend	1-1-2011	918-098-1210	3-11-2011	Amend	4-1-2011
877-010-0020	1-1-2011	Amend	1-1-2011	918-098-1215	3-11-2011	Amend	4-1-2011
877-010-0025	1-1-2011	Amend	1-1-2011	918-098-1300	3-11-2011	Amend	4-1-2011
877-010-0030	1-1-2011	Amend	1-1-2011	918-098-1305	3-11-2011	Amend	4-1-2011
877-010-0040	1-1-2011	Amend	1-1-2011	918-098-1310	3-11-2011	Amend	4-1-2011
877-010-0045	1-1-2011	Amend	1-1-2011	918-098-1315	3-11-2011	Amend	4-1-2011
877-015-0105	1-1-2011	Adopt	1-1-2011	918-098-1320	3-11-2011	Amend	4-1-2011
877-015-0108	1-1-2011	Adopt	1-1-2011	918-098-1325	3-11-2011	Amend	4-1-2011
877-015-0131	1-1-2011	Adopt	1-1-2011	918-098-1330	3-11-2011	Amend	4-1-2011
877-015-0136	1-1-2011	Adopt	1-1-2011	918-098-1450	3-11-2011	Amend	4-1-2011
877-015-0146	1-1-2011	Adopt	1-1-2011	918-098-1510	5-1-2011	Adopt(T)	5-1-2011
877-015-0155	1-1-2011	Adopt	1-1-2011	918-098-1520	5-1-2011	Adopt(T)	5-1-2011
877-020-0000	1-1-2011	Amend	1-1-2011	918-098-1530	5-1-2011	Adopt(T)	5-1-2011
877-020-0005	1-1-2011	Amend	1-1-2011	918-098-1540	5-1-2011	Adopt(T)	5-1-2011
877-020-0008	1-1-2011	Amend	1-1-2011	918-098-1550	5-1-2011	Adopt(T)	5-1-2011
877-020-0009	1-1-2011	Amend	1-1-2011	918-098-1560	5-1-2011	Adopt(T)	5-1-2011

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918-251-0000	4-1-2011	Amend	4-1-2011	918-460-0015	1-1-2011	Amend	2-1-2011
918-251-0010	4-1-2011	Repeal	4-1-2011	918-460-0015	2-15-2011	Amend	3-1-2011
918-251-0020	4-1-2011	Repeal	4-1-2011	918-460-0015	5-13-2011	Amend(T)	6-1-2011
918-251-0050	4-1-2011	Repeal	4-1-2011	918-460-0016	3-11-2011	Repeal	4-1-2011
918-251-0060	4-1-2011	Repeal	4-1-2011	918-460-0050	3-11-2011	Amend	4-1-2011
918-251-0080	4-1-2011	Repeal	4-1-2011	918-460-0500	3-11-2011	Adopt	4-1-2011
918-251-0090	3-11-2011	Amend	4-1-2011	918-460-0510	3-11-2011	Adopt	4-1-2011
918-282-0270	4-1-2011	Amend	5-1-2011	918-480-0001	7-1-2011	Amend	6-1-2011
918-282-0270	4-1-2011	Amend(T)	5-1-2011	918-480-0002	7-1-2011	Amend	6-1-2011
918-282-0280	4-1-2011	Suspend	5-1-2011	918-480-0005	7-1-2011	Amend	6-1-2011
918-305-0005	4-1-2011	Amend	4-1-2011	918-480-0010	1-1-2011	Amend	2-1-2011
918-305-0030	3-11-2011	Amend	4-1-2011	918-480-0010	2-15-2011	Amend	3-1-2011
918-305-0100	4-1-2011	Amend	4-1-2011	918-480-0010	4-15-2011	Amend(T)	5-1-2011
918-305-0105	4-1-2011	Amend	4-1-2011	918-480-0010	7-1-2011	Amend	6-1-2011
918-305-0110	4-1-2011	Repeal	4-1-2011	918-480-0020	7-1-2011	Amend	6-1-2011
918-305-0120	4-1-2011	Repeal	4-1-2011	918-480-0030	7-1-2011	Amend	6-1-2011
918-305-0130	4-1-2011	Repeal	4-1-2011	918-480-0100	7-1-2011	Amend	6-1-2011
918-305-0150	4-1-2011	Repeal	4-1-2011	918-480-0110	7-1-2011	Amend	6-1-2011
918-305-0160	4-1-2011	Repeal	4-1-2011	918-480-0120	7-1-2011	Amend	6-1-2011
918-305-0165	4-1-2011	Repeal	4-1-2011	918-480-0130	7-1-2011	Amend	6-1-2011
918-305-0180	4-1-2011	Repeal	4-1-2011	918-480-0140	7-1-2011	Amend	6-1-2011
918-305-0190	4-1-2011	Repeal	4-1-2011	918-480-0150	7-1-2011	Amend	6-1-2011
918-305-0205	4-1-2011	Repeal	4-1-2011	918-525-0005	5-2-2011	Amend(T)	6-1-2011
918-305-0210	4-1-2011	Repeal	4-1-2011	918-525-0035	5-2-2011	Amend(T)	6-1-2011
918-305-0250	4-1-2011	Repeal	4-1-2011	918-674-0033	3-11-2011	Amend	4-1-2011
918-305-0265	4-1-2011	Repeal	4-1-2011	918-690-0300	2-15-2011	Amend	3-1-2011
918-305-0270	4-1-2011	Repeal	4-1-2011	918-690-0310	2-15-2011	Repeal	3-1-2011
918-305-0280	4-1-2011	Repeal	4-1-2011	918-690-0325	2-15-2011	Repeal	3-1-2011
918-305-0290	4-1-2011	Repeal	4-1-2011	918-690-0330	2-15-2011	Repeal	3-1-2011
918-305-0300	4-1-2011	Repeal	4-1-2011	918-690-0360	2-15-2011	Repeal	3-1-2011
918-305-0310	4-1-2011	Repeal	4-1-2011	918-690-0410	2-15-2011	Amend	3-1-2011
918-305-0320	4-1-2011	Repeal	4-1-2011	918-690-0420	2-15-2011	Amend	3-1-2011
918-400-0645	12-1-2010	Adopt	1-1-2011	918-690-0430	2-15-2011	Repeal	3-1-2011
918-400-0660	12-1-2010	Amend	1-1-2011	918-750-0100	2-15-2011	Amend	3-1-2011
918-400-0755	1-1-2011	Adopt	2-1-2011	918-750-0110	2-15-2011	Amend	3-1-2011
918-400-0800	12-1-2010	Amend	1-1-2011	918-750-0120	2-15-2011	Repeal	3-1-2011
918-440-0000	3-11-2011	Amend	4-1-2011	918-750-0130	2-15-2011	Repeal	3-1-2011
918-440-0010	3-11-2011	Amend	4-1-2011	918-750-0140	2-15-2011	Repeal	3-1-2011
918-440-0015	3-11-2011	Amend	4-1-2011	918-750-0150	2-15-2011	Repeal	3-1-2011
918-440-0030	3-11-2011	Amend	4-1-2011	918-750-0160	2-15-2011	Repeal	3-1-2011
918-440-0040	3-11-2011	Am. & Ren.	4-1-2011	918-750-0170	2-15-2011	Repeal	3-1-2011
918-440-0050	3-11-2011	Amend	4-1-2011	918-750-0180	2-15-2011	Repeal	3-1-2011
918-440-0500	3-11-2011	Amend	4-1-2011	918-750-0190	2-15-2011	Repeal	3-1-2011
918-440-0510	3-11-2011	Amend	4-1-2011	972-040-0000	3-7-2011	Amend	4-1-2011
918-460-0000	3-11-2011	Amend	4-1-2011				