

OREGON BULLETIN

Supplements the 2008 *Oregon Administrative Rules Compilation*

Volume 47, No. 9
September 1, 2008

For July 16, 2008–August 15, 2008



Published by
BILL BRADBURY
Secretary of State
Copyright 2008 Oregon Secretary of State

INFORMATION AND PUBLICATION SCHEDULE

General Information

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

Background on Oregon Administrative Rules

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

How to Cite

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

Understanding an Administrative Rule’s “History”

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

Locating the Most Recent Version of an Administrative Rule

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

Locating Administrative Rules Unit Publications

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

2007–2008 Oregon Bulletin Publication Schedule

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

Submission Deadline — Publishing Date

December 14, 2007	January 1, 2008
January 15, 2008	February 1, 2008
February 15, 2008	March 1, 2008
March 14, 2008	April 1, 2008
April 15, 2008	May 1, 2008
May 15, 2008	June 1, 2008
June 13, 2008	July 1, 2008
July 15, 2008	August 1, 2008
August 15, 2008	September 1, 2008
September 15, 2008	October 1, 2008
October 15, 2008	November 1, 2008
November 14, 2008	December 1, 2008

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.

© January 1, 2008 Oregon Secretary of State. All rights reserved. Reproduction in whole or in part without written permission is prohibited.

TABLE OF CONTENTS

	Page
Information and Publication Schedule	2
Table of Contents	3
Executive Orders	4–6
Other Notices	7–9
Notices of Proposed Rulemaking Hearings/Notices	
The citations and statements required by ORS 183.335(2)(b)(A) - (D) have been filed with and are available from the Secretary of State.	
Board of Massage Therapists, Chapter 334	10
Bureau of Labor and Industries, Chapter 839	10, 11
Construction Contractors Board, Chapter 812	11
Department of Administrative Services, Capitol Planning Commission, Chapter 110	11, 12
Human Resource Services Division, Chapter 105	12
Department of Agriculture, Chapter 603	12
Department of Consumer and Business Services, Building Codes Division, Chapter 918	12, 13
Division of Finance and Corporate Securities, Chapter 441	13
Department of Corrections, Chapter 291	13, 14
Department of Energy, Chapter 330	14
Department of Fish and Wildlife, Chapter 635	14, 15
Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, Chapter 413	15–18
Public Health Division, Chapter 333	18, 19
Department of Oregon State Police, Office of State Fire Marshal, Chapter 837	19
Department of Public Safety Standards and Training, Chapter 259	19
Department of Revenue, Chapter 150	19, 20
Department of State Lands, Chapter 141	20, 21
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735	21, 22
Highway Division, Chapter 734	22
Department of Veterans' Affairs, Chapter 274	22
Economic and Community Development Department, Chapter 123	22
Employment Department, Chapter 471	22, 23
Employment Department, Child Care Division, Chapter 414	23
Landscape Contractors Board, Chapter 808	23
Occupational Therapy Licensing Board, Chapter 339	23, 24
Oregon Board of Dentistry, Chapter 818	24
Oregon Medical Board, Chapter 847	24
Oregon Public Employees Retirement System, Chapter 459	24, 25
Oregon State Lottery, Chapter 177	25
Oregon State Marine Board, Chapter 250	25
Oregon University System, Eastern Oregon University, Chapter 579	25, 26
Parks and Recreation Department, Chapter 736	26
Public Utility Commission, Chapter 860	26
Secretary of State, Corporation Division, Chapter 160	26
Elections Division, Chapter 165	27
Teacher Standards and Practices Commission, Chapter 584	27
Veterinary Medical Examining Board, Chapter 875	27, 28
Water Resources Department, Chapter 690	28
Administrative Rules	
The citations and statements required by ORS 183.335(2)(b)(A) - (D) have been filed with and are available from the Secretary of State.	
Appraiser Certification and Licensure Board, Chapter 161	29–36
Board of Examiners for Speech-Language Pathology and Audiology, Chapter 335	36
Bureau of Labor and Industries, Chapter 839	36–38
Construction Contractors Board, Chapter 812	38
Department of Administrative Services, Capitol Planning Commission, Chapter 110	38, 39
Oregon Educators Benefit Board, Chapter 111	39–45
Public Employees' Benefit Board, Chapter 101	45–49
Department of Agriculture, Chapter 603	49, 50
Department of Agriculture, Oregon Wheat Commission, Chapter 678	50
Department of Consumer and Business Services, Building Codes Division, Chapter 918	50
Director's Office, Chapter 440	50–53
Division of Finance and Corporate Securities, Chapter 441	53, 54
Insurance Division, Chapter 836	54–63
Department of Corrections, Chapter 291	64–73
Department of Energy, Chapter 330	73–77
Department of Fish and Wildlife, Chapter 635	77–91
Department of Forestry, Chapter 629	91, 92
Department of Human Services, Addictions and Mental Health Division: Mental Health Services, Chapter 309	92–97
Children, Adults and Families Division: Child Welfare Programs, Chapter 413	97–102
Self-Sufficiency Programs, Chapter 461	102–104
Public Health Division, Chapter 333	104–111
Department of Public Safety Standards and Training, Chapter 259	111, 112
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735	112, 113
Highway Division, Chapter 734	113
Motor Carrier Transportation Division, Chapter 740	113
Economic and Community Development Department, Chapter 123	113–130
Employment Department, Child Care Division, Chapter 414	130, 131
Landscape Contractors Board, Chapter 808	131, 132
Oregon Medical Board, Chapter 847	132–138
Oregon Public Employees Retirement System, Chapter 459	138–142
Oregon State Marine Board, Chapter 250	142
Oregon University System, Chapter 580	142–156
Oregon University System, Eastern Oregon University, Chapter 579	156, 157
Oregon State University, Chapter 576	157
University of Oregon, Chapter 571	157, 158
Secretary of State, Business Services Division, Chapter 167	158–162
Elections Division, Chapter 165	162, 163
Teacher Standards and Practices Commission, Chapter 584	163, 164
Veterinary Medical Examining Board, Chapter 875	164–167
OAR Revision Cumulative Index	168–220

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 08-15

AMENDMENT TO EXECUTIVE ORDER 04-02 ESTABLISHING THE JUVENILE CORRECTION POPULATION FORECASTING ADVISORY COMMITTEE

On March 19, 2004, I issued Executive Order 04-02, establishing the Juvenile Correction Population Forecasting Advisory Committee. Executive Order 04-02 expired on December 31, 2007. The mission of the Committee, to make projections of Oregon's juvenile correctional population to allow policy makers to plan appropriately, remains vital. Accordingly, this Executive Order continues the Committee's charge through 2014.

IT IS HEREBY ORDERED AND DIRECTED:

1. Executive Order 04-02 is restated and reaffirmed, with the following amendment.
2. This Executive Order, Executive Order 98-06 and Executive Order 04-02 shall expire on December 31, 2014.

Done at Salem, Oregon, this 30th day of July, 2008.

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

ATTEST

/s/ Bill Bradbury
Bill Bradbury
SECRETARY OF STATE

EXECUTIVE ORDER NO. 08-16

PROMOTING DIVERSITY AND EQUAL OPPORTUNITY FOR MINORITY AND WOMEN OWNED BUSINESSES

Minority and women owned businesses are a dynamic and fast-growing sector of the Oregon economy. Oregon is committed to creating an environment that supports the ingenuity and industriousness of Oregon's minority and women owned businesses.

Aspirational targets and other initiatives can support Oregon's efforts to improve entrepreneurial opportunities for certified minority and women owned business enterprises (MBEs/WBEs), prevent race and sex based discrimination and ensure that state funds are used to foster an inclusive business climate. Aspirational targets will reflect Oregon's commitment to oppose all forms of discrimination and demonstrate Oregon's intent to create an environment that supports economic growth in all sectors, including among Oregon's minority and women owned businesses.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. On or before August 29, 2008, and thereafter on a yearly basis, the Governor's Advocate for Minority, Women, and Emerging Small Business (Governor's Advocate) shall identify and circulate a list of industry clusters in which there are a sufficient number of MBEs/WBEs to warrant setting aspirational targets.
2. Subsequent to the identification of industry clusters by the Governor's Advocate, but in no event later than December 31, 2008, the Department of Administrative Services (DAS), Department of Human Services (DHS), Department of Transportation (ODOT), Department of Fish & Wildlife (ODFW), Employment Department (OED), Department of Corrections (DOC), Economic & Community Development Department (OECDD), Department of Housing & Community Services (DHCS), Department of

Forestry (DOF), Oregon Parks & Recreation Department (OPRD) and Department of Energy (DOE) shall develop aspirational targets for MBE/WBE procurement of contracts worth \$150,000 or less, that are expected to be performed by MBEs/WBEs.

3. On or before December 31, 2008, DAS, DHS, ODOT, ODFW, OED, DOC, OECDD, DHCS, DOF, OPRD and DOE shall develop aspirational targets for soliciting MBEs/WBEs to submit bids for contracts worth \$150,000 or less in industry clusters identified by the Governor's Advocate.

4. Aspirational targets shall be set by agencies only after considering the size, location and scope of work required for typical contracts. Agencies are encouraged to use the Oregon Department of Transportation's target setting process as a model in setting aspirational targets. Agencies shall reassess their aspirational targets on or before December 31, 2009, and thereafter on an annual basis.

5. The existence of aspirational targets shall not result in any preferential treatment, advantage or disadvantage for any particular business in obtaining contracts with the State of Oregon; but will, instead, be an indication of the extent of business that the State can expect to conduct with MBEs/WBEs.

6. Agencies shall report aspirational targets and actual MBE/WBE solicitation and utilization to the Governor's Advocate on or before December 31, 2008 and by the end of each subsequent year. Commencing in 2009 and continuing on an annual basis, agencies shall also report statistics on MBE/WBE contract procurement and solicitation to the Governor's Advocate.

7. To further Oregon's efforts to create an inclusive business climate, all state agencies under DAS procurement authority shall:

a. Train all contract procurement staff and management personnel with contract procurement responsibilities on the requirements of DAS Statewide Policy 107-009-030, entitled "MWESB Procurement," and DAS Statewide Policy 125-09-020, entitled "Oregon Procurement Information Network (ORPIN)";

b. Collaborate with the Department of Consumer and Business Service (DCBS) Office of Minority, Women and Emerging Small Businesses and the Governor's Advocate to promote Minority, Women and Emerging Small Business certification, as established by ORS 200.055, and increase the number of certified firms;

c. Diligently record MBE/WBE certification status in contract award information collected by ORPIN;

d. Diligently record the MBE/WBE certification status of all businesses invited to submit a bid for a Small or Intermediate Procurement under ORS 279B; and

e. Evaluate and consider modifying unnecessarily restrictive definitions in the procurement process to facilitate participation of all businesses wishing to do business with the state, without regard to gender, race, ethnic origin, religion, social class, or other affiliation.

8. DAS shall allow businesses to voluntarily self-identify as minority or women owned businesses in ORPIN, regardless of whether those businesses are certified under ORS 200.055. This voluntarily provided self-identification data shall not be provided to the procurement division of any state agency and shall not be used in any way in making contract award decisions. Self-identification data shall only be used by the Governor's Advocate, DAS and the DCBS Office of Minority, Women and Emerging Small Businesses to conduct outreach to businesses that could potentially qualify for certification and to estimate overall minority and women participation in the state contract procurement process.

EXECUTIVE ORDERS

9. DAS shall cooperate with the Governor's Advocate to explore opportunities to plan and fund a model disparity study of MBE/WBE contract procurement in two to three state agencies in discrete industry categories. DAS and selected agencies shall submit findings on potential model disparity studies to the Governor's Office, on or before December 31, 2009.

10. Beginning on or before December 31, 2009, and continuing on an annual basis, the Director of DAS, together with any appropriate Agency Director(s), shall present Certificates of Excellence to contract procurement staff and/or management personnel who have assisted agencies in making significant progress in developing aspirational targets or have taken extraordinary initiative in conducting outreach to minority and women owned businesses.

11. Notwithstanding this Executive Order, agencies not named in this Executive Order must continue to comply with the requirements of ORS 200.035. Agencies outside the scope of this Executive Order are encouraged to develop, implement and participate in the policies and processes outlined in this Executive Order, as appropriate.

12. This Executive Order shall expire on January 1, 2014.

Done at Salem, Oregon, this 6th day of August, 2008.

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

ATTEST

/s/ Bill Bradbury
Bill Bradbury
SECRETARY OF STATE

EXECUTIVE ORDER NO. 08-17

AUTHORIZATION FOR DEPARTMENT OF EDUCATION ACCESS TO LAW ENFORCEMENT DATA SYSTEM

ORS 181.010(6) and OAR 257-010-0025(1)(b) authorize the Governor to allow designated state and local agencies to access Law Enforcement Data System (LEDS) "for agency employment purposes, licensing purposes or other demonstrated needs when designated by order of the Governor." Executive Order No. 90-05 grants LEDS access to a number of state agencies, including the Department of Education's School Management Division and Division of School District Services, and establishes the conditions under which such access is authorized. Subsequent Executive Orders have authorized access for additional state and local agencies for various purposes.

This order amends Executive Order No. 90-05 to allow any division of the Department of Education to access LEDS for authorized purposes.

THEREFORE, IT IS ORDERED AND DIRECTED:

1. Pursuant to ORS 181.010(6) and OAR 257-010-0025(1)(b), I hereby authorize the Oregon State Police to provide the Oregon Department of Education with access to the Oregon State Police criminal offender information system for purpose of conducting background investigations on persons the Department of Education employs or trains, and persons who have applied for employment or training with the Department of Education.
2. Executive Order No. 90-05 continues to govern the compilation, maintenance and dissemination of criminal offender information

as defined in ORS 181.010(3), and that Order governs the access to the Oregon State Police criminal offender information system authorized by this Order.

Done at Salem, Oregon, this 6th day of August, 2008.

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

ATTEST

/s/ Bill Bradbury
Bill Bradbury
SECRETARY OF STATE

EXECUTIVE ORDER 08-18

AMENDING EXECUTIVE ORDER 05-01 RELATING TO AFFIRMATIVE ACTION

On January 26, 2005, I issued Executive Order 05-01, relating to affirmative action. That Executive Order directs Agency Directors and Administrators to review and discuss their affirmative action plans, to initiate training on affirmative action issues, to include affirmative action responsibilities in key job descriptions and to conduct Cultural Competency Assessment and Training.

Since the issuance of Executive Order 05-01, many state agencies have met with the Governor's Affirmative Action Office (GAAO) to review and discuss their affirmative action plans. The Department of Administrative Services (DAS) has concluded an audit of position descriptions for the inclusion of affirmative action duties and has shared audit results with GAAO. In addition, a number of state agencies have completed Cultural Competency Assessment and Training.

Despite these gains, much more can be accomplished. The State of Oregon remains committed to the right of all persons to work and advance on the basis of merit, ability and potential. In order to clarify the provisions of Executive Order No. 05-01, I amend that order as follows.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The GAAO and each Agency Director and Administrator shall review and discuss each agency's affirmative action plan and affirmative action goals to identify resources for improving the hiring and developmental opportunities of underrepresented persons.
2. To continue the State of Oregon's progress in the elimination of the effects of past and present discrimination, intended or unintended, Agency Directors and Administrators shall:
 - a. Provide ongoing leadership in implementing agency's affirmative action plan;
 - b. Include affirmative action and diversity responsibilities in executive and/or management job descriptions, as appropriate, on or before January 31, 2009;
 - c. Ensure that Affirmative Action Representatives attend GAAO's informational trainings to assist Representatives in fulfilling their affirmative action responsibilities;
 - d. Post each agency's affirmative action policy statement in a visible area. The policy statement shall include contact information for the agency's Affirmative Action Representative;
 - e. Communicate to all employees about the Affirmative Action resources available within each agency and the important role of

EXECUTIVE ORDERS

Affirmative Action Representatives in responding to employees' concerns of discrimination in the areas of hiring, retention, promotion and career development;

f. Evaluate and assess any trends showing an increase or decrease in discrimination and/or harassment claims; and

g. Work to improve implementation of the agency's affirmative action plan through the use of performance assessments and/or performance evaluations.

3. Under ORS 659A.012, state agencies are "required to include in the evaluation of all management personnel the manager's or supervisor's effectiveness in achieving affirmative action objectives as a key consideration of the manager's or supervisor's performance." Periodically, DAS shall conduct audits of agencies to determine whether management personnel are being evaluated based on effectiveness in achieving affirmative action objectives. Results of this audit shall be provided to GAAO.

4. GAAO will continue to coordinate with DAS in the development and presentation of training designed to improve employees' skills and competency in managing affirmative action and diversity issues.

5. GAAO will continue to monitor agencies' implementation of Cultural Competency Assessment and Implementation Services.

Agency Directors and Administrators are strongly encouraged to utilize Cultural Competency Assessment and Implementation Services within their agencies if, in the opinion of GAAO and the Agency Director or Administrator, it is beneficial and appropriate for the agencies to do so.

6. DAS, in conjunction with GAAO and the Oregon Department of Justice, has developed a confidential web-based exit interview survey tool. Agency Directors and Administrators shall allow employees to utilize state equipment to access the Exit Interview survey and shall encourage all employees to complete the survey prior to their transfer or departure.

7. This Executive Order and Executive Order 05-01 expire on December 31, 2014.

Done at Salem, Oregon, this 19th day of August, 2008.

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

ATTEST

/s/ Bill Bradbury
Bill Bradbury
SECRETARY OF STATE

OTHER NOTICES

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DECISION FOR UMATILLA COUNTY AUCTION HOUSE (FORMER) MILTON-FREEWATER, OREGON

COMMENTS DUE: September 30, 2008 by 5:00 p.m.
PROJECT LOCATION: Ferndale Rd. and Hwy 11, Milton-Freewater

PROPOSAL: Pursuant to Oregon Revised Statute (ORS) 465.315, the Oregon Department of Environmental Quality (DEQ) is proposing to issue a no further action (NFA) determination for former Umatilla County Auction House site located in Milton-Freewater, Oregon.

HIGHLIGHTS: The Voluntary Cleanup Program has reviewed site assessment activities performed at the site. Concentrations of petroleum products detected in the soil and groundwater are below applicable risk based pathways for the site. The site is also proposed for de-listing from the Confirmed Release List (CRL).

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. Summary information and a copy of "No Further Action Decision Document" memo are available in DEQ's Environmental Cleanup Site Information (ECSI) database <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 4131.

To schedule an appointment to review the file or to ask questions, please contact Katie Robertson at (541) 278-4620. Written comments should be received by September 30, 2008 and sent to Katie Robertson, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received before making a final decision regarding the "No Further Action" determination and de-listing from the CRL.

A CHANCE TO COMMENT ON A PROPOSED CONSENT JUDGMENT FOR REMEDIAL ACTION, BNSF MIDLAND MARKET RAIL YARD, KLAMATH FALLS, OREGON

COMMENTS DUE: September 30, 2008
PROJECT LOCATION: BNSF Midland Market Rail Yard, Klamath Falls, OR

PROPOSAL: The Department of Environmental Quality is proposing to enter into a Consent Judgment for Remedial Action with BNSF Railway Company for the Midland Market Rail Yard Site located at 1800 Laverne Avenue in Klamath Falls, Oregon.

HIGHLIGHTS: This Consent Judgment will provide that BNSF Railway Company carry out the cleanup actions selected in the Record of Decision (ROD) and ROD Amendment No. 1. The selected cleanup actions include institutional controls prohibiting groundwater use, continue recovery of product, and long term monitoring of groundwater.

The proposed Consent Judgment will provide BNSF Railway Company with a release from liability for claims by the State of Oregon under ORS 465.255, including claims for damages to natural resources relating to historical releases of hazardous substances at or from the site. The proposed Consent Judgment will also provide BNSF Railway Company with protection from potential contribution actions by third parties for recovery of remedial action costs associated with historical releases at or from the facility. DEQ retains all existing rights it may have as to all other parties potentially liable for the releases. Additional information on the site is available in DEQ's Environmental Cleanup Site Information (ECSI) database <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 1732.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. To schedule an appointment to review the file or to ask questions, please contact Katie Robertson at (541) 278-4620 or via e-mail at robertson.katie@deq.state.or.us. Written comments should be sent by September 30, 2008 to Katie

Robertson, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments. A final decision concerning the proposed Consent Judgment will be made after consideration of public comments.

REQUEST FOR COMMENTS PROPOSED CONSENT JUDGMENT REGARDING OWENS-BROCKWAY GLASS CONTAINER/ JOHNSON LAKE SITE

COMMENTS DUE: September 30, 2008
PROJECT LOCATION: 5850 NE 92nd Drive, Portland, Oregon

PROPOSAL: DEQ has prepared a consent judgment that would cover DEQ oversight of design and implementation of the remedy selected in the Record of Decision (ROD) issued for the site in October 2007. DEQ proposes to enter this consent judgment with Owens Brockway Glass Container, Inc.

HIGHLIGHTS: Johnson Lake extends over 18 acres and is directly connected to Whitaker Slough, which in turn flows into Columbia Slough. The Owens facility is located immediately south of Johnson Lake. Sources of contamination to the lake likely included historical overflows of Owens' former settling ponds, as well as stormwater runoff and stormwater outfall discharges from Owens' property and from neighboring properties located east and west of the lake.

Investigations completed at the Site, beginning in 1994 as part of the general Columbia Slough project, have detected polychlorinated biphenyls (PCBs), metals, polycyclic aromatic hydrocarbons, pesticides, and petroleum hydrocarbons at elevated levels in Johnson Lake sediment. Fish caught in the lake may be unsafe to eat due to the concentrations of PCBs and pesticides detected in fish tissue. Sediment testing also suggested that portions of the lake contain contaminants at levels that may be harmful to sediment dwelling organisms. Elevated levels of PCBs were also detected in soil adjacent to the lake downgradient of an electrical substation.

In October 2007, DEQ issued a Record of Decision for the site that outlines the selected remedy that includes the following:

- Excavation of lake sediment containing the highest concentrations of PCBs, metals, and petroleum hydrocarbons.
- Excavation of soil near the lake that contains elevated PCB concentrations.
- Capping of excavated sediment and soil in an upland portion of the Site away from the lake.
- Institutional controls to maintain the integrity of the cap and prevent exposures to people who eat fish from the lake.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region office 2020 S.W. Fourth Avenue, Suite 400, Portland, Oregon, 97201. To schedule a file review appointment, call: 503-229-6729; toll free at 1-800-452-4011; or TTY at 503-229-5471. The document is also available for review at the following website: http://www.deq.state.or.us/news/public_notices/index.asp. At this website click on Northwest Regional Office and Land Quality Program to narrow the search. Comments must be received by 4:30 PM on the due date in order to be considered in DEQ's decision.

THE NEXT STEP: DEQ will review and consider all comments received during the comment period. If DEQ determines to enter the consent judgment, it will be executed by the parties and then filed with the Multnomah County Circuit Court. The court must approve the consent judgment for it to take effect.

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

OTHER NOTICES

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DETERMINATION ROBERTS CREEK FUEL SPILL

COMMENTS DUE: 5 pm, October 1st, 2008

PROJECT LOCATION: Mile post 118 southbound Interstate Highway I-5, near Winston, OR

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) requests public comment on its recommendation that no further action is required for investigation or cleanup of petroleum contamination at the Roberts Creek Spill Site near Roberts Creek and Winston, OR.

HIGHLIGHTS: On the morning of March 11th, 2006, on I-5 Southbound, Mile Post 118, Douglas County, Oregon a Truax Oil Inc. petroleum tanker truck and trailer carrying 9,100 gallons of gasoline and 2,002 gallons of diesel fuel crashed and caught fire. Unburned portions of the gasoline and diesel fuel were released, and a portion of the asphalt road was liquefied by the heat and released to the environment. The fuel flowed beneath the roadway down the west embankment and to an unnamed tributary of Roberts Creek. The I-5 right-of-way and an adjacent property zoned for exclusive farm use (cattle grazing) were affected by the spill. An extensive cleanup was conducted. Over 11,000 tons of contaminated soil was disposed at Coffin Butte Landfill, and 159,878 gallons of contaminated water was treated and disposed of at Roseburg Urban Sanitary Authority's Treatment Plant.

Soil sampling and groundwater monitoring to verify the cleanup indicated no free recoverable petroleum product is present onsite. Truax Oil, Inc. conducted additional assessment of the soil and groundwater. Residual contaminant concentrations are below risk-based concentrations considered safe for construction and excavation workers in the Oregon Department of Transportation right-of-way. Levels in groundwater and surface water are also considered safe for human health consumption. Also, the Roberts Creek surface water samples were below detection limits for all parent compounds (Diesel and Gasoline Fuel), individual constituents (Benzene, Toluene, Ethylbenzene, Xylenes [BTEX]), and Polynuclear Aromatic Hydrocarbons (PAHs) for the most recent three bi-weekly sampling events. Therefore, it is unlikely any unacceptable risk remains for potential ecological receptors in the surface water.

HOW TO COMMENT: A DEQ Staff Report presenting details about the site and cleanup activities supports the decision to approve the No-Further-Action determination. The staff report is available for review, electronically, by contacting the DEQ project manager, Ian Balcom at 541-687-7347 or at balcom.ian@deq.state.or.us, or the report can be viewed in person at the DEQ Eugene office by appointment. The Eugene office address and contact information is presented to the right.

Comments on the proposed determination need to be received by the Eugene Office, attn: Ian Balcom, by 5 pm on October 1st, 2008. Fax or email comments are acceptable. The Fax number is 541-686-7551, **THE NEXT STEP:** Upon completion of the comment period, the comments will be addressed. Once the comments have been adequately addressed, the DEQ may approve, modify, or deny the no-further-action determination for assessment and/or cleanup of the Roberts Creek Fuel Spill.

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, 541-687-5603.

PROPOSED NO FURTHER ACTION DETERMINATION NORTHWEST ALUMINUM — SECTION 2 PROPERTY, ECSI # 4557, THE DALLES, OREGON

COMMENTS DUE: October 1, 2008

PROJECT LOCATION: River Road, The Dalles

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) proposes to issue a No Further Action determination following investigation and cleanup of contaminated soil in drainage swales on property formerly owned by Northwest Aluminum Company. Public notification is required by ORS 465.320.

HIGHLIGHTS: The Section 2 Property is a 13-acre parcel recently sold by Northwest Aluminum Company. It extends from River Road to the Columbia River. The site contains historic site drainage features that had at one time received runoff and wastewater from plant operations. The effluent contained polynuclear aromatic hydrocarbons (PAHs) and arsenic, which were found in high concentrations in the drainage sediment.

To reduce the environmental risk, about 10,300 tons of contaminated soil was excavated and hauled to the Wasco County Landfill for disposal. About 9,300 tons of clean soil was placed in these areas to return them to the pre-excavation elevations. DEQ determined that residual contamination does not exceed safe levels.

Because portions of the drainage features are wetlands, DEQ coordinated with the Oregon Department of State Lands (ODSL) to determine what measures are needed. ODSL requires that the wetland be inspected in October 2008 to determine whether it is functioning properly as a wetland following excavation and backfilling. DEQ intends to issue the No Further Action determination provided that ODSL is satisfied with the results of the upcoming inspection.

HOW TO COMMENT: Comments and questions, by phone, fax, mail or email, should be directed to:

Bob Schwarz, Project Manager

Phone: 541-298-7255, ext. 30

Fax: 541-298-7330

Email: Schwarz.bob@deq.state.or.us

To schedule an appointment or to obtain a copy of the staff report, please contact Mr. Schwarz as well. Written comments should be sent by Monday, October 1, 2008.

THE NEXT STEP: DEQ will consider all comments received. A final decision concerning the proposed No Further Action determination will be made after consideration of public comments.

OPPORTUNITY TO COMMENT PROPOSED CONDITIONAL NO FURTHER ACTION FORMER UNOCAL BULK PLANT KLAMATH FALLS, OREGON

COMMENT DUE: October 1, 2008

PROJECT LOCATION: 1459 South Sixth Street, Klamath Falls, Oregon

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to issue a decision regarding cleanup activities at the above referenced site based on approval of investigation and removal actions conducted to date. Public notification is required by ORS 465.320.

HIGHLIGHTS: Petroleum contamination in soil and groundwater was detected in 1989 both onsite and offsite. Approximately 320 gallons of free petroleum product was recovered from the subsurface. Approximately 4,500 tons of petroleum contaminated soil was also removed from the site in 2004. Fifteen years of groundwater monitoring, both onsite and offsite, indicate that the free product and groundwater plumes are stable. Petroleum impacted soil and groundwater remain onsite and offsite. Concentrations of petroleum constituents are below applicable risk-based standards, except in the southern part of the site and under South Sixth Street. The current owner of this site intends to establish a formal agreement with Oregon Department of Transportation and the City of Klamath Falls to manage the potential for encountering subsurface petroleum during utility line maintenance and excavation activities.

Based on the findings to date, DEQ is proposing a conditional no further action determination at the site and believes that this determination is protective as defined in OAR 340-122-040.

HOW TO COMMENT: The DEQ draft staff report recommending the proposed action for this site can be viewed on the internet at the following internet address: www.deq.state.or.us/lq/ECSI/ecsi.htm. The ECSI identification number for this site is #1221.

OTHER NOTICES

The public comment period will extend from September 1, 2008 through October 1, 2008. Written comments should be sent by October 1, 2008 to the following address:

Marcy Kirk
Department of Environmental Quality
300 SE Reed Market Road
Bend, Oregon 97702
(541) 388-6146, ext. 222
kirk.marcy@deq.state.or.us

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

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DECISION FOR LOVEJOY — BLOCK 2 DEVELOPMENT PORTLAND, OREGON

COMMENTS DUE: October 1, 2008, 4:30 pm

PROJECT LOCATION: 1220 NW Marshall Street, Portland, OR

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.230 and 465.320, and Oregon Administrative Rules, OAR 340-122-0077, OAR 340-122-0078 and OAR 340-122-0100, the Department of Environmental Quality (DEQ) invites public comment on its proposal to approve a no further action determination (NFA) for the Lovejoy Block 2 Development site, a mixed commercial residential development located in northwest downtown Portland.

HIGHLIGHTS: The 0.92-acre property located between NW Lovejoy, Marshall, 12th and 13th has historically been used by a variety of agricultural, commercial and industrial businesses. Prior businesses and/or uses that have been located on portions of the property were — a coal shed; wood shed; oil mixing and boiler room; auto servicing; sash and door warehouse; food storage warehouse; agricultural products warehouse; and a battery service area.

This site was entered into DEQ's Environmental Cleanup Site Information database (ECSI) in January of 1993 as site #1331, "Wilbur Ellis Company", due to the past storage, mixing and distribution of pesticides and herbicides. In December of 1993, DEQ recorded a no further action (NFA) decision based the observation, at that time, that there was no indication of a hazardous substance release at the site from the pesticide handling operation.

Unico Corporation entered DEQ's Voluntary Cleanup Program in September of 2007, and submitted reports describing removal actions taken, site soil and groundwater sampling results, and a post-removal residual risk assessment. The primary problems discovered at the site during investigations performed prior to site redevelopment included several leaking underground storage tanks, apparent placement of contaminated fill soils, a petroleum release of unknown origin, and two former drywells (a.k.a. underground injection controls, or UICs). Between February and May 2007 approximately 4,825 tons (3,640 cubic yards) of petroleum, metals and creosote contaminated soils were removed from the site prior to and as part of site development activities. In addition, the two drywells were decommissioned. Based on the extent of the removal and remedial actions, plus the evaluation of residual risks, DEQ has determined that there is no unacceptable risk present and is prepared to issue a NFA determination for the Lovejoy Block 2 Development site.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region Office, located at 2020 SW 4th Avenue, Portland, OR 97201. To access site summary information and the DEQ Lovejoy Block 2 Development 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 1331 in the "Site ID" box and click "Submit" at the bottom of the page. Next, click the link labeled 1331 in the Site ID/Info column. Comments can be received by mail to the DEQ Northwest Region office [ATTN: Chuck Harman], or email to harman.charles@deq.state.or.us. The Comments must be received by 4:30 PM on October 1, 2008 in order to be considered in DEQ's decision.

THE NEXT STEP: DEQ will consider all public comments received by the October 1, 2008 deadline and the Regional Cleanup

Manager will make a final decision after consideration of these public comments.

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, 503-229-5471.

PROPOSED NO FURTHER ACTION AND CERTIFICATE OF COMPLETION AT THE FORMER CADET MFG. SITE

COMMENTS DUE: September 30, 2008

PROJECT LOCATION: Intersection of Glass Plant Road and NE Clark Road, Portland, Oregon.

PROPOSAL: As required by ORS 465.320 and ORS 465.325(10)(b), the Department of Environmental Quality (DEQ) invites public comments on remedial action completed at the Former Cadet Manufacturing site and DEQ's proposal to issue a Certificate of Completion for the site.

HIGHLIGHTS: The site was used in the 1960s and early 1970s for the manufacture of heaters. In 1997 solvent contamination was detected at the site, primarily in shallow groundwater. Following work in 1998-2002 to define the extent of contamination, two phases of treatment were completed as interim remedial actions to treat solvent contamination in groundwater. Phase 1 treatment was performed in 2003 and involved the injection of a chemical oxidant, while Phase 2 treatment involved the injection of a nutrient to stimulate microbial degradation. Following treatment, most contamination was found to have been treated, but some residual solvents were noted in a residual risk assessment. A subsequent feasibility study recommended additional groundwater monitoring as ongoing destruction of contaminants by indigenous bacteria was occurring. Two years of post-treatment groundwater monitoring followed in 2006-2007. In a 2007 residual risk analysis, site contamination was found to be below acceptable levels. DEQ believes that the release of contaminants at Cadet was confined to soil and the shallow aquifer, and did not significantly impact the underlying regional (Troutdale Gravel) aquifer that is tapped by nearby City of Portland water supply wells. Residual contamination in soil and shallow groundwater is minor and does not pose a significant risk to public health or the environment. DEQ has determined that no further action is required for the subject site under Oregon Environmental Cleanup Law, ORS 465.200 et seq. unless additional information becomes available in the future which warrants further investigation.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region Office located at 2020 SW Fourth Avenue, Suite 400 in Portland. To access site summary information and the Closeout Memorandum 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#2215] in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled [ECSI #2215] in the Site ID/Info column. The DEQ project manager is Dan Hafley (503-229-5417). Comments should be sent to the DEQ project manager by September 30, 2008.

THE NEXT STEP: DEQ will consider all comments received and the Northwest Region Administrator will make a final decision after consideration of any comments.

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].

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.*

Board of Massage Therapists
Chapter 334

Rule Caption: OBMT comprehensive changes to increase readability, update practices, update terminology and streamline processes.

Date:	Time:	Location:
9-19-08	9 a.m.	OBMT Board Rm. 748 Hawthorne Ave. NE Salem, OR 97301

Hearing Officer: Stephanie Manriquez

Stat. Auth.: ORS 182, 183, 687, 687.011, 687.081, 687.121, 687.122 & SB 1127

Stats. Implemented: ORS 183, 687, 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Proposed Adoptions: 334-040-0001

Proposed Amendments: Rules in 334-010, 334-020, 334-030, 334-001-0000, 334-001-0035, 334-001-0045, 334-001-0060, 334-010-0005, 334-010-0010, 334-010-0012, 334-010-0015, 334-010-0017, 334-010-0025, 334-010-0033, 334-010-0046, 334-010-0047, 334-010-0050, 334-020-0005, 334-020-0015, 334-020-0050, 334-020-0055, 334-030-0001, 334-030-0005

Proposed Repeals: 334-010-0016, 334-010-0031, 334-020-0020, 334-020-0025, 334-020-0030, 334-020-0035, 334-020-0040, 334-020-0045, 334-020-0060, 334-020-0065, 334-020-0070, 334-020-0075, 334-020-0080, 334-020-0085, 334-020-0090, 334-030-0002, 334-030-0010

Proposed Ren. & Amends: 334-010-0041 to 334-010-0008, 334-030-0025 to 334-040-0010

Last Date for Comment: 9-19-08, Close of Hearing

Summary: Over the past two years the OBMT rules committee has conducted a comprehensive review of rule. This review was done to increase readability, update practices, update terminology and streamline processes. Almost every rule has been effected by this process in some manner. In addition, Division 30 has been split into two divisions. Division 30 will now cover Standards of Conduct. A new division 40 will address Complaints and Discipline. A complete markup with proposed changes is available at www.oregon.gov/obmt

Rules Coordinator: Patty Glenn
Address: 748 Hawthorne Avenue NE, Salem OR 97301
Telephone: (503) 365-8657

Bureau of Labor and Industries
Chapter 839

Rule Caption: The proposed rule would provide procedure for hearings on predetermination of prevailing wage coverage.

Stat. Auth.: ORS 183 & 279C.817

Stats. Implemented: ORS 279C.817

Proposed Adoptions: 839-050-0445

Last Date for Comment: 10-3-08

Summary: The proposed rule would provide contested case procedures for hearings on predeterminations of prevailing wage coverage. A temporary rule is in place through January 23, 2009. This proposed rule, which may result in amendments to the temporary rule language following the comment process, is being issued as a first step in adopting a permanent rule.

Rules Coordinator: Marcia Ohlemiller

Address: Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232

Telephone: (971) 673-0784

Rule Caption: Rule amendments to clarify procedures for informal disposition of contested cases.

Stat. Auth.: ORS 183

Other Auth.: ORS 651.060(4)

Stats. Implemented: ORS 183

Proposed Amendments: 839-050-0220

Last Date for Comment: 10-3-08

Summary: Proposed rule amendments would clarify procedures to be used by participants in contested case by informal disposition.

Rules Coordinator: Marcia Ohlemiller

Address: Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232

Telephone: (971) 673-0784

Rule Caption: Amendments to rules regarding rulemaking, procedural rules and investigate subpoenas.

Stat. Auth.: ORS 183, 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 183.335, 183.341, 279C, 651, 652, 653, 658 & 659A

Proposed Amendments: 839-002-0015, 839-002-0020, 839-002-0025, 839-002-0030, 839-002-0035, 839-002-0040, 839-002-0045, 839-002-0050, 839-002-0055, 839-002-0060, 839-002-0065, 839-002-0070, 839-002-0075, 839-002-0080

Last Date for Comment: 10-3-08

Summary: The proposed rule amendments would correct citations from Oregon Laws to ORS references, make editorial changes, and add or amend section headings to keep all rules on the same subject under one heading. The amendments would also delete the requirements that the bureau send copies of all investigative subpoena rules with all subpoenas, which is not required by statute.

Rules Coordinator: Marcia Ohlemiller

Address: Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232

Telephone: (971) 673-0784

Rule Caption: Amendments to contested case rules to provide for participation of aggrieved persons in housing discrimination cases.

Stat. Auth.: ORS 183 & 651.060(4)

Stats. Implemented: ORS 659A.885

Proposed Amendments: 839-050-0170, 839-050-0020, 839-050-0030

Last Date for Comment: 10-10-08

Summary: Proposed amendments to contested case rules would provide for participation by aggrieved persons in cases involving

NOTICES OF PROPOSED RULEMAKING

housing discrimination. The bureau was given authority to process federal housing discrimination cases during 2007, and state housing discrimination law was amended to be substantially similar. Now both laws provide for participation in housing cases by aggrieved persons. Aggrieved person have not previously had standing to appear in any type of bureau contested cases.

Rules Coordinator: Marcia Ohlemiller

Address: Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232

Telephone: (971) 673-0784

Construction Contractors Board Chapter 812

Rule Caption: Amended for clarity/housekeeping, sets fees for information requests, and apply license application exemption fairly.

Date:	Time:	Location:
9-23-08	11 a.m.	West Salem Roth's IGA Santiam Rm. 1130 Wallace Rd. NW Salem, OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 87.007, 87.093, 293.445, 670.310, 701.235, 701.325, 701.330 & 701.530

Stats. Implemented: ORS 25.270, 25.785, 25.990, 87, 87.007, 87.093, 192.430, 293.445, 701, 701.035, 701.050, 701.056, 701.068, 701.073, 701.081, 701.088, 701.122, 701.235, 701.250, 701.325, 701.330, 701.335 & 701.530

Proposed Amendments: 812-001-0160, 812-001-0200, 812-003-0260

Proposed Renumberings: 812-001-0300 to 812-012-0140, 812-001-0310 to 812-012-0150

Proposed Ren. & Amends: 812-001-0240 to 812-012-0120, 812-001-0305- to 812-012-0145

Last Date for Comment: 9-23-08, 11 a.m.

Summary: OAR 812-001-0160 is amended to clarify the existing agency practice of completing one certification statement for a file or a set of documents. Moreover, it will replace with specific fees an indeterminate fee referenced by the current rule. The agency presently charges the specific fees for electronically maintained records. Finally, the rule will make clear that the agency is authorized to charge for certain fees for certain odd-sized reproductions and for the cost of attorney time in segregating exempt and non-exempt records.

812-001-0200 is amended to adopt the revised form to update the cite references from ORS 701.055 to ORS 701.325. ORS 701.055 was renumbered in 2007.

812-001-0240 is amended and renumbered to 812-012-0120. Sections (7) and (8) are amended for consistency and section (9) is added to clarify that only the prime or general contractor must provide a maintenance schedule. The law is unclear and might be read to obligate all subcontractors on the job to provide the schedule. This is not the apparent intent of the legislation.

812-001-0300 is renumbered to 812-012-0140 so that all the items that are duties of a contractor are under division 12, Contractor Duties.

812-001-0305 is amended and renumbered to 812-012-0145, the amendment corrects a cite reference and so that all the items that are duties of a contractor are under division 12, Contractor Duties.

812-001-0310 is renumbered to 812-012-0150 so that all the items that are duties of a contractor are under division 12, Contracting Duties.

812-003-0260 is amended to apply the exemption fairly and not distinguish between business entities. In addition, the rule focuses on whether the companies have securities registered with the federal SEC. If so, the companies are already providing detailed information about their directors, partners, members or others that acquire financial interests greater than 5%.

Rules Coordinator: Catherine Dixon

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

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

Rule Caption: Housekeeping, increasing bond requirements adds DRS final orders, and adds violation penalties.

Date:	Time:	Location:
9-23-08	11 a.m.	West Salem Roth's IGA Santiam Rm. 1130 Wallace Rd NW Salem, OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 183.310-183.500, 670.310, 701.068, 701.085 (2005), 701.088, 701.235 & 701.992

Stats. Implemented: ORS 87.093, 279C.590, 701.005, 701.026, 701.042, 701.046, 701.068, 701.085 (2005), 701.088, 701.091, 701.094, 701.098, 701.106, 701.227, 701.305, 701.315, 701.330, 701.345 & 701.992

Proposed Amendments: 812-005-0210, 812-005-0800

Last Date for Comment: 9-23-08, 11 a.m.

Summary: 812-005-0210 is amended to clarify a phrase and make parallel to language in separate sections, and Section (5) is added to create an increased bond, letter of credit or cash deposit requirement to parallel to that for an unpaid construction debt. The Department of Justice has consistently advised CCB that it may require a bankrupt licensee to post a higher bond as a method of providing for future responsibility. This is not a penalty for previously declaring bankruptcy. The proposed rule is consistent with the language in ORS 701.068(5). The statute authorizes sanctions where the amounts due complaints exceed the bond amount. The change will narrow the issue in a disciplinary proceeding to whether there were DRS orders (paid or unpaid) in an amount in excess of the bond. Payment discharge of the orders will no longer be significant.

812-005-0800 is amended to correct a cite reference, establish penalties for contractors who work while there license is suspended, and establishes violations for failure to provide the Home Buyer Protection Act form.

Rules Coordinator: Catherine Dixon

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

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

Department of Administrative Services, Capitol Planning Commission Chapter 110

Rule Caption: Amends rules for development standards for adoption of the updated Oregon State Hospital and Penitentiary Properties Area Plan, June 2008.

Date:	Time:	Location:
9-19-08	10 a.m.	Department of Forestry 2600 State St. SE Salem, OR

Hearing Officer: Thomas McMullen

Stat. Auth.: ORS 183 & 276

Other Auth.: SB 90 (2005)

Stats. Implemented: ORS 183 & 276

Proposed Amendments: 110-070-0010

Proposed Repeals: 110-070-0015, 110-070-0020

Last Date for Comment: 9-19-08, 5 p.m.

Summary: This rule amendment relates to the revision of the rule governing the Adoption of the Oregon State Hospital and Penitentiary Area Plan, formerly known as the Development Standards for the Oregon State Hospital and Penitentiary Properties Area adopted by the Capitol Planning Commission in 1976 and amendment adopted March 1984. The revises the current Area Plan adopting a new plan and standards affecting future development and uses in the Oregon State Hospital and Penitentiary Properties Area.

Rules Coordinator: Yvonne Hanna

NOTICES OF PROPOSED RULEMAKING

Address: Department of Administrative Services, Capitol Planning Commission, 155 Cottage St. NE, Salem, OR 97301
Telephone: (503) 378-2349, ext. 325

.....
**Department of Administrative Services,
Human Resource Services Division
Chapter 105**

Rule Caption: Repealing because rule is unnecessary and already covered in ORS 240.190 and HRSD policy 20.000.05.

Stat. Auth.: ORS 184.340, 240.145, 240.245 & 240.250

Stats. Implemented: ORS 240.190 & 240.235

Proposed Repeals: 105-020-0001

Last Date for Comment: 9-22-08, 5 p.m.

Summary: Comparability of work is already addressed in statute and by Human Resource Services Division (HRSD) statewide policy. It is not necessary to maintain this rule as it does not impact the public or other organizations.

Rules Coordinator: Yvonne Hanna

Address: 155 Cottage St. NE U90, Salem, OR 97301

Telephone: (503) 378-2349 ext. 325

.....
**Department of Agriculture
Chapter 603**

Rule Caption: Establishes system for review of federal permit applications for growing biopharmaceutical crops in Oregon.

Date:	Time:	Location:
10-14-08	10 a.m.	Department of Agriculture 635 Capitol St. NE Salem, OR 97301

Hearing Officer: Brent Searle

Stat. Auth.: ORS 561.738 & 561.740

Other Auth.: ORS 561.190

Stats. Implemented: ORS 561.740

Proposed Adoptions: 603-052-1236

Last Date for Comment: 10-24-08

Summary: The proposed rule would establish a system for coordinated joint review of any federal permit applications for growing biopharmaceutical crops in Oregon. The intent is not to duplicate the federal permit review process, rather to allow the state to provide input on Oregon specific issues and requirements. The applicants would be billed \$10,000 for state services related to permit review and oversight of the biopharmaceutical crop production.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

.....
Rule Caption: Tree seedling nurseries maintained noxious weed-free.

Stat. Auth.: ORS 571.200 & 570.505

Stats. Implemented: ORS 571.200 & 570.505

Proposed Adoptions: 603-052-1205

Last Date for Comment: 10-3-08

Summary: The proposed rule would establish a requirement that nurseries growing tree seedlings for forest plantings be free of noxious weeds. Noxious weeds found in forest tree seedling nurseries include yellow nutsedge, thistles, St. Johnswart, creeping yellow cress and quackgrass. Fumigation with methylbromide is currently recognized as the most effective control method, through research is underway to find an alternative because methylbromide is being phased out due to environmental impacts.

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,
Building Codes Division
Chapter 918**

Rule Caption: Regulates use and content of a written request to energize electrical installations prior to inspection.

Date:	Time:	Location:
9-16-08	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Matthew Barber

Stat. Auth.: ORS 479.570

Stats. Implemented: ORS 479.570

Proposed Adoptions: 918-311-0070

Last Date for Comment: 9-19-08, 5 p.m.

Summary: The proposed rule implements House Bill 2475 (2007) regulating the use and content of energizing letters. General supervising electricians may request to energize and electrical installation before an authority having jurisdiction has inspected the completed installation in certain circumstances. Electric utilities may not energize an installation as requested unless the request complies with this proposed rule. Electrical contractors must notify the inspecting authority that a request to energize was made and when the installation was energized.

Rules Coordinator: Shauna Parker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309

Telephone: (503) 373-7438

.....
Rule Caption: Amends Oregon Residential Specialty Code sections relating to moisture content in construction materials.

Date:	Time:	Location:
9-16-08	10 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Kristy Nielsen

Stat. Auth.: ORS 455.020, 455.110, 455.525 & 455.610

Stats. Implemented: ORS 455.610

Proposed Amendments: 918-480-0010

Last Date for Comment: 9-19-08, 5 p.m.

Summary: This proposed rule amends the Oregon Residential Specialty Code in order to clarify a section requiring contractors or owner-builders to provide written notification that the moisture content of wood framing members does not exceed 19%. The proposed rule requires contractors or owner-builders to acknowledge on a Building Codes Division-approved form that they are aware of the code provision and have taken steps to ensure compliance with the code. The rule clarifies that moisture content of wood framing members is not subject to inspection by the authority having jurisdiction.

Rules Coordinator: Shauna Parker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309

Telephone: (503) 373-7438

.....
Rule Caption: Clarifies how a local government may assume responsibility for administering an electrical program from division.

Date:	Time:	Location:
9-16-08	2 p.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Aeron Teverbaugh

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855 & 455.148

Proposed Amendments: Rules in 918-308

Last Date for Comment: 9-19-08, 5 p.m.

Summary: These proposed rules clarify the process and procedures under which a local government may assume responsibility to administer and enforce the electrical program from the state. Because of the first-hand knowledge that the division possesses in the operation of its programs, there is a different assumption process for a local government when assuming the electrical program in division admin-

NOTICES OF PROPOSED RULEMAKING

istered regions, as opposed to assumptions from other local governments. This rulemaking clarifies the different process.

Rules Coordinator: Shauna Parker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309

Telephone: (503) 373-7438

Rule Caption: Clarifies guidelines and procedures for assessing civil penalties.

Date:	Time:	Location:
9-16-08	1:30 p.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Aeron Teverbaugh

Stat. Auth.: ORS 446.995 & 455.895

Stats. Implemented: ORS 446.995 & 455.895

Proposed Amendments: 918-001-0036

Last Date for Comment: 9-19-08, 5 p.m.

Summary: This proposed rule clarifies the guidelines for assessing civil penalties. The division is adopting a new penalty matrix for use by the boards in assessing civil penalties for violations of the state building code, administrative directives or rules, etc. This rule was amended to clarify definitions and procedures governing civil penalties.

Rules Coordinator: Shauna Parker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309

Telephone: (503) 373-7438

Rule Caption: Adopts amendments to the 2007 Oregon Structural Specialty Code.

Date:	Time:	Location:
9-16-08	10:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Richard Rodgers

Stat. Auth.: ORS 447.231, 447.247, 455.030, 455.110 & 455.112

Stats. Implemented: ORS 447.247, 455.110 & 455.112

Proposed Amendments: 918-460-0015

Last Date for Comment: 9-19-08, 5 p.m.

Summary: The proposed rule adopts amendments to the 2007 Oregon Structural Specialty Code (OSSC).

Rules Coordinator: Shauna Parker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309

Telephone: (503) 373-7438

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

Rule Caption: Adopts contact information required for inclusion in foreclosure notice form.

Date:	Time:	Location:
9-29-08	9 a.m.	Rm. 260, L & I Bldg. 350 Winter St. NE Salem, OR

Hearing Officer: Patricia A. Locnikar

Stat. Auth.: 2008 OL Ch. 19, Sec. 20

Stats. Implemented: 2008 OL Ch. 19, Sec. 20

Proposed Adoptions: 441-505-3046, 441-710-0540, 441-730-0246, 441-850-0042

Last Date for Comment: 10-7-08, 5 p.m.

Summary: These permanent rules implement section 20 of House Bill 3630 (2008). Section 20(1) of HB 3630 contains the content for a foreclosure notice that must be delivered to a home owner. Section 20(2) of the bill requires the Department of Consumer and Business Services to adopt by rule contact information that the sender must provide in the foreclosure notice. The foreclosure notice form in statute left spaces for a statewide contact telephone number, the telephone numbers and a website address for the Oregon State Bar's

lawyer Referral Services, and a website address for a directory of legal aid programs. These rules describe what contact information will be required on the foreclosure notice form.

Rules Coordinator: Shelley Greiner

Address: Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE, Rm. 410, Salem, OR 97301

Telephone: (503) 947-7484

Rule Caption: Adopt rules to clarify and implement the Oregon Consumer Identity Theft Protection Act.

Date:	Time:	Location:
9-29-08	10 a.m.	Conference Rm. 260 350 Winter St. NE Salem, OR

Hearing Officer: Patricia A. Locnikar

Stat. Auth.: ORS 646A.626

Stats. Implemented: ORS 646A.604, 646A.620, 646A.622, 646A.624

Proposed Adoptions: 441-646-0010, 441-646-0020, 441-646-0030, 441-646-0040

Last Date for Comment: 10-6-08, 5 p.m.

Summary: The proposed rules define "continuing violation" and "harm," describe the expenses to be included in determining when substitute notification may be used, describe permissible use of a consumer's Social Security number, and clarify safeguarding of personal information.

Rules Coordinator: Shelley Greiner

Address: Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE, Rm. 410, Salem, OR 97301

Telephone: (503) 947-7484

Department of Corrections Chapter 291

Rule Caption: Structured, Intermediate Sanctions for Offenders for Violations of Conditions of Supervision.

Stat. Auth.: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 423.020, 423.030, 423.075

Stats. Implemented: ORS 137.592, 137.593, 137.595, 144.104, 144.106, 144.108, 144.600, 144.615, 179.040, 423.020, 423.030, 423.075

Proposed Adoptions: 291-058-0065

Proposed Amendments: 291-058-0010 – 291-058-0060, 291-058-0070

Last Date for Comment: 10-15-08

Summary: These rule modifications are necessary to clarify Department policy for imposition of administrative structured sanctions to offenders for violation of conditions of supervision, and to include provisions for compact cases.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Rule Caption: Behavioral Adjustments to Performance Awards Provided to Inmates in DOC Facilities.

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

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

Proposed Amendments: 291-077-0033

Last Date for Comment: 10-15-08

Summary: This rule modification is necessary to ensure the behavioral adjustments to monthly performance points provided to inmates under the Department's Performance Recognition and Award System align with the proposed changes to the Department's rule on inmate misconduct, specifically OAR 291-105-0015. The level of misconduct for rule violations has been reduced from eight level down to

NOTICES OF PROPOSED RULEMAKING

six levels on the disciplinary sanctioning grid. Monthly performance points are adjusted downward based on the level of misconduct.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Department of Energy Chapter 330

Rule Caption: Amend Residential Energy Tax Credit (RETC) program rules.

Date:	Time:	Location:
10-7-08	9:30 a.m.	Department of Energy 625 Marion St. NE Salem OR

Hearing Officer: Suzanne Dillard

Stat. Auth.: ORS 469.160–469.180 & 469.040(1)(d)

Stats. Implemented: ORS 469.160–469.180

Proposed Amendments: 330-070-0010, 330-070-0026, 330-070-0070, 330-070-0073, 330-070-0089

Last Date for Comment: 10-14-08

Summary: The proposed rules would:

- Amend the eligibility of tax credit qualified heat pump and duct systems to be based on the company (not the technicians) participation in annual ODOE training.

- Eliminate the five-year requirement for geothermal technicians to have International Ground Source Heat Pump Association (IGSH-PA) training.

- Amend the requirement for downhole heat exchangers (direct use geothermal systems) to state that they must include a summary report from Oregon Institute of Technology or other source approved by the Director which describes the system and indicates that it will deliver sufficient heat and the design meets current good practice guidelines.

- Increase the maximum size requirement for a tax credit qualified refrigerator to 31 cubic feet.

- Add to the requirement for water heaters that they may also be listed with Energy Star or California Energy Commission to qualify.

- Replace the requirement that warm air furnaces must have electronically commutated, permanent magnet variable speed DC (ECPM) motor with the requirement that they must be listed in the Gas Appliance Manufacturers Association (GAMA) Directory of Certified Energy Rating in effect at the time these rules are adopted as “electrically efficient.”

- Add the requirement that boilers have a minimum AFUE rating of 0.92 (92 percent) effective January 1, 2009.

- Clarify the requirement for a very efficient biomass combustion device to have one quarter of a million Btu per hour heat output and not input.

- Amend the requirements for solar tax credit certified technicians to maintain their certification each year.

- Amend the date for requiring North American Board of Certified Energy Practitioners (NABCEP) certification for first-time solar technician applicants to May 4, 2009 and for renewing solar technicians to May 4, 2010.

- Amend rules for wind systems to require a five year manufacturer’s warranty.

- Make editorial and housekeeping changes to OAR 330-070-0010 to OAR 330-070-0097.

Rules Coordinator: Kathy Stuttaford

Address: Department of Energy, 625 Marion St. NE, Salem, OR 97301

Telephone: (503) 378-4128

Department of Fish and Wildlife Chapter 635

Rule Caption: Amendments to Rules Regarding Public Use for Sauvie Island Wildlife Area.

Date:	Time:	Location:
10-10-08	8 a.m.	3406 Cherry St. NE Salem, OR 97303

Hearing Officer: Fish and Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats. Implemented: ORS 496.012, 496.138 & 496.146

Proposed Amendments: Rules in 635-008

Last Date for Comment: 10-10-08

Summary: This rule will extend the closure of portions of Sauvie Island Wildlife Area.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

Rule Caption: Amendments to the EE Wilson Wildlife Area and Columbia River Basin Areas management plans.

Date:	Time:	Location:
10-10-08	8 a.m.	3406 Cherry St. NE Salem, OR 97303

Hearing Officer: Fish and Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats. Implemented: ORS 496.012, 496.138 & 496.146

Proposed Amendments: Rules in 635-008

Last Date for Comment: 10-10-08

Summary: Amendments to Oregon Administrative Rules for the EE Wilson Wildlife Area and Columbia Basin Areas Management Plans. Amendments will guide management activities for the next 10 years.

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 Relating to Internet, Mail-Order and Fax License and Tag Sales.

Date:	Time:	Location:
10-10-08	8 a.m.	3406 Cherry St. NE Salem, OR 97303

Hearing Officer: Fish and Wildlife Commission

Stat. Auth.: ORS 496, 497 & 497.158

Stats. Implemented: ORS 496, 497 & 497.158

Proposed Amendments: Rules in 635-010

Last Date for Comment: 10-10-08

Summary: This rule is to establish internet and tag sales and to add a \$2 shipping and handling convenience charge to those license sales conducted through the mail, via fax or over the internet.

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 Requirements for the Proof of Residency.

Date:	Time:	Location:
10-10-08	8 a.m.	3406 Cherry St. NE Salem, OR 97303

Hearing Officer: Fish and Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146, 496.162, 497.002, 497.022 & 497.158

Stats. Implemented: ORS 496.138, 496.146, 496.162, 497.002, 497.022 & 497.158

Proposed Amendments: Rules in 635-010

Last Date for Comment: 10-10-08

NOTICES OF PROPOSED RULEMAKING

Summary: Amend rules to establish uniform requirements for certification of residency regarding in-person, mail-order, fax, and internet license sales transactions.

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 Relating to the Land Owner Preference (LOP) Program.

Date:	Time:	Location:
10-10-08	8 a.m.	3406 Cherry St. NE Salem, OR 97303

Hearing Officer: Fish and Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 497.112

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 497.112

Proposed Amendments: Rules in 635-075

Last Date for Comment: 10-10-08

Summary: Amend rules for landowners and hunters who benefit from the Landowner Preference Program. Specifically, changes to tag allocation for properties larger than 20,000 acres; suspension of participation in the program by landowners who deliberately violated LOP rules; under consideration is a new draw process for landowner of over 20,000 acres and changes to the minimum acreage requirements to receive tags for antlered deer and elk in eastern Oregon.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

Rule Caption: Establish 2009 Seasons and Regulations for Game Mammals.

Date:	Time:	Location:
10-10-08	8 a.m.	3406 Cherry St. NE Salem, OR 97303

Hearing Officer: Fish and Wildlife Commission

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Proposed Amendments: Rules in 635-008, 635-010, 635-043, 635-045, 635-060, 635-065, 635-066, 635-067, 635-068, 635-069, 635-070, 635-071, 635-072, 635-073, 635-075, 635-080

Last Date for Comment: 10-10-08

Summary: Establish 2009 hunting regulations for game mammals, including season dates, open areas, location of cooperative travel management areas, wildlife areas, and other rules including general hunting and controlled hunt regulations. Specific rule changes include: North Bank Habitat Management Area controlled hunt tag and exceptions for visually impaired holders to use of muzzleloaders with scopes.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

**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:
9-22-08	8:30 a.m.	Rm. 254, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015 & 419B.020

Proposed Amendments: 413-200-0424

Last Date for Comment: 9-25-08, 5 p.m.

Summary: OAR 413-200-0424 about the Department's actions at the conclusion of the child protective services assessment is being amended to make permanent a temporary rule change adopted on July 17, 2008 and correctly state the Department's policy regarding the type of dispositions that need management approval for a certified family to maintain a certificate of approval by correcting a typographical error.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

Rule Caption: Changing OARs affecting child caring agencies.

Date:	Time:	Location:
9-29-08	8:30 a.m.	Rm. 252, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005, 418.240 & 418.994

Stats. Implemented: ORS 418.205-418.327 & 418.992-418.998

Proposed Adoptions: 413-215-0001, 413-215-0006, 413-215-0011, 413-215-0026, 413-215-0031, 413-215-0036, 413-215-0041, 413-215-0051, 413-215-0056, 413-215-0066, 413-215-0086, 413-215-0091, 413-215-0111, 413-215-0126

Proposed Amendments: 413-210-0200, 413-220-0000, 413-220-0010, 413-220-0020, 413-220-0030, 413-220-0060, 413-220-0110, 413-220-0120, 413-220-0130, 413-220-0140, 413-220-0150, 413-220-0160

Proposed Ren. & Amends: 413-210-0020 to 413-215-0081, 413-210-0030 to 413-215-0116, 413-210-0040 to 413-215-0046, 413-210-0050 to 413-215-0016, 413-210-0060 to 413-215-0021, 413-210-0070 to 413-215-0061, 413-210-0140 to 413-215-0071, 413-210-0190 to 413-215-0076, 413-210-0210 to 413-215-0101, 413-210-0220 to 413-215-0106, 413-210-0230 to 413-215-0096, 413-210-0240 to 413-215-0121, 413-210-0250 to 413-215-0131

Last Date for Comment: 10-1-08, 5 p.m.

Summary: These rules about child caring agencies and residential programs for children are being changed to reflect current practices and because many specific types of private child caring agencies provide services that are not adequately addressed in the current rules. The specific types of agencies these rules regulate include academic boarding schools, adoption agencies, day treatment agencies, foster care agencies, homeless or runaway youth programs, outdoor youth programs, residential care agencies, and therapeutic boarding schools. These umbrella rules cover which agencies are required to obtain and comply with a license from the Department, license application requirements, license approval criteria, corporation status requirements, governance requirements, financial management requirements, requirements about cultural, ethnic, and gender-specific services, requirements about conflict of interest policies and codes of ethics, requirements about client rights and grievance policies, resource requirements, requirements for comprehensive policies and procedures, personnel requirements, requirements about client privacy rights, requirements about records and documentation, requirements about behavior management, licensee responsibilities, license renewal requirements, periodic inspections, investigation of complaints, corrective actions, civil penalties, license denial, license suspension, license revocation, temporary licenses, inactive licenses, amended licenses, and exceptions to licensing rules. These changes also increase the submission requirements for license application and renewal; require an annual independent financial review; require a conflict of interest policy; require client grievance and other policies and procedures, including a child abuse reporting procedure; and require staff orientation training within 30 days of the start of employment. These changes also reorganize the current rules. Each

NOTICES OF PROPOSED RULEMAKING

agency will be required to follow these “umbrella” rules in addition to other specific rules that apply only to specific types of agencies. The specific rules are covered by separate rulemaking notices. As part of the reorganization, 12 rules on overlapping topics are being repealed.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

Rule Caption: Changing OARs affecting child caring agencies.

Date:	Time:	Location:
9-29-08	8:30 a.m.	Rm. 252, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.327

Stats. Implemented: ORS 409.010, 418.005 & 418.327

Proposed Adoptions: 413-215-0201, 413-215-0206, 413-215-0221, 413-215-0246, 413-215-0251, 413-215-0256, 413-215-0266, 413-215-0271, 413-215-0276

Proposed Repeals: 413-210-0500, 413-210-0510, 413-210-0520, 413-210-0530, 413-210-0590, 413-210-0620

Proposed Ren. & Amends: 413-210-0540 to 413-215-0261, 413-210-0550 to 413-215-0241, 413-210-0560 to 413-215-0216, 413-210-0570 to 413-215-0226, 413-210-0580 to 413-215-0236, 413-210-0600 to 413-215-0231, 413-210-0610 to 413-215-0211

Last Date for Comment: 10-1-08, 5 p.m.

Summary: These rules are being changed because the current residential school rules have been in effect since 1996 and need to be updated to reflect current practice. These rules set out requirements for academic boarding schools for educational services, physical plant requirements, boarding student furnishings and personal items, new facility or remodel, environmental health, food services, safety, health services, medication, staff training, minimum staffing requirements, separation of children, consents, disclosures, authorizations, and documentation requirements. New requirements include flashlights, vehicle fire extinguishers, vehicle first aid kits, a medication policy, and additional staff training. These rules are in addition to other umbrella rule changes being filed under separate notice that also apply to academic boarding schools.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

Rule Caption: Changing OARs affecting child caring agencies.

Date:	Time:	Location:
9-29-08	8:30 a.m.	Rm. 252, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.240

Stats. Implemented: ORS 418.205–418.325

Proposed Adoptions: 413-215-0313, 413-215-0316, 413-215-0321, 413-215-0336, 413-215-0341, 413-215-0346, 413-215-0349, 413-215-0356, 413-215-0361, 413-215-0366, 413-215-0376, 413-215-0381, 413-215-0386, 413-215-0391

Proposed Repeals: 413-210-0420

Proposed Ren. & Amends: 413-210-0400 to 413-215-0301, 413-210-0410 to 413-215-0306, 413-210-0430 to 413-215-0371, 413-210-0440 to 413-215-0326, 413-210-0450 to 413-215-0351, 413-210-0460 to 413-215-0396, 413-210-0470 to 413-215-0311, 413-210-0480 to 413-215-0331

Last Date for Comment: 10-1-08, 5 p.m.

Summary: These rules are being changed because the current rules that apply to foster care agencies have been in place over 10 years, need to be updated to reflect current practice, do not adequately address foster care agencies, and need to focus more directly on foster care agencies. These rules define the term “foster care agency”, identify the rules that apply to them, and set out requirements for licensing approval, personal qualifications for approved provider parents, orientation of approved provider parents and foster parents, assessment and approval of certified provider homes, training for parents in certified provider homes, annual review and approval by the foster care agency of the certified provider home, how the foster care agency must handle complaints about certified provider homes, closures of certified provider homes, modifications to the certification of a certified provider home, notifications required of parents to the foster care agency, records of certified provider homes, placement of a child by a foster care agency, documentation required when a foster care agency changes a placement, respite care, training of foster care agency staff, health services, medication, referral and initial evaluation of children, consents, disclosures, authorizations, and information about children placed in physical custody of the foster care agency.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

Rule Caption: Changing OARs affecting child caring agencies.

Date:	Time:	Location:
9-29-08	8:30 a.m.	Rm. 252, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.240

Stats. Implemented: ORS 418.205–418.310

Proposed Adoptions: 413-215-0406, 413-215-0411, 413-215-0421, 413-215-0426, 413-215-0431, 413-215-0436, 413-215-0446, 413-215-0451, 413-215-0461, 413-215-0466, 413-215-0481

Proposed Ren. & Amends: 413-220-0040 to 413-215-0416, 413-220-0050 to 413-215-0441, 413-220-0070 to 413-215-0456, 413-220-0080 to 413-215-0471, 413-220-0090 to 413-215-0401, 413-220-0100 to 413-215-0476

Last Date for Comment: 10-1-08, 5 p.m.

Summary: These rules are being changed because the current rules applicable to adoption agencies have been in effect since 1995 and 1996, need to be updated to reflect current practice, and need to focus more directly on adoption agencies. These rules define the term “adoption agency” and set out requirements for adoption agencies for information and reporting requirements; adoption agency staff; staff training requirements; required policies and procedures; records requirements; prohibited services; services for birth parents considering domestic adoption; adoptive family recruiting and screening; adoptive home requirements; information, education, and training for adoptive parents; evaluation and selection of an adoptive family; domestic adoptive placement; adoption finalization; intercountry adoptions; and services to children from the United States placed in other countries. These rules are being amended to include a program statement (OAR 413-215-0411(1)(a)), reviewing materials regularly for accuracy (OAR 413-215-0411(1)(b)), providing prospective adoptive parents within 30 days of completion of services a detailed written accounting of the total fees and expenditures that the adoptive parent will be charged (OAR 413-215-0411(2)(d)), collecting some aggregate data (OAR 413-215-0411(3)), requiring an advanced degree for a social services supervisor, unless the supervisor meets the criteria to be “grandfathered” (OAR 413-215-0416(2)(b)), requiring social service staff to have a bachelors degree (OAR 413-215-

NOTICES OF PROPOSED RULEMAKING

0416(2)(d)), requiring staff to obtain a minimum of 10 hours of training annually (OAR 413-215-0421(2)), requiring specific policies and procedures (OAR 413-215-0421(2)), requiring orientation to prospective adoptive families (OAR 413-215-0446(2)), requiring pre-adoptive training (OAR 413-215-0456(1)), requiring post placement supervision after a child is placed in an adoptive home (OAR 413-215-0466(6)), and requiring intercountry adoption agencies to understand sending country regulations and write policies and procedures to comply with those regulations (OAR 413-215-0476(1)). These rules are in addition to other umbrella rule changes being filed under separate notice that also apply to adoption agencies.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

Rule Caption: Changing OARs affecting child caring agencies.

Date:	Time:	Location:
9-29-08	8:30 a.m.	Rm. 252, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005, 418.240 & 418.327

Stats. Implemented: ORS 418.205–418.327

Proposed Adoptions: 413-215-0511, 413-215-0526, 413-215-0551, 413-215-0556, 413-215-0576, 413-215-0586

Proposed Ren. & Amends: 413-210-0000 to 413-215-0501, 413-210-0010 to 413-215-0506, 413-210-0080 to 413-215-0561, 413-210-0090 to 413-215-0566, 413-210-0100 to 413-215-0516, 413-210-0110 to 413-215-0541, 413-210-0120 to 413-215-0531, 413-210-0130 to 413-215-0521, 413-210-0150 to 413-215-0536, 413-210-0160 to 413-215-0546, 413-210-0170 to 413-215-0571, 413-210-0180 to 413-215-0581

Last Date for Comment: 10-1-08, 5 p.m.

Summary: These rules are being changed to reflect current practice, current safety standards, and focus more directly on residential care agencies. These rules define the term “residential care agency”, identify the rules that apply to them, and set out requirements for the physical plant, room and space, resident furnishings, personal items, new facility or remodel, environmental health, food services, safety, health services, medication, staff training, minimum staffing, separation of residents, referral and initial evaluation of children, consents, disclosures, authorizations, information about children in placement with the agency, and notification to public schools.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

Rule Caption: Changing OARs affecting child caring agencies.

Date:	Time:	Location:
9-29-08	8:30 a.m.	Rm. 252, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.327

Stats. Implemented: ORS 409.010, 418.005 & 418.327

Proposed Adoptions: 413-215-0601, 413-215-0606, 413-215-0611, 413-215-0616, 413-215-0621, 413-215-0626, 413-215-0631, 413-215-0636, 413-215-0641, 413-215-0646, 413-215-0651, 413-215-0656, 413-215-0661, 413-215-0666, 413-215-0671, 413-215-0676, 413-215-0681

Last Date for Comment: 10-1-08, 5 p.m.

Summary: These rules are being adopted because the current residential school rules have been in effect since 1996, need to be updated to reflect current practice, and are not tailored to therapeutic boarding schools. These rules will set out requirements for therapeutic boarding schools for educational services, physical plant requirements, student furnishings and personal items, new facility or remodel, environmental health, food services, safety, health services, medication, staff training, minimum staffing requirements, separation of boarding students, referral and initial evaluation of boarding students, consents, disclosures, authorizations, and documentation requirements.

New requirements include flashlights, vehicle fire extinguishers, vehicle first aid kits, a medication policy, and additional staff training. These proposed rules are in addition to other umbrella rule changes being filed under separate notice that also apply to therapeutic boarding schools.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

Rule Caption: Changing OARs affecting child caring agencies.

Date:	Time:	Location:
9-29-08	8:30 a.m.	Rm. 252, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.240

Stats. Implemented: ORS 418.205–418.310

Proposed Adoptions: 413-215-0701, 413-215-0706, 413-215-0711, 413-215-0716, 413-215-0721, 413-215-0726, 413-215-0731, 413-215-0736, 413-215-0741, 413-215-0746, 413-215-0751, 413-215-0756, 413-215-0761, 413-215-0766

Last Date for Comment: 10-1-08, 5 p.m.

Summary: These rules are being adopted because the current rules that apply to homeless, runaway, and maternity home private child caring agencies have been in place over 10 years, need to be updated to reflect current practice, do not adequately address these agencies, and need to focus more directly on these agencies. The new rules describe the agencies covered by the rules, identify the rules that apply to them, and set out requirements for governance of the agency, client rights, staffing, staff development and training, admissions, assessments, individual service planning, client files, medication storage and dispensing, health and hygiene, grouping of youth, safety, and environmental health.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

Rule Caption: Changing OARs affecting child caring agencies.

Date:	Time:	Location:
9-29-08	8:30 a.m.	Rm. 252, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.240

Stats. Implemented: ORS 418.205–418.325

Proposed Adoptions: 413-215-0801, 413-215-0806, 413-215-0811, 413-215-0816, 413-215-0821, 413-215-0826, 413-215-0831, 413-215-0836, 413-215-0841, 413-215-0846, 413-215-0851, 413-215-0856

Last Date for Comment: 10-1-08, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: These rules are being adopted because the current rules that apply to day treatment agencies have been in place over 10 years, need to be updated to reflect current practice, do not adequately address day treatment agencies, and need to focus more directly on day treatment agencies. The new rules define the term “day treatment agency”, identify the rules that apply to them, and set out requirements for staff qualifications, minimum staffing requirements, physical plant requirements, building plans for new facility or remodel, environmental health, food services, safety, health services, medication, required policies and procedures, and educational services.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

Rule Caption: Changing OARs affecting child caring agencies.

Date:	Time:	Location:
9-29-08	8:30 a.m.	Rm. 252, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.240

Stats. Implemented: ORS 409.010, 418.205–418.325 & 418.990–418.998

Proposed Ren. & Amends: 413-210-0800 to 413-215-0901, 413-210-0803 to 413-215-0911, 413-210-0806 to 413-215-0906, 413-210-0809 to 413-215-0916, 413-210-0812 to 413-215-0996, 413-210-0815 to 413-215-0961, 413-210-0818 to 413-215-0991, 413-210-0821 to 413-215-0966, 413-210-0824 to 413-215-0971, 413-210-0827 to 413-215-0986, 413-210-0830 to 413-215-0981, 413-210-0833 to 413-215-1006, 413-210-0836 to 413-215-1011, 413-210-0839 to 413-215-0961, 413-210-0841 to 413-215-1016, 413-210-0843 to 413-215-1021, 413-210-0846 to 413-215-0956, 413-210-0849 to 413-215-1026, 413-210-0852 to 413-215-0936, 413-210-0855 to 413-215-0936, 413-210-0858 to 413-215-0976, 413-210-0860 to 413-215-1001, 413-210-0862 to 413-215-0961, 413-210-0864 to 413-215-0926, 413-210-0866 to 413-215-0931, 413-210-0868 to 413-215-0921, 413-210-0870 to 413-215-0941, 413-210-0872 to 413-215-1031, 413-210-0880 to 413-215-0946, 413-210-0883 to 413-215-0951

Last Date for Comment: 10-1-08, 5 p.m.

Summary: These rules about outdoor youth programs are being changed to create consistency among all rules regarding private child caring agencies, update the rules to current practices, clarify language, and add cross-references. The rules are being amended to address how some outdoor youth program private child caring agencies, such as programs operating with base camps, provide services. These rules identify which programs are considered outdoor youth programs, identify the rules that apply to them, and set out requirements for licensure, administration, staff, clothing, equipment, supplies, water, nutrition, safety, potential weapons, contraband, searches, transportation, health services, physical activity, staff training, youth to staff ratios, age grouping, program services, critical incidents, field activities, communication, work assignments for youth, animals, pets, solo experiences, and behavior management.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
9-22-08	9 a.m.	Rm. 254, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 181.537 & 181.557

Stats. Implemented: ORS 181.537 & 181.557, 409.010 & 419B.020

Proposed Amendments: 413-015-1110, 413-015-1120

Last Date for Comment: 9-24-08, 5 p.m.

Summary: OAR 413-015-1110 is about the definitions that apply to the Department’s Child Welfare Policy I-AB-6, Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices, OAR 413-015-1100 to 413-015-1125. OAR 413-015-1110 needs to be amended to implement ORS 181.557 as amended by HB 2179 (2007), that changed who is subject to LEDS checks, when notice must be provided to the subject of a LEDS check, how that notice must be delivered to the subject and procedures the subject can use to acquire and dispute the LEDS report. OAR 413-015-1110 is being amended to clarify the definition of notice and reflect the changes in how the notice must be provided to the subject and to inform subjects of the procedures to acquire and dispute the LEDS report.

OAR 413-015-1120 is about how the Law Enforcement Data System (LEDS) is used by Child Protective Services, including who is subject to having LEDS checks, when LEDS checks are used and when notice must be provided to the subject of a LEDS check. OAR 413-015-1120 needs to be amended to implement ORS 181.557 as amended by HB 2179 (2007), that changed who is subject to LEDS checks, when notice must be provided to the subject of a LEDS check, how that notice must be delivered to the subject and procedures the subject can use to acquire and dispute the LEDS report. OAR 413-015-1120 is being amended to reflect the changes in who is subject to LEDS checks and when the notice must be provided to the subject of the check. The current rules require the Department to provide subject individuals with prior written notice before a criminal check is run in the context of a child abuse or welfare investigation. OAR 413-015-1120 as amended will allow the Department to conduct LEDS checks before providing subjects with notice and relates the timelines for providing notice to subjects after a LEDS check has been performed.

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

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

Department of Human Services, Public Health Division Chapter 333

Rule Caption: Abbreviated Certificate of Need Review Process for a New Oregon State Hospital Facility.

Date:	Time:	Location:
9-26-08	2 p.m.	800 NE Oregon St., Rm. 118 Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 431.120(6) & 442.315

Stats. Implemented: ORS 431.120(6) & 442.315

Proposed Amendments: 333-560-0010

Last Date for Comment: 9-30-08, 5 p.m.

Summary: The Oregon Department of Human Services, Public Health Division is proposing to amend Oregon Administrative Rule 333-560-0010 to allow a new Oregon State Hospital facility to proceed under an abbreviated Certificate of Need review process with a waiver of the application fee.

Rules Coordinator: Brittany Sande

NOTICES OF PROPOSED RULEMAKING

Address: Department of Human Services, Public Health Division,
800 NE Oregon St., Suite 930, Portland, OR 97232
Telephone: (971) 673-1291

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

Rule Caption: Adopt current editions of NFPA, Oregon Fire Code, and housekeeping changes.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 476.033 & 480.410-480.460

Proposed Amendments: 837-030-0120, 837-030-0130, 837-030-0140, 837-030-0150, 837-030-0160, 837-030-0170, 837-030-0180, 837-030-0190, 837-030-0200, 837-030-0210, 837-030-0220, 837-030-0230, 837-030-0235, 837-030-0240, 837-030-0250, 837-030-0260, 837-030-0270, 837-030-0280

Last Date for Comment: 9-21-08

Summary: Adopt current editions of NFPA; Oregon Fire Code; add reference to State Building Codes Interpretation No. C202; plus housekeeping changes.

Rules Coordinator: Pat Carroll

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

Telephone: (503) 373-1540, ext. 276

.....
Rule Caption: Adopt current version of Oregon Fire Code.

Stat. Auth.: ORS 476.030 & 480.310-480.385

Stats. Implemented: ORS 480.310-480.385

Proposed Amendments: 837-020-0040

Last Date for Comment: 9-21-08

Summary: Adopt 2007 Edition of the Oregon Fire Code.

Rules Coordinator: Pat Carroll

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

Telephone: (503) 373-1540, ext. 276

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

Rule Caption: Amend training requirements for police, Telecommunicators and EMD's and adopt civil penalty rules.

Stat. Auth.: ORS 181.640, 181.661, 181.644, 181.664 & 183.341

Stats. Implemented: ORS 181.640, 181.644, 181.661, 181.662 & 181.664

Proposed Adoptions: 259-008-0200

Proposed Amendments: 259-008-0025, 259-008-0064, 259-008-0070

Last Date for Comment: 9-23-08, 5 p.m.

Summary: Amends Basic Police Course to include mental illness training; amends Basic Police Course to include missing children and adults; amends maintenance training requirements for Telecommunicators/Emergency Medical Dispatchers; adopts rule to require mental health session for police officers after utilizing deadly physical force; and adopts civil penalty rules.

Rules Coordinator: Bonnie Salle

Address: 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

.....
Rule Caption: Adopts Criminal Records Checks Rules.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Proposed Adoptions: 259-013-0000, 259-013-0005, 259-013-0220, 259-013-0230, 259-013-0235, 259-013-0240, 259-013-0250, 259-013-0260, 259-013-0270, 259-013-0280, 259-013-0290, 259-013-0300

Last Date for Comment: 9-23-08, 5 p.m.

Summary: Adopts administrative rules outlining the procedures for a criminal records check for individuals who are required to have a criminal record check prior to licensing or certification.

Rules Coordinator: Bonnie Salle-Narvaez

Address: 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

.....
Rule Caption: Eliminates rule requiring polygraph examiners to register with county clerk.

Stat. Auth.: ORS 181 & 703

Stats. Implemented: ORS 181 & 703

Proposed Amendments: 259-020-0040

Last Date for Comment: 9-23-08, 5 p.m.

Summary: Amends rule to remove requirement for each polygraph examiner to register with the county clerk in each county in which a business address is maintained.

Rules Coordinator: Bonnie Salle-Narvaez

Address: 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

.....
Rule Caption: Amend private security rule relating to criminal history convictions.

Stat. Auth.: ORS 181.875, 181.878 & 181.883

Stats. Implemented: ORS 181.875 & 181.878

Proposed Amendments: 259-060-0020

Last Date for Comment: 9-23-08, 5 p.m.

Summary: Re-establishes previous language regarding the length of time an applicant for certification or licensure is prohibited from having a criminal conviction prior to certification or licensure.

Rules Coordinator: Bonnie Salle-Narvaez

Address: 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

.....
Rule Caption: Amend eligibility of public safety memorial fund board award to include a designee.

Stat. Auth.: ORS 243.950, 243.956

Stats. Implemented: ORS 243.950, 243.956

Proposed Amendments: 259-070-0001, 259-070-0005, 259-070-0010

Last Date for Comment: 9-22-08, 5 p.m.

Summary: A public safety officer who suffers a qualifying death or disability after January 1, 2008 may designate an alternate individual to become eligible for any lump sum benefit or mortgage benefit awarded.

Rules Coordinator: Bonnie Salle-Narvaez

Address: 4190 Aumsville Hwy SE Salem, OR 97317

Telephone: (503) 378-2431

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

Rule Caption: Interest rate decrease for deficiencies and refunds effective January 1, 2009.

Stat. Auth.: ORS 305.100 & 305.220

Stats. Implemented: ORS 305.220

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

Last Date for Comment: 11-24-08, 5 p.m.

Summary: OAR 150-305.220(1) and 150-305.220(2) are proposed for amendment to reflect a decrease in the interest rate paid on refunds and charged on deficiencies. This notice of proposed rule-making is intended to comply with the requirements of ORS 305.220(3), which requires notice of intent to adopt adjusted interest rates to be given in the manner provided in ORS 183.335 not less than three months before the proposed effective date of the adjusted rates. These changes are proposed for interest periods beginning on or after January 1, 2009.

Rules Coordinator: Debra L. Buchanan

NOTICES OF PROPOSED RULEMAKING

Address: 955 Center St NE Salem OR 97301-2555
Telephone: (503) 945-8653

Department of State Lands Chapter 141

Rule Caption: To adopt current Model Rules, update language concerning notification and correct ORS and OAR references.

Date:	Time:	Location:
10-23-08	1-4 p.m.	DSL Land Board Rm. 775 Summer St. NE Salem, OR 97301

Hearing Officer: Cyndi Wickham

Stat. Auth.: ORS 36.224 & 183.413-183.470

Stats. Implemented: ORS 36.224, 36.228, 36.230, 36.232, 183.341 & 273.045

Proposed Amendments: 141-001-0000, 141-001-0005, 141-001-0010, 141-001-0020

Last Date for Comment: 10-30-08, 5 p.m.

Summary: The Department of State Lands is revising these general administrative rules to be consistent with current Model Rules adopted by the Attorney General as provided in ORS 183.341(1). In addition, the Department is updating the rules concerning notification as directed by ORS 183.341(4), which requires an agency to "provide a reasonable opportunity for interested persons to be notified of the agency's intention to adopt, amend or repeal a rule." The Department is also correcting ORS and OAR references.

Rules Coordinator: Elizabeth Martino

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

Telephone: (503) 986-5239

Rule Caption: Updating to reflect technological changes in recordkeeping, information security and business claims criteria.

Date:	Time:	Location:
10-23-08	9 a.m.-12 p.m.	DSL Land Board Rm. 775 Summer St. NE Salem, OR 97301

Hearing Officer: Cyndi Wickham

Stat. Auth.: ORS 98.302-98.436 & 273.045

Stats. Implemented: ORS 98

Proposed Adoptions: 141-040-0213

Proposed Amendments: 141-040-0010, 141-040-0030, 141-040-0211, 141-040-0212, 141-040-0214

Proposed Repeals: 141-040-0035, 141-040-0040

Last Date for Comment: 10-30-08, 5 p.m.

Summary: OARs 141-040-0005 through 0220 establish a uniform procedure for responding to requests for information about unclaimed and escheat property reported or remitted to the Department of State Lands and to establish fees that the Department may charge in doing so. The Department is proposing to update these rules to reflect current technological changes regarding record-keeping of records available for review to safeguard the personal and confidential information of owners of unclaimed property in the Department's custody according to current federal and state mandates. In addition, the Department is proposing changes in the criteria for business claims.

Rules Coordinator: Elizabeth Martino

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

Telephone: (503) 986-5239

Rule Caption: Implementing statutory changes to certain dormancy periods and updating reporting formatting requirements.

Date:	Time:	Location:
10-23-08	9 a.m.-12 p.m.	DSL Land Board Rm. 775 Summer St. NE Salem, OR 97301

Hearing Officer: Cyndi Wickham

Stat. Auth.: ORS 98.302-98.436 & 273.045

Stats. Implemented: ORS 98

Proposed Amendments: 141-045-0010, 141-045-0021, 141-045-0031, 141-045-0041, 141-045-0061, 141-045-0100, 141-045-0115, 141-045-0126, 141-045-0130

Last Date for Comment: 10-30-08, 5 p.m.

Summary: OARs 141-045-005 through 0185 provide consistent procedures for the administration of the Uniform Disposition of Unclaimed Property Act, ORS 98.302 to 98.436, 98.991 and 98.992 and to ensure that all unclaimed money and property held in safe-keeping are reported and paid over to the Department in an accurate and timely manner. The Department is proposing changes to these rules to implement statutory changes that went into effect on January 1, 2008, regarding certain dormancy periods and to update reporting formatting requirements.

Rules Coordinator: Elizabeth Martino

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

Telephone: (503) 986-5239

Rule Caption: Deletes obsolete rules and changes rules to improve readability and clarity.

Date:	Time:	Location:
10-24-08	9 a.m.-12 p.m.	DSL Land Board Rm. 775 Summer St. NE Salem, OR 97301

Hearing Officer: Cyndi Wickham

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273.563-273.591

Proposed Amendments: 141-050-0500, 141-050-0900, 141-050-0905, 141-050-0920, 141-050-00940, 141-050-0965, 141-050-0972, 141-050-0976, 141-050-0982

Proposed Repeals: 141-050-0530, 141-050-0535, 141-050-0910, 141-050-0945

Proposed Renumberings: 141-050-0890 to 141-050-0450

Last Date for Comment: 10-31-08, 5 p.m.

Summary: The purpose of these rules is to provide a central and continuing register of areas in Oregon which contain significant natural heritage resources and special species, and which meet the criteria of the Plan for registration under the Oregon Register of Natural Heritage Resources. Ref. ORS 273.581 and 1981 OL Ch. 208.

The Department of State Lands, on behalf of the Natural Heritage Advisory Council, is proposing changes to improve the readability and clarity of these rules.

Rules Coordinator: Elizabeth Martino

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

Telephone: (503) 986-5239

Rule Caption: Revisions to the Local Wetlands Inventory Standards and Guidelines.

Date:	Time:	Location:
9-24-08	1-4 p.m.	775 Summer St. NE, Suite 100 Salem, OR 97301

Hearing Officer: Anna Buckley

Stat. Auth.: ORS 196.674-196.681 & 196.692

Stats. Implemented: ORS 196.668-196.692

Proposed Amendments: 141-086-0180 - 141-086-0390

Last Date for Comment: 10-10-08

Summary: The Local Wetlands Inventory (LWI) Standards and Guidelines rules establish a method for identifying and mapping wetlands for local planning purposes and for incorporation into the Statewide Wetlands Inventory. Some of the proposed revision include a clarification of wetland verification; the minimum size of the wetland to be mapped; require a report in addition to the map products; require maps to be GIS products; and clarify when local government are required to expand or amend their LWI.

Rules Coordinator: Elizabeth Martino

NOTICES OF PROPOSED RULEMAKING

Address: Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279
Telephone: (503) 986-5239

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

Rule Caption: Requirements for the Display of Vehicle Registration Stickers.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 803.560

Stats. Implemented: ORS 803.560

Proposed Adoptions: 735-032-0036

Last Date for Comment: 9-22-08

Summary: ORS 803.560 specifies that a person commits the offense of improper display of validating [registration] stickers if the person owns or drives a vehicle that doesn't display stickers in a manner required by the Department of Transportation. DMV is proposing to adopt OAR 735-032-0036 to set forth the requirements for the display and placement of registration stickers.

Requirements for the display of registration stickers are currently available upon request from DMV and at DMV's website: http://www.oregon.gov/ODOT/DMV/vehicle/plates.shtml#Sticker_Place

Display requirements are also provided with new registration plates and with registration stickers at the time of initial registration (with new license plates), at registration renewal and when replacement stickers are issued. DMV is clarifying these requirements in rule.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Rule Caption: Clarifying when DMV Will Waive a Knowledge or Drive Test for a Motorcycle Endorsement.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.200, 802.540, 807.070, 807.072, 807.080, 807.170 & 807.175

Stats. Implemented: ORS 807.070, 807.072, 807.080, 807.170, 807.175, 807.530 & 809.310

Proposed Adoptions: 735-062-0078

Proposed Amendments: 735-062-0040, 735-062-0080, 735-062-0140

Last Date for Comment: 9-22-08

Summary: ORS 807.072(1) allows DMV to waive a knowledge test required under ORS 807.070(2), by rule, if the department receives proof that the examination is given in conjunction with a motorcycle rider education course established under ORS 802.320. The motorcycle rider education courses that are approved by the Transportation Safety Division of the Oregon Department of Transportation are courses offered by TEAM OREGON (http://teamoregon.orst.edu/to_web/index.shtml). DMV proposes to adopt OAR 735-062-0078 to specify that DMV will waive the knowledge test required for a motorcycle endorsement if the applicant presents a TEAM OREGON Basic Rider Training course completion card.

DMV proposes to amend OAR 735-062-0040 to clarify that a knowledge test may also be required for an endorsement, such as a motorcycle endorsement. DMV proposes to amend OAR 735-062-0080 to specify that DMV will not waive the motorcycle skills test for an applicant under 21 years of age, even if the applicant has a motorcycle endorsement issued by another jurisdiction. This clarification is needed as ORS 807.175 requires a person under 21 years of age to successfully complete a motorcycle rider education course established by the department under ORS 802.320. DMV further proposes to amend OAR 735-062-0080 to clarify which TEAM OREGON course completion cards DMV will accept, from persons

of different ages, to waive the motorcycle skills test. DMV proposes to amend OAR 735-062-0140 to clarify that it is a TEAM OREGON Basic Rider Training course completion card that a person under 21 years of age must present to DMV. Providing the name of the approved courses in these rules may help citizens of Oregon more easily understand the requirements. If, in the future, other courses are approved, DMV will amend the rules to include that information. Other changes are made for clarity.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Rule Caption: Suspension/Revocation for Out-of-State Conviction, Suspension or Revocation.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 809.400

Stats. Implemented: ORS 809.400

Proposed Amendments: 735-070-0030

Last Date for Comment: 9-22-08

Summary: OAR 735-070-0030 establishes when DMV will suspend or revoke a person's Oregon driving privileges based on notification from another jurisdiction of a conviction, suspension or revocation in that jurisdiction. Section (5) of the rule establishes what evidence must be received by DMV that the underlying cause for suspension under Section (3) of the rule has ended in the reporting jurisdiction. These are suspensions based on notification from another jurisdiction that a citizen of Oregon has been suspended or revoked in that jurisdiction under implied consent laws for failure or refusal of a breath, blood or urine test. DMV proposes to amend OAR 735-070-0030(5) to include a DMV inquiry on the National Driver Register/Problem Driver Pointer System (NDR/PDPS) that shows clear in the reporting jurisdiction as acceptable evidence that the suspension or revocation in the reporting jurisdiction has ended. This inquiry will show electronically that the person's driving privileges are no longer suspended or revoked in the reporting jurisdiction for the reasons described above. Currently the person whose driving privileges are suspended or revoked by another jurisdiction must provide a letter or certified copy of the driving record in the other jurisdiction to show that the suspension or revocation has ended. Other jurisdictions are often resistant to write letters when they know Oregon DMV can access the information electronically. Paying for a certified copy of a driving record may be a burden on some people attempting to reinstate their Oregon driving privileges.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Rule Caption: Establishes Procedures and Requirements for Oregon's Vehicle Appraiser Education Program.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 819.480

Stats. Implemented: ORS 819.210, 819.220, 819.480, 819.482 & 822.700

Proposed Adoptions: 735-158-0005, 735-158-0010

Proposed Amendments: 735-158-0000

Last Date for Comment: 9-22-08

Summary: Chapter 630, Or. Laws 2007 (HB 2435) renumbered, from ORS 819.230 to ORS 819.480, the statute establishing requirements for the issuance of Oregon vehicle appraiser certificates. The law change also granted DMV authority to adopt rules to establish educational requirements for the issuance or renewal of vehicle appraiser certificates.

DMV is proposing to amend OAR 735-158-0000, and to adopt OAR 735-158-0005 and 735-158-0010 to establish a vehicle appraisal

NOTICES OF PROPOSED RULEMAKING

er education training program to provide vehicle appraisal-related education to qualified applicants for Oregon vehicle appraiser certificates. The rules specify education program requirements, education curriculum standards and qualification requirements for appraiser education instructors and trainees. Additional amendments to OAR 735-158-0000 specify the grounds under which DMV may deny issuance, suspend, revoke or renew a vehicle appraiser certificate.

The education program is a non-vocational training program specifically designed for individuals who are required to hold a vehicle appraiser certificate as a condition of employment. Examples of employers that may require an employee to hold an appraiser certificate include towing businesses and public agencies such as state, city and county law enforcement agencies that enforce laws relating to abandoned vehicles and vehicles that constitute a roadside hazard.

Training will be conducted by DMV-approved instructors and will provide education on the basic skills and minimum knowledge required to appraise vehicles in Oregon. DMV will administer the education program at no cost to program instructors or trainees. Instructors will not be compensated by DMV.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Department of Transportation, Highway Division Chapter 734

Rule Caption: Signs Identifying Cultural, Historical And Viticultural Features.

Date:	Time:	Location:
9-22-08	11 a.m.	355 Capitol St. NE, Rm 122 Salem, OR 97301

Hearing Officer: Amy Joyce

Stat. Auth.: ORS 366.205, 366.450, 810.200, 810.210 & 2007 OL Ch. 199

Stats. Implemented: ORS 366.205, 366.450, 810.200, 810.210 & 2007 OL Ch. 199

Proposed Adoptions: 734-062-0036

Proposed Amendments: 734-062-0005, 734-062-0010, 734-062-0015, 734-062-0020, 734-062-0030, 734-062-0035, 734-062-0040, 734-062-0045, 734-062-0050

Proposed Repeals: 734-062-0025

Last Date for Comment: 9-22-08

Summary: This rulemaking will implement Chapter 199, Oregon Laws 2007 (HB 2273). This legislation added federally recognized viticultural areas as an additional qualifying feature for the Department to erect a sign identifying cultural and historical features for the traveling public. The Department also updated the application process and criteria for these signs and made non-substantive changes for readability.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

Department of Veterans' Affairs Chapter 274

Rule Caption: Veterans' Small Business Repair Loan Program.

Stat. Auth.: ORS 406.005

Other Auth.: 2008 OL Ch. 18

Stats. Implemented: 2008 OL Ch. 18

Proposed Adoptions: 274-013-0000, 274-013-0010, 274-013-0020, 274-013-0030, 274-013-0040, 274-013-0050, 274-013-0060, 274-013-0070

Last Date for Comment: 9-22-08

Summary: OAR chapter 274, division 013 is promulgated to carry out the provisions of 2008 Oregon Laws, Chapter 18 as enacted by the Oregon Legislative Assembly through House Bill 3626 Sections 19 and 20. These rules constitute the Department's veterans' Small Business Repair Loan Program (the "Program"). The purpose of this Program is to assist a veteran whose small business, due to the veterans' absence, incurred a significant setback during the veterans' mobilization or deployment by providing an interest-free loan to the veteran upon the veterans' return from mobilization or deployment. Unremarried surviving spouses of veterans who are deceased as a result of the mobilization or deployment are also eligible to apply for a loan through this Program.

Rules Coordinator: Herbert D. Riley

Address: Department of Veterans' Affairs, 700 Summer St. NE, Salem, OR 97301-1285

Telephone: (503) 373-2055

Economic and Community Development Department Chapter 123

Rule Caption: These rules have been clarified to ensure they are compliant with statute.

Stat. Auth.: ORS 285A.075

Other Auth.: SB 350 (2007)

Stats. Implemented: ORS 285A.075 & 279A.070

Proposed Amendments: 123-042-0020, 123-042-0026, 123-042-0036

Last Date for Comment: 9-21-08

Summary: The proposed administrative rule change clarifies language for compliance with statute. It also revises language to ensure that rules are clearly understood.

Rules Coordinator: Janelle Lacefield

Address: Economic and Community Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301

Telephone: (503) 986-0036

Rule Caption: These rules have been clarified to ensure they are compliant with statute.

Stat. Auth.: ORS 285A.075

Other Auth.: SB 350 (2007)

Stats. Implemented: ORS 285A.075 & 279A.070

Proposed Amendments: 123-043-0010, 123-043-0035, 123-043-0045, 123-043-0055, 123-043-0075

Last Date for Comment: 9-21-08

Summary: The proposed administrative rule change clarifies language for compliance with statute. They add information concerning a prioritization process for making an award.

Rules Coordinator: Janelle Lacefield

Address: Economic and Community Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301

Telephone: (503) 986-0036

Employment Department Chapter 471

Rule Caption: Allows Training UI participants to submit grades or program completion documentation at the end of each term rather than weekly.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657

Proposed Amendments: 471-030-0080

Last Date for Comment: 9-15-08

Summary: Enables the agency to transition from a paper-based weekly certification of school attendance for Training UI participants, to a more streamlined monitoring process which is consistent

NOTICES OF PROPOSED RULEMAKING

with the agency's UI processes and in compliance with Training UI legal requirements.

Rules Coordinator: Janet Orton

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

Telephone: (503) 947-1724

.....

Employment Department, Child Care Division Chapter 414

Rule Caption: Clarifies Rules regarding allowable animals in Registered Family Child Care facilities and specifies that notification to parents of presence of animals is required.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657A

Proposed Amendments: 414-205-0100

Last Date for Comment: 9-30-08

Summary: Prohibits reptiles, frogs, monkeys, hooked beaked birds, baby chicks and ferrets from being present in a Registered Family Child Care facility unless they are housed in and remain in a container/tank which precludes direct contact by children. Allows prohibited animals if handled by zoos, museums and other professional animal handlers. Requires notice of presence of animals in a Registered Family Child Care facility be provided to parents.

Rules Coordinator: Janet Orton

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

Telephone: (503) 947-1724

.....

Rule Caption: Requires that parents be notified of the presence of animals in the Certified Family Child Care Home.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657A

Proposed Amendments: 414-350-0190

Last Date for Comment: 9-30-08

Summary: Requires Certified Family Child Care Homes to notify parents of the presence of animals within the home.

Rules Coordinator: Janet Orton

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

Telephone: (503) 947-1724

.....

Landscape Contractors Board Chapter 808

Rule Caption: Amends and clarifies civil penalty amounts and when a civil penalty may be adjusted per a settlement agreement.

Date: 9-19-08

Time: 1 p.m.

Location: Roth's IGA
1130 Wallace Rd. NW
Salem, OR

Hearing Officer: Michael A. Snyder

Stat. Auth.: ORS 183.310-183.500, 670.310 & 671.670

Stats. Implemented: ORS 671.997

Proposed Amendments: 808-005-0020

Last Date for Comment: 9-22-08, 5 p.m.

Summary: Amends and clarifies civil penalty amounts to be assessed and when those amounts may be adjusted per a settlement agreement.

Rules Coordinator: Kim Gladwill-Rowley

Address: Landscape Contractors Board, 2111 Front Street NE, Suite 2-101, Salem, OR 97301

Telephone: (503) 378-5909, ext. 223

.....

Rule Caption: Updates the use of lay representatives in contested case hearings conducted by the agency.

Date: 9-19-08

Time: 1 p.m.

Location: Roth's IGA
1130 Wallace Rd. NW
Salem, OR

Hearing Officer: Michael A. Snyder

Stat. Auth.: ORS 183.452(2), 670.310 & 671.670

Other Auth.: Attorney General Letter of Approval dated August 4, 2008

Stats. Implemented: ORS 183.452(2)

Proposed Amendments: 808-009-0340

Last Date for Comment: 9-22-08, 5 p.m.

Summary: This rule must be effective in order to allow the agency to use its employees to represent the agency at specific types of contested case hearings. On August 4, 2008 the Attorney General revoked all prior authorization for lay representation from the Landscape Contractors Board and approved proposed rule amendments and a new authorization for lay representation. That new authorization is effective upon the adoption of the rule amendments. If these rules are not in effect the agency will not have the Attorney General's approval for lay representation and this will create the need for the agency's assigned assistant attorney general to represent the agency at all hearings, which would be a significant, unbudgeted cost to the agency.

Rules Coordinator: Kim Gladwill-Rowley

Address: 2111 Front Street NE Ste 2-101, Salem OR 97301

Telephone: (503) 378-5909, ext. 223

.....

Occupational Therapy Licensing Board Chapter 339

Rule Caption: Updating Rules for Occupational Therapists working in Education.

Date: 11-7-08

Time: 11 a.m.

Location: Portland State Office Bldg.
800 NE Oregon St., Suite 407
Portland, OR 97232

Hearing Officer: OT Licensing Board

Stat. Auth.: ORS 675.320

Stats. Implemented:

Proposed Amendments: 339-010-0050

Last Date for Comment: 11-7-08

Summary: The Board received many comments about the confusion regarding the rule of Occupational Therapist working in Education and worked for over a year with many licensees who work in Education revising and updating the rule to make it more current to the reality of Occupational Therapist currently working in schools.

Rules Coordinator: Felicia Holgate

Address: Occupational Therapy Licensing Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0198

.....

Rule Caption: Pain Management CE; Education; Fees non refundable; Notary for supervision forms.

Stat. Auth.: ORS 675.320

Stats. Implemented:

Proposed Amendments: 339-010-0023, 339-010-0035, 339-010-0050, 339-020-0010

Last Date for Comment: 11-7-08

Summary: • Changes to OAR 339-010-0023 make renewal fees non refundable; a change needed with new online renewals started in 2008 with credit card payments; this rule conforms to other health licensing boards for the online, credit card process.

• Changes to OAR 339-010-0035 deleted the requirement that Statement of Supervision must be notarized.

• Changes to OAR 339-010-0050 made after over a year of looking at the issues and the need to update the previous rules dealing with Occupational Therapists working in education.

NOTICES OF PROPOSED RULEMAKING

• Changes to OAR 339-020-0010 adds a legislative requirement at the 2007 legislative session making it mandatory for Occupational Therapists to complete 7 hours of CE in Pain Management.

Rules Coordinator: Felicia Holgate

Address: Occupational Therapy Licensing Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0198

Oregon Board of Dentistry Chapter 818

Rule Caption: Amends/ repeals rules: Procedures, Standards of Practice, Advertising, Examination/Licensing, Anesthesia, Dental Hygiene, Dental Assisting.

Date:
10-9-08

Time:
7 p.m.

Location:
OHSU School of Dentistry
611 SW Campus Dr.
Rms. 220 & 225
Portland, OR

Hearing Officer: Board President or Disignee

Stat. Auth.: ORS 679 & 680

Other Auth.: HB 2867 (2007 OL Ch. 379) & SB 591 (2007 OL Ch. 812)

Stats. Implemented: ORS 192.521, 679.010, 680.020, 680.026, 680.150, 680.200 & 680.205

Proposed Amendments: 818-001-0002, 818-012-0030, 818-012-0040, 818-012-0060, 818-012-0070, 818-015-0005, 818-015-0007, 818-015-0015, 818-021-0017, 818-026-0030, 818-035-0020, 818-035-0025, 818-035-0030, 818-035-0040, 818-035-0100, 818-042-0095

Proposed Repeals: 818-012-0050

Last Date for Comment: 10-8-08

Summary: The Board is amending, 818-001-0002, Definitions, to update the titles of the dental specialties that are defined by the American Dental Association and adding a definition of a full-time student as defined in the statutes for clarification.

The Board is amending, 818-012-0030, Standards of Practice, to include language that is being repealed from 818-012-0050 and to update fees that were previously updated by legislation but was changed in error.

The Board is amending, 818-012-0040, Infection Control Guidelines, to update the current name of the federal agency that develops guidelines on infection control and to update current terminology for Hand Hygiene.

The Board is amending, 818-012-0060, Failure to Cooperate with Board, to include provisions regarding persons who may deal with the Board.

The Board is amending, 818-012-0070, Patient Records, to further clarify which types of dental models are considered part of a patient record.

The Board is amending, 818-015-0005, General Provisions, to further clarify and define advertising.

The Board is amending, 818-015-0007, Specialty Advertising, to include the updated titles of dental specialties that are being amended in 818-001-0002.

The Board is amending, 818-015-0015, Disclosure Requirements, to clarify what type of information must be found in an advertisement by a licensee of the Board.

The Board is amending, 818-021-0017, Application to Practice as a Specialist, to allow an applicant who has completed a post-graduate specialty program of not less than two years from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association to be eligible to practice as a Specialist after meeting all other requirements.

The Board is amending, 818-026-0030, Requirement for Anesthesia Permit, Standards and Qualification of an Anesthesia Monitor, to include dental hygiene for the purposes of applying for a permit if the education and training has been more than five years, as it was previously left out in a previous rule adoption.

The Board is amending, 818-035-0020, Authorization to Practice, to include diagnoses and treatment plan for dental hygiene services.

The Board is amending, 818-035-0025, Prohibitions, to clarify the prescription, administering and dispensing of certain drugs by a dental hygienist; and to clarify and update prohibitions to be consistent with the restorative rule.

The Board is amending, 818-035-0030, Additional Functions of Dental Hygienists, to include functions that were previously a part of the Expanded Functions of Dental Hygienists.

The Board is amending, 818-035-0040, Expanded Functions of Dental Hygienists, to remove those items that have been moved to Additional Functions of Dental Hygienists and renumber.

The Board is amending, 818-035-0100, Record Keeping, to remove a requirement that was previously changed by recent legislation.

The Board is amending, 818-042-0095, Restorative Functions of Dental Assistants, to remove Endorsements as it is not a part of the title assigned to those dental assistants who can perform Restorative Functions.

The Board is repealing, 818-012-0050, Obtaining a Fee by Fraud or Misrepresentation, as similar language is found elsewhere in the Board's rules regarding Unprofessional Conduct and it was felt to be duplicative.

Rules Coordinator: Sharon Ingram

Address: Oregon Board of Dentistry, 1600 SW 4th Ave., Suite 770, Portland, OR 97201

Telephone: (971) 673-3200

Oregon Medical Board Chapter 847

Rule Caption: Establishes term limit for membership on Diversion Program Supervisory Council.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.615

Proposed Amendments: 847-065-0000

Last Date for Comment: 9-28-08

Summary: The proposed rule change establishes term limits for membership on Diversion Program Supervisory Council.

Rules Coordinator: Diana M. Dolstra

Address: Board of Medical Examiners, 1500 SW 1st Ave., Suite #620, Portland, OR 97201-5826

Telephone: (971) 673-2713

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Incorporate necessary updates for plan tax qualification purposes and for clarification.

Date:
10-21-08

Time:
2 p.m.

Location:
PERS Headquarters
11410 SW 68th Pkwy
Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.630, 238.650, 238A.005, 238A.125 & 238A.370

Stats. Implemented: ORS 238 & 238A

Proposed Amendments: 459-005-0525, 459-005-0535, 459-005-0545

Last Date for Comment: 10-29-08

Summary: Amend rules to incorporate necessary updates for plan tax qualification purposes and for clarification.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

Rule Caption: Clarifies date granting creditable service for leave of absence without pay.

NOTICES OF PROPOSED RULEMAKING

Date: 10-21-08
Time: 2 p.m.
Location: PERS Headquarters
11410 SW 68th Pkwy
Tigard, OR 97223

Hearing Officer: Daniel Rivas
Stat. Auth.: ORS 238.650
Stats. Implemented: ORS 238.300
Proposed Amendments: 459-010-0010
Last Date for Comment: 10-29-08
Summary: Provides that creditable service is granted only for portions of Leave Without Pay (LWOP) that occur before July 1, 1987.
Rules Coordinator: Daniel Rivas
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

Rule Caption: Modifies effective date used for establishment of retirement benefits.

Date: 10-21-08
Time: 2 p.m.
Location: PERS Headquarters
11410 SW 68th Pkwy
Tigard, OR 97223

Hearing Officer: Daniel Rivas
Stat. Auth.: ORS 238.650
Stats. Implemented: ORS 238.300 & 238.305
Proposed Amendments: 459-013-0260
Last Date for Comment: 10-29-08
Summary: Makes process of establishing retirement benefits administratively more efficient. As a result, staff will be more likely to produce a final benefit being paid to the member than an estimated benefit.
Rules Coordinator: Daniel Rivas
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

Rule Caption: Revise trading restrictions in Oregon Savings Growth Plan.

Date: 10-21-08
Time: 2 p.m.
Location: PERS Headquarters
11410 SW 68th Pkwy
Tigard, OR 97223

Hearing Officer: Daniel Rivas
Stat. Auth.: ORS 243.470
Stats. Implemented: ORS 243.401–243.507
Proposed Amendments: 459-050-0037
Last Date for Comment: 10-29-08
Summary: The rule will revise an earlier version placing trading restrictions on investment options in the Oregon Savings Growth Plan. Oregon State Treasury staff recommends that the OSGP remove the 90-day restriction on all investments options, with the exception of the International Stock Option. The restriction on the international equity option would be reduced to 30 days. The \$100,000 daily trade restriction (per option) and the equity wash restriction on the Stable Value option will remain in place. This rule change was recommend after the OIC elected to add the BGI EAFE index to fund the International Stock Option and CitiStreet changed their daily transfer activity from a prorated methodology spread across all funds in each option, to using only the BGI index funds. The BGI index funds are commingled funds, not mutual funds subject to SEC registration, and therefore are not subject to SEC rules governing mutual fund redemptions. There are no redemption restrictions or provisions on BGI's funds, and BGI monitors trade activity to identify inappropriate trading. The processing changes should eliminate any concern that participants could be subject to redemption fees for transfer activity. The trading restrictions should keep the total daily transfer activity at levels which BGI considers acceptable.
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: Amend definition of "Video LotterySM game terminal," define "Video LotterySM game retailer;" general housekeeping changes.

Date: 10-20-08
Time: 10:30–11 a.m.
Location: Oregon Lottery
500 Airport Rd. SE
Salem, OR

Hearing Officer: Larry Trott
Stat. Auth.: ORS 461
Other Auth.: Oregon Const., Art. XV, Sec. 4(4)
Stats. Implemented: ORS 461.020, 461.210, 461.215, 461.217, 461.220 & 461.250
Proposed Amendments: 177-010-0003, 177-100-0000, 177-100-0010, 177-100-0080, 177-100-0090, 177-100-0095, 177-100-0130, 177-100-0160, 177-100-0180, 177-100-0185
Last Date for Comment: 10-20-08, 11 a.m.

Summary: The Oregon State Lottery has initiated permanent rule-making to amend the above referenced administrative rules. Most of the amendments are for general housekeeping purposes, including grammatical changes, the addition of captions, use of consistent terms, and clarification of meaning. OAR 177-010-0003 is being amended to incorporate the statutory definition of "Video LotterySM game retailer" and update the definition of "Video LotterySM game terminal." OAR 177-100-0010(8) is also being amended to update this definition.

Rules Coordinator: Mark W. Hohlt
Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301
Telephone: (503) 540-1417

Oregon State Marine Board
Chapter 250

Rule Caption: Eliminates emergency communication EPIRB exemption.

Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.430–830.460
Proposed Amendments: 250-015-0011
Proposed Repeals: 250-015-0011(T)
Last Date for Comment: 9-30-08

Summary: This rule will permanently eliminate the satellite 406 MHz EPIRB exemption for vessels carrying six or fewer passengers.
Rules Coordinator: June LeTarte
Address: Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309
Telephone: (503) 378-2617

Oregon University System,
Eastern Oregon University
Chapter 579

Rule Caption: Amend special student and course fees.
Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Proposed Repeals: 579-020-0008, 579-020-0012, 579-020-0017
Last Date for Comment: 9-23-08
Summary: The proposed repeal of these rules creates more accuracy and more closely reflects practice at EOU. All fees charged by Eastern Oregon University are recorded in 579-020-0006, making the above-referenced rules obsolete.
Rules Coordinator: Lara Moore

NOTICES OF PROPOSED RULEMAKING

Address: Oregon University System, Eastern Oregon University,
One University Blvd., Inlow Hall 202, La Grande, OR 97850
Telephone: (541) 962-3368

.....
Parks and Recreation Department
Chapter 736

Rule Caption: Amend and repeal administrative rules governing general provisions related to public contracting.

Date: 9-15-08 **Time:** 2 p.m. **Location:** OPRD Headquarters
725 Summer St. NE
Suite C, Rm. 124B
Salem, OR 97301

Hearing Officer: Teresa Moritz

Stat. Auth.: ORS 279A.065(5)(a) & 279A.070

Stats. Implemented: ORS 279A

Proposed Adoptions: 736-146-0010, 736-146-0012, 736-146-0015, 736-146-0020, 736-146-0050, 736-146-0060, 736-146-0070, 736-146-0080, 736-146-0090, 736-146-0100, 736-146-0110, 736-146-0120, 736-146-0130, 736-146-0140

Proposed Repeals: 736-146-0025, 736-146-0030, 736-146-0040

Last Date for Comment: 9-19-08, 5 p.m.

Summary: Existing rules being amended for housekeeping updates in accordance with instructions of ORS 279A.065(5)(b), and to:

- Remove independent status for Personal Services Contracts;
- Remove section of procedural language governing internal files;
- Remove extraneous section on Contract Administration Definitions.

Rules Coordinator: Joyce Merritt

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

Telephone: (503) 986-0756

.....
Rule Caption: Amend, adopt, and repeal administrative rules governing general provisions for public procurement for goods and services.

Date: 9-15-08 **Time:** 2 p.m. **Location:** OPRD Headquarters
725 Summer St. NE
Suite C, Rm. 124B
Salem, OR 97301

Hearing Officer: Teresa Moritz

Stat. Auth.: ORS 279A.065(5)(a) & 279A.070

Stats. Implemented: ORS 279A

Proposed Adoptions: 736-147-0040, 736-147-0070

Proposed Amendments: 736-147-0010, 736-147-0030, 736-147-0050, 736-147-0060

Proposed Repeals: 736-147-0020

Last Date for Comment: 9-19-08, 5 p.m.

Summary: Existing rules being amended for minor housekeeping updates as required by ORS 279.065(5)(b) and to:

- Remove Life Cycle Costing Provision;
- Add provision for price agreements;
- Add reinstatement of expired or terminated contracts to facilitate the contracting process.

Rules Coordinator: Joyce Merritt

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

Telephone: (503) 986-0756

.....
Rule Caption: Amend administrative rules governing consultant selection for architectural, engineering, land surveying, and related services contracts.

Date: 9-15-08 **Time:** 2 p.m. **Location:** OPRD Headquarters
725 Summer St. NE
Suite C, Rm. 124B
Salem, OR 97301

Hearing Officer: Teresa Moritz

Stat. Auth.: ORS 279A.065(5)(a) & 279A.070

Stats. Implemented: ORS 279A

Proposed Amendments: 736-148-0010, 736-148-0020

Last Date for Comment: 9-19-08, 5 p.m.

Summary: Existing rules being amended for housekeeping updates as required by ORS 279A.065(5)(b).

Rules Coordinator: Joyce Merritt

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

Telephone: (503) 986-0756

.....
Rule Caption: Amend existing administrative rule that governs provisions related to public contracts for construction services.

Date: 9-15-08 **Time:** 2 p.m. **Location:** OPRD Headquarters
725 Summer St. NE
Suite C, Rm. 124B
Salem, OR 97301

Hearing Officer: Teresa Moritz

Stat. Auth.: ORS 279A.065(5)(a)

Stats. Implemented: ORS 279A

Proposed Amendments: 736-149-0010

Last Date for Comment: 9-19-08, 5 p.m.

Summary: Existing rules being amended for housekeeping updates as required by ORS 279A.065(5)(b).

Rules Coordinator: Joyce Merritt

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

Telephone: (503) 986-0756

.....
Public Utility Commission
Chapter 860

Rule Caption: In the Matter of Housekeeping Changes to OAR 860-039-0015(2)(a).

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.300

Proposed Amendments: 860-039-0015

Last Date for Comment: 9-25-08, Close of Business

Summary: The proposed housekeeping changes to this rule simply take information out of a table format and place it in paragraph format. Making this change will allow the information to be published in the official version of the rule on the Secretary of State's website and therefore make the information easier for the public to access.

Rules Coordinator: Diane Davis

Address: 550 Capitol Street NE, Suite 215, Salem, Oregon 97301-2551

Telephone: (503) 378-4372

.....
Secretary of State,
Corporation Division
Chapter 160

Rule Caption: Official signatures of notaries public.

Stat. Auth.: ORS 194.335

Stats. Implemented: ORS 194.014

Proposed Amendments: 160-100-0030

Last Date for Comment: 9-28-08, Close of Business

Summary: This rule sets standards for the official signature of the notary public, corresponding to the legal name as proven by satisfactory evidence, according to ORS 194.515.

Rules Coordinator: Tom Wrosch

Address: 255 Capitol St. NE Suite 151, Salem, OR 97310

Telephone: (503) 986-2371

NOTICES OF PROPOSED RULEMAKING

Secretary of State, Elections Division Chapter 165

Rule Caption: Hand Counts of Ballots at General Election.

Date: 9-23-08 **Time:** 9–9:30 a.m. **Location:** 255 Capitol St NE, Suite 500A Salem, OR

Hearing Officer: Brenda Bayes

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 254.529

Proposed Adoptions: 165-007-0290

Last Date for Comment: 9-23-08

Summary: This rule is proposed for adoption to set forth the procedures the Secretary of State will use to randomly select the precincts or ballot count batches that are to be hand counted, appoint the Secretary of State Administrative Recount Oversight Committee, adopt SEL 798, Hand Count Results form, for the county clerks to use to provide a detailed explanation of any difference between the hand count and the tally of votes produced by each vote tally system in the county, and generally clarify the procedures to implement ORS 254.529.

Rules Coordinator: Brenda Bayes

Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310

Telephone: (503) 986-1518

Rule Caption: Adopts Division 100 Implementing the Procedure to be Appointed to the Public Officials Compensation Commission.

Date: 9-23-08 **Time:** 9–9:30 a.m. **Location:** 255 Capitol St. NE, Suite 500A Salem, OR

Hearing Officer: Brenda Bayes

Stat. Auth.: ORS 292.908

Stats. Implemented: ORS 292.907 & 292.908

Proposed Adoptions: 165-100-0000, 165-100-0005, 165-100-0010, 165-100-0015, 165-100-0020, 165-100-0025, 165-100-0030

Last Date for Comment: 9-23-08

Summary: These rules set for the the procedures for the selection and notification by the Secretary of State, of electors to be appointed to the Public Officials Compensation Commission as provided for in ORS 292.908.

Rules Coordinator: Brenda Bayes

Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310

Telephone: (503) 986-1518

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Amends rules regarding reinstated or revoked licenses, psychologist and counselor licenses, discipline and housekeeping issues.

Date: 9-29-08 **Time:** 1–3 p.m. **Location:** TSPC Office
465 Commercial St. NE
Salem, OR 97301

Hearing Officer: Victoria Chamberlain

Stat. Auth.: ORS 342 & 181

Stats. Implemented: ORS 181.525, 342.120–342.200, 342.223–342.232 & 342.400

Proposed Amendments: 584-020-0040, 584-048-0115, 584-050-0018, 584-060-0182, 584-070-0112, 584-070-0211, 584-070-0221, 584-080-0031

Proposed Repeals: 584-060-0041, 584-070-0050, 584-070-0051, 584-070-0239, 584-070-0240

Last Date for Comment: 10-23-08, 4 p.m.

Summary: 1. Clarifies required educational experience for reinstatement of expired licenses is consistent with OAR 84-048-0015.

2. Updates *Restricted Transitional Teaching License* to include the Initial “I” Teaching License.

3. Adds additional mandatory crimes to 584-020-0040 to comply with Legislative changes.

4. Adds *Knowingly working without a license and Failing to make a child abuse report* to rule 584-020-0040.

5. Clarifies procedure regarding revoked licenses or right to apply for a license in rule 584-050-0018.

6. Amends Initial and Continuing School Counselor licenses.

7. Amends Restricted Transitional School Counselor License.

8. Renames the *Continuing Superintendent License* to “Distinguished Administrator License.”

9. Repeals several redundant rules.

Rules Coordinator: Victoria Chamberlain

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

Telephone: (503) 378-6813

Veterinary Medical Examining Board Chapter 875

Rule Caption: Adds inactive status to Certified Veterinary Technician license.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.410 & 686.420

Proposed Amendments: 875-010-0090

Last Date for Comment: 10-15-08

Summary: Creates inactive status for Certified Veterinary Technician license. Inactive licensees may practice not more than 30 days per year and do not have to report Continuing Education.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

Rule Caption: Certified Veterinary Technicians may obtain all required CE via ‘interactive’ media.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.410 & 686.420

Proposed Amendments: 875-010-0090

Last Date for Comment: 10-15-08

Summary: Allows Certified Veterinary Technicians to obtain entire 15 hours of required Continuing Education through ‘interactive’ media. (Board Board filed this as a temporary rule in April 2008.)

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

Rule Caption: Certified Euthanasia Facilities may use vendor or licensed veterinarian to train and certify euthanasia technicians.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 475.190, 609.405, 686.225 & 686.510

Proposed Amendments: 875-020-0005

Last Date for Comment: 10-15-08

Summary: Allows animal control agencies and shelters certified as euthanasia agencies to obtain employee training in proper methods of animal euthanasia from private vendors or licensed Oregon veterinarians with prior approval by the Board. (The Board filed this as a temporary rule in April 2008.)

Rules Coordinator: Lori V. Makinen

NOTICES OF PROPOSED RULEMAKING

Address: Veterinary Medical Examining Board, 800 NE Oregon St.,
Suite 407, Portland, OR 97232
Telephone: (971) 673-0224

.....

Rule Caption: Adds provision of on-the-job experience in Oregon for VTNE applicants.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.350 & 686.370

Proposed Amendments: 875-030-0010

Last Date for Comment: 10-15-08

Summary: Requires on-the-job applicants for the Veterinary Technician National Exam to have obtained required work experience in Oregon.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St.,
Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

.....

Rule Caption: Allows persons not certified as veterinary technicians to intubate in emergencies.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.350 & 686.370

Proposed Amendments: 875-030-0050

Last Date for Comment: 10-15-08

Summary: Allows persons not certified as veterinary technicians to place and endotracheal tube to establish an airway in emergency situations.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St.,
Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

Water Resources Department Chapter 690

Rule Caption: Well constructor and landowner responsibility regarding water well construction, maintenance, alteration, conversion and abandonment activities.

Date:

Time:

Location:

9-9-08

5-6 p.m.

City Hall
Community Conference Rm.
501 Emigrant Ave
Pendleton, OR

9-10-08

4-5 p.m.

Deschutes County
Administration Bldg.
1300 NW Wall St.
Bend, OR

9-22-08

5-6 p.m.

OWRD Conf. Rm. 124 A & B
725 Summer St. NE
Salem, OR

Hearing Officer: Tom Paul

Stat. Auth.: ORS 183, 536, 537 & 540

Stats. Implemented: ORS 183, 536, 537 & 540

Proposed Amendments: Rules in 690-200, 690-205, 690-215, 690-220, 690-240

Last Date for Comment: 9-25-08, 5 p.m.

Summary: The rules propose to modify and clarify the initial notice of water supply well construction (Start Card) for water supply and monitoring wells, clarify the responsibility for work performed and standards for materials used in water supply well alterations, and allow the use of unhydrated bentonite used for well abandonment.

Rules Coordinator: Ruben Ochoa

Address: Water Resources Department, 725 Summer St. NE, Salem,
OR 97301

Telephone: (503) 986-0874

ADMINISTRATIVE RULES

Appraiser Certification and Licensure Board Chapter 161

Rule Caption: Temporary rule amending pre-requisite requirements for supervising appraiser.

Adm. Order No.: ACLB 2-2008(Temp)

Filed with Sec. of State: 8-6-2008

Certified to be Effective: 8-6-08 thru 2-1-09

Notice Publication Date:

Rules Amended: 161-010-0080, 161-010-0085

Subject: Amends Oregon Administrative Rule 161, Division 010, Rule 0080 regarding Appraiser Assistant registration requirements, and Rule 0085 regarding pre-requisite requirements for supervising appraiser.

Rules Coordinator: Karen Turnbow—(503) 485-2555

161-010-0080

Appraiser Assistant Registration — Application and Renewal Requirements

(1) A person desiring to participate in an appraiser training program must register with the Board and work under the direct supervision of one or more licensees who are in good standing with the Board, and have been licensed or certified for a minimum of 24 months. Experience gained prior to registration will be not accepted.

(2) Prior to registering with the Board, an Appraiser Assistant applicant must:

(a) Complete 75 hours of qualifying education in the following categories and successfully pass the applicable final examinations:

(A) 15-hour Appraisal Foundation's National USPAP course, or its equivalent, within two (2) years preceding the date of application;

(B) 30-hour Basic Appraisal Principles course within five (5) years preceding the date of application. The five-year requirement does not apply to licensees that register as an Appraiser Assistant to upgrade their license or certificate;

(C) 30-hour Basic Appraisal Procedures course within five (5) years preceding the date of application. The five-year requirement does not apply to licensees that register as an Appraiser Assistant to upgrade their license or certificate; and

(b) Make arrangements with one or more licensees who agree to directly supervise their real estate appraisal activities.

(c) Attend a four hour Board approved Supervising Appraiser/Appraiser Assistant Training Course and successfully pass the final exam.

(3) The applicant must submit an Appraiser Assistant Registration Application that meets the requirements of OAR 161-015-0010(1) through (5) and includes a non-refundable application fee and a copy of their supervising appraiser's endorsement as described on the application form.

(4) An applicant must be at least 18 years of age.

(5) An applicant must be a citizen of the United States or have the legal authority to work in the United States.

(6) The Appraiser Assistant Registration must be renewed on an annual basis. The renewal application must be submitted on the prescribed form and include the following:

(a) Verification of successful completion of the Appraisal Foundation's National USPAP Update course or its equivalent, if applicable (required on first renewal and every other year thereafter);

(b) For applicants who have been registered two years or more, verification of successful completion of no less than fourteen hours of qualifying or continuing education. The fourteen education hours may include the USPAP Update course and must be obtained after the date their last registration was issued.

(7) During the period beginning on the day following the expiration date of the registration, and ending on the date of the renewal of the registration, an Appraiser Assistant will not receive experience credit for any experience accrued during the lapse in registration. If the Appraiser Assistant fails to renew the registration within one year from the expiration date, the registration is terminated and a new application must be submitted pursuant to ORS 161-010-0080.

(8) Appraiser Assistants on active duty with the United States Armed Forces at the time of renewal may, upon written request to the Board, be provided a military deferral allowing for their otherwise complete application, including fee and evidence of continuing education, to be considered timely if received by the Board within 180 days of release from active duty.

(9) An applicant may submit a written request to withdraw their application at any time prior to an official action being taken by the Board.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-1996, f. & cert. ef. 2-13-96; ACLB 1-1998, f. & cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 2-2004, f. & cert. ef. 5-25-04, cert., ef. 6-1-04; ACLB 3-2005, f. & cert. ef. 7-22-05; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 2-2008(Temp), f. & cert. ef. 8-6-08 thru 2-1-09

161-010-0085

Pre-Requisite Experience and Education for Supervising Appraiser

Any licensee wishing to supervise a new appraiser assistant must first apply for and receive a Supervising Appraiser Endorsement. In order to receive a Supervising Appraiser Endorsement, the applicant must:

(1) be licensed or certified for a minimum of 24 months, be in good standing, and not be otherwise prohibited from supervising appraiser assistants. Effective January 1, 2010, State Licensed Appraisers may not supervise registered appraiser assistants and, therefore, are not eligible for a supervising appraiser endorsement.

(2) Attend a Board approved Supervising Appraiser/Appraiser Assistant Training Course and successfully pass the final exam prior to making application. A prior Supervising Appraiser/Appraiser Assistant Training Course and exam completed for purposes of registering as an appraiser assistant will not count towards obtaining a Supervising Appraiser Endorsement.

(3) Submit a completed Supervising Appraiser Endorsement application that includes the following:

(a) Non-refundable application fee as described on the application form; and

(b) Supervising Appraiser/Appraiser Assistant Training Course completion certificate.

(4) Upon application approval, the Board will issue the applicant a Supervising Appraiser Endorsement that authorizes the applicant to act as a Supervising Appraiser pursuant to OAR 161-025-0025. The endorsement is valid from the date of issuance.

(5) A Supervising Appraiser Endorsement may be suspended or revoked if the Board determines that the applicant has failed to directly supervise an Appraiser Assistant as required by OAR 161-025-0025.

(6) The Board may also conduct assessments of appraisal work product after the Supervising Appraiser Endorsement is issued.

(7) Any applicant may submit a written request to withdraw their application at any time prior to an official action being taken by the Board.

Stat. Auth.: ORS 674-305(8) & ORS 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 4-2007, f. & cert. ef. 1-1-08; ACLB 2-2008(Temp), f. & cert. ef. 8-6-08 thru 2-1-09

Rule Caption: Permanent adoption and amendment of rules resulting from three year rule review.

Adm. Order No.: ACLB 3-2008

Filed with Sec. of State: 8-13-2008

Certified to be Effective: 8-13-08

Notice Publication Date: 7-1-2008

Rules Adopted: 161-015-0025

Rules Amended: 161-001-0005, 161-002-0000, 161-006-0140, 161-006-0175, 161-008-0040, 161-010-0010, 161-010-0020, 161-010-0025, 161-010-0035, 161-010-0045, 161-010-0055, 161-010-0080, 161-015-0030, 161-020-0015, 161-020-0035, 161-020-0130, 161-020-0150, 161-025-0005, 161-025-0010, 161-025-0060

Subject: Permanently adopts Oregon Administrative Rule chapter 161, division 015, rule 0025 regarding applications from out-of-state credential holder; and amends division 1, regarding model rules of procedure; division 2, regarding definitions; division 6, regarding registry and enforcement guidelines; division 8, regarding fees and miscellaneous charges; division 10, regarding licensure and certification requirements; division 15, regarding application and examination process; division 20, regarding education requirements; and division 25, regarding scope of practice, Appraisal Standards and USPAP.

Rules Coordinator: Karen Turnbow—(503) 485-2555

161-001-0005

Model Rules of Procedure

(1) The Model Rules of Procedure, OAR 137-003-0501 to 137-003-0700, as promulgated by the Attorney General of the State of Oregon, apply

ADMINISTRATIVE RULES

to all contested case hearings conducted by a hearing officer from the Hearing Officer Panel on behalf of the Board.

(2) The Board adopts the current edition of the Model Rules of Procedure, OAR chapter 137, division 001, as promulgated by the Attorney General of the State of Oregon and effective January 1, 2008.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure are available from the office of the Attorney General or the Appraiser Certification and Licensure Board.]
Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 6-1991, f. & cert. ef. 12-4-91; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 3-2008, f. & cert. ef. 8-13-08

161-002-0000

Definitions

As used in OAR 161-01-005 to 161-50-050, the following terms (whether capitalized or not) shall have the following meanings:

(1) "Administrator" means the administrator of the Board appointed by the Board.

(2) "Affiliate" means a business organization sharing with a financial institution or insurance company some aspect of common ownership and control.

(3) "Appraisal" or "Real Estate Appraisal" means "appraisal" as defined in USPAP.

(4) "Appraisal Foundation" means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois.

(5) "Appraisal Report" means "report" as defined in USPAP.

(6) "Appraiser Assistant" or "AA" means a person who is not licensed or certified as an appraiser, but is registered as an appraiser assistant under ORS 674.310, and who assists with real estate appraisal activity under the direct supervision of a certified or licensed appraiser.

(7) "Appraisal Subcommittee" or "ASC" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (FFIEC) established pursuant to the Federal Act.

(8) "Board" or "ACLB" means the Appraiser Certification and Licensure Board established under ORS Chapter 674.

(9) "Certificate" means the document issued by the Board indicating that the person named thereon has satisfied the requirements for certification as a state certified residential or state certified general appraiser.

(10) "Classroom hour" as used in reference to qualifying and continuing education means 50 minutes out of each 60 minute segment.

(11) "Completion" means interpreting, analyzing and reconciling data or compiled data, including reviewing and adopting another person's interpretations and reconciliations as one's own.

(12) "Complex one-to-four family residential property appraisal" means an appraisal in which the property to be appraised, market conditions, or form of ownership is atypical. For example, atypical factors may include, but are not limited to:

- (a) Architectural style;
- (b) Age of improvements;
- (c) Size of improvements;
- (d) Size of lot;
- (e) Neighborhood land use;
- (f) Potential environmental hazard liability;
- (g) Property interests;
- (h) Limited readily available comparable sales data; or
- (i) Other unusual factors.

(13) "Continuing Education" means education that is creditable toward the education requirements that must be satisfied to renew a license, certificate or appraiser assistant registration.

(14) "Direct Supervision" of an appraiser assistant means:

(a) disclosing in the appraisal report that the supervising appraiser has inspected the subject property both inside and out, and has made an exterior or inspection of all comparables relied upon in the appraisal or disclose that the supervising appraiser did not inspect the subject property both inside and out, and did not inspect the exterior of comparables relied upon in the appraisal; and

(b) reviewing the appraiser assistant's appraisal report(s) to ensure research of general and specific data has been adequately conducted and properly reported, application of appraisal principles and methodologies has been properly applied, that any analysis is sound and adequately reported, and that any analysis, opinions, or conclusions are adequately developed and reported so that the appraisal report is not misleading; and

(c) reviewing the appraiser assistant's work product and discussing with the appraiser assistant any edits, corrections or modifications that need to be made to that work product to satisfy OAR 161-002-0000(14)(b); and

(d) accepting sole and total responsibility for the appraisal report by signing the appraisal report and certifying that the appraisal report has been prepared in compliance with the current edition of the Uniform Standards of Professional Appraisal Practice.

(15) "Federal Act" means Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3310 et seq.).

(16) "Federal Financial Institution Regulatory Agency" means:

- (a) The Board of Governors of the Federal Reserve System;
- (b) The Federal Deposit Insurance Corporation;
- (c) The Office of the Comptroller of the Currency;
- (d) The Office of Thrift Supervision; or
- (e) The National Credit Union Administration.

(17) "Financial Institution" means an insured depository institution as defined in section 3 of the Federal Deposit Insurance Act or an insured credit union as defined in section 101 of the Federal Credit Union Act.

(18) "Good Standing" means the status of a person whose license, certificate or registration is not currently suspended or been revoked.

(19) "Issuance" means the act of communicating the opinion of value either in writing or orally.

(20) "License" means the document issued by the Board indicating that the person named thereon has satisfied all requirements for licensure as a state licensed appraiser.

(21) "Licensee" means any person who holds an active or inactive Oregon appraiser license, certified residential appraiser certificate, or certified general appraiser certificate.

(22) "Mortgage banker" has the meaning defined in ORS 59.840.

(23) "Non-residential" appraising means to render a value on real property other than one-to-four family residential properties.

(24) "One-to-four family residential property" means a property that includes one to four residential units and is residential in character, i.e., zoning, land use.

(25) "Preparation" means compiling data, including reviewing and adopting such compiled data as one's own.

(26) "Prerequisite education" means the initial qualifying educational requirements to become licensed or certified with the Board.

(27) "Professional real estate activity" has the meaning defined in ORS 696.010.

(28) "Qualifying Education" means education that is creditable toward the education requirements for initial licensure or certification under one or more of the three real estate appraiser classifications.

(29) "Real estate appraisal activity" has the meaning defined in ORS 674.100.

(30) "Real Estate" or "Real Property" means an identified parcel or tract of land, together with any improvements, that includes easements, rights-of-way, undivided or future interests or similar rights in a tract of land, but does not include mineral rights, timber rights, growing crops, water rights or similar interests severable from the land when the transaction does not involve the associated parcel or tract of land.

(31) "State Certified General Appraiser or "SCGA" means an individual who has been certified as a state certified general appraiser by the Board.

(32) "State Certified Residential Appraiser or "SCRA" means an individual who has been certified as a state certified residential appraiser by the Board.

(33) "State Licensed Appraiser or "SLA" means an individual who has been licensed as a state licensed appraiser by the Board.

(34) "Subdivision" means either an act of subdividing land or an area or a tract of land subdivided to create four or more lots within a calendar year.

(35) "Supervising Appraiser" means a licensee who is directly supervising appraiser assistants pursuant to OAR 161-025-0025.

(36) "Supervising Appraiser Endorsement" means the document issued by the Board indicating that the licensee named thereon has satisfied all requirements of OAR 161-010-0085 to be a Supervising Appraiser.

(37) "Transaction Value" means:

(a) For loans or other extensions of credit, the amount of the loan or extension of credit; and

(b) For sales, leases, purchases and investments in or exchange of real property, the market value of the real property interest involved; and

(c) For the pooling of loans or interest in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

(d) For determinations of the transaction value of real property or interests in real property in circumstances other than described in the pro-

ADMINISTRATIVE RULES

ceeding (a) to (c) of this section, the market value of the real property interest involved.

(e) In condemnation or partial taking actions, the transaction value is deemed to be the value of the larger parcel before the taking.

(38) "Uniform Standards of Professional Appraisal Practice" or "USPAP" means the standards adopted and published by the Appraisal Standards Board of the Appraisal Foundation dated April 27, 1987, as amended January 1, 2008.

(39) "Workfile" means "workfile" as defined in USPAP.

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

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1993(Temp), f. & cert. ef. 3-3-93; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-010-0000; ACLB 4-1994, f. & cert. ef. 7-27-94; ACLB 4-1994, f. & cert. ef. 7-27-94; ACLB 2-1996, f. & cert. ef. 2-13-96; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-1999, f. 1-28-99, cert. ef. 3-31-99; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 1-2001(Temp), f. & cert. ef. 1-26-01 thru 7-25-01; ACLB 2-2001, f. 4-11-01, cert. ef. 4-12-01; ACLB 3-2001(Temp), f. & cert. ef. 7-12-01 thru 1-8-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 1-2004, f. & cert. ef. 2-3-04; ACLB 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 1-2005, f. & cert. ef. 1-12-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-28-06; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 5-2007(Temp), f. 11-1-07, cert. ef. 1-1-08 thru 6-27-08; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08

161-006-0140

Registry

The Board shall, not less than monthly, compile and publish on the Board website a registry of the names and addresses of all persons both licensed and certified to perform federally related real estate appraisals. Copies of the directory shall be furnished monthly to the FFIEC Appraisal Subcommittee (ASC). The annual registry shall be available for purchase at a fee set by rule of the Board.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674.310

Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2008, f. & cert. ef. 8-13-08

161-006-0175

Enforcement Guidelines

The primary objective of the enforcement guidelines is to fairly and consistently apply appropriate sanctions for violations of Oregon Revised Statutes and Oregon Administrative Rules governing real estate appraisal activity.

(1) Sanction Guidelines Grid: [Grid not included. See ED. NOTE.]

(2) A notice of proposed disciplinary action shall propose the presumptive sanction(s) provided by the guidelines in OAR 161-006-0175(1) unless there are substantial and compelling reason(s) to propose a departure. If the Notice departs from the presumptive sanctions, the Notice shall state the substantial and compelling reason(s) for the departure.

(3) The Administrator or the Administrator's designee shall have the authority to negotiate and approve a stipulated settlement at any time prior to review of a Proposed Order by the Board. If the parties stipulate to depart from the guidelines, the Administrator or the Administrator's designee shall consider the purpose and principles of the guidelines and may agree to sanctions that are proportionate to the seriousness of the violations.

(4) Departure from the guidelines shall also be allowed in issuance of a Proposed Order by an Administrative Law Judge and/or a Final Order by the Board upon a showing of substantial and compelling reason(s) for said departure. Substantial and compelling reason(s) shall be stated in the Proposed Order and/or Final Order.

(5) In the event of second or subsequent violations of ORS 674.140(2) and/or 674.140(7), the Administrator shall not consider a prior Final Order that was issued more than five (5) years preceding the date of the second or subsequent notice of proposed sanctions.

[ED NOTE: Grid referenced is available from the agency.]

Stat. Auth.: ORS 674.140 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2002, f. & cert. ef. 5-30-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08

161-008-0040

Fees and Miscellaneous Charges

(1) The Board establishes the following fees for producing copies of records:

(a) For copying and certification of documents containing five pages or less, a charge of \$5, and \$5 for certification, plus an hourly rate of \$25 for staff time to copy the documents;

(b) For copying each page of a certified document in excess of five pages, a charge of \$0.25 per page, plus an hourly rate of \$25 for staff time to copy the documents;

(c) Copies of each page of an uncertified document made on a standard office copy machine, a charge of \$0.25 per page;

(d) Copies of microfilm, \$0.25 per image;

(e) Copies of the Oregon Registry: \$15 per copy.

(f) If the estimated cost to provide a copy of the requested records is greater than \$25, the Board will provide written notification of the estimated amount of the fee. The Board will provide the requested record only if the requester confirms that the agency should proceed with the records request.

(2) The Administrator shall charge the actual cost for other materials and staff time not specifically identified in this rule.

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2008, f. & cert. ef. 8-13-08

161-010-0010

Appraisers in Oregon and Renewal Procedures

(1) There are three categories of appraisers in Oregon; state licensed appraiser, state certified residential appraiser, and state certified general appraiser.

(2) Unlicensed/Un-certified individuals may assist in the preparation of an appraisal, but are not allowed to sign the appraisal report.

(3) Appraisers in Oregon must demonstrate competency by meeting prerequisite and continuing education, testing, and experience requirements established by the Board.

(4) All licenses and certificates are subject to renewal every two years on or before the last day of the license or certificate holder's birth month.

(5) Each license or certificate may be renewed upon receipt of the renewal fee specified in OAR 161-003-0020, a complete renewal application that includes a current, recognizable, passport style color photograph of the applicant, evidence of the completion of continuing education requirements as provided in OAR 161-020-0150, and the fee. The completed application, fee, and evidence of continuing education requirements must be received in the Board office on or before the expiration date of the license to be considered timely. If the expiration date falls on a weekend or legal holiday, the renewal application must be received no later than 5:00 p.m. on the next business day following the date of expiration.

(6) Renewal applications received after the expiration date and within one (1) year of the date of expiration shall be assessed a late fee in addition to the renewal fee. It is unlawful for any appraiser to engage in, carry on, advertise or purport to engage in or carry on real estate appraisal activity within this state after a license or certificate has expired and prior to properly renewing the expired license or certificate.

(7) If an appraiser fails to renew their license or certificate within one year from the date of expiration, the status of the license or certificate becomes terminated and they must reapply for licensure or certification pursuant to OAR 161-010-0020 through 161-010-0055.

(8) Licensees on active duty with the United States Armed Forces at the time of renewal may, upon written request to the Board, be provided a military deferral allowing for their otherwise complete application, including fee and evidence of continuing education, to be considered timely if received by the Board within 180 days of release from active duty.

(9) Each licensee shall notify the Administrator within thirty (30) days of any disciplinary action imposed in any other state in which the person holds a license or certificate.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 4-1991(Temp), f. & cert. ef. 8-29-91; ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2005, f. & cert. ef. 7-22-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08

161-010-0020

Qualifying Appraiser Experience for Certification and Licensure

(1) Areas of acceptable appraisal experience, as described in OAR 161-010-0025, may include but are not limited to the following:

ADMINISTRATIVE RULES

- (a) Fee Appraisal prepared by a state licensed or certified appraiser in conformance with USPAP;
 - (b) Staff Appraisal prepared in conformance with USPAP;
 - (c) Review Appraisal prepared in conformance with USPAP;
 - (d) Real Property Appraisal Consulting prepared in conformance with USPAP;
 - (e) Highest and Best Use Analysis prepared in conformance with USPAP;
 - (f) Assistance in preparation of appraisals as a registered appraiser assistant performing tasks as provided in OAR 161-025-0030.
- (2) All experience must have been obtained after January 30, 1989.
- (3) Experience being claimed as set forth in paragraphs (1)(c), (d) and (e) above, individually or combined, may not exceed more than 25 percent of the total required experience hours.
- Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-1996, f. & cert. ef. 2-13-96; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 3-2008, f. & cert. ef. 8-13-08

161-010-0025

Requirements for Acceptable Appraisal Experience

As a prerequisite to taking the applicable appraisal examination, the applicant shall present evidence of satisfactory completion of acceptable appraisal experience. An hour of experience is defined as verifiable time spent performing tasks in accordance with acceptable appraisal experience, as defined in OAR 161-010-0020, and does not include travel time. Each hour of experience is equivalent to one (1) "point" for purposes of OAR 161-010-0025(5). Education cannot be substituted for experience. Acceptable appraisal experience must meet the following criteria:

- (1) Review appraisals shall be awarded experience credit when the appraiser performs review(s) in accordance with USPAP.
- (2) An appraiser who signs a real property appraisal report prepared by another, even under the label of "review appraiser", must accept full responsibility for the contents of the report. This will appropriately be considered as appraisal experience.
- (3) Maximum allowable experience points: [Table not included. See ED. NOTE.]

[ED NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-1996, f. & cert. ef. 2-13-96; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 4-1999, f. 11-8-99, cert. ef. 1-1-00; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 3-2008, f. & cert. ef. 8-13-08

161-010-0035

Prerequisite Experience and Education Requirements for State Certified General Appraisers

As a prerequisite to taking the examination for certification as a state certified general appraiser, an applicant shall present evidence satisfactory to the Administrator that the applicant has:

- (1) At least 3,000 cumulative hours of acceptable appraisal experience, including at least 1,500 hours of appraisal experience in non-residential appraising. "Cumulative" is defined as meaning that experience may be acquired over any time period of at least thirty (30) months.
- (2) Successfully completed not less than 300 class hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(d). Included within that requirement, each applicant shall have successfully completed the 15-hour Appraisal Foundation's National USPAP Course, or its equivalent, within four (4) years preceding the date of application and have successfully passed an examination thereon.
- (3) A Bachelors degree or higher from an accredited college or university, unless the following requirements are satisfied: In lieu of the Bachelors degree, an applicant for State Certified General Appraiser shall successfully complete the following collegiate level subject matter courses from an accredited college, junior college, community college or university, totaling a minimum of 30 semester credit hours, 45 quarter hours, or 450 classroom hours:

- (a) English Composition;
- (b) Micro Economics;
- (c) Macro Economics;
- (d) Finance;
- (e) Algebra, Geometry, or higher mathematics;
- (f) Statistics;
- (g) Introduction to Computers-Word Processing/Spreadsheets;
- (h) Business or Real Estate Law; and

- (i) Two elective courses in accounting, geography, ageconomics, business management, or real estate.

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

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-010-0030 & 161-010-0040; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08

161-010-0045

Prerequisite Experience and Education Requirements for State Certified General Appraisers

As a prerequisite to taking the examination for certification as a state certified residential appraiser, an applicant shall present evidence satisfactory to the Administrator that the applicant has:

- (1) At least 2,500 cumulative hours of acceptable appraisal experience. "Cumulative" is defined as meaning that experience may be acquired over any time period of at least twenty-four (24) months.

- (2) Successfully completed not less than 200 class hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(c). Included within that requirement, each applicant shall have successfully completed the 15-hour Appraisal Foundation's National USPAP Course, or its equivalent, within four (4) years preceding the date of application and have successfully passed an examination thereon.

- (3) An Associate degree or higher from an accredited college or university, unless the following requirements are satisfied: In lieu of the Associate degree, an applicant for State Certified Residential Appraiser shall successfully complete the following collegiate level subject matter courses from an accredited college, junior college, community college or university, totaling a minimum of 21 semester credit hours, 31.5 quarter hours, or 315 classroom hours:

- (a) English Composition;
- (b) Principles of Economics (Micro or Macro);
- (c) Finance;
- (d) Algebra, Geometry, or higher mathematics;
- (e) Statistics;
- (f) Introduction to Computers-Word Processing/Spreadsheets; and
- (g) Business or Real Estate Law.

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

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 3-2005, f. & cert. ef. 7-22-05; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08

161-010-0055

Prerequisite Experience and Education Requirements for State Licensed Appraisers

As a prerequisite to taking the examination for licensure as a State Licensed Appraiser, an applicant shall present evidence satisfactory to the Administrator that the applicant has:

- (1) At least 2,000 cumulative hours of acceptable appraisal experience. Cumulative hours must be acquired over at least twelve (12) months.
- (2) Successfully completed not less than 150 classroom hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(b). Included within these requirements, each applicant shall have successfully completed the 15-hour Appraisal Foundation's National USPAP Course, or its equivalent, within four (4) years preceding the date of application and have successfully passed an examination thereon.

- (3) Effective January 1, 2010 the Board will no longer accept new applications for State Licensed Appraiser. Therefore, the education and experience requirements for State Licensed Appraiser will be moot.

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

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 5-1991(Temp), f. & cert. ef. 11-18-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-010-0050 & 161-010-0060; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 3-2005, f. & cert. ef. 7-22-05; ACLB 4-2007, f. 11-1-07, cert. ef. 1-1-08; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08

161-010-0080

Appraiser Assistant Registration — Application and Renewal Requirements

- (1) A person desiring to participate in an appraiser training program must register with the Board and work under the direct supervision of one or more licensees who are in good standing with the Board, and have been

ADMINISTRATIVE RULES

licensed or certified with the Board for a minimum of 24 months. Experience gained prior to registration will be not accepted.

(2) Prior to registering with the Board, an Appraiser Assistant applicant must:

(a) complete 75 hours of qualifying education in the following categories and successfully pass the applicable final examinations:

(A) 15-hour Appraisal Foundation's National USPAP course, or its equivalent, within two (2) years preceding the date of application;

(B) 30-hour Basic Appraisal Principles course within five (5) years preceding the date of application. The five-year requirement does not apply to licensees that register as an Appraiser Assistant to upgrade their license or certificate;

(C) 30-hour Basic Appraisal Procedures course within five (5) years preceding the date of application. The five-year requirement does not apply to licensees that register as an Appraiser Assistant to upgrade their license or certificate; and

(b) Make arrangements with one or more licensees who agree to directly supervise their real estate appraisal activities.

(c) Attend a four hour Board approved Supervising Appraiser/Appraiser Assistant Training Course and successfully pass the final exam.

(3) The applicant must submit an Appraiser Assistant Registration Application that meets the requirements of OAR 161-015-0010(1) through (5) and includes a non-refundable application fee and a copy of their supervising appraiser's endorsement as described on the application form.

(4) An applicant must be at least 18 years of age.

(5) An applicant must be a citizen of the United States or have the legal authority to work in the United States.

(6) The Appraiser Assistant Registration must be renewed on an annual basis. The renewal application must be submitted on the prescribed form and include the following:

(a) Verification of successful completion of the Appraisal Foundation's National USPAP Update course or its equivalent, if applicable (required during their second year and every two years thereafter);

(b) For applicants who have been registered two years or more, verification of successful completion of no less than fourteen hours of qualifying or continuing education. The fourteen education hours may include the USPAP Update course and must be obtained after the date their last registration was issued.

(7) During the period beginning on the day following the expiration date of the registration, and ending on the date of the renewal of the registration, an Appraiser Assistant will not receive experience credit for any experience accrued during the lapse in registration. If the Appraiser Assistant fails to renew the registration within one year from the expiration date, the registration is terminated and a new application must be submitted pursuant to ORS 161-010-0080.

(8) Appraiser Assistants on active duty with the United States Armed Forces at the time of renewal may, upon written request to the Board, be provided a military deferral allowing for their otherwise complete application, including fee and evidence of continuing education, to be considered timely if received by the Board within 180 days of release from active duty.

(9) An applicant may submit a written request to withdraw their application at any time prior to an official action being taken by the Board.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-1996, f. & cert. ef. 2-13-96; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 3-2005, f. & cert. ef. 7-22-05; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 2-2008(Temp), f. & cert. ef. 8-6-08 thru 2-1-09; ACLB 3-2008, f. & cert. ef. 8-13-08

161-015-0025

Application from Out-of-State Credential Holder

(1) The Board may recognize and accept the education and experience of applicants who hold an active license or certificate obtained from another state. The out-of-state license or certificate must be active and the applicant must be in good standing in all states in which they are licensed or certified.

(2) All applicants shall be subject to a criminal background check.

(3) The application must be submitted on a form prescribed by the Board.

(4) Effective January 1, 2010, new applications for State Licensed Appraiser will no longer be accepted by the Board.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 3-2008, f. & cert. ef. 8-13-08

161-015-0030

Submission of License or Certificate Application

(1) Each application must be accompanied by a non-refundable application fee.

(2) An application that is not properly completed, does not contain all the required information, or is not accompanied by the required fee will be deferred. An application will also be considered incomplete if the check for payment of the required fees is dishonored;

(3) The application will be reviewed to determine whether the applicant has sufficient education and experience and is otherwise qualified to sit for the examination;

(4) An applicant who is not a resident of the State of Oregon must submit with the application, an irrevocable consent to service form appointing the Administrator of the Board as agent for service of process as provided in these rules, if, in an action against the applicant in a court of this state arising out of the applicant's activities as a licensed or certified appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.

(5) An applicant must be a citizen of the United States or have the legal authority to work in the United States.

(6) An applicant who is actively licensed or certified in another state(s) must have successfully passed an AQB approved examination subsequent to January 1, 2008 or they will be required to take and pass the examination. The examination must be at a level consistent with the appraiser category applied for in the State of Oregon. The examination results must be sent directly from an AQB approved examination provider to the Board office.

(7) Applicants for licensure or certification must have a license history submitted directly to the Board office from each state in which he or she has ever been licensed or certified, or the Board may obtain a National Registry Appraiser License History report. Applicants must be in good standing in all states in which they are licensed or certified or the application will be denied.

(8) Upon application approval, if applicable, the applicant is notified that they are approved to sit for the examination. Upon successful completion of the examination, the Board will notify the appraiser and within one year of the notification, the applicant must submit the ACLB Certificate or License Request form with the appropriate licensing/certification and national registry fees, requesting that their license/certificate be issued. The Administrator issues the certificate or license to the applicant. The appraiser's name is submitted to the FFIEC Appraisal Subcommittee for inclusion on the Federal Registry.

(9) Upon issuance of a license or certificate, consistent with the scope of practice as provided in OAR 161-025-0000, 161-025-0005 and 161-025-0010, the appraiser is authorized to conduct real estate appraisal activity between the date of the issuance of the license or certificate, and the renewal date of the license or certificate, unless sooner revoked or suspended. No more than one license or certificate shall be issued and outstanding to, or in favor of, any appraiser at one time.

(10) Effective January 1, 2010, new applications for State Licensed Appraiser will no longer be accepted by the Board.

(11) An applicant may submit a written request to withdraw their application at any time prior to an official action being taken by the board. An official action may include, but is not limited to, a notice of proposed denial of application.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 4-1991(Temp), f. & cert. ef. 8-29-91; ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 2-1999, f. & cert. ef. 4-20-99; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 6-2003, f. & cert. ef. 11-24-03; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 4-2007, f. 11-1-07, cert. ef. 1-1-08; ACLB 3-2008, f. & cert. ef. 8-13-08

161-020-0015

Course Approval

(1) Courses shall be reviewed and approved under these rules as either Qualifying Education or Continuing Education. A course approved for Qualifying Education may also be used for continuing Education if the course meets the requirements of this section. An appraiser does not need to take or pass an examination for Continuing Education credit.

(a) A Qualifying Education Course must include an examination, provide at least 15 classroom hours of instruction, and be consistent, in terms of content, with the qualifying education course content guidelines in these rules;

ADMINISTRATIVE RULES

(b) A Continuing Education Course must include a minimum of 2 hours of instruction and be consistent, in terms of content, with the Continuing Education course content guidelines in these rules.

(2) Course approval commences on the date initial approval is granted by the Administrator:

(a) Course approval by the Administrator is not retroactive (applicable prior to the date approval is initially granted) because previous offerings of an approved course have not been reviewed under these rules.

(b) Previous offerings of a Board approved course may be approved at the discretion of the Administrator.

(3) Each approved course shall be assigned to one specific category as outlined in 161-020-0110(2)(a-o) and 161-020-0110(3).

(4) Each approved course shall be assigned a maximum number of classroom hours of instruction (including examination time if applicable).

(5) Each approved course shall have an index number assigned to indicate approval.

(6) Upon receipt of course approval, the course owner/affiliated entity (such as a state or local chapter of a national organization that owns a course) may represent in any advertising or other materials that the course is a Board approved course, provided that the number of classroom hours credit awarded by the Administrator is also clearly indicated when the number of credit hours awarded is less than the actual number of scheduled classroom hours.

(7) Course approval granted to a course owner shall apply to any affiliated entity subject to the following conditions:

(a) The course owner requires the affiliated entity to conduct the course:

(A) Utilizing the owner's course materials (including textbook and examinations, if any); and

(B) Allowing the same number of classroom hours as the course owner;

(C) In accordance with the course owner's policies relating to instructor qualifications, student attendance, course scheduling and course prerequisites (if applicable).

(b) The course owner assumes full responsibility in the event the affiliated entity violates any of the provisions of these rules.

(8) The Administrator reserves the right to conduct a full review of any approved course for any reason in connection with any course approval or at any other time. Further, the Administrator may establish a system of periodic course review.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674.310

Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 3-2008, f. & cert. ef. 8-13-08

161-020-0035

Application for Course Approval

Course owners seeking initial Board approval shall make application on a form prescribed by the Administrator, and submit all information required by the application form along with a non-refundable application fee. Course owners seeking Board approval for a qualifying education course shall specify on the application form which category of qualifying education they seek course approval for as outlined in 161-020-0110(2)(a)(A-O) and 161-020-0110(3). An application must be complete before it will be assigned for review by course reviewers.

(1) The Board shall exercise its best efforts, in accordance with applicable law, to protect the confidentiality of course examinations or other proprietary material submitted by applicants as part of their course materials.

(2) Course providers shall not misrepresent Board approval status of their course in advertising. If an applicant violates this provision, the Administrator may suspend the review of the course in question.

(3) State or Federal agencies or commissions are approved providers.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674.310

Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 2-2002, f. & cert. ef. 5-30-02; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 3-2008, f. & cert. ef. 8-13-08

161-020-0130

Approval Requirements for Non Pre-Approved Courses for Qualifying and Continuing Education

(1) The following courses are subject to the review and approval of the Administrator or designee and may be acceptable for approval as Qualifying Education and Continuing Education:

(a) Course work approved by the AQB which also meets the requirements of these rules;

(b) Courses approved for credit hours at a community college, college or university in the State of Oregon shall be approved by the Board if said

courses are substantially the same as required in the rules and procedures. The applicant for licensure/certification shall submit documentation to show equivalency, i.e. course description, outlines, etc., to the satisfaction of the Board.

(2) Courses from providers located outside the State of Oregon may be acceptable as Qualifying Education and Continuing Education:

(a) If the course has been pre-approved by the licensure/certification board of that state and the procedures of that state board for approving Qualifying Education are equivalent to those of the State of Oregon;

(b) If the rules and procedures of the state of origin are not equivalent to those of the State of Oregon, the applicant may still submit the course for approval by the Administrator by submitting documentation to show equivalencies with OAR 161-020-0045, i.e. course description, outlines, etc.;

(c) If the state where the course was taken allows Qualifying Education courses to have a duration of less than 15 hours, as required in Oregon, but at least 30 hours with an examination, then the Administrator shall determine whether or not the course content is acceptable, is substantially the same as approval for new courses, and will be reviewed on a case by case basis for as long as such need exists. The burden of proof remains with the applicant to demonstrate the equivalency of the course work.

(3) For courses taken prior to the adoption of this program, the criteria for approval shall be based upon the requirements set forth in OAR 161-020-0045, i.e. course descriptions, outlines, etc.

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674.310

Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-2008, f. & cert. ef. 8-13-08

161-020-0150

Time Requirements for Qualifying Education and Continuing Education

(1) Qualifying Education:

(a) If approved by the Administrator as meeting the requirements of these rules, audio educational offerings taken prior to July 1, 1990, shall be acceptable to meet the Qualifying Education requirements for certification and licensure;

(b) There is no time limit regarding when qualifying education credit must be obtained, with the following exceptions:

(A) The 15-hour Appraisal Foundation's National USPAP Course, or its equivalent, must be obtained within four (4) years preceding the date of application; and

(B) All other qualifying education for applicants applying to be a registered appraiser assistant must be obtained within five (5) years preceding the date of application, with the exception of licensed or certified appraisers registering as an appraiser assistant to upgrade their license.

(c) The Administrator may grant credit for courses where the applicant obtained credit from the course provider by challenge examination without attending the courses, provided that such credit was granted by the course provider prior to July 1, 1990, and provided further that the Administrator is satisfied with the quality of the challenge examination that was administered by the course provider.

(2) Continuing Education:

(a) Continuing education hours shall be reported as part of the renewal application process. Reporting shall be on a form prescribed by the Board which includes the name of the educational provider, course subject matter, location, number of hours, course name, date of course and appraiser's name. The appraiser shall also submit a copy of the certificate of completion, URCEC form or grade report issued by the course provider;

(b) "Carry over" of hours from past to future years will not be allowed;

(c) The same or like course can not be repeated for use as continuing education within consecutive license cycles, with the exception of USPAP;

(d) Extension of time to satisfy continuing education hour requirements will not be permitted;

(e) USPAP:

(A) The Appraisal Foundation's National USPAP Update Course, or its equivalent, is required for renewal of all licensed and certified appraisers every two year license cycle.

(B) Registered Appraiser Assistants must successfully complete the Appraisal Foundation's National USPAP Update Course, or its equivalent, at a minimum of every two years.

(f) Fourteen hours of classroom instruction for each year preceding the license or certification renewal is required. Continuing education hours may be obtained any time during the term. Credit towards the classroom hour requirements shall be granted only where the length of the educational offering is at least two hours.

ADMINISTRATIVE RULES

(g) Appraisers may receive up to eight (8) hours of continuing education credit for course instruction of a Board approved course per two year license cycle. However, the appraiser cannot receive credit for course instruction of the same course in consecutive license cycles.

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 3-1999, f. 9-23-99, cert. ef. 1-1-00; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 3-2005, f. & cert. ef. 7-22-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 3-2008, f. & cert. ef. 8-13-08

161-025-0005

State Certified Residential Appraiser

(1) A state certified residential appraiser (SCRA) is authorized to appraise:

(a) All types of one-to-four family residential real property without regard to complexity or transaction value, which includes the appraisal of vacant or unimproved land that is utilized for one-to-four family residential purposes, and where the highest and best use is for one-to-four family residential purposes;

(b) All other types of real property having a transaction value of less than \$250,000.

(2) The certified residential classification does not include the appraisal of subdivisions.

(3) A state certified residential appraiser may appraise rural properties with one or more of the following:

(a) One to four unit single family residential properties;

(b) Other rural properties primarily used for recreation or other non-income producing purposes.

(4) A state certified residential appraiser may not appraise rural properties with one or more of the following:

(a) Primary use for production of agricultural income which is included in the value;

(b) Commercially valuable timber and/or mineral interests which is included in the value;

(c) Development potential for commercial or industrial improvements;

(d) Commercial/industrial improvements;

(e) Land or properties with environmental hazards.

(5) The state certified residential appraiser may appraise properties involving partial taking or where the value of the larger parcel is within the scope of practice for the state certified residential appraiser. If, during the course of a condemnation or partial taking appraisal assignment, the appraiser could reasonably expect the before value of the larger parcel to exceed the allowable transaction value for the state certified residential appraiser, the appraiser shall inform the client for whom the appraisal is being performed that the assignment exceeds the scope of their appraiser's practice.

(a) In condemnation, "larger parcel" is defined as that portion of a property which has unity of ownership, contiguity, and unity of use. These are the three conditions which must be present to establish the larger parcel for the purpose of considering the extent of severance. Condemnation means:

(A) The process by which property is acquired for public purposes through legal proceedings under the power of eminent domain;

(B) The act of a federal, state, county, or city government or district or public utility corporation vested with the right of eminent domain to take private property for public use when a public necessity exists;

(C) Upon payment of just compensation, the act of a sovereign in substituting itself in the place of the owner and taking all or part of the rights of the owner.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-1996, f. & cert. ef. 2-13-96; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 3-2008, f. & cert. ef. 8-13-08

161-025-0010

State Licensed Appraiser

(1) A state licensed appraiser (SLA) is authorized to appraise:

(a) Non-complex, one-to-four family residential units having a transaction value of less than \$1,000,000;

(b) Complex one-to-four family residential units having a transaction value of less than \$250,000.

(2) If, during the course of an appraisal assignment of a one-to-four family residential property, the state licensed appraiser identifies factors that would result in the property, market conditions, property characteris-

tics, or form of ownership, to be a complex one-to-four family residential property appraisal having a transaction value of \$250,000 or more, they must inform the client that the assignment is outside the scope of their license, decline the assignment, and advise the client that a state certified residential or certified general appraiser must complete the assignment. The same is true for all other types of real property found to have a transaction value of \$250,000 or more.

(3) A state licensed appraiser may appraise rural properties with one or more of the following:

(a) One to four unit single family residential properties;

(b) Other rural properties primarily used for recreation or other non-income producing purposes.

(4) A state licensed appraiser may not appraise rural properties with one or more of the following:

(a) Primary use for production of agricultural income which is included in the value;

(b) Commercially valuable timber and/or mineral interests which is included in the value;

(c) Development potential for commercial or industrial improvements;

(d) Commercial/industrial improvements;

(e) Land or properties with environmental hazards.

(5) The state licensed appraiser classification does not include the appraisal of subdivisions.

(6) The state licensed appraiser may appraise properties involving partial taking or condemnation actions where the value of the larger parcel is within the scope of practice for the state licensed appraiser. If, during the course of a condemnation or partial taking appraisal assignment, the appraiser could reasonably expect the before value of the larger parcel to exceed the allowable transaction value for the state licensed appraiser, the appraiser shall inform the client for whom the appraisal is being performed that the assignment exceeds the scope of their appraiser's license.

(a) In condemnation, "larger parcel" is defined as that portion of a property which has unity of ownership, contiguity, and unity of use. These are the three conditions which must be present to establish the larger parcel for the purpose of considering the extent of severance. Condemnation means:

(A) The process by which property is acquired for public purposes through legal proceedings under the power of eminent domain;

(B) The act of a federal, state, county, or city government or district or public utility corporation vested with the right of eminent domain to take private property for public use when a public necessity exists;

(C) Upon payment of just compensation, the act of a sovereign in substituting itself in the place of the owner and taking all or part of the rights of the owner.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-1995, f. & cert. ef. 2-13-96; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 3-2008, f. & cert. ef. 8-13-08

161-025-0060

Appraisal Standards and USPAP

(1) All licensees must develop and communicate each appraisal assignment in compliance with these administrative rules and USPAP.

(2) A licensee employed by a group or organization that conducts itself in a manner that does not conform to USPAP Standards must take steps that are appropriate under the circumstances to ensure compliance with the Standards.

(3) All licensees must certify to what extent they personally inspected the property that is the subject of the appraisal assignment. Each report must clearly state that the subject property was: inspected both inside and out; inspected from the exterior only; or was not personally inspected by the licensee.

(4) In addition to certifying as to the extent of the subject's inspection, all licensees must also certify to what extent each of the comparable sales relied upon in the appraisal were personally inspected.

(5) All licensees must prominently disclose in all appraisals:

(a) The source of comparable sale data confirmation; and

(b) Whether the comparable sales analyzed in the appraisal report were or were not confirmed by a party to the transaction or an agent or representative of a party to the transaction.

(6) All licensees testifying or presenting evidence in an administrative or judicial proceeding, must base their testimony or evidence only upon a written summary or self-contained appraisal report in compliance with

ADMINISTRATIVE RULES

USPAP, reflecting a report date that precedes the date of testimony, unless such testimony is being compelled by legal subpoena.

(7) The "Uniform Standards of Professional Appraisal Practice", 2008 Edition, approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, dated April 27, 1987, as amended on January 1, 2008, are incorporated into the Administrative Rules of the Appraiser Certification and Licensure Board as the standards of professional conduct which shall guide the behavior of licensed and certified appraisers in the State of Oregon. Copies of the Uniform Standards of Professional Appraisal Practice may be obtained from the Appraisal Foundation located at 1029 Vermont Avenue, N.W., Suite 900, Washington D.C. 20005-3517.

(8) All licensees must list their certificate or license number and expiration date in each appraisal report.

(9) All licensees must comply with USPAP in all valuation activity, unless such valuation activity qualifies as an exclusion to real estate appraisal activity under ORS 674.100(2)(h).

(10) Notwithstanding any other provision of these rules, a licensee acting in one of the following capacities is not subject to the requirements of Standard 3 of USPAP when examining an appraisal report and workfile as part of an official investigation being conducted by the Board:

(a) Board member;

(b) Employee; or

(c) Volunteer serving at the request of the Board.

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

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 4-1994, f. & cert. ef. 7-27-1994; ACLB 2-1996, f. & cert. ef. 2-13-96; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-89; ACLB 1-1999, f. 1-28-99, cert. ef. 3-31-99; ACLB 3-1999, f. 9-23-99, cert. ef. 1-1-00; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 3-2000(Temp), f. 11-9-00, cert. ef. 11-9-00 thru 5-8-01; ACLB 1-2001(Temp), f. & cert. ef. 1-26-01 thru 7-25-01; ACLB 2-2001, f. 4-11-01, cert. ef. 4-12-01; ACLB 3-2001(Temp), f. & cert. ef. 7-12-01 thru 1-8-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 1-2004, f. & cert. ef. 2-3-04; ACLB 1-2005, f. & cert. ef. 1-12-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-28-06; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 5-2007(Temp), f. 11-1-07, cert. ef. 1-1-08 thru 6-27-08; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08

.....

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

Rule Caption: Provides specific, limited exemptions for educational facilities in supervising employed Speech-Language Pathology Assistants.

Adm. Order No.: SPA 4-2008(Temp)

Filed with Sec. of State: 8-13-2008

Certified to be Effective: 8-13-08 thru 2-8-09

Notice Publication Date:

Rules Amended: 335-095-0050

Subject: Where there are severe shortages of licensed personnel and requirements for Direct Supervision of Speech-Language Pathology Assistants by licensed Speech-Language Pathologists cannot reasonably be met, this rule provides a mechanism for educational facilities (School Districts or Educational Service Districts) to apply for a one year exemption from required Direct Supervision as defined in OAR 335-095-0010. Specifically, during the exemption period granted by the Board, an educational facility may:

(a) Use the review and evaluation of audio- or video-taped records or live audio- or video-conferencing of clinical interactions, or a combination thereof, to provide a portion of the required Direct Supervision hours, up to a maximum of 75% of the required Direct Supervision hours.

(b) Allow a licensed Speech-Language Pathologist to supervise up to four full-time equivalent certified Speech-Language Pathology Assistants.

Any exemption granted under this rule will expire on July 31st of the year in which it was granted. An exemption shall only be granted for a maximum of two years out of each consecutive five year period.

Rules Coordinator: Sandy Leybold—(971) 673-0220

335-095-0050

Requirements for Supervising Licensed Speech-Language Pathology Assistants

(1) The amount and type of supervision required will be based on the skills and experience of the speech-language pathology assistant.

(a) For the first 90 days of licensed employment, a minimum of 30% of all the time an assistant is on the job must be supervised. A minimum of 20% of hours spent in clinical interaction must be directly supervised.

(b) Subsequent to the first 90 days of licensed employment, a minimum of 20% of all the time an assistant is on the job must be supervised. A minimum of 10% of hours spent in clinical interaction must be directly supervised.

(c) The supervising speech-language pathologist must be able to be reached throughout the work day. A temporary supervisor may be designated as necessary.

(d) If the supervising SLP is on extended leave, an interim supervising SLP who meets the requirements stated in 335-095-0040 must be assigned.

(e) The caseload of the supervising clinician must allow for administration, including assistant supervision, evaluation of students and meeting times. (All students assigned to an assistant are considered part of the caseload of the supervising clinician.)

(2) The supervising speech-language pathologist may not supervise more than the equivalent of two full-time speech-language pathology assistants.

(3) The supervising SLP must co-initial each clinical entry and co-sign each page of records.

(4) Supervision of speech-language pathology assistants must be documented.

(a) Documentation must include the following elements: date, activity, time spent, and direct or indirect supervision level and must be retained by the SLPA for four (4) years.

(b) Documentation must be available for audit requests from the Board.

(5) In remote geographic areas of the state or in other situations with severe shortages of licensed personnel, where Direct Supervision requirements cannot be met by an on-site Speech-Language Pathologist, educational facilities may apply for a one year exemption from certain requirements for supervision of certified Speech-Language Pathology Assistants.

(a) This exemption allows educational facilities to use the review and evaluation of audio- or video-taped records or live audio- or video-conferencing of clinical interactions, or a combination thereof, to provide a portion of the required Direct Supervision hours, up to a maximum of 75% of the required Direct Supervision hours.

(b) During the exemption period, a licensed Speech-Language Pathologist may supervise up to four full-time equivalent certified Speech-Language Pathology Assistants.

(c) This exemption will expire on July 31st of the year in which it is granted. An exemption shall only be granted for a maximum of two years out of each consecutive five year period.

Stat. Auth.: ORS 681.360, 681.370, 681.375, 681.420 & 681.460

Stat. Implemented: ORS 681.360, 681.370 & 681.375

Hist.: SPA 1-2003, f. & cert. ef. 5-7-03; SPA 4-2006, f. & cert. ef. 11-3-06; SPA 1-2007, f. & cert. ef. 2-1-07; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 4-2008(Temp), f. & cert. ef. 8-13-08 thru 2-8-09

.....

Bureau of Labor and Industries Chapter 839

Rule Caption: The rule provides procedure for hearings on predeterminations of prevailing wage coverage.

Adm. Order No.: BLI 25-2008(Temp)

Filed with Sec. of State: 7-29-2008

Certified to be Effective: 7-29-08 thru 1-23-09

Notice Publication Date:

Rules Adopted: 839-050-0445

Subject: During 2007 legislation was enacted which is codified as ORS 279C.817, providing for a public agency or interested person to ask the bureau to make a determination about whether a construction project would be a public works on which payment of the prevailing rate of wage would be required under ORS 279C.840. The bureau is required to afford the requestor or a person adversely affected or aggrieved by the determination a hearing in accordance with ORS 183.413 to 183.470. The bureau is required to adopt rules estab-

ADMINISTRATIVE RULES

lishing the process for requesting and making the determinations provided under ORS 279C.817.

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

839-050-0445

Hearings on Prevailing Wage Rate Determinations

(1) This rule sets forth the procedures used in contested case hearings requested pursuant to ORS 279C.817(4) and OAR 839-025-0005(7).

(2) Hearings on prevailing wage rate determinations are governed by the procedures set forth in OAR 839-050-0000 to 839-050-0430, except to the extent those procedures are modified by this rule.

(3) The following definitions apply to this rule:

(a) “Aggrieved person” means a person adversely affected or aggrieved by a commissioner’s determination under ORS 279C.817.

(b) “Determination” means a determination issued by the commissioner under the provisions of ORS 279C.817 and OAR 839-025-0005.

(c) “Party” means a requester or aggrieved person who has requested a hearing after the commissioner issues a determination.

(d) “Requester” means a public agency or other interested person who requests a determination under ORS 279C.817 about whether a project or proposed project is or would be a public works on which payment of the prevailing rate of wage is or would be required under ORS 279C.840.

(4) When the commissioner has issued a determination and the requester or aggrieved person requests a hearing, an administrative law judge will be assigned to hear the case and the Hearings Unit will issue a Notice of Hearing to the party that meets the requirements of OAR 839-050-0080(3) and 839-050-0100.

(5) Within ten days after the Notice of Hearing is issued, the administrative law judge will issue an order requiring:

(a) The party to file a written statement identifying all of the party’s reasons for contesting the determination; and

(b) The agency to file copies of all materials provided by the requester under OAR 839-025-0005(1)–(4), a copy of the agency’s determination, and a copy of any other materials the agency relied on to reach its determination. The agency will mark these materials and the agency’s determination for identification in the manner set forth in OAR 839-050-0270.

(6) The statement, materials, and agency determination filed pursuant to section (5) of this rule will be received into the record as exhibits.

(7) Within twenty days prior to hearing, the party and the agency each will file written statements containing the names of all persons they propose to call as witnesses at the hearing, along with a statement of how each person’s testimony will help the administrative law judge understand the materials provided by the requester under OAR 839-025-0005(1)-(4) or the reasons for the agency’s determination.

(8) After reviewing the materials and statements filed pursuant to sections (5) and (7) of this rule, the administrative law judge may issue an interim order finding that the testimony of any proposed witness is irrelevant to the issues at hearing and disallowing the proposed testimony. The administrative law judge may also request that the party or agency bring additional witnesses to the hearing.

(9) Evidence presented at hearing is limited to the exhibits and witness testimony explaining the exhibits and their legal significance.

(10) At hearing, the party will have an opportunity to explain the reasons that the party contests the determination and the agency will have an opportunity to explain the reasons for its determination.

(11) If the party withdraws its request for hearing or does not appear at the scheduled hearing, the administrative law judge will issue an order canceling the hearing. When a hearing is cancelled based on a party’s failure to appear at the scheduled hearing, the hearing may be rescheduled if the party establishes good cause for its failure to appear within 10 days after the party fails to appear at hearing. The party’s request to reschedule the hearing must be in writing and be accompanied by a written statement, together with appropriate documentation, setting forth facts supporting the claim of good cause.

Stat. Auth.: ORS 183, 651.060(4), 279C.817

Stat. Implemented: ORS 279C.817

Hist.: BLI 25-2008(Temp), f. & cert. ef. 7-29-08 thru 1-23-09

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2008.

Adm. Order No.: BLI 26-2008

Filed with Sec. of State: 7-30-2008

Certified to be Effective: 7-30-08

Notice Publication Date:

Rules Amended: 839-025-0700

Subject: The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2008.

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

839-025-0700

Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon and Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act dated July 1, 2008*, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2008, and the effective dates of the applicable special wage determination and rates amendments:

(a) Marine Rates for Public Works Contracts in Oregon (effective October 4, 2006).

(b) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 6, 2008).

(c) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 13, 2008).

(d) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 20, 2008).

(e) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 4, 2008).

(f) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 25, 2008).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon and Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act dated July 1, 2008*, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Medford, Portland and Salem and are listed in the blue pages of the phone book. Copies are also available on the bureau’s webpage at www.oregon.gov/boli or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815, 651.060

Stats. Implemented: ORS.279C.815

Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99; BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00 cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002 f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-

ADMINISTRATIVE RULES

07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08

Rule Caption: Description of elements of discrimination in retaliation for opposing unlawful practice.

Adm. Order No.: BLI 27-2008

Filed with Sec. of State: 8-5-2008

Certified to be Effective: 8-6-08

Notice Publication Date: 12-1-2007

Rules Adopted: 839-005-0033

Subject: This proposed rule would describe the elements of discrimination in retaliation for opposing unlawful practices.

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

839-005-0033

Discrimination in Retaliation for Opposing Unlawful Practices

(1) This rule interprets ORS 659A.030(1)(f).

(2) An employer will be found to have unlawfully retaliated against an employee if:

(a) The employee has engaged in protected activity by:

(A) Explicitly or implicitly opposing an unlawful practice or what the employee reasonably believed to be an unlawful practice, or

(B) Filing a charge, testifying, or assisting in an investigation, proceeding, or lawsuit under ORS 659A, or attempting to do so;

(b) The employer has subjected the employee to any adverse treatment, in or out of the workplace, that is reasonably likely to deter protected activity, regardless of whether it materially affects the terms, conditions, or privileges of employment; and

(c) There is a causal connection between the protected activity and the adverse treatment.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.030(1)(f)

Hist.: BLI 27-2008, f. 8-5-08, cert. ef. 8-6-08

Construction Contractors Board

Chapter 812

Rule Caption: Fee Rule for Public Records.

Adm. Order No.: CCB 15-2008(Temp)

Filed with Sec. of State: 8-1-2008

Certified to be Effective: 8-1-08 thru 1-27-09

Notice Publication Date:

Rules Amended: 812-001-0160

Subject: OAR 812-001-0160 is amended to clarify the existing agency practice of completing one certification statement for a file or a set of documents. Moreover, it will replace with specific fees an indeterminate fee referenced by the current rule. The agency presently charges specific fees for electronically maintained records. Finally, the rule will make clear that the agency is authorized to charge fees for certain odd-sized reproductions and for the cost of attorney time in segregating exempt and non-exempt records.

Rules Coordinator: Catherine Dixon—(503) 378-4621, ext. 4077

812-001-0160

Requests for Information; Charges for Records

(1) The agency shall provide certification of license or non-license relating to a specific entity upon written request and payment of required fee. This certification will include the following information:

(a) License numbers.

(b) Name of licensed entity and any assumed business names on file with the agency.

(c) Type of business entity.

(d) Category of license.

(e) Class of independent contractor license status.

(f) Personal names of owner, partners, joint venturers, members, corporate officers, or trustees.

(g) The dates in the license history and the action that took place on those dates.

(2) The agency may make the following charges for records:

(a) \$20 for each certification that an entity has or has not been licensed with the Construction Contractors Board.

(b) \$20 for certified copies of each file or of set of documents certified under one cover or of any other document.

(c) \$5 for the first 20 copies made and 25 cents per page thereafter.

(d) \$20 for duplicate audio recordings of, Board meetings and Appeal Committee meetings.

(e) \$20 for duplicate audio recordings of a three hour agency hearing or arbitration and \$10 for duplicate audio recordings of each additional 90 minutes or fraction thereof of the hearing or arbitration.

(f) \$10 per half-hour unit or portion of a half-hour unit for researching, copying or preparing records for each request from a person beginning with the 31st minute of research or copying time.

(g) \$40 for an electronic copy of computer-maintained data containing information on CCB licensees.

(h) \$140 for a paper copy of computer-maintained data containing information on CCB licensees.

(i) \$40/month for an electronic copy of computer-maintained data containing information on CCB mailings of application packets, provided once during the month.

(j) \$50/month for electronic copies of computer-maintained data containing information on CCB mailings of application packets, provided on a weekly basis.

(k) \$140/month for a paper copy of computer-maintained data containing information on CCB mailings of application packets, provided once during the month.

(l) \$150/month for a paper copy of computer-maintained data containing information on CCB mailings of application packets, provided on a weekly basis.

(m) \$5 for a 3.5-inch computer disk or compact disk (CD) if documents are stored on the agency's computer system. Requestors may not provide disks for electronic reproduction due to the possibility of computer viruses.

(n) The actual cost for material and equipment used in producing copies of non-standard sized records.

(o) The actual cost for delivery of records, for example, postage, courier fees or the cost of transmitting a facsimile long-distance.

(p) Actual attorney fees charged to CCB for the cost of time spent by its attorney (ordinarily provided by the Oregon Department of Justice) to review public records, redact materials from public records or segregate public records into exempt and nonexempt records. The charge will not include attorney fees incurred in determining the application of ORS 192.410 to 192.505.

Stat. Auth.: ORS 293.445, 670.310 & 701.235

Stats. Implemented: ORS 192.430, 293.445, 701.235 & 701.250

Hist.: IBB 1-1983, f. & ef. 3-1-83; IBB 3-1984, f. & ef. 5-11-84; IBB 3-1985, f. & ef. 4-25-85; BB 3-1987, f. 12-30-87, cert. ef. 1-1-88; BB 2-1988, f. & cert. ef. 6-6-88; BB 2-1989, f. 6-29-89, cert. ef. 7-1-89; CCB 1-1989, f. & cert. ef. 11-1-89; CCB 2-1990, f. 5-17-90, cert. ef. 6-1-90; CCB 2-1992, f. & cert. ef. 4-15-92; CCB 1-1995, f. & cert. ef. 2-2-95; CCB 3-1995, f. 9-7-95, cert. ef. 9-9-95; CCB 1-1996, f. 4-26-96, cert. ef. 5-1-96; CCB 1-1997, f. & cert. ef. 5-15-97; CCB 4-1998, f. & cert. ef. 4-30-98; Administrative correction 7-28-98; CCB 6-1998, f. 8-31-98, cert. ef. 9-1-98; CCB 1-1999, f. 3-29-99, cert. ef. 4-1-99; CCB 3-1999(Temp), f. & cert. ef. 6-29-99 thru 12-25-99; CCB 5-1999, f. & cert. ef. 9-10-99; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 14-2000, f. & cert. ef. 12-4-00; CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 5-2002, f. 5-28-02, cert. ef. 6-1-02; CCB 2-2004, f. 2-27-04, cert. ef. 3-1-04; CCB 7-2004, f. 8-26-04, cert. ef. 9-1-04; CCB 9-2004, f. & cert. ef. 12-10-04; CCB 3-2005, f. & cert. ef. 8-24-05; Renumbered from 812-001-0015, CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 6-2006, f. 5-25-06, cert. ef. 6-1-06; CCB 5-2007, f. 6-28-07, cert. ef. 7-1-07; CCB 7-2008, f. 4-28-08, cert. ef. 5-1-08; CCB 15-2008(Temp), f. & cert. ef. 8-1-08 thru 1-27-09

Department of Administrative Services,

Capitol Planning Commission

Chapter 110

Rule Caption: Amends rules for development standards for adoption of the updated Oregon State Hospital and Penitentiary Properties Area Plan, June 2008.

Adm. Order No.: CPC 5-2008(Temp)

Filed with Sec. of State: 7-17-2008

Certified to be Effective: 7-17-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 110-070-0010

Rules Suspended: 110-070-0015, 110-070-0020

Subject: The rule amendment relates to the revision of the rule governing the Adoption of the Oregon State Hospital and Penitentiary Area Plan, formerly known as the Development Standards for the Oregon State Hospital and Penitentiary Properties Area adopted by

ADMINISTRATIVE RULES

the Capitol Planning Commission in 1976 and amendment adopted March 1984. The rule revises the current Area Plan adopting a new plan and standards affecting future development and uses in the Oregon State Hospital and Penitentiary Properties Area.

Rules Coordinator: Yvonne Hanna—(503) 378-2349, ext. 325

110-070-0010

Oregon State Hospital and Penitentiary Properties Land Use Plan

The **Oregon State Hospital and Penitentiary Properties Area Plan, June 2008** is hereby adopted by reference. This Area Plan replaces the Oregon State Hospital and Penitentiary Properties Land Use Plan, 1976, as amended 1983.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 4-1982, f. & ef. 4-6-82; CPC 1-1983, f. & ef. 11-29-83; CPC 1-1986, f. & ef. 1-29-86; CPC 5-2008(Temp), f. & cert. ef. 7-17-08 thru 12-31-08

110-070-0015

Standards for Development in the Oregon State Hospital and Penitentiary Properties Area

The following standards for development shall apply to projects in the Oregon State Hospital and Penitentiary Properties Area:

(1) Set back requirements for buildings located in the Oregon State Hospital and Penitentiary Properties Area are as follows:

- (a) From a street — A minimum depth of 20 feet;
- (b) From other buildings — As required by the **Oregon State Structural Specialty Code and Fire and Life Safety Code**.

(2) No building or other structure in the Oregon State Hospital and Penitentiary Properties Area shall exceed 70 feet in height;

(3) The maximum building coverage in the Oregon State Hospital and Penitentiary Properties Area is 50 percent of land area;

(4) Development within the Oregon State Hospital and Penitentiary Properties Area shall be landscaped in a manner protective of the surrounding community environment.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 4-1982, f. & ef. 4-6-82; Suspended by CPC 5-2008(Temp), f. & cert. ef. 7-17-08 thru 12-31-08

110-070-0020

Criteria and Authority to Grant Variance

The Commission may grant the degree of variance from the provisions contained in OAR 110-070-0015 imposed on a particular subject property under this rule which is reasonably necessary to permit development of an otherwise lawful use upon the finding that each of the following criteria is met:

(1) There are special conditions applying to the land, buildings, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same area, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. The purely economic interests of the agency shall not in itself constitute such special conditions. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this section.

(2) Granting a variance will not be unreasonably detrimental to the public welfare or to the property or improvements in the neighborhood of the subject property.

(3) Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working, residing or visiting in the neighborhood of the subject property.

(4) Granting a variance will be consistent with the Area Plan.

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 1-1985, f. & ef. 1-30-85; Suspended by CPC 5-2008(Temp), f. & cert. ef. 7-17-08 thru 12-31-08

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

Rule Caption: Amended to include additional definitions and clarifying language.

Adm. Order No.: OEGB 10-2008(Temp)

Filed with Sec. of State: 8-13-2008

Certified to be Effective: 8-13-08 thru 2-6-09

Notice Publication Date:

Rules Amended: 111-010-0015

Subject: OAR 111-010-0015 is amended to include new definitions and clarifying language regarding member eligibility for OEGB program participation.

Rules Coordinator: Rose Mann—(503) 378-4606

111-010-0015

Definitions

Unless the context indicates otherwise, as used in OEGB administrative rules, the following definitions will apply:

(1) "Actuarial value" means the expected financial value for the average member of a particular benefit plan.

(2) "Affidavit of Dependency" means a document that attests that a dependent child meets the criteria in section (8)(b).

(3) "Affidavit of Domestic Partnership" means a document that attests the eligible employee and one other eligible individual meet the criteria in section (10)(b).

(4) "Benefit plan" includes, but is not limited to, insurance or other benefits including:

- (a) Medical;
- (b) Dental;
- (c) Vision;
- (d) Life, disability and accidental death;
- (e) Long term care;
- (f) Flexible spending accounts;
- (g) Supplemental medical, dental and vision;
- (h) Any other remedial care recognized by state law, and related services and supplies; and

(i) Comparable benefits for employees who rely on spiritual means of healing.

(5) "Board" means the ten-member board established in the Department of Administrative Services as the Oregon Educators Benefit Board under chapter 00007, Oregon Laws 2007.

(6) "Comparable cost" means that the cost of an OEGB plan design option when compared to the cost of a pre-OEGB plan design option in the same grouping does not exceed the rate in effect immediately prior to the effective date of the new plan after adjustment by a trend factor for relevant benefit plans in Oregon.

(7) "Comparable plan design" means that the actuarial values of two plan designs are within 2.5 percent higher or lower of each other.

(8) "Dependent child," unless otherwise defined by a collective bargaining agreement or documented district policy in effect on January 31, 2008, means and includes the following:

(a) A biological child of, an adopted child of, or a child placed for adoption with the eligible employee, spouse, or domestic partner; or

(b) A legal ward by court decree, a dependent by Affidavit of Dependency, or is under legal guardianship of the eligible employee, spouse or domestic partner, and is living in the home of the eligible employee.

(c) A dependent child must meet the following conditions:

(A) Does not qualify as another person's dependent child, except for a child of divorced or separated parents meeting conditions under Internal Revenue Code Section 152(e)(A) as amended by the Working Families Tax Relief Act of 2004.

(B) Single and does not have a domestic partner; and

(C) 18 years old or younger; or

(D) Is 19 through 25 years old:

(i) Attending five months of class or on-site training per calendar year at an educational institution defined by IRC Section 170(b)(1)(A)(ii) or state or political subdivision with the following requirements:

(I) The child must be citizen or resident of the United States, Canada or Mexico; and

(II) The child must be recognized as a full time student by the educational institution or state or political subdivision.

(ii) Living in the home of the eligible employee over six months of the calendar year, and the eligible employee provides over half the yearly support; or

(iii) Incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability.

(E) Is age 26 or older, and incapable of self-sustaining employment, because of a developmental disability, mental illness, or physical disability; and

(i) The disability existed prior to attaining age 26; and

(ii) Pre-OEGB medical insurance coverage was continuous with coverage under OEGB medical insurance.

ADMINISTRATIVE RULES

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 2-2008, f. & cert. ef. 1-4-08; OEBB 10-2008(Temp), f. & cert. ef. 8-13-08 thru 2-6-09

(9) "Documented district policies" means district policies and practices that apply to an employee group and are submitted to the Oregon Educators Benefit Board during the plan selection process. District policies and practices must be identified and submitted with the applicable employee group plan selections.

(10) "Domestic partner," unless otherwise defined by a collective bargaining agreement or documented district policy in effect on January 31, 2008, means and includes the following:

(a) An unmarried individual of the same sex who has entered into a "Declaration of Domestic Partnership" with the eligible employee that is recognized under Oregon law; or

(b) An unmarried individual of the same or opposite sex who has entered into a partnership that meets the following criteria:

(A) Both are at least 18 years of age;

(B) Are responsible for each other's welfare and are each other's sole domestic partners;

(C) Are not married to anyone and have not had a spouse or another domestic partner within the prior six months. If previously married, the six-month period starts on the final date of divorce;

(D) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(E) Have jointly shared the same regular and permanent residence for at least six months; and

(F) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter and any other expenses of maintaining a household. Financial information must be provided if requested.

(c) Participating Districts must calculate and apply applicable imputed value tax for domestic partners covered under OEBB benefit plans.

(11) "Eligible employee" means and includes:

(a) "Active eligible employee" means an employee of an OEBB participating organization who is employed on a half-time or greater basis or is in a job-sharing position or meets the definition of an eligible employee under a separate OEBB rule or under a collective bargaining agreement or documented district policy in effect on January 31, 2008.

(b) "Retired eligible employee" means a previously active eligible employee, who is:

(A) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(B) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

(C) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or

(D) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(12) "Employee Group" means one or more similarly situated employees (i.e., nonrepresented or represented by a specific collective bargaining contract) in a common school district, union high school district, education service district, community college district or charter school.

(13) "Non-subject District" means a community college district or a charter school if the employees are not considered employees of a school district.

(14) "Oregon Educators Benefit Board or OEBB" means the program created under chapter 00007, Oregon Laws 2007.

(15) "OEBB participating organization" means a Subject District, Non-subject District, or Provisional Non-subject District that participates in benefit plans provided by the Oregon Educators Benefit Board (OEBB).

(16) "Provisional Non-subject District" means a common school district, a union high school district, or an education service district that was self-insured or that had an independent health insurance trust established and functioning on or before December 31, 2006.

(17) "Spouse" means a person of the opposite sex who is a husband or wife. A relationship recognized as a marriage in another state will be recognized in Oregon even though such a relationship would not be a marriage if the same facts had been relied upon to create a marriage in Oregon. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

(18) "Subject District" means a common school district, a union high school district, or an education service district that did not self-insure or have a health trust in effect on or after January 1, 2007.

Stat. Auth.: 2007 OL Ch.7

Stats. Implemented: 2007 OL Ch.7, Sec. 1

Rule Caption: Details methods and requirements for participating districts' payments of premiums to OEBB.

Adm. Order No.: OEBB 11-2008(Temp)

Filed with Sec. of State: 8-13-2008

Certified to be Effective: 8-13-08 thru 2-6-09

Notice Publication Date:

Rules Adopted: 111-080-0001, 111-080-0005

Subject: OAR 111-080-0001 and 111-080-0005 details the methods, requirements and deadlines for participating districts' payments of monthly premiums to OEBB.

Rules Coordinator: Rose Mann—(503) 378-4606

111-080-0001

Payment Methods and Dates

(1) For the purpose of this rule:

(a) "ACH credit" means a payment initiated by a Participating District that is cleared through the Automated Clearing House (ACH) network for deposit to the OEBB account;

(b) "ACH debit" means a payment initiated by OEBB and cleared through the ACH network to debit a Participating District's account and credit the OEBB account;

(c) "District Payment" means the monthly district payment to OEBB that includes the contributions of both Participating District and members required to pay the monthly premiums for selected OEBB benefit plans;

(d) "District Payment Invoice" means a monthly itemized statement provided by OEBB that includes the contributions of both Participating District and members required to pay the monthly premiums for selected OEBB benefit plans;

(e) "Electronic funds transfer" refers to a payment through ACH credit or ACH debit;

(f) "Participating District" means a Subject District, Provisional Non-subject District and Non-subject District participating in OEBB.

(2) Participating Districts will receive a final District Payment Invoice from OEBB on the first of the month that details the payments due for that month.

(3) If the final District Payment Invoice is received on a weekend or legal holiday the receipt date is recognized as the next business day.

(4) Participating Districts are required to submit payment to OEBB through electronic funds transfer no more than seven business days from the receipt date of the final District Payment Invoice.

(5) OEBB reserves the right to issue surcharges or other appropriate measures to Participating Districts' that submit monthly payments after the due date.

(6) Participating Districts will select an electronic funds transfer method by:

(a) Submitting an electronic funds transfer authorization form to OEBB by August 15th for payments starting October 1st of the plan year;

(b) Submitting a new electronic funds transfer authorization form to OEBB by August 15th to change the type of payment or update their account information starting October 1st of the plan year.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 11-2008(Temp), f. & cert. ef. 8-13-08 thru 2-6-09

111-080-0005

Overpayments and Underpayments

(1) For the purpose of this rule:

(a) "Overpayment" means the amount of a Participating District's monthly payment to OEBB that exceeded the amount due.

(b) "Underpayment" means an incomplete monthly payment submitted by a Participating District.

(2) Participating Districts seeking a refund of overpayments must:

(a) Notify OEBB during future reconciliation processes up to 90 calendar days from the date overpayment occurred;

(b) OEBB will resolve member overpayments by requesting a refund from the carrier; except for overpayments submitted after 90 calendar days and overpayments resulting from member misrepresentation;

(c) OEBB will generally reimburse Participating District overpayments through adjustments to future monthly payments.

(3) Participating Districts submitting an underpayment must:

(a) Notify OEBB during future reconciliation processes up to 90 calendar days from the date underpayment occurred;

ADMINISTRATIVE RULES

(b) OEBB will expect reimbursement for any underpayment through additions to future monthly payments;

(c) OEBB reserves the right to issue surcharges or use other appropriate means for Participating District's that submit underpayments.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 11-2008(Temp), f. & cert. ef. 8-13-08 thru 2-6-09

Rule Caption: Coverage requirements for employee groups entering OEBB early.

Adm. Order No.: OEBB 12-2008(Temp)

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 8-15-08 thru 2-11-09

Notice Publication Date:

Rules Amended: 111-020-0001

Subject: OAR 111-020-0001 was temporarily amended with coverage requirements for employee groups that elect to enter OEBB early. The amended rule will be filed permanently before the temporary rule end date of 2-11-09.

Rules Coordinator: Rose Mann—(503) 378-4606

111-020-0001

Initial Employee Group Phase-in

(1) Any employee group in subject districts or provisional non-subject districts may elect to participate in benefit plans provided by the Board beginning on October 1, 2008, October 1, 2009, or October 1, 2010, without having to meet the phase-in requirements outlined under Sections 2, 3 and 4; however:

(a) Eligible employees of a subject district who are represented under a collective bargaining agreement with an end date of July 1, 2007, through June 30, 2008, must participate in benefit plans provided by the Board beginning October 1, 2008.

(b) Eligible employees of a subject district who are represented under a collective bargaining agreement with an end date of July 1, 2008, through June 30, 2009, must participate in benefit plans provided by the Board beginning October 1, 2009.

(c) Eligible employees of a subject district who are represented under a collective bargaining agreement with an end date on or after July 1, 2009, must participate in benefit plans provided by the Board beginning October 1, 2010.

(d) Eligible employees of a subject district who are not represented under a collective bargaining agreement must participate in benefit plans provided by the Board consistent with the requirements governing eligible employees of the subject district who are represented under a collective bargaining contract as outlined under section 1(a), (b) and (c) above. If more than one collective bargaining contract exists in the subject district, the earliest collective bargaining contract end date must be applied. If no employee group in the subject district is represented through a collective bargaining agreement, all eligible employees of the district must participate in benefit plans provided by the Board beginning October 1, 2008.

(2) An employee group electing to participate in benefit plans provided by the Board under section 1 must provide notice of such election not later than June 30, 2008, for the benefit year beginning October 1, 2008 or May 31 of any following year in which they plan to move to the OEBB benefit plans on October 1.

(3) A provisional non-subject district wanting to continue providing benefit plans other than those benefit plans provided by the Board must submit an application requesting to be excluded from the requirements of this section. The application must show that the premiums for the benefit plans provided or contracted for by the district are equal or less than the premiums for comparable benefit plans provided by the Board. Applications must be submitted not later than May 31, 2010, and each year that follows.

(4) Employee groups in provisional non-subject districts who elect to participate in benefit plans provided by the Board cannot return to benefit plans provided or administered by an entity other than the Board.

(5) Employee groups electing to participate in OEBB benefit plans prior to the date mandated by Senate Bills 426 and 1066 (Chapter 7, Oregon Laws 2007, as amended by Chapter 39, Oregon Laws 2008) must participate in all types of benefit coverage offered by OEBB at the time of plan selection.

Stat. Auth.: 2007 OL Ch. 7 & 2008 OL Ch. 39

Stats. Implemented: 2007 OL Ch. 7, Sec. 14 & 16 & 2008 OL Ch. 39, Sec. 9

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 3-2007(Temp), f. & cert. ef. 11-15-07 thru 3-18-08; OEBB 5-2008, f. & cert. ef. 4-1-08; OEBB 12-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09

Rule Caption: Enrollment and eligibility requirements for retirees and COBRA participants.

Adm. Order No.: OEBB 13-2008(Temp)

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 8-15-08 thru 2-11-09

Notice Publication Date:

Rules Adopted: 111-050-0020, 111-050-0025, 111-050-0030, 111-050-0035, 111-050-0045, 111-050-0050

Rules Amended: 111-050-0001, 111-050-0010

Subject: OAR 111-050-0001 and 111-050-0010 were temporarily amended with eligibility requirements for retirees and COBRA participants. OAR 111-050-0020, 111-050-0025, 111-050-0035, 111-050-0045 and 111-050-0050 were added to provide enrollment information for retirees. The amendments and new rules will be filed permanently before the temporary rules end date of 2-11-09.

Rules Coordinator: Rose Mann—(503) 378-4606

111-050-0001

Continuation of Group Medical and Dental Insurance Coverage Under the Consolidated Omnibus Budget Reconciliation Act (COBRA)

COBRA allows an eligible individual losing group health plan coverage due to a qualifying event to continue their coverage for a limited time on a self-pay basis.

(1) OEBB will issue or cause the issuance of an initial COBRA notice explaining the right to continue medical and dental insurance plans to all newly eligible employees and individuals.

(a) The notice must be mailed to the eligible employee's known address immediately following enrollment in OEBB medical or dental insurance plans. The notice must include all known eligible individuals residing at the address. Known eligible individuals residing separately from the eligible employee must be mailed a separate notice at their known address.

(b) The initial COBRA notice must be mailed to individuals becoming newly eligible due to marriage or the formation of a domestic partnership.

(2) A COBRA triggering event must cause the loss of benefit coverage. COBRA triggering events include:

(a) An involuntary reduction in hours or layoff;

(b) A strike or lockout;

(c) The beginning of an unpaid leave of absence;

(d) The termination of employment;

(e) Retirement;

(f) A dependent child no longer satisfying eligibility requirements;

(g) The loss of employer-sponsored group coverage for dependents due to Medicare eligibility;

(h) A divorce or termination of a domestic partnership; and

(i) The death of the employee.

(3) All individuals losing eligibility due to a triggering event must receive a COBRA continuation notice.

(4) An eligible employee or dependent has 60 days from the receipt of the COBRA notice to activate their COBRA rights of continuation and 45 days from the election date to pay the initial premium. OEBB-sponsored insurance coverage must be continuous through COBRA implementation.

(5) Generally, medical plans may be continued under COBRA provisions for the following basic maximum coverage periods:

(a) 18 months after the date of the triggering events specified in section 2(a)-(e) above; or

(b) An 11 month extension is provided to COBRA participants when there is a disability determination by the Social Security Administration and the plan is notified within the required timeline, resulting in a 29 month coverage period; or

(c) 36 months after the date of the triggering events specified in section 2(f)-(i) above.

(6) An eligible employee's spouse or domestic partner who is 55 years of age or older and who loses benefit coverage due to events specified in section 2(h) and (i) above, may continue OEBB medical insurance coverage for themselves and their dependent children beyond the general 36-month COBRA continuation period. An eligible individual may continue their OEBB medical insurance coverage until they are entitled to Medicare, are covered under another group medical insurance plan or otherwise lose eligibility.

(7) An eligible individual continuing OEBB medical insurance coverage only or medical and dental insurance coverage under COBRA provi-

ADMINISTRATIVE RULES

sions has the same rights as active eligible employees for making changes midyear and during the open enrollment period.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 1(4)(a)(B) & 4(7), ORS 659A.060 - 659A.069 & 743.600 - 743.602
Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 7-2008, f. & cert. ef. 4-15-08; OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09

111-050-0010

Eligibility for Retiree Medical, Dental and Vision Insurance Coverage

An eligible retired employee and their eligible dependents enrolled in an OEBB benefit plan or district benefit plan for active employees may continue participation in any OEBB retiree medical, dental and vision insurance plan or plans available to his or her Employee Group until becoming eligible for Medicare. Insurance coverage under the OEBB or district active benefit plans, as an employee or as a dependent of an employee, and retiree benefit plans must be continuous.

(1) A retired employee must be:

(a) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(b) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

(c) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or

(d) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(2) A retired eligible employee may elect insurance coverage for themselves only or may elect to cover any eligible dependents covered by the employee's active plan immediately prior to the retirement.

(3) A former eligible employee who elects COBRA and later becomes eligible as a retired employee will have the right to transfer the COBRA medical and dental insurance coverage to the OEBB retiree benefit plans at any time during COBRA or within 30 days of the COBRA end date. Insurance coverage under the OEBB active, COBRA and retiree benefit plans must be continuous.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 1(4)(a)(B) & 4(7), ORS 659A.060 - 659A.069, 743.600 - 743.602
Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 7-2008, f. & cert. ef. 4-15-08; OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09

111-050-0020

Initial Enrollment

(1) A retired eligible employee has 60 calendar days from the end date of active eligible employee insurance coverage to enroll in OEBB-sponsored medical, dental and vision plans and can elect coverage for themselves only or can continue coverage on eligible dependents covered on his or her benefit plans as an active employee.

(a) Coverage must be continuous.

(b) Retired eligible employees may choose to only enroll in an OEBB-sponsored dental plan, unless determined otherwise by a collective bargaining agreement or documented district policy.

(c) Coverage not elected at the time of initial eligibility for early retiree benefits cannot be added at a later date.

Plan Change Periods

(1) OEBB will offer an annual plan change period for retired eligible employees.

(2) A retired eligible employee can change benefit plans consistent with members of their former active Employee Group.

(3) A retired eligible employee may not add dependents or enroll in coverage(s) he or she did not select during the initial enrollment period.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 1(4)(a)(B) & 4(7), ORS 659A.060 - 659A.069, 743.600 - 743.602
Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09

111-050-0025

Effective Dates

(1) Benefit plan changes or initial elections, unless otherwise specified in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective on the later of:

(a) The first of the month following a completed online enrollment in the OEBB benefit management system or submission of a paper enrollment or change form; or

(b) The first of the month following the date of eligibility.

(2) Covered dependent changes are effective the first of the month following the date of the event causing the dependent to be eligible under OEBB administrative rules with the following exceptions:

(a) Coverage for a newborn child is effective on the date of birth through the first 31 calendar days. To continue coverage the retired eligible employee must add the newborn child to their benefit plans within 60 calendar days from the date of birth.

(b) Coverage for a newly adopted child is effective the date of the adoption decree or date of placement for adoption through the first 31 calendar days pending the completion of adoption proceedings. To continue coverage the retired eligible employee must add the adopted child to their benefit plans within 60 calendar days from the date of the decree or placement;

(i) The retired eligible employee must submit the adoption agreement with the enrollment forms to the Participating District.

(ii) Claims payments will not be made for expenses incurred prior to the date of decree or placement.

(c) Coverage for a dependent child by affidavit as defined in OEBB administrative rules starts the first of the month following receipt of the affidavit by the district benefits administrator.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 1(4)(a)(B) & 4(7), ORS 659A.060 - 659A.069, 743.600 - 743.602
Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09

111-050-0030

Correcting Enrollment and Processing Errors

(1) Employee Enrollment Errors. Enrollment errors occur when a retired eligible employee provides incorrect information or fails to make correct selections when making benefit plan changes. The retired eligible employee is responsible for identifying enrollment errors or omissions.

(a) OEBB authorizes Participating Districts to correct enrollment errors reported by the retired eligible employee within 60 calendar days of the original eligibility date, annual plan change period end date, or midyear benefit plan change date. Corrections are retroactive to the original effective date as identified in OAR 111-050-0025.

(b) Enrollment errors identified after 60 calendar days of the eligibility date, annual plan change period end date or midyear benefit plan change date must be submitted to OEBB for review and approval based on OAR 111-070-0001. If approved, corrections are retroactive to the original effective date as identified in OAR 111-050-0025.

(2) Benefit Administrator Processing Errors. Processing errors or omissions occur when benefit plan changes are processed incorrectly in the benefit system.

(a) OEBB authorizes participating districts to correct processing errors identified within 60 calendar days of the eligibility date, annual plan change period end date, or midyear benefit plan change date. Corrections are retroactive to the original effective date as identified in OAR 111-050-0025. The participating district must reconcile all premium discrepancies.

(b) Processing errors identified after 60 calendar days of the eligibility date, annual plan change period end date, or midyear benefit plan change date must be submitted to OEBB for review and approval based on OAR 111-070-0001. If approved, corrections are retroactive to the original effective date as identified in 111-050-0025. The participating district must reconcile all premium discrepancies within 30 calendar days of any adjustments made in the system.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 1(4)(a)(B) & 4(7), ORS 659A.060 - 659A.069, 743.600 - 743.602
Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09

111-050-0035

Late Enrollment

(1) Late enrollment occurs when a retired eligible employee fails to enroll for benefits within 60 days of retirement or fails to add an eligible dependent within 31 calendar days of:

(a) The date a spouse, domestic partner, or dependent child gains eligibility;

(b) The date of marriage to a spouse who was most recently enrolled as a domestic partner; or

(c) The date of birth of the retired eligible employee's biological newborn dependent child.

(2) OEBB authorizes participating districts to approve late enrollment requests for retired eligible employees and dependents when the request is reported within 60 calendar days of the eligibility dates referenced in sections (1)(a), (1)(b), and (1)(c).

ADMINISTRATIVE RULES

(3) OEBB must review and approve all late enrollment requests based on OAR 111-070-0001 when the request is made more than 60 calendar days after the eligibility dates referenced in sections (1)(a), (1)(b), and (1)(c).

(4) Approved late enrollment requests, unless determined otherwise in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective the first of the month following the date the request is received by a district benefits administrator or OEBB, except for approved requests to add newborn children which are retroactive to the month the child was born along with any premium adjustments.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 1(4)(a)(B) & 4(7), ORS 659A.060 - 659A.069, 743.600 - 743.602

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09

111-050-0045

Termination Dates

(1) Benefit coverage for a retired eligible employee, a spouse, a domestic partner or a dependent child ends on the last day of the month that eligibility is lost according to OEBB administrative rules, unless determined otherwise through a collective bargaining agreement or documented district policy in effect on June 30, 2008.

(2) Benefit coverage for a spouse, domestic partner, or dependent child ends on the last day of the month that a retired eligible employee dies, unless otherwise determined by a collective bargaining agreement or documented district policy in effect on June 30, 2008.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 1(4)(a)(B) & 4(7), ORS 659A.060 - 659A.069, 743.600 - 743.602

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09

111-050-0050

Removing an Ineligible Individual from Benefit Plans

(1) A retired eligible employee is responsible for removing ineligible spouses, domestic partners and dependent children from their OEBB-sponsored benefit plans by submitting completed, applicable forms to their district benefits administrator. An ineligible individual must be removed from OEBB-sponsored benefit plans within 31 calendar days of the date the individual becomes ineligible. Coverage ends on the date identified under OAR 111-050-0045.

(2) A retired eligible employee ending a domestic partnership by affidavit must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the district benefits administrator within 31 calendar days of the event for removal of the domestic partner and domestic partner's dependent children from their benefit plan. Benefit coverage for the domestic partner and domestic partner's dependent children ends on the last day of the month that eligibility is lost.

(3) A participating district is responsible for removing ineligible individuals from the OEBB benefits management system. Ineligible individuals must be removed from coverage under OEBB-sponsored benefit plans retroactive to the end of the month when eligibility was lost.

(4) The retired eligible employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility. Premium adjustments will be made retroactively based on when the ineligible individual was reported to the district benefits administrator.

(a) Ineligible individuals reported within 90 calendar days after the month eligibility was lost will result in premium adjustments retroactive to the first of the month following the loss of eligibility.

(b) Ineligible individuals reported more than 90 calendar days after the month eligibility was lost will result in premium adjustments for the month the ineligible individual was reported and the two previous months.

(5) OEBB may conduct audits to determine the eligibility status of dependents of retired eligible employees covered under OEBB-sponsored benefit plans. If requested, documentation certifying the eligibility of covered dependents must be provided.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 1(4)(a)(B) & 4(7), ORS 659A.060 - 659A.069, 743.600 - 743.602

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09

.....

Rule Caption: Establishes the Oregon Educators Benefit Board's policies on members' enrollment benefit plans.

Adm. Order No.: OEBB 14-2008

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 8-15-08

Notice Publication Date: 2-1-2008

Rules Adopted: 111-040-0001, 111-040-0005, 111-040-0010, 111-040-0015, 111-040-0020, 111-040-0025, 111-040-0030, 111-040-0035, 111-040-0040

Subject: Establishes the Oregon Educators Benefit Board's policies regarding members' enrollment in OEBB-sponsored benefit plans.

Rules Coordinator: Rose Mann—(503) 378-4606

111-040-0001

Effective Dates

(1) Benefit plan changes or initial elections, unless otherwise specified in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective on the later of:

(a) The first of the month following a completed online enrollment in the OEBB benefit management system or submission of a paper enrollment or change form; or

(b) The first of the month following the date of hire or the date of eligibility.

(2) Covered dependent changes are effective the first of the month following the date of the event causing the dependent to be eligible under OEBB administrative rules with the following exceptions:

(a) Coverage for a newborn child is effective on the date of birth through the first 31 calendar days. To continue coverage the active eligible employee must add the newborn child to their benefit plans within 60 calendar days from the date of birth.

(b) Coverage for a newly adopted child is effective the date of the adoption decree or date of placement for adoption through the first 31 calendar days pending the completion of adoption proceedings. To continue coverage the active eligible employee must add the adopted child to their benefit plans within 60 calendar days from the date of the decree or placement;

(A) The active eligible employee must submit the adoption agreement with the enrollment forms to the Participating District.

(B) Claims payments will not be made for expenses incurred prior to the date of decree or placement.

(c) Coverage for a dependent child by affidavit as defined in OEBB administrative rules starts the first of the month following receipt of the affidavit by the district benefits administrator

(3) Elections made during an open enrollment period are effective on the first day of the new plan year.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08

111-040-0005

Termination Dates

(1) Benefit coverage for active eligible employees and dependents ends on the last day of the month that eligibility is lost according to OEBB administrative rules, unless determined otherwise through a collective bargaining agreement or documented district policy in effect on June 30, 2008.

(2) Benefit coverage for a spouse, domestic partner, or dependent child ends on the last day of the month that an active eligible employee dies, unless otherwise determined by a collective bargaining agreement or documented district policy in effect on June 30, 2008.

(3) Benefit coverage for active eligible employees ends on the last day of the month that they retire, unless otherwise determined in a collective bargaining agreement or documented district policy in effect on June 30, 2008. Benefit coverage may be continued based on the requirements and limitations in OARs 111-050-0001 through 111-050-0050.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08

111-040-0010

Newly-hired and Newly-eligible Active Eligible Employees

(1) Newly-hired and newly-eligible active eligible employees must enroll in OEBB-sponsored benefit plans through the OEBB benefit management system or paper equivalent within 31 calendar days of the date of hire or date of eligibility, unless determined otherwise in a separate OEBB administrative rule or in a collective bargaining agreement or documented district policy in effect on June 30, 2008.

(2) An active eligible employee enrolling in OEBB-sponsored benefit plans and terminating employment before the effective date of benefit coverage is not eligible to receive benefits.

(3) An active eligible employee hired after the open enrollment period and before the start of the new plan year has open enrollment rights.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08

ADMINISTRATIVE RULES

111-040-0015

Removing an Ineligible Individual from Benefit Plans

(1) An active eligible employee is responsible for removing ineligible spouses, domestic partners and dependent children from their OEBB-sponsored benefit plans by submitting completed, applicable forms to their district benefits administrator. An ineligible individual must be removed from OEBB-sponsored benefit plans within 31 calendar days of the date the individual becomes ineligible. Coverage ends on the date identified under OAR 111-040-0005.

(2) An active eligible employee ending a domestic partnership by affidavit must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the district benefits administrator within 31 calendar days of the event for removal of the domestic partner and domestic partner's dependent children from their benefit plan. Benefit coverage for the domestic partner and domestic partner's dependent children ends on the last day of the month that eligibility is lost.

(3) A participating district is responsible for removing ineligible individuals from the OEBB benefits management system. Ineligible individuals must be removed from coverage under OEBB-sponsored benefit plans retroactive to the end of the month when eligibility was lost.

(4) The active eligible employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility. Premium adjustments will be made retroactively based on when the ineligible individual was reported to the district benefits administrator.

(a) Ineligible individuals reported within 90 calendar days after the month eligibility was lost will result in premium adjustments retroactive to the first of the month following the loss of eligibility.

(b) Ineligible individuals reported more than 90 calendar days after the month eligibility was lost will result in premium adjustments for the month the ineligible individual was reported and the two previous months.

(5) OEBB may conduct audits to determine the eligibility status of dependents of eligible active employees covered under OEBB-sponsored benefit plans. If requested, documentation certifying the eligibility of covered dependents must be provided.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 3
Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08

111-040-0020

Open Enrollment

(1) Active eligible employees may make benefit plan changes or elections and add or remove eligible dependents during open enrollment periods as designated by OEBB.

(2) Coverage under OEBB-sponsored benefit plans for an eligible individual added during open enrollment begins on the first day of the new plan year. Coverage for an individual terminated during open enrollment ends on the last day of the month of the current plan year.

(3) An active eligible employee hired after the open enrollment period and before the start of the new plan year has open enrollment rights.

(4) Benefit plan elections are irrevocable for the new plan year except as specified in OAR 111-040-0040.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 3
Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08

111-040-0025

Correcting Enrollment and Processing Errors

(1) Employee Enrollment Errors. Enrollment errors occur when an active eligible employee provides incorrect information or fails to make correct selections when making benefit plan elections. The active eligible employee is responsible for identifying enrollment errors or omissions.

(a) OEBB authorizes Participating Districts to correct enrollment errors reported by the active eligible employee within 60 calendar days of the original eligibility date, open enrollment period end date, or midyear benefit plan change date. Corrections are retroactive to the original effective date as identified in OAR 111-040-0001.

(b) Enrollment errors identified after 60 calendar days of the eligibility date, open enrollment period end date or midyear benefit plan change date must be submitted to OEBB for review and approval based on OAR 111-070-0001. If approved, corrections are retroactive to the original effective date as identified in 111-040-0001.

(2) Benefit Administrator Processing Errors. Processing errors or omissions occur when benefit plan elections are processed incorrectly in the benefit system or when a newly-eligible active eligible employee does not receive correct enrollment information or materials within 31 calendar days of the eligibility date.

(a) OEBB authorizes Participating Districts to correct processing errors identified within 60 calendar days of the eligibility date, open enrollment period end date, or midyear benefit plan change date. Corrections are retroactive to the original effective date as identified in OAR 111-040-0001. The Participating District must reconcile all premium discrepancies.

(b) Processing errors identified after 60 calendar days of the eligibility date, open enrollment period end date, or midyear benefit plan change date must be submitted to OEBB for review and approval based on OAR 111-070-0001. If approved, corrections are retroactive to the original effective date as identified in 111-040-0001. The Participating District must reconcile all premium discrepancies within 30 calendar days of any adjustments made in the system.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 3
Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08

111-040-0030

Late Enrollment

(1) Late enrollment occurs when an active eligible employee fails to enroll for benefits within 31 calendar days of:

(a) The date of hire or other benefit eligibility date as identified in OAR 111-040-0001;

(b) The date a spouse, domestic partner, or dependent child gains eligibility;

(c) The date of marriage to a spouse who was most recently enrolled as a domestic partner; or

(d) The date of birth of the employee's biological newborn dependent child.

(2) OEBB authorizes Participating Districts to approve late enrollment requests for active eligible employees and dependents when the request is reported within 60 calendar days of the eligibility dates referenced in sections (1)(a), (1)(b), (1)(c) and (1)(d).

(3) OEBB must review and approve all late enrollment requests based on OAR 111-070-0001 when the request is made more than 60 calendar days after the eligibility dates referenced in sections (1)(a), (1)(b), (1)(c) and (1)(d).

(4) Approved late enrollment requests, unless determined otherwise in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective the first of the month following the date the request is received by a district benefits administrator or OEBB, except for approved requests to add newborn children which are retroactive to the month the child was born along with any premium adjustments.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 3
Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08

111-040-0035

Returning to Active Eligible Employee Status

(1) A former active eligible employee returning to benefit eligible status must fulfill the eligibility criteria in OEBB administrative rules before becoming eligible for coverage under OEBB-sponsored benefit plans. If the employee:

(a) Returns to regular active eligible employee status within 12 months of the benefit coverage end date they will have their previous enrollment in OEBB-sponsored benefit plans reinstated the first of the month following their return to work. The employee may make midyear benefit plan changes consistent with OAR 111-040-0040 within 31 calendar days of the date they return to work;

(b) Returns to regular active eligible employee status after 12 months from the benefit coverage end date they will be treated as a newly-hired eligible employee.

Stat. Auth.: 2007 OL Ch. 7
Stats. Implemented: 2007 OL Ch. 7, Sec. 3
Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08

111-040-0040

Midyear Benefit Plan Changes

(1) Active eligible employees experiencing a change in family or work status as noted below during the plan year have 31 calendar days from the date of the event to make benefit plan changes consistent with the event for themselves and dependents.

(2) Change in status. These include but are not limited to:

(a) Changes in the active eligible employee's legal marital status, such as a marriage or divorce;

(b) Changes in the active eligible employee's number of dependents, such as birth or adoption of a child;

ADMINISTRATIVE RULES

(c) Changes in the employment status of the active eligible employee or family member, such as the start or end of employment, or a change from part time to full time or full time to part time;

(d) Changes in the eligibility of a dependent, such as attaining a certain age;

(e) Changes in the residence of the active eligible employee or family member (i.e., moving out of the service area of an HMO); or

(f) Changes in the active eligible employee's domestic partnership.

(3) Cost or coverage. These include but are not limited to:

(a) An increase or decrease in out-of-pocket premium cost imposed by the employer; or

(b) A reduction or a loss in the spouse's or domestic partner's group insurance plan benefits that result in the loss of coverage for the spouse or dependent children.

(4) Related laws or court orders. For example: National Medical Support Notice, Medicare, or HIPAA.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 14-2008, f. & cert. cf. 8-15-08

Department of Administrative Services, Public Employees' Benefit Board Chapter 101

Rule Caption: Experience in using the rule identified the need for clarification of language.

Adm. Order No.: PEBB 2-2008

Filed with Sec. of State: 8-1-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 101-010-0005, 101-015-0005, 101-015-0015, 101-015-0025, 101-020-0002, 101-020-0020, 101-020-0025, 101-020-0037, 101-020-0040, 101-020-0045, 101-030-0015, 101-030-0022

Subject: This rulemaking clarifies language in OAR chapter 101 that govern the eligibility for benefits and procedures of the Public Employees' Benefit Board. Experience in using the rule and the PEBB online system have identified the need for clarification.

Rules Coordinator: Sharon M. Sheehan—(503) 378-8031

101-010-0005

Definitions

Unless the context indicates otherwise, as used in OAR chapter 101, divisions 1 through 60, the following definitions will apply:

(1) "Actively at work" means:

(a) For medical and dental insurance coverage, an active eligible employee at work, in paid regular status and scheduled for work during the month of requested insurance coverage, or using accrued leave on the effective date of coverage.

(b) For life, disability and accidental death and dismemberment insurance coverage, an active eligible employee who is physically on the job and receiving pay for the first scheduled day of work and performing the material duties of the employee's occupation at the employer's usual place of business. If an active eligible employee is incapable of active work because of sickness, injury, or pregnancy on the day before the scheduled effective date of his or her insurance coverage or increase in insurance coverage, the insurance coverage or increase is not effective until the first of the month after the active eligible employee completes one full day of active work.

(2) "Affidavit of Dependency" means a notarized document that attests a dependent child meets the criteria in section (8).

(3) "Affidavit of Domestic Partnership" means a notarized document that attests the eligible employee and one other individual meet the criteria in OAR 101-015-0025(2).

(4) "Benefit amount" means the amount of money paid by a PEBB participating organization on behalf of active eligible employees for the purchase of benefit plans.

(5) "CBIW" means Continuation of Benefits for Injured Workers.

(6) Certificate of Registered Domestic Partnership means the certificate issued by an Oregon county clerk to two individuals of the same sex after they file a Declaration of Domestic Partnership with the county clerk.

(7) "COBRA" means the federal Consolidated Omnibus Reconciliation Act.

(8) "Dependent child" means any child who meets the criteria in this section. In defining dependent child, PEBB follows Internal Revenue Code (IRC) 152 as revised by the Working Families Tax Relief Act of 2004:

(a) The child must be a US citizen, national or resident of the US or a resident of Canada or Mexico. When an adopted child or child placed for adoption fails this requirement they can still be the employees' dependent child if the child has the employee's home as his principal home and is a member of the employees' household, and the employee is a citizen or national of the US.

(b) The child is not married and does not have a domestic partner; and

(A) Is under the age of 19 at the end of the calendar year; or

(B) Meets the IRC 152(f)(2) definition of a dependent child between the ages of 19 and up to age 24 attending school full time, excluding foreign students; or

(C) Is between the ages of 19 and up to age 24, living in the home of the eligible employee over six months of the calendar year, and the eligible employee provides over half the yearly support; or

(D) Is between the ages of 19 and up to age 24, and is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. The attending physician must submit documentation of the disability to the insurance plan for approval. Once certified, the insurance plan may review dependent certification to determine continued eligibility; or

(E) Is a child age 24 or older, and is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. Except in the case of a child who previously qualified under

(a) (D) of this section, the attending physician must submit documentation of the disability to the insurance plan for approval. The insurance plan may review dependent certification to determine continued eligibility. If the child is terminated from PEBB insurance coverage after age 24 for any reason, the eligible employee cannot re-enroll the child. A disabled dependent child, age 24 or older, must also meet the following criteria:

(i) The disability must have existed prior to attaining age 24.

(ii) The child must have had continuous medical insurance coverage, group or individual, prior to attaining age 24 and until the time of the PEBB insurance effective date.

(c) The child must not qualify as any other person's dependent child, except that a child of divorced or separated parents meeting conditions under IRC 152(e) can be treated as a dependent of both parents.

(d) A dependent child must also meet one of the following criteria:

(A) Is a biological child of, an adopted child of, or a child placed for adoption with the eligible employee, spouse, or domestic partner; or

(B) Is a legal ward by court decree, a dependent by Affidavit of Dependency, or is under legal guardianship of the eligible employee, spouse or domestic partner, and is living in the home of the eligible employee.

(d) As referenced in OAR 101-015-0025(1) and (2) (h) a child of a domestic partner meeting the definition of a dependent child is eligible to receive insurance coverage subject to imputed value tax.

(9) "Domestic partner" includes an eligible employee's partner in a registered domestic partnership under Chapter 99 Oregon Laws 2007 or unmarried partner of the same or opposite sex that meets the requirements as outlined in OAR 101-015-0025(2).

(10) "Eligible employee" means and includes:

(a) "Active eligible employee" means an employee of a PEBB participating organization, including state officials, in exempt, unclassified, classified and management service positions who are expected to work at least 90 days; and who work at least half-time or are in a position classified as job share.

(b) "Retired eligible employee" means a previously active eligible employee, who meets retiree eligibility as defined in OAR 101-050-0005. A retired eligible employee is eligible only for those benefit plans established in division 50 of this chapter.

(c) "Other eligible employees" mean individuals of self-pay groups as established by ORS 243.140 and 243.200. This group is eligible only for medical or dental benefits as approved.

(11) "Family member" means a spouse or dependent child.

(12) "FMLA" means the federal Family Medical Leave Act.

(13) "FTE" means full time equivalent classified job position.

(14) "Half-time" means an eligible employee who works less than full time but at least:

(a) Eighty paid regular hours per month; or

(b) .5 FTE for Oregon University System (OUS) employees; or

(c) As defined by collective bargaining.

(15) "Imputed value" means a dollar amount established yearly for an insurance premium at fair market value. The IRS views the imputed value as taxable income. The imputed value dollar amount is added to the eligible employee's taxable wages.

ADMINISTRATIVE RULES

(16) "Ineligible individual" means an individual who does not meet the definition of an eligible employee, spouse, domestic partner, or dependent child as established in this rule.

(17) "Job share" means two eligible employees sharing one full time equivalent position. Each eligible employee's percentage of the total position determines the benefit amount the employee receives. The employees need not be classified as half-time. They cannot donate their portion of the benefit amount to the other job share co-worker. The monthly benefit amount percentage remains the same regardless of individual hours worked.

Example 1: John and Jill share one full time equivalent position. When they were hired into the position in July, John's percentage of the total position was 40 percent; Jill's percentage was 60 percent. John worked 70 percent of the available hours in September. John's benefit amount percentage for September remains at 40 percent. Jill's benefit amount percentage remains at 60 percent.

(18) "OFLA" means the Oregon Family Leave Act.

(19) "Open enrollment period" means an annual period chosen by PEBB when both active and other eligible employees and COBRA participants can make benefit plan changes or elections for the next plan year.

(20) "Paid regular" means in current payroll status, payment for work time including vacation, sick, holiday or personal leave and compensatory time.

(21) "Pebb.benefits" means the automated internet benefit management application sponsored by PEBB. The system allows electronic enrollment and termination of the eligible individual's benefit plans, personal information updates, and the transmittal of benefit plan data to insurance plans and payroll centers.

(22) "PEBB participating organization" means a state agency, board, commission, university, or other entity that receives approval to participate in PEBB benefit plans.

(23) "Plan change period" means a period chosen by PEBB when retirees can make limited benefit plan changes.

(24) "Plan year" means a period of twelve consecutive months.

(25) "Qualified status change" (QSC) means a change in family or work status that allows limited mid-year changes to benefit plans consistent with the individual QSC.

(26) "Reinstatement" or "reinstated" means to reactivate the benefit amount and enrollment in previous medical, dental, life, and disability insurance coverage, if available, when returning to eligible status within a specific time frame.

(27) "Spouse" means a person of the opposite sex who is a husband or wife. A relationship recognized as a marriage in another state will be recognized in Oregon even though such a relationship would not be a marriage if the same facts had been relied upon to create a marriage in Oregon. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

Stat. Auth.: ORS 243.061 - 243.302
Stats. Implemented: ORS 243.061 - 302, 659A.060 - 069, 743.600 - 602, 743.707
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2006(Temp), f. & cert. ef. 12-14-06 thru 6-12-07; PEBB 1-2007(Temp), f. & cert. ef. 6-11-07 thru 12-8-07; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 1-2008(Temp), f. & cert. ef. 2-4-08 thru 8-1-08; PEBB 2-2008, f. & cert. ef. 8-1-08

101-015-0005

Eligible Individuals

(1) The following individuals are eligible to participate in PEBB-sponsored benefit plans:

(a) An eligible employee as defined in OAR 101-010-0005(10).

(b) A seasonal or intermittent employee as follows:

(A) An individual hired for the first time is eligible for PEBB-sponsored benefit plans if expected to work at least a 90-day continual period and work at least half-time or in a position classified as job share. The eligible employee must enroll within 60 days of their hire date or eligibility.

(B) An individual hired for the first time, working at least half-time or in a position classified as job share and not expected to work a 90-day or more continual period is eligible for PEBB-sponsored benefit plans if they work at more than a 90-day continual period. When the eligible employee submits enrollment forms, the benefits are retroactive to the first of the month following 60 days from their hire date.

(C) A previously ineligible employee returning to work is eligible for benefit plans once they accumulate a total of 60 calendar days of employment within the current or immediately previous plan year. The 60 calendar days of employment need not be consecutive.

(c) A family member listed by the eligible employee on the required enrollment form or the electronic equivalent.

(d) A domestic partner and the domestic partner's dependent child listed by the eligible employee on the required forms or the electronic equivalent.

(e) An appointed and elected official. Eligibility for benefit plans begins on the first day of the month following the date the official takes the oath of office.

(2) The eligible employee must maintain a valid PEBB active enrollment. See OAR 101-020-0025

Stat. Auth.: ORS 243.061 - 243.302
Stats. Implemented: ORS 243.061-302, 659A.060-066, 743.600-602 & 743.707
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08

101-015-0015

Child by Affidavit

(1) An eligible employee may add a dependent child that is not adopted to their benefit plans. The child must meet the dependent criteria specified in OAR 101-010-0005(8). Completed enrollment or update forms must be submitted within 60 days of the date of birth or the date the eligible employee, spouse, or domestic partner receives physical custody of the child and assumes financial or medical responsibility for the support and care of the child.

(2) A dependent child that is not adopted includes, but is not limited to, a foster child, a ward of the court, or the child of an eligible employee's dependent.

(3) An Affidavit of Dependency must be completed, notarized, and returned to the agency within five business days of the electronic enrollment date or the date the agency receives the enrollment forms. If not, coverage will terminate for the dependent child retroactive to the effective date.

Stat. Auth.: ORS 243.061-302
Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707
Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08

101-015-0025

Domestic Partnership

(1) Certificate of Registered Domestic Partnership. When a Registered Domestic Partnership exists and the eligible employee wants to enroll the domestic partner or the domestic partner's eligible children in benefit plans, the employee may electronically enroll or submit enrollment update forms to the agency at the appropriate time as defined by PEBB enrollment rules.

(2) PEBB Affidavit of Domestic Partnership. An eligible employee and an individual of the opposite sex, or of the same sex without a Certificate of Registered Domestic Partnership who want enrollment in PEBB plans as Domestic Partners must meet all of the following criteria:

(a) Are both at least 18 years of age;

(b) Are responsible for each other's welfare and are each other's sole domestic partners;

(c) Are not married to anyone;

(d) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(e) Currently share the same regular permanent residence.

(f) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter, and any other expenses of maintaining a household. Financial information must be provided if requested.

(g) Electronically enroll or submit enrollment forms to the agency at the appropriate time as defined by PEBB enrollment rules. The employee and domestic partner must jointly complete and submit to the agency a notarized PEBB Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the agency received the enrollment forms. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(h) To enroll eligible dependent children of a domestic partnership by affidavit in benefit plans, whether or not the enrollment includes the domestic partner, the employee must submit an Affidavit of Domestic Partnership form along with enrollment or update forms to the agency. If the affidavit is not received within 5 business days of the electronic enrollment date or the date the agency received the forms, coverage will terminate for the domestic partner's eligible children retroactive to the effective date.

(3) An imputed value for the fair market value of the domestic partner and domestic partner's dependent children's insurance premium will be added to the eligible employee's taxable wages.

(4) An eligible employee ending a domestic partnership established under the PEBB Affidavit of Domestic Partnership must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the agency within 60 days of the event. If the domestic partnership

ADMINISTRATIVE RULES

was established under the Certificate of Registered Domestic Partnership, only enrollment update forms must be submitted to the agency within 60 days of the event. Insurance coverage for the domestic partner and domestic partner's dependent children ends the last day of the month that eligibility is lost.

Stat. Auth.: ORS 243.061-302
Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707
Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 1-2008(Temp), f. 2-4-08, cert. ef. 2-4-08 thru 8-1-08; PEBB 2-2008, f. & cert. ef. 8-1-08

101-020-0002

Effective and Termination Dates

(1) Benefit plan enrollment date. Except as otherwise provided in OAR Chapter 101, all benefit plan elections or midyear plan changes are irrevocable for the plan year and have a prospective effective date.

(a) The employee must be actively at work as specified in 101-010-0005(1).

(b) Insurance coverage is effective on the first of the month following the receipt of the form or electronic equivalent, or the midyear plan change date, whichever is later.

(c) If medical underwriting is necessary for optional plans, insurance coverage is effective the first of the month following insurance plan approval. The exception is Long Term Care.

(2) Elections made during the open enrollment period are effective on the first day of the new plan year. If medical underwriting is necessary for optional plans, insurance coverage is effective the first of the month following insurance plan approval in the new plan year.

(3) Special enrollment right. An eligible employee, family member, domestic partner, or domestic partner's dependent child losing other group insurance coverage may enroll in PEBB insurance plans within 60 days of the date the other group insurance coverage ends. Insurance coverage will be continuous with an effective date based upon the termination date of the other group health insurance coverage.

Example 1: Joe loses coverage under his spouse's plan October 15. Joe submits enrollment update forms October 16. Joe's effective date is October 1.

Example 2: Joe loses coverage under his spouse's plan October 31. Joe submits enrollment update forms November 16. Joe's effective date is November 1.

(4) Benefit plan end date.

(a) If an eligible employee accumulates less than 80 paid regular hours in a month and is not within a protected leave class, (CBIW, FMLA or Active Military Leave), current insurance coverage ends the last day of that month.

(b) If an eligible employee accumulates 80 or more paid regular hours in a month and is in a leave without pay status, not within a protected leave class (CBIW, FMLA or Active Military Leave), or ends employment with the state, current insurance coverage ends the last day of the following month.

(5) Insurance coverage for a family member, domestic partner, or domestic partner's dependent child ends on the last day of the month that eligibility is lost. Eligible employees have 60 days from the date of the eligibility loss to submit enrollment update forms to their agency. The employee must submit forms as soon as possible to avoid possible claim payment liability for ineligible individuals.

Example 1: Ann's divorce is final on June 6. Ann submits her update form on June 22. Ann's former spouse is removed from PEBB plans effective June 30.

Example 2: Ann's divorce is final on June 6. Ann submits her update form on October 10. Ann's former spouse is removed from PEBB plans retroactive to June 30. Ann may be liable for any claims incurred and paid by her insurance plans for her former spouse after June 30 and through October 10.

(6) When an eligible employee reports a family member, domestic partner, or a domestic partner's dependent child loss of eligibility beyond 60 days of the event:

(a) The employee becomes liable for repayment of insurance claims incurred and paid by the insurance plan for the ineligible individual according to contract agreements between PEBB and insurance plans.

(b) The agency will request a premium refund from the insurance plan that was paid for the ineligible individual according to contract agreements between PEBB and the insurance plans.

(c) The ineligible individual will receive a COBRA unavailability letter due to late notification by the employee.

(7) An insurance plan may remove from coverage or deny the claims of an eligible employee, a family member, domestic partner, or domestic partner's dependent child because of eligibility violations or policy term violations. Violations include but are not limited to, fraud, material misrepresentation, or concealment. When a plan removes an employee from coverage for violations:

(a) The employee may choose, as a midyear plan change, an alternative insurance plan to replace the terminated plan. If no alternative plan is available, there is no coverage.

(b) The insurance plan may retain all premiums paid and has the right to recover from the employee, the benefits paid as a result of such wrongful activity that are in excess of the premiums.

(c) The insurance plan may deny future enrollments of the individual.

Stat. Auth.: ORS 243.061-302
Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707
Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08

101-020-0020

Newborn and Adopted Child Enrollment

(1) An eligible employee's biological newborn child receives PEBB-sponsored medical and dental insurance coverage under the newborn's own coverage from the moment of birth through the first 31 days of life without completing PEBB forms. To continue coverage beyond the first 31 days of coverage the eligible employee must add the newborn child to their benefit plans within 60 days from the date of birth by submitting the completed enrollment update forms.

(2) An eligible employee's newly adopted child receives PEBB-sponsored medical and dental insurance coverage under the adopted child's own coverage from the date of the adoption decree or date of placement for adoption through the first 31 days without completing PEBB forms. To continue coverage beyond the first 31 days of coverage the eligible employee must add the adopted child to their benefit plans within 60 days from the date of the decree or placement by submitting the completed enrollment update forms.

(a) The eligible employee must submit the adoption agreement or placement agreement with the enrollment forms to the agency. Upon adoption completion, a copy of the finalized documents must be filed with the agency.

(b) Claims payment will not occur prior to the date of decree or placement.

(3) A request to enroll a biological newborn or newly adopted child beyond 60 days of the date of birth, adoption decree, or placement for adoption is late enrollment as specified in OAR 101-020-0040.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 1-2005, f. & cert. ef. 4-14-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08

101-020-0025

Removing an Ineligible Individual from Benefit Plans

(1) An ineligible individual must be removed from insurance coverage within 60 days of the loss of eligibility. The eligible employee is responsible for removing ineligible individuals from their insurance coverage by submitting completed enrollment update forms to the agency. Insurance coverage ends the last day of the month that eligibility is lost.

(2) PEBB must review all requests to remove an ineligible individual submitted after 60 days of the loss of eligibility. A COBRA unavailability letter will be sent to ineligible individuals removed due to late notification by the eligible employee. The eligible employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility.

(3) PEBB will remove ineligible individuals from insurance coverage retroactive to the end of the month when eligibility was lost.

Example: Cindy's divorce was finalized September 14. Cindy removed her spouse during Open Enrollment in October instead of submitting an update form. This resulted in continued coverage for the former spouse to January 1 of the new plan year. The error was identified, PEBB removed Cindy's former spouse from coverage effective September 30 and a COBRA unavailability letter was sent to the former spouse.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08

101-020-0037

Correcting Enrollment and Processing Errors

(1) Employee enrollment errors. Enrollment errors occur when an eligible employee provides incorrect information or fails to make correct selections when making benefit plan elections. An employee's failure to take enrollment action is not considered an employee error. The eligible employee is responsible for identifying enrollment errors.

(a) PEBB authorizes the agency to correct employee enrollment errors when reported by the employee within 60 days of the original eligibility date or midyear plan change date. Corrections are retroactive to the first of

ADMINISTRATIVE RULES

the month following the date the original paper form or electronic equivalent was first received by the agency.

(A) PEBB must review as an appeal all employee requests to correct enrollment errors received after 60 days of the original eligibility date or the midyear plan change date. If the correction is approved, the effective date is the first of the month following the receipt of the employee's correction request.

(B) Enrollment error requests considered beyond 90 days of the eligibility date or the midyear plan change date must demonstrate facts and circumstances that clearly establish an employee error occurred.

Example: As a new employee Anne enrolled in the Dependent Care Flexible Spending Account. Anne does not have any eligible dependents. Six months later Anne realizes the error after her first Healthcare FSA claim is rejected. Anne may request a correction through appeal to PEBB.

(b) PEBB authorizes the agency to correct employee open enrollment errors. The agency must receive correction requests after the open enrollment end date but no later than 30 days from receipt of the first paycheck of the new plan year. Employee errors identified beyond this date must come to PEBB as an appeal. Open Enrollment employee error corrections are effective the first day of the new plan year.

(2) Administrative processing errors. Processing errors occur when benefit plan elections are processed incorrectly in the payroll and benefit system or when a newly eligible employee does not receive correct enrollment information or materials within 30 days of the eligibility date.

(a) PEBB authorizes the agency to correct processing errors identified within 60 days of the eligibility date or the midyear plan change date. Corrections are retroactive to the first of the month following the date the paper form or electronic equivalent was first received by the agency. The agency must reconcile all premium discrepancies.

(A) PEBB must review as an appeal all processing errors identified after 60 days of the eligibility date or the midyear plan change date. If approved, corrections are retroactive to the first of the month following the date the paper form or electronic equivalent was first received by the agency. The agency must reconcile all premium discrepancies.

(B) When the newly eligible employee fails to receive enrollment information within 30 days of the eligibility date or receives incorrect information, benefit plan elections are effective retroactive to the first of the month following the eligibility date.

(b) PEBB authorizes the agency to correct open enrollment processing errors. The agency must receive requests for correction after the open enrollment end date but no later than 30 days from receipt of the first paycheck of the new plan year. Processing errors identified beyond this date must come to PEBB as an appeal. All processing error corrections are effective the first day of the new plan year.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061 - 302

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 1-2005, f. & cert. ef. 4-14-05; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 1-2006, f. & cert. ef. 11-28-06; Renumbered from 101-040-0080, PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08

101-020-0040

Late Enrollment

(1) Late enrollment occurs when an eligible employee fails to enroll in benefit plans within 60 days of:

(a) The date of hire or eligibility date.

(b) The date a newly eligible family member, domestic partner, or domestic partner's dependent child gains eligibility.

(c) The date of marriage to a spouse who was most recently enrolled as a domestic partner.

(d) The date of birth of the employee's biological newborn dependent child.

(2) A newly hired or newly eligible employee requesting late enrollment may only receive medical, dental and employee basic life insurance coverage.

(3) Excluding section (4) of this rule, PEBB must review as an appeal all late enrollment requests for a family member, domestic partner, or domestic partner's dependent child. The eligible employee must provide supporting documentation that shows an inability to enroll because of circumstances beyond the employee's control. If late enrollment is approved, benefit coverage is effective the first of the month following receipt of the completed enrollment forms for medical and dental benefit plans only.

(4) Following receipt of the completed forms, agencies are responsible for approving the late enrollment of the employee's biological newborn dependent child during the first twelve months of life. The enrollment is always retroactive to the first of the month following the date of birth.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 1-2006, f. & cert. ef. 11-28-06; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08

101-020-0045

Returning to Work

(1) Refer to the following rules for an employee returning to active or paid regular status from the following qualified leave status:

(a) Continuation of Benefits for Injured Workers (CBIW). See OAR 101-030-0010.

(b) Federal Family Medical Leave Act (FMLA). See OAR 101-030-0015.

(c) Oregon Family Leave Act (OFLA). See OAR 101-030-0020.

(d) Active Military Duty Leave (USERRA). See OAR 101-030-0022.

(2) An eligible employee returning from leave without pay or a reduction in hours must work at least half-time in a month to be eligible for medical, dental, life, and disability insurance coverage for the following month. The exception is eligible employees in job share positions.

(3) An employee returning to work following layoff or termination of employment is not required to work at least half-time in the month they return to be eligible for benefits the following month.

(4) An employee returning to paid regular status within 30 days without a break in coverage will have their previous coverage reinstated and may not make benefit plan changes.

Example: Gary begins LWOP on May 20. Gary has enough hours for benefits to continue through June; therefore, his benefit end date is June 30. Gary returns to work on May 25 (within 30 days with no break in benefit coverage). Gary receives insurance for June because he worked enough hours in May to pay for his June benefits. Gary's benefits are reinstated June 1 because he returned to work within 30 days. Gary must work at least half time in June for his benefits to continue in July. Gary is not eligible to make benefit changes.

(5) An employee returning to paid regular status within 12 months of the insurance coverage end date will have their previous enrollments reinstated the first of the month following their return to work. This excludes Flexible Spending Accounts and Long Term Care. The employee may make midyear plan changes within 60 days of the date they return to work.

(6) An employee returning to active or paid regular status after 12 months from the insurance coverage end date is considered a newly hired employee.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061-302 & 659A.060-069

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08

101-030-0015

Continuation of Group Medical and Dental Insurance Coverage for Employees Covered under the Federal Family Medical Leave Act (FMLA)

(1) The state will continue to pay the benefit amount for medical, dental and employee basic life insurance coverage in effect at the time the eligible employee begins an approved FMLA leave.

(2) An eligible employee may continue the following optional plans during the approved FMLA leave by self-paying premiums or contributions to the agency:

(a) Optional Life Insurances

(b) Short Term and Long Term Disability

(c) Accidental Death and Dismemberment Insurance

(d) Healthcare Flexible Spending Account (FSA).

(3) An eligible employee on FMLA leave during open enrollment may make open enrollment benefit elections.

(4) An eligible employee returning to work or paid regular status the first day following the end of approved FMLA leave will have previous enrollments reinstated retroactive to the first day of the month the employee returns. The returning employee is not required to work at least half-time in the month they return to be eligible for benefits the following month.

(a) The employee must self-pay premiums for optional insurance plan reinstatements for the month in which they return.

(b) An employee returning to work will not be reinstated in Long Term Care and FSA, unless they continued contributions to a Healthcare FSA while on approved FMLA leave. In this case, the employee will be reinstated in the Healthcare FSA.

(c) The employee may make midyear plan changes within 60 days of the date they return to work.

(5) An employee who does not return to work or to paid regular status the first work day immediately following the end of approved FMLA

ADMINISTRATIVE RULES

leave is considered the same as if returning from leave without pay. See OAR 101-020-0045(2)

(6) A COBRA qualifying event occurs when the employee does not return to work and is not in paid regular status the first day after the qualified FMLA leave ends or the employee terminates employment.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061 - 302
Hist.: PEBA 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBA 1-2004, f. & cert. ef. 7-2-04; PEBA 3-2004, f. & cert. ef. 10-7-04; PEBA 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBA 2-2008, f. & cert. ef. 8-1-08

101-030-0022

Continuation of Insurance Coverage for Employees on Active Military Leave (USERRA)

(1) The state will continue to pay the benefit amount for medical, dental, and employee basic life insurance coverage in effect at the time an eligible employee begins active military duty. This benefit coverage will continue for the duration of the active military leave, up to 24 consecutive months. The agency may end this coverage during the 24 months active duty only when the member submits a signed written request to end the coverages.

(2) An eligible employee may continue the following optional plans during active military duty up to 12 months by self paying premiums or contributions to the agency:

- (a) Optional Life Insurances
- (b) Accidental Death and Dismemberment Insurance
- (c) Healthcare Flexible Spending Account (FSA).

(3) An eligible employee on active military leave during open enrollment may make open enrollment benefit elections. The employee may file a power of attorney with the agency to allow another individual to make plan elections in the employee's absence. Reenrollment in Healthcare FSA must occur during open enrollment in order to participate in the new plan year.

(4) An eligible employee who returns to work within 24 months will have previous optional plan enrollments reinstated retroactive to the first day of the month the employee returns. A returning employee is not required to work at least half-time in the month they return to be eligible for benefits the following month.

(a) The employee must self-pay premiums for optional insurance plan reinstatements for the month in which they return.

(b) An employee returning to work will not be reinstated in Long Term Care and any FSA, unless they continued contributions to their Healthcare FSA while on military leave.

(c) The employee may make midyear plan changes within 60 days of the date they return to work.

(5) A COBRA qualifying event occurs when an eligible employee:

(a) Is no longer in active duty status or paid regular status, and does not return to work after the allowed decompression time;

(b) Remains in active duty status after 24 months of active duty; or

(c) Terminates employment

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061-302 & 408.240
Hist.: PEBA 1-2003, f. & cert. ef. 12-4-03; PEBA 1-2004, f. & cert. ef. 7-2-04; PEBA 3-2004, f. & cert. ef. 10-7-04; PEBA 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBA 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBA 2-2008, f. & cert. ef. 8-1-08

.....
Department of Agriculture
Chapter 603

Rule Caption: 2008 direct cash assistance to commercial troll salmon fisheries.

Adm. Order No.: DOA 18-2008(Temp)

Filed with Sec. of State: 7-30-2008

Certified to be Effective: 7-30-08 thru 12-31-08

Notice Publication Date:

Rules Adopted: 603-009-0300, 603-009-0310, 603-009-0320, 603-009-0330, 603-009-0340, 603-009-0350, 603-009-0360

Subject: This rule provides a framework for criteria for direct assistance payments to eligible fisheries in the Oregon Commercial Troll Salmon Fleet.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-009-0300

Definitions 2008 Direct Assistance to Commercial Troll Salmon Fishers

As used in this division of administrative rules, unless the context requires otherwise:

(1) "Department" means the Oregon Department of Agriculture.

(2) "Director" means the director of the Oregon Department of Agriculture.

(3) "Fisher" means an Oregon resident whose name appears on the permit as the owner of a current Oregon Troll Salmon Permit issued by the Oregon Department of Fish and Wildlife.

(4) "Oregon Resident" means a person who resides permanently in Oregon; or a person who maintains a permanent place of residence in Oregon, spends more than 180 days per year in Oregon and files income taxes in Oregon.

(5) "2008 Salmon Assistance Program" means the total funds allocated by the governor through the Strategic Reserve Fund authorized May 2008, combined with the total funds allocated by the Emergency Board in June 2008, and distributed by the Oregon Department of Agriculture and Oregon Economic and Community Development Department.

(6) "Landing Records" means the catch records that the Oregon Department of Fish and Wildlife attributes to an individual fisher who is the named owner of the Oregon Troll Salmon permit at the time the catch records were attributed to the permit.

Stat. Auth.: ORS 561 & 576
Stats. Implemented: ORS 561 & 576
Hist.: DOA 18-2008(Temp), f. & cert. ef. 7-30-08 thru 12-31-08

603-009-0310

Purpose

These rules guide the Oregon Department of Agriculture in administering the 2008 Salmon Assistance Program. The purpose of the Salmon Assistance Program is to aid in maintaining an efficient system of production and distribution of salmon in Oregon.

Stat. Auth.: ORS 561 & 576
Stats. Implemented: ORS 561 & 576
Hist.: DOA 18-2008(Temp), f. & cert. ef. 7-30-08 thru 12-31-08

603-009-0320

Eligible Fishers

To receive funding from the 2008 Salmon Assistance Program, fishers must meet the following criteria:

- (1) Fisher must be a current Oregon resident;
- (2) Fisher must be the named owner, as reflected on the permit of a current valid Oregon Troll Salmon permit issued by the Oregon Department of Fish and Wildlife; and

(3) Fisher must have salmon landing records on file at the Oregon Department of Fish and Wildlife for the 2004, 2005, 2006 or 2007 commercial troll salmon seasons.

(4) Fishers with Oregon commercial troll salmon landing records for the 2008 season (up to July 15, 2008) may not be eligible for financial assistance if the value of the current 2008 landing records is greater than the highest value received in 2004, 2005, 2006 or 2007.

Stat. Auth.: ORS 561 & 576
Stats. Implemented: ORS 561 & 576
Hist.: DOA 18-2008(Temp), f. & cert. ef. 7-30-08 thru 12-31-08

603-009-0330

Standards to Determine Eligibility for Financial Assistance

To determine eligibility for assistance under the 2008 Salmon Assistance Program, the director will review Oregon Troll Salmon Permits on file with the Oregon Department of Wildlife and landing records received from the Oregon Department of Fish and Wildlife.

Stat. Auth.: ORS 561 & 576
Stats. Implemented: ORS 561 & 576
Hist.: DOA 18-2008(Temp), f. & cert. ef. 7-30-08 thru 12-31-08

603-009-0340

Application Procedures

Only an eligible fisher whose name appears on the permit as the owner of a current Oregon Troll Salmon permit, who also has salmon landing records verified by the Oregon Department of Fish and Wildlife for the years 2004, 2005, 2006, or 2007, is deemed eligible to receive assistance under the 2008 Salmon Assistance Program.

Stat. Auth.: ORS 561 & 576
Stats. Implemented: ORS 561 & 576
Hist.: DOA 18-2008(Temp), f. & cert. ef. 7-30-08 thru 12-31-08

603-009-0350

Review Process

(1) The information used for determining eligibility will be as described in OAR 603-009-0030.

(2) An advisory committee selected by the Director will review and make recommendations to the Director regarding the distribution formula.

ADMINISTRATIVE RULES

(3) Assistance will be awarded according to a percentage of the eligible fisher's highest landing record for the 2004, 2005, 2006 or 2007 commercial troll salmon fishing seasons. The exact percentage applied to each is dependent on available funding for the commercial salmon fishers.

(4) The maximum payment that may be awarded to eligible fishers is \$8,000.00.

(5) The minimum payment that may be awarded to eligible fishers is \$325.00. Eligible fishers whose highest landing record year is less than the minimum payment will only receive \$325.00.

Stat. Auth.: ORS 561 & 576
Stats. Implemented: ORS 561 & 576
Hist.: DOA 18-2008(Temp), f. & cert. ef. 7-30-08 thru 12-31-08

603-009-0360

Financial Assistance Payments

(1) The director will adopt the recommended distribution formula of the advisory committee and will finalize the process to issue the 2008 financial assistance payments and make a determination as to the distribution of the 2008 funding for the financial assistance payments.

(2) Assistance payments will be made by check that is mailed to each eligible fisher at the address on file with ODFW.

Stat. Auth.: ORS 561 & 576
Stats. Implemented: ORS 561 & 576
Hist.: DOA 18-2008(Temp), f. & cert. ef. 7-30-08 thru 12-31-08

.....
**Department of Agriculture,
Oregon Wheat Commission
Chapter 678**

Rule Caption: Change assessment to .75% of final settlement and offer a full refund of assessment.

Adm. Order No.: WHEAT 2-2008

Filed with Sec. of State: 7-16-2008

Certified to be Effective: 7-16-08

Notice Publication Date: 6-1-2008

Rules Amended: 678-010-0030

Subject: Increases the assessment from \$0.03 to \$0.05.

Rules Coordinator: Tana Simpson—(503) 229-6665

678-010-0030

Assessments

(1) Any first purchaser shall deduct and withhold from the grower an assessment of the following amounts for all wheat grown in Oregon as follows:

- (a) July 1, 2008 and thereafter — 5 cents per bushel.
- (b) 1991 through June 30, 2008 — 3 cents per bushel.
- (c) 1981 through 1990 crops — 2 cents per bushel.
- (d) 1975 through 1980 crops — 1 cent per bushel.
- (e) 1974 and prior years — 1/2 cent per bushel.

(2) Any change in the above assessment rate requires approval by the Commission. In determining whether to impose a change in the above assessment rate, the Commission may:

(a) Work jointly with the Oregon Wheat Growers League to educate growers on a county-by-county basis, of the need for a change in the assessment rate;

(b) Work with an independent third party experienced in survey work to poll the growers of the state to determine whether the growers support a proposed change in the assessment rate;

(c) Consider the results of the poll when determining whether to raise the assessment rate.

Stat. Auth.: ORS 578
Stats. Implemented: ORS 578.211
Hist.: WC 2-1991, f. & cert. ef. 7-15-91; WHEAT 1-2006, f. & cert. ef. 1-27-06; WHEAT 2-2008, f. & cert. ef. 7-16-08

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

Rule Caption: Provides an exemption from engineer licensing requirements for the design of fire protection systems.

Adm. Order No.: BCD 14-2008(Temp)

Filed with Sec. of State: 7-25-2008

Certified to be Effective: 7-25-08 thru 1-21-09

Notice Publication Date:

Rules Adopted: 918-261-0015

Subject: This temporary rule creates an exemption under which general journeyman and class "A" limited energy technician licensees, who are employed by a licensed electrical contractor, and acting as a signing supervisor may, design, plan, and lay out the electrical portion of a fire protection system for the electrical contractor's customer. This rulemaking provides that electrical design documents for a fire protection system prepared by a general journeyman or class "A" limited energy technician licensee do not require the stamp of an Oregon registered architect or engineer, and that licensees are not subject to additional licensing requirements when designing, planning, or laying out the electrical portion of a fire protection system.
Rules Coordinator: Shauna Parker—(503) 373-7438

918-261-0015

Exemption from Engineering Requirements for Design of Fire Protection Systems

(1) As used in this rule, "fire protection system" has the meaning given that term in OAR 918-305-0110.

(2)(a) A general journeyman or class "A" limited energy technician licensee may design, plan, and lay out the electrical portion of a fire protection system for the contractor's customer, if the licensee is employed by a licensed electrical contractor and acting both within the scope of the licensee's license and as a signing supervisor.

(b) The electrical design documents for a fire protection system that are prepared by a general journeyman or class "A" limited energy technician licensee under paragraph (a) of this subsection are exempt from ORS 671.025 and do not require the stamp of an Oregon registered architect or professional engineer.

(3) General journeyman and class "A" limited energy technician licensees are not subject to any requirements for an additional license, permit, certificate, or registration when engaging in the design, planning or laying out of the electrical portions of a fire protection system as authorized by this rule.

(4) For the purposes of ORS 479.860(2), and the exemption created in subsection (2) of this rule, the electrical portion of a fire protection system is a noncomplex electrical installation.

Stat. Auth.: ORS 479.860
Stats. Implemented: ORS 479.860
Hist.: BCD 14-2008(Temp), f. & cert. ef. 7-25-08 thru 1-21-09

.....
**Department of Consumer and Business Services,
Director's Office
Chapter 440**

Rule Caption: Criminal Records Check and Fitness Determination Rules.

Adm. Order No.: DO 1-2008

Filed with Sec. of State: 8-14-2008

Certified to be Effective: 9-2-08

Notice Publication Date: 5-1-2008

Rules Adopted: 440-007-0200, 440-007-0210, 440-007-0230, 440-007-0240, 440-007-0250, 440-007-0260, 440-007-0270, 440-007-0272, 440-007-0275, 440-007-0280, 440-007-0285, 440-007-0290, 440-007-0300

Subject: The rules establish procedures and processes for the Department of Consumer and Business Services (DCBS) to perform criminal records checks and use the information obtained to evaluate the fitness of: current employees moving or changing into specified positions, applicants applying for employment with the department, or volunteers, contractors and vendors seeking to provide services to the department (collectively, "applicants"). The rules require applicants to provide personal information to facilitate criminal records checks and establish procedures to keep criminal history information confidential. The rules also establish procedures that DCBS will use when making determinations about the fitness of applicants to hold a position or provide services within the department and establish procedural rules for challenges to the department's fitness determinations.

Direct questions to: Kristen Miller, Rules Coordinator; phone 503-947-7866; or email Kristen.i.miller

Rules Coordinator: Kristen Miller—(503) 947-7866

ADMINISTRATIVE RULES

440-007-0200

Statement of Purpose

This rule provides for the reasonable screening of subject individuals to identify a history of criminal behavior such that it would impact their ability to be employed or volunteer in positions covered by OAR 440-007-0230(2)(a)–(h). Departmental approval of a subject individual's fitness does not guarantee the individual a position with the department.

Stat. Auth.: ORS 181.534 & 705.135
Stats. Implemented: ORS 705.141 & 181.534
Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0210

Definitions

As used in OAR chapter 440, division 007, unless the context of the rule requires otherwise, the following definitions apply:

(1) **Approved:** Pursuant to a final fitness determination under OAR 440-007-0270, the department has determined that the subject individual is fit to be an employee, volunteer, contractor, or vendor in a position covered by OAR 440-007-0230(2)(a)–(h).

(2) **Conviction:** A final judgment on a verdict or finding of guilty, a plea of guilty, a plea of nolo contendere (no contest); or any determination of guilt entered by a court of law against a subject individual in a criminal case, unless that judgment has been reversed or set aside by a subsequent court decision.

(3) **Criminal Offender Information:** Records and related data as to physical description and vital statistics; fingerprints received and compiled by the Oregon Department of State Police, Bureau of Criminal Identification, for purposes of identifying criminal offenders and alleged offenders; and records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole, and release.

(4) **Crime Relevant to a Fitness Determination:** A crime listed or described in OAR 440-007-0260.

(5) **Criminal Records Check and Fitness Determination Rules:** OAR chapter 440, division 007.

(6) **Criminal Records Check:** One or more of the following processes used to check the criminal history of a subject individual:

(a) A name-based check of criminal offender information conducted through use of the Law Enforcement Data System (LEDS) maintained by the Oregon Department of State Police, in accordance with the rules adopted and procedures established by the Oregon Department of State Police (LEDS Criminal Records Check);

(b) A check of Oregon criminal offender information through fingerprint identification, conducted by the Oregon Department of State Police at the department's request (Oregon Criminal Records Check); or

(c) A nationwide check of federal criminal offender information through fingerprint identification, conducted by the Oregon Department of State Police through the Federal Bureau of Investigation at the Department's request (Nationwide Criminal Records Check).

(7) **Denied:** A fitness determination by the department pursuant to a final fitness determination under OAR 440-007-0270 that the subject individual is not fit to be an employee, volunteer, contractor, or vendor in a position covered by OAR 440-007-0230(2)(a)–(h).

(8) **Department:** The Department of Consumer and Business Services (DCBS) or any subdivision thereof, including the Workers' Compensation Board.

(9) **False Statement:** In association with an activity governed by these rules, a subject individual either: (a) provided the department with materially false information about his or her criminal history, such as, but not limited to, materially false information about his or her identity or conviction record; or (b) failed to provide to the department information material to determining his or her criminal history.

(10) **Fitness Determination:** A determination made by the department pursuant to the process established in OAR 440-007-0270 that a subject individual is or is not fit to be a department employee, volunteer, contractor, or vendor in a position covered by OAR 440-007-0230(2)(a)–(h).

(11) **Subject Individual:** An individual identified in OAR 440-007-0230 as someone from whom the department may require a criminal records check.

Stat. Auth.: ORS 181.534 & 705.135
Stats. Implemented: ORS 705.141 & 181.534
Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0230

Subject Individual

The department may require a subject individual to complete a criminal records check pursuant to these rules if the person:

(1)(a) Is employed by or applying for employment with the department; or

(b) Provides services or seeks to provide services to the department as a volunteer, contractor, or vendor; and

(2) Is, or will be, working or providing services in a position in which the person:

(a) Provides information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(b) Accesses information, that state or federal laws, rules or regulations prohibit disclosing or define as confidential;

(c) Is responsible for payroll functions; for receiving, receipting or depositing money or negotiable instruments; for billing, collections or other financial transactions; for purchasing or selling property; or in which the person has access to property held in trust or to private property in the temporary custody of the state;

(d) Performs mailroom duties as a primary duty or job function;

(e) Is responsible for auditing the department;

(f) Performs personnel or human resources functions as a primary responsibility;

(g) Accesses Social Security numbers, dates of birth or criminal background information of employees or members of the public; or

(h) Accesses tax or financial information about individuals or business entities.

Stat. Auth.: ORS 181.534 & 705.135
Stats. Implemented: ORS 705.141 & 181.534
Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0240

Criminal Records Check Required

The department may conduct, or request the Oregon Department of State Police to conduct, a criminal records check when:

(1) An individual meets the definition of a subject individual; or

(2) Required by federal law or regulation, by state or administrative rule, or by contract or written agreement with the department.

Stat. Auth.: ORS 181.534 & 705.135
Stats. Implemented: ORS 705.141 & 181.534
Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0250

Criminal Records Check Process

(1) Disclosure of Information by Subject Individual.

(a) Preliminary to a criminal records check, a subject individual shall complete and sign the DCBS Criminal Records Request form and, if requested by the department, a fingerprint card within three working days of having received the card. The DCBS Criminal Records Request form shall require the following information: name, birth date, Social Security Number, driver's license or identification card number, prior residency in other states, and any other identifying information deemed necessary by the department. The DCBS Criminal Records Request form may also require details concerning any circumstance listed in OAR 440-007-0270(2).

Note: The department may extend the deadline for good cause.

(b) The department may require additional information from the subject individual as necessary to complete the criminal records check and fitness determination, such as, but not limited to, proof of identity; or additional criminal, judicial, or other background information.

(c) The department shall not request a fingerprint card from a subject individual under the age of 18 years unless the subject individual is emancipated pursuant to ORS 419B.550 et seq, or unless the department also requests the written consent of a parent or guardian. In this case, the parent or guardian and youth must be informed that they are not required to consent. Notwithstanding, failure to consent may be construed as a refusal to consent under OAR 440-007-0270(3).

(2) When the department determines under OAR 440-007-0240 that a criminal records check is required, the department may request or conduct a LEDS Criminal Records Check, an Oregon Criminal Records Check, a Nationwide Criminal Records Check, or any combination thereof.

Stat. Auth.: ORS 181.534 & 705.135
Stats. Implemented: ORS 705.141 & 181.534
Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0260

Potentially Disqualifying Crimes

(1) Crimes Relevant to a Fitness Determination:

(a) All felonies;

(b) All misdemeanors;

ADMINISTRATIVE RULES

(c) Any Federal crime, United States Military crime or international crime;

(2) Evaluation Based on Oregon and Other Laws. An authorized designee shall evaluate a crime on the basis of Oregon laws and, if applicable, federal laws or the laws of any other jurisdiction in which a criminal records check indicates a subject individual may have committed a crime, as those laws are in effect at the time of the fitness determination.

(3) Expunged Juvenile Record. Under no circumstances shall a subject individual be denied under these rules on the basis of the existence or contents of a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262.

Stat. Auth.: ORS 181.534 & 705.135
Stats. Implemented: ORS 705.141 & 181.534
Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0270

Final Fitness Determination

(1) If the department elects to conduct a criminal records check, the department shall make a fitness determination about a subject individual based on information provided by the subject individual under OAR 440-007-0250, the criminal records check(s) conducted, and any materially false statements made by the subject individual.

(2) In making a fitness determination about a subject individual, the department shall also consider the factors in subsections (a), (b), and (c) below in relation to information provided by the subject individual under OAR 440-007-0250, any LEDS report or criminal offender information obtained through a criminal records check, and other information known by the department. To assist in considering these factors, the department may obtain any other information deemed relevant, from the subject individual or any other credible source, including law enforcement and criminal justice agencies or courts within or outside of Oregon. To acquire other criminal offender information from the subject individual, the department may request to meet with the subject individual and may request to receive written materials or authorization to obtain other relevant information, from him or her. The subject individual shall meet with the department when requested and provide additional information or authorization within a reasonable period of time, as arranged with the department. The department's final fitness determination regarding a subject individual will include considerations of:

(a) Potentially disqualifying crimes or conditions and any mitigating circumstances including, but not limited to:

(A) False Statement. Any materially false statements made by the subject individual to the department;

(B) Sex Offender. The subject individual is registered, or is required to register, as a sex offender in Oregon or any other jurisdiction;

(C) Warrants. An outstanding warrant against the subject individual for any crime in any jurisdiction;

(D) Deferred Sentence, Diversion Program, Parole or Probation. The subject individual has a deferred sentence, conditional discharge, is participating in a diversion program, or has not completed a required diversion program or any condition of post-prison supervision, parole or probation, for any potentially disqualifying crime;

(E) Parole or Probation Violation. A post-prison supervision, parole or probation violation for any potentially disqualifying crime; or

(F) Unresolved Arrests, Charges or Indictments. An unresolved arrest, charge, or a pending indictment, for a potentially disqualifying crime.

(b) Evaluating any potentially disqualifying crime or condition identified in this subsection (a), the department shall consider:

(A) The nature of the crime;

(B) The facts that support the conviction or pending indictment or that indicate the making of a false statement;

(C) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's present or proposed position, services, or employment.

(c) Intervening circumstances, when applicable, relevant to the responsibilities of the employment or services, including, but not limited to:

(A) The passage of time since the commission or alleged commission of a crime identified under subsection (a);

(B) The age of the subject individual at the time of the commission or alleged commission of a crime identified under subsection (a);

(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another crime;

(E) Whether a conviction identified under subsection (a) has been set aside and the legal effect of setting aside the conviction; and

(F) A recommendation of an employer.

(3) If a subject individual refuses to consent to a criminal records check, including fingerprint identification, the department shall deny the employment of the subject individual or deny any applicable position or authority to provide services. A person may not appeal any determination made based on a refusal to consent.

(4) If a subject individual is denied as not fit, the subject individual may not be employed by the department, or provide services as a volunteer, contractor, or vendor, in a position covered by OAR 440-007-0230(2)(a)-(h).

(5) A final fitness determination is a final order of the department unless the affected subject individual appeals by requesting either a contested case hearing as provided by OAR 440-007-0280(2) or an alternative appeals process as provided by OAR 440-007-00280(8).

(6) The department shall inform the subject individual who has been determined not to be fit on the basis of a criminal records check, via courier, or registered or certified mail to the most current address provided by the subject individual, of such disqualification.

Stat. Auth.: ORS 181.534 & 705.135
Stats. Implemented: ORS 705.141 & 181.534
Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0272

Hiring on A Preliminary Basis

(1) If the department elects to conduct a criminal records check pursuant to these rules, the department, in its sole discretion, may hire, appoint, or accept services from a subject individual on a preliminary basis pending completion of a criminal records check when:

(a) The subject individual has provided all information (including a fingerprint card, if requested) as required by the department pursuant to OAR 440-007-0250; and

(b) The department, in its sole discretion, determines that it is in the department's best interests to hire, appoint, or accept services from the subject individual on a preliminary basis.

(2) A subject individual hired, appointed, or otherwise engaged to perform services on a preliminary basis under this rule may provide services, or participate in training, orientation, or work activities as deemed appropriate by the Department.

(3) Nothing in this rule shall be construed as requiring the department to hire, appoint, or accept services from a subject individual on a preliminary basis.

Stat. Auth.: ORS 181.534 & 705.135
Stats. Implemented: ORS 705.141 & 181.534
Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0275

Incomplete Fitness Determination

(1) The department will close a fitness determination as incomplete when:

(a) Circumstances change so that a person no longer meets the definition of a "subject individual" under OAR 440-007-0230;

(b) The subject individual does not provide materials or information under OAR 440-007-0250(1)(a) within the time frames established under that rule;

(c) The department cannot locate or contact the subject individual;

(d) The subject individual fails or refuses to cooperate with the department's attempts to acquire other relevant information under OAR 440-007-0250(1)(b);

(e) The department determines that the subject individual is not eligible or not qualified for the position for a reason unrelated to the fitness determination process; or

(f) The position is no longer open.

(2) A subject individual does not have a right to a contested case hearing under OAR 440-007-0280(2) or a right to an alternate appeals process under OAR 440-007-0280(8) to challenge the closing of a fitness determination as incomplete.

Stat. Auth.: ORS 181.534 & 705.135
Stats. Implemented: ORS 705.141 & 181.534
Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0280

Contesting a Fitness Determination

(1) This rule sets forth a contested case hearing process by which a subject individual may appeal a fitness determination made under OAR 440-007-0270 that he or she is fit or not fit to be a department employee, volunteer, contractor, or vendor in a position covered by OAR 440-007-0230(2)(a)-(h). Section (8) of this rule identifies an alternative appeal process available only to current DCBS employees.

ADMINISTRATIVE RULES

(2) The Attorney General's Model Rules of Procedure, OAR 137-003-0001 through 137-003-0092, apply unless the department refers the matter to the Office of Administrative Hearings to assign an Administrative Law Judge. If the department refers the matter to the Office of Administrative Hearings, OAR 137-003-0501 through 137-003-0700 shall apply.

(3) Process.

(a) To request a contested case hearing, the subject individual or the subject individual's legal representative must submit a written request to the department's human resources services office. To be timely, the request must be received by the department's human resources services office within ten working days of the postmark of the fitness determination notification letter.

(b) A contested case hearing shall be conducted by a hearings officer appointed by the Director once a timely request has been received by the department as outlined in section (3)(a).

(4) The hearings officer will establish the time and place of the hearing. Notice of the hearing shall be served on the Chief Human Resource Officer or designee and participants at least ten working days in advance of the hearing date.

(5) No Public Attendance. Contested case hearings on fitness determinations are closed to non-participants.

(6) A fitness determination made under OAR 440-007-0270 becomes final when:

(a) A timely request for hearing is not filed; or

(b) A party withdraws a hearing request, notifies the agency or the hearings officer that the party will not appear, or fails to appear for the hearing.

(7) The hearings officer will issue a proposed order following a hearing. Exceptions, if any, must be received by the department within 10 working days after the service of the proposed order.

(8) A subject individual currently employed by the department who is denied as unfit pursuant to a final fitness determination may appeal the fitness determination either under the contested case process made available by this rule or through a process available under applicable personnel rules, policies and collective bargaining agreements. A subject individual's decision to appeal a fitness determination through applicable personnel rules, policies, and collective bargaining agreements is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process made available by this rule.

(9) The only remedy that may be awarded is a determination that the subject individual is fit or not fit. Under no circumstances shall the department be required to place a subject individual in any position, nor shall the department be required to accept services or enter into a contractual agreement with a subject individual.

(10) A subject individual may not use the appeals process established by this rule to challenge the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or agencies reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation. To challenge the accuracy or completeness of information identified in this section (10), a subject individual may use any process made available by the agency that provided the information.

(11) Appealing a fitness determination, challenging criminal offender information with the agency that provided the information, or requesting a new criminal records check and re-evaluation of the original fitness determination, will not delay or postpone the department's hiring process or employment decisions.

Stat. Auth.: ORS 181.534 & 705.135

Stats. Implemented: ORS 705.141 & 181.534

Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0285

Agency Representation

(1) Subject to the approval of the Attorney General, an officer or employee of the department, designated by the Director, is authorized to appear on behalf of the department in contested case hearings conducted pursuant to these rules.

(2) Department officers, employees, or other authorized personnel may not present legal argument as defined under OAR 137-003-0008 on behalf of the department in contested case hearings conducted pursuant to these rules.

(3) When the department determines it is necessary to consult with the Attorney General's office, the hearings officer will provide a reasonable period of time for an agency representative to consult with the Attorney General's office and to obtain either written or oral legal argument or advice, if necessary.

Stat. Auth.: ORS 181.534 & 705.135

Stats. Implemented: ORS 705.141 & 181.534

Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0290

Record Keeping, Confidentiality

Any information obtained in the criminal records check is confidential. The department must restrict the dissemination of information obtained in the criminal records check. Only those persons, as identified by the department, with a demonstrated and legitimate need to know the information, may have access to criminal records check records.

Stat. Auth.: ORS 181.534 & 705.135

Stats. Implemented: ORS 705.141 & 181.534

Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

440-007-0300

Fees

(1) The department may charge a fee for acquiring criminal offender information for use in making a fitness determination. In any particular instance, the fee shall not exceed the fee(s) charged the department by the Oregon Department of State Police and the Federal Bureau of Investigation to obtain criminal offender information on the subject individual.

(2) The department may charge the fee to the subject individual on whom criminal offender information is sought, or, if the subject individual is an employee of a department contractor and is undergoing a fitness determination in that capacity, the department may charge the fee to the subject individual's employer.

Stat. Auth.: ORS 181.534 & 705.135

Stats. Implemented: ORS 705.141 & 181.534

Hist.: DO 1-2008, f. 8-14-08 cert. ef. 9-2-08

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

Rule Caption: Rule renumbering due to shift in program responsibility within the Department.

Adm. Order No.: FCS 7-2008

Filed with Sec. of State: 7-28-2008

Certified to be Effective: 7-28-08

Notice Publication Date: 7-1-2008

Rules Ren. & Amend: 918-030-0400 to 441-446-0100, 918-030-0410 to 441-446-0110, 918-030-0420 to 441-446-0200, 918-030-0430 to 441-446-0210, 918-030-0490 to 441-446-0300

Subject: In 2003, the legislature passed Senate Bill 468, which directed the Department of Consumer and Business Services to regulate manufactured structure dealers through licensing. The administration of the manufactured structures dealer licensing program was transferred from one internal division of the Department — the Building Codes Division — to another internal division of the Department, the Division of Finance and Corporate Securities (DFCS). The rules administering the manufactured structures dealer licensing program are being moved to OAR chapter 441, where the rules concerning other DFCS-administered programs are located. This rulemaking activity only changed rule numbers.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-446-0100

Purpose and Scope

OAR 441-446-0100 through 441-446-0300 contains the definitions, rules and requirements pertaining to businesses that engage in the business of selling manufactured structures. With the implementation of these rules, the division intends to repeal the administrative rules adopted by the Department of Motor Vehicles to the extent that they regulate dealers of manufactured structures.

Stat. Auth.: 2003 SB 468 & ORS 446.666

Stats. Implemented: ORS 446.666

Hist.: BCD 10-2005, f. 4-29-05, cert. ef. 5-1-05; Renumbered from 918-030-0400, FCS 7-2008 f. & cert. ef. 7-28-08

441-446-0110

Definitions

As used in OAR 441-446-0100 through 0300 and ORS Chapter 446, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Corrected license" means a manufactured structures dealer license or a limited manufactured structures dealers license that has been

ADMINISTRATIVE RULES

modified from the information supplied in the original application, i.e. name change, or address change.

(2) "Dealer" means a person who is required to be licensed pursuant to ORS 446.691, 446.696, 446.701 or 446.706.

(3) "Dealership," "place of business," or "business location," means a location within the State of Oregon, where a dealer engages in the business of selling manufactured structures.

(4) "Location," "main business location," or "main dealership," means a location identified and listed as the dealer's main business location on the original business license application.

Stat. Auth.: ORS 183.335

Stat. Implemented: ORS 183.335

Hist.: BCD 16-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-1-06; Renumbered from 918-030-0410, FCS 7-2008 f. & cert. ef. 7-28-08

441-446-0200

Dealer Licensing

(1) To apply for a dealer license, supplemental license, temporary license, or limited license, a person must submit a completed division approved application form and a division approved surety bond.

(2) For the purposes of this section, a supplemental or corrected license shall have the same expiration as the limited or dealer license.

Stat. Auth.: ORS 446.666

Stats. Implemented: ORS 446.666 & 446.716

Hist.: BCD 10-2005, f. 4-29-05, cert. ef. 5-1-05; Renumbered from 918-030-0420, FCS 7-2008 f. & cert. ef. 7-28-08

441-446-0210

Dealer Requirements

(1) A dealer shall file all required applications for ownership documents and trip permits, or ensure required applications are completed and filed, in a manner prescribed by the division.

(2) A manufactured structure dealer selling manufactured homes for installation in Oregon, shall present each potential buyer of a new manufactured home with a division standard disclosure statement to read and sign prior to the completion of the sales contract of any new manufactured home. A dealer shall give one copy of the disclosure, signed by the buyer and the dealer, to the buyer and retain one copy in the dealer's files for not less than five years from the date of sale. Copies of signed disclosures shall be made available to the division upon request.

(3) Dealers are required to maintain accurate records for a period of five years. Records required to be maintained include but are not limited to:

(a) A legible copy of any disclosure statement provided to a purchaser;

(b) A legible copy of any trip permit issued by the dealer;

(c) A record of the names and addresses of all contractors retained or hired by the dealer to engage in any aspect of manufactured structure installation or service work and a record identifying the manufactured structures on which each contractor performed work;

(d) Records of any correction notices the dealer has sent to a manufacturer for repairs arranged by the dealer;

(e) A record of any alterations a dealer made to a manufactured structure prior to sale or as a part of a sales agreement;

(f) A legible copy of all records relating to a sale, including but not limited to confirmation orders, diagrams, purchase options, written agreements, financing applications, financing agreements, change orders, price changes, ownership documents, and applications to record a structure in deed records; and

(g) Records associated with consignment sales.

(4) In addition to the bond or letter of credit requirements in ORS 446.726, a dealer shall authorize their bond or letter of credit company to notify the division upon any change to or cancellation of the insurance required for their dealer license, and notify the division of any change to or cancellation of the bond or letter of credit required for their dealer license.

(5) A dealer shall within 10 business days, notify the division of any name, ownership, address changes or additions, through a division approved form including any change of registration status with the Secretary of State, and obtain all required licenses.

(6) Dealers shall exercise due care and diligence that is consistent with industry practice in all transactions involving a manufactured structure and shall not, by act or omission, endanger the economic welfare or the health or safety of the public through such transactions.

(7) A dealer shall not engage in conduct which demonstrates habitual disregard for the law.

Stat. Auth.: ORS 446.666

Stats. Implemented: ORS 446.225, 446.260, 446.666, 446.691, 446.696, 446.701, 446.706, 446.716, 446.726, 446.736, 446.741 & 446.751

Hist.: BCD 10-2005, f. 4-29-05, cert. ef. 5-1-05; Renumbered from 918-030-0430, FCS 7-2008 f. & cert. ef. 7-28-08

441-446-0300

Violations

Additional grounds for manufactured structure dealer license, denial, suspension, revocation or placement on probation, may include:

(1) Failure to maintain records or any other requirements under OAR 441-446-0210;

(2) Conduct which constitutes a Class A misdemeanor or any felony arising out of actions related to the selling, brokering, trading or exchanging of manufactured structures or conviction of such Class A misdemeanor of felony; or

(3) Conduct which constitutes an unlawful practice under ORS 646.608;

(4) Failure to maintain the required bond insurance or letter of credit; and

(5) A pattern of violations of any provisions of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, and 446.561 to 446.756 or any rules adopted thereunder.

Stat. Auth.: ORS 446.741

Stats. Implemented: ORS 446.666, 446.741, 446.746, 446.751 & 446.756

Hist.: BCD 10-2005, f. 4-29-05, cert. ef. 5-1-05; Renumbered from 918-030-0490, FCS 7-2008 f. & cert. ef. 7-28-08

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Rulemaking Governing Annual Audited Insurer Financial Reports; and Correction of Rules Governing Domestic Insurer Proxies.

Adm. Order No.: ID 11-2008

Filed with Sec. of State: 7-29-2008

Certified to be Effective: 7-29-08

Notice Publication Date: 6-1-2008

Rules Adopted: 836-011-0223, 836-011-0225, 836-011-0227, 836-011-0235

Rules Amended: 836-011-0100, 836-011-0110, 836-011-0120, 836-011-0130, 836-011-0140, 836-011-0150, 836-011-0160, 836-011-0180, 836-011-0190, 836-011-0200, 836-011-0210, 836-011-0220

Rules Repealed: 836-024-0056, 836-024-0061

Subject: This rulemaking is being refilled to correct a filing error.

This rulemaking amends the Insurance Division's rules governing annual audited financial reports of authorized insurers to incorporate recent changes to the NAIC model regulations, upon which the rules are based. Changes include a requirement that each insurer designate an audit committee, a prohibition against having an audit performed by an accountant who provides certain nonaudit services and a requirement that large insurers submit an internal control report. This rulemaking also corrects the rules governing domestic insurer proxies by repealing two redundant rules.

Rules Coordinator: Sue Munson—(503) 947-7272

836-011-0100

Authority; Purpose; Scope

(1) OAR 836-011-0100 to 836-011-0230 are adopted by the Director pursuant to ORS 731.488. The purpose of OAR 836-011-0100 to 836-011-0230 is to improve the Director's surveillance of the financial condition of insurers by requiring the following:

(a) An annual audit of financial statements reporting the financial position and the results of operations of insurers by independent certified public accountants;

(b) Communication of Internal Control Related Matters Noted in an Audit; and

(c) Management's Report of Internal Control over Financial Reporting.

(2) OAR 836-011-0100 to 836-011-0230 apply to every authorized insurer, subject to exemptions in OAR 836-011-0130.

(3) OAR 836-011-0100 to 836-011-0230 do not limit the Director's authority to order, conduct or perform examinations of insurers under the Insurance Code.

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

ADMINISTRATIVE RULES

836-011-0110

Definitions

As used in OAR 836-011-0100 to 836-011-0230:

(1) "Accountant" or "independent certified public accountant" means an independent certified public accountant or accounting firm in good standing with the American Institute of Certified Public Accountants and in each state in which the accountant or accounting firm is licensed to practice. For a Canadian or British insurer, the term means a Canadian-chartered or British-chartered accountant.

(2) An "affiliate" of, or a person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(3) "Audit committee" means a committee or equivalent body established by the board of directors of an entity for the purpose of overseeing the accounting and financial reporting processes of an insurer or group of insurers, and audits of financial statements of the insurer or group of insurers. The audit committee of an entity that controls a group of insurers may be considered to be the audit committee for one or more of the controlled insurers solely for the purposes of OAR 836-011-0100 to 836-011-0230 at the election of the controlling person. 836-011-0223(6) governs the exercise of this election. If an audit committee is not designated by the insurer, the insurer's entire board of directors constitutes the audit committee.

(4) "Audited financial report" means a report that includes the items specified in OAR 836-011-0140.

(5) "Group of insurers" means those authorized insurers included in the reporting requirements of ORS 732.517 to 732.592, or a set of insurers as identified by management, for the purpose of assessing the effectiveness of internal control over financial reporting.

(6) "Indemnification" means an agreement of indemnity or a release from liability when the intent or effect is to shift or limit in any manner the potential liability of the person or firm for failure to adhere to applicable auditing or professional standards, whether or not resulting in part from knowing of other misrepresentations made by the insurer or its representatives.

(7) "Independent board member" has the same meaning given the term in OAR 836-011-0223(4)

(8) "Internal control over financial reporting" means a process effected by an entity's board of directors, management and other personnel designed to provide reasonable assurance regarding the reliability of the financial statements, i.e., those items specified in OAR 836-011-0140(2) and (3), except for 836-011-0140(2)(a), and includes those policies and procedures that:

(a) Pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of assets;

(b) Provide reasonable assurance that transactions are recorded as necessary to permit preparation of the financial statements, i.e., those items specified in OAR 836-011-0140(2) and (3), except for 836-011-0140(2)(a), and that receipts and expenditures are being made only in accordance with authorizations of management and directors; and

(c) Provide reasonable assurance regarding prevention or timely detection of unauthorized acquisition, use or disposition of assets that could have a material effect on the financial statements, i.e., those items specified in OAR 836-011-0140(2) and (3), except for 836-011-0140(2)(a).

(9) "SEC" means the United States Securities and Exchange Commission.

(10) "Section 404" means Section 404 of the Sarbanes-Oxley Act of 2002 and the SEC's rules and regulations promulgated thereunder.

(11) "Section 404 Report" means management's report on "internal control over financial reporting" as defined by the SEC and the related attestation report of the independent certified public accountant as described in section (1) of this rule.

(12) "SOX Compliant Entity" means an entity that either is required to be compliant with, or voluntarily is compliant with, all of the following provisions of the Sarbanes-Oxley Act of 2002: (i) the preapproval requirements of Section 201 (Section 10A(i) of the Securities Exchange Act of 1934); (ii) the Audit committee independence requirements of Section 301 (Section 10A(m)(3) of the Securities Exchange Act of 1934); and (iii) the Internal control over financial reporting requirements of Section 404 (Item 308 of SEC Regulation S-K).

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0120

Filing and Extensions for Filing of Annual Audited Financial Reports

(1) All insurers shall have an annual audit by an independent certified public accountant and shall file an audited financial report with the Director on or before June 1 for the year ended December 31 immediately preceding. The Director may require an insurer to file an audited financial report earlier than June 1 with advance notice of 90 days to the insurer.

(2) Extensions of the June 1 filing date may be granted by the Director for 30-day periods upon a showing by the insurer and its independent certified public accountant of the reasons for requesting an extension and determination by the Director of good cause for an extension. The request for extension must be submitted in writing not less than 10 days prior to the due date in sufficient detail to permit the Director to make an informed decision with respect to the requested extension.

(3) If an extension is granted in accordance with section (2) of this rule, a similar extension of 30 days is granted to the filing of Management's Report of Internal Control over Financial Reporting.

(4) Every insurer required to file an annual audited financial report pursuant to OAR 836-011-0100 to 836-011-0230 shall designate a group of individuals as constituting its audit committee, as defined in 836-011-0110. The audit committee of an entity that controls an insurer may be designated as the insurer's audit committee for purposes of 836-011-0100 to 836-011-0230 at the election of the controlling person.

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0130

Exemptions

(1) The following authorized insurers are exempt from the requirements of OAR 836-011-0100 to 836-011-0230:

(a) An insurer having direct premiums written in this state of less than \$1,000,000 in any calendar year and having fewer than 1,000 policyholders or certificate holders of directly written policies nationwide at the end of the same calendar year is exempt from OAR 836-011-0100 to 836-011-0230 for the year unless the Director determines with respect to the insurer that compliance is necessary for the Director to carry out statutory responsibilities. The exemption under this subsection does not apply to any insurer that has assumed premiums pursuant to contracts or treaties of reinsurance, or both, of \$1,000,000 or more.

(b) A foreign or alien insurer that has filed the audited financial report in another state pursuant to the other State's requirement of audited financial reports, if the Director determines that the other state's requirements are substantially similar to the requirements of OAR 836-011-0100 to 836-011-0230 and if the foreign or alien insurer does both of the following:

(A) Files with the Director a copy of the Audited Financial Report, the Communication of Internal Control Related Matters Noted in an Audit and the Accountant's Letter of Qualifications that are filed with the other state, in accordance with the filing dates specified in OAR 836-011-0120, 836-011-0200, and 836-011-0210. In lieu of the requirements of this paragraph, a Canadian insurer may file accountants' reports as filed with the Office of the Superintendent of Financial Institutions, Canada.

(B) Files with the Director a copy of any Notification of Adverse Financial Condition Report filed with the other state. The copy must be filed with the Director within the time specified in OAR 836-011-0190.

(c) An insurer to whom the Director has granted an exemption under section (2) of this rule, during the period in which the exemption is effective.

(d) A foreign or alien insurer required to file Management's Report of Internal Control over Financial Reporting in another state is exempt from filing the Report in this state if the other state has substantially similar reporting requirements and the Report is filed with the insurance commissioner of the other state within the time specified.

(2) Upon written application of any insurer, the Director may grant an exemption from compliance with one or more provisions of OAR 836-011-0100 to 836-011-0230 if the Director finds upon review of the application that compliance would constitute a financial or organizational hardship upon the insurer. An exemption may be granted at any time and from time to time for a specified period or periods. Not later than the 10th day after denial of an insurer's written request for an exemption under this section, the insurer may request in writing a hearing on its application for an exemption.

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

ADMINISTRATIVE RULES

836-011-0140

Contents of Annual Audited Financial Report

(1) An annual audited financial report required under OAR 836-011-0120 must report the financial position of the insurer as of the end of the most recent calendar year and the results of its operations, cash flows and changes in capital and surplus for the year then ended in conformity with statutory accounting practices prescribed or otherwise permitted by the Department of Insurance of the state of domicile.

(2) The annual audited financial report shall include the following:

(a) A report of an independent certified public accountant;
(b) A balance sheet reporting admitted assets, liabilities and capital and surplus;

(c) A statement of operations;

(d) A statement of cash flow;

(e) A statement of changes in capital and surplus; and

(f) Notes to financial statements. The notes shall be those required by the appropriate National Association of Insurance Commissioners (NAIC) Annual Statement Instructions and the NAIC Accounting Practices and Procedures Manual. The notes shall include a reconciliation of differences, if any, between the audited statutory financial statements and the annual statement filed pursuant to ORS 731.574, with a written description of the nature of the differences.

(3) The financial statements included in the audited financial report shall be prepared in a form and using language and groupings substantially the same as the relevant sections of the annual statement of the insurer filed with the Director. The financial statement shall be comparative, presenting the amounts as of December 31 of the current year and the amounts as of the immediately preceding December 31. However, in the first year in which an insurer is required to file an audited financial report, the comparative data may be omitted.

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0150

Designation of Independent Certified Public Accountant

(1) Each insurer required by OAR 836-011-0120 to file an annual audited financial report, within 60 days after becoming subject to the requirement, must register with the Director in writing the name and address of the independent certified public accountant or accounting firm retained to conduct the annual audit set forth in OAR 836-011-0120 and 836-011-0150. An insurer not retaining an independent certified public accountant on July 1, 2008 shall register the name and address of its retained independent certified public accountant not less than six months before the date on which the first audited financial report is to be filed.

(2) An insurer shall obtain a letter from the accountant retained by the insurer stating that the accountant is aware of the provisions of the Insurance Code and the rules of the Insurance Department of the state of domicile that relate to accounting and financial matters and affirming that the accountant will express the opinion of the accountant on the financial statements in terms of their conformity with the statutory accounting practices prescribed or otherwise permitted by that Department, specifying exceptions that the accountant believes appropriate. The insurer shall file a copy of the letter with the Director.

(3) If the accountant who was the certified public accountant for the immediately preceding filed audited financial report is dismissed or resigns, the insurer shall so notify the Director not later than the fifth business day after the dismissal or resignation. The insurer shall also do the following:

(a) Notify the Director in a separate letter, not later than the 10th business day after the date of the notice of dismissal or resignation, whether in the 24 months preceding the engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure or auditing scope or procedure that, if not resolved to the satisfaction of the former accountant, would have caused the former accountant to make reference to the subject matter of the disagreement in connection with the accountant's opinion. The disagreements required to be reported in response to this subsection include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction, and are those disagreements that occur at the decision making level, between personnel of the insurer responsible for presentation of its financial statements and personnel of the accounting firm responsible for rendering its report.

(b) Request the former accountant, in writing, to furnish a letter addressed to the insurer stating whether the accountant agrees with the

statements contained in the insurer's letter and, if not, stating the reasons for which the accountant does not agree.

(c) Furnish the Director the letter received from the former accountant under subsection (b) of this section together with a response by the insurer to that letter.

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0160

Qualifications of Independent Certified Public Accountant

(1) The Director shall not recognize any person as a qualified independent certified public accountant for the purposes of OAR 836-011-0100 to 836-011-0230 if the person:

(a) Is not in good standing with the American Institute of Certified Public Accountants (AICPA) and in all states in which the person is licensed to practice as a certified public accountant or, if the insurer is a Canadian or British insurer, the person is not a chartered accountant; or

(b) Has either directly or indirectly entered into an agreement of indemnity or a release from liability (collectively referred to as indemnification) with respect to the audit of the insurer.

(2) Except as otherwise provided in this rule, the Director shall recognize an independent certified public accountant as qualified as long as the certified public accountant conforms to the standards of the certified public accountant profession, as contained in the Code of Professional Ethics of the American Institute of Certified Public Accountants and the rules and the Code of Professional Conduct of the Oregon State Board of Accountancy, or a similar code of conduct of the state board regulating the practice of accountancy in the state in which the accountant is licensed to practice.

(3) A qualified independent certified public accountant may enter into an agreement with an insurer to have disputes relating to an audit resolved by mediation or arbitration. In the event of a delinquency proceeding commenced against the insurer under ORS 734.130, however, the mediation or arbitration provisions shall operate at the option of the statutory successor.

(4) The lead or coordinating audit partner having primary responsibility for the audit may not act in that capacity for more than five consecutive years. The partner or other person is disqualified from acting in that or a similar capacity for the same insurer or its insurance subsidiaries or affiliates for a period of five consecutive years. An insurer may apply to the Director for relief from the rotation requirement of this section on the basis of unusual circumstances. An insurer must apply for relief at least 30 days before the end of the calendar year. The Director may consider the following factors in determining whether the relief should be granted:

(a) The number of partners, the expertise of the partners or the number of insurance clients in the currently registered firm;

(b) The premium volume of the insurer;

(c) The number of jurisdictions in which the insurer transacts insurance.

(5) An insurer to which relief from the rotation requirements under section (4) of this rule has been granted shall file with its annual statement filing the Director's approval for relief with the states that it is licensed in or doing business in, and with the NAIC. If the nondomestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC.

(6) The Director shall not recognize an individual as an independent certified public accountant, or accept an annual audited financial report required by OAR 836-011-0100 to 836-011-0230 that is prepared in whole or part by an individual, if the individual:

(a) Has been convicted of fraud, bribery, a violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. Sections 1961-1968, or any dishonest conduct or practices under federal or state law;

(b) Has been found to have violated the insurance laws of this state with respect to any previous reports submitted under OAR 836-011-0100 to 836-011-0230; or

(c) Has demonstrated a pattern or practice of failing to detect or disclose material information in any report filed under OAR 836-011-0100 to 836-011-0230.

(7) The Director may hold a hearing to determine whether an independent certified public accountant is qualified and, considering the evidence presented, may rule that the accountant is not qualified for purposes of expressing the accountant's opinion on the financial statements in the annual audited financial report made pursuant to OAR 836-011-0100 to 836-011-0230 and require the insurer to replace the accountant with another

ADMINISTRATIVE RULES

er accountant who is qualified with respect to the insurer as provided in 836-011-0100 to 836-011-0230.

(8) The Director may not recognize an accountant as a qualified independent certified public accountant or accept an annual audited financial report prepared in whole or in part by the accountant if the accountant provides to an insurer, contemporaneously with the audit, the following non-audit services:

(a) Bookkeeping or other services related to the accounting records or financial statements of the insurer;

(b) Financial information systems design and implementation;

(c) Appraisal or valuation services, fairness opinions, or contribution-in-kind reports;

(d) Actuarially-oriented advisory services involving the determination of amounts recorded in the financial statements. The accountant may assist an insurer in understanding the methods, assumptions and inputs used in the determination of amounts recorded in the financial statement only if it is reasonable to conclude that the services provided will not be subject to audit procedures during an audit of the insurer's financial statements. An accountant's actuary may also issue an actuarial opinion or certification ("opinion") on an insurer's reserves if the following conditions have been met:

(A) Neither the accountant nor the accountant's actuary has performed any management functions or made any management decisions;

(B) The insurer has competent personnel (or engages a third party actuary) to estimate the reserves for which management takes responsibility; and

(C) The accountant's actuary tests the reasonableness of the reserves after the insurer's management has determined the amount of the reserves;

(e) Internal audit outsourcing services;

(f) Management functions or human resources;

(g) Broker or dealer, investment adviser or investment banking services;

(h) Legal services or expert services unrelated to the audit; or

(i) Any other services that the Director has determined by rule to be impermissible.

(9) In general, the principles of independence with respect to services provided by a qualified independent certified public accountant are largely predicated on three basic principles, violations of which would impair the accountant's independence. The principles are that the accountant cannot function in the role of management, cannot audit the accountant's own work, and cannot serve in an advocacy role for the insurer.

(10) An insurer having direct written and assumed premiums of less than \$100,000,000 in any calendar year may request an exemption from section (8) of this rule. The insurer shall file with the Director a written statement discussing the reasons why the insurer should be exempt from these provisions. If the Director finds, upon review of this statement, that compliance with section (8) of this rule would constitute a financial or organizational hardship upon the insurer, the Director may grant an exemption.

(11) A qualified independent certified public accountant who performs the audit may engage in other non-audit services, including tax services, that are not described in section (8) of this rule and that do not conflict with section (9) of this rule only if the activity is approved in advance by the audit committee in accordance with section (12) of this rule.

(12) All auditing services and non-audit services provided to an insurer by a qualified independent certified public accountant of the insurer shall be preapproved by the audit committee. The preapproval requirement is waived with respect to non-audit services if the insurer is a SOX Compliant Entity or a direct or indirect wholly-owned subsidiary of a SOX Compliant Entity or:

(a) The aggregate amount of all such non-audit services provided to the insurer constitutes not more than five percent of the total amount of fees paid by the insurer to its qualified independent certified public accountant during the fiscal year in which the non-audit services are provided;

(b) The services were not recognized by the insurer at the time of the engagement to be non-audit services; and

(c) The services are promptly brought to the attention of the audit committee and approved prior to the completion of the audit by the audit committee or by one or more members of the audit committee who are the members of the board of directors to whom authority to grant such approvals has been delegated by the audit committee.

(13) The audit committee may delegate to one or more designated members of the Audit committee the authority to grant the preapprovals required by section (12) of this rule. The decisions of any member to whom this authority is delegated shall be presented to the full audit committee at each of its scheduled meetings.

(14)(a) The Director may not recognize an independent certified public accountant as qualified for a particular insurer if a member of the board, president, chief executive officer, controller, chief financial officer, chief accounting officer or any person serving in an equivalent position for that insurer was employed by the independent certified public accountant and participated in the audit of that insurer during the one-year period preceding the date that the most current statutory opinion is due. This section applies only to partners and senior managers involved in the audit. An insurer may apply to the Director for relief from the requirement of this subsection on the basis of unusual circumstances.

(b) The insurer shall file with its annual statement filing the approval for relief from subsection (a) of this section with the states that it is licensed in or doing business in and with the NAIC. If the nondomestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC.

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

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 2-2002(Temp), f. & cert. ef. 1-15-01 thru 7-5-02; ID 17-2002, f. & cert. ef. 7-11-02; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0180

Scope of Audit and Report of Independent Certified Public Accountant

Financial statements furnished pursuant to OAR 836-011-0140 shall be audited by an independent certified public accountant. The audit of the insurer's financial statements must be conducted in accordance with generally accepted auditing standards. In accordance with AU Section 319 of the Professional Standards of the AICPA, *Consideration of Internal Control in a Financial Statement Audit*, the independent certified public accountant shall obtain an understanding of internal control sufficient to plan the audit. To the extent required by AU 319, for those insurers required to file a Management's Report of Internal Control over Financial Reporting pursuant to 836-011-0227, the independent certified public accountant shall consider (as that term is defined in Statement on Auditing Standards (SAS) No. 102, *Defining Professional Requirements in Statements on Auditing Standards* or its replacement) the most recently available report in planning and performing the audit of the statutory financial statements. Consideration shall also be given to other procedures illustrated in the **Financial Condition Examiner's Handbook** promulgated by the National Association of Insurance Commissioners as the certified public accountant determines to be necessary.

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

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0190

Notification of Adverse Financial Condition

(1) An insurer required to furnish the annual audited financial report shall require the independent certified public accountant to report in writing to the board of directors or its audit committee any determination by the independent certified public accountant that the insurer has materially misstated its financial condition as reported to the Director as of the date of the balance sheet currently under audit or that the insurer does not meet the minimum capital and surplus requirement of the Oregon Insurance Code as of that date. The insurer shall require the independent certified public accountant to submit the report not later than the fifth business day after the independent certified public accountant makes such a determination. An insurer that has received a report under this section shall forward a copy of the report to the Director not later than the fifth business day after receiving the report and shall provide the independent certified public accountant with evidence that the report was furnished to the Director. If the independent certified public accountant does not receive the evidence within the required period, the independent certified public accountant shall furnish to the Director a copy of its report not later than the fifth business day after the end of the period within which the insurer was required to submit the report.

(2) An independent certified public accountant shall not be liable to any person for any statement made in connection with the requirements of section (1) of this rule if the statement is made in good faith and in compliance with section (1) of this rule.

(3) If the accountant, after the date of the audited financial report filed pursuant to OAR 836-011-0100 to 836-011-0230, becomes aware of facts that might have affected the report, the Director notes the obligation of the accountant to act as prescribed in **Volume 1, Section AU 561 of the**

ADMINISTRATIVE RULES

Professional Standards of the American Institute of Certified Public Accountants (AICPA).

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 731.244 & 731.488
Stats. Implemented: ORS 731.488
Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0200

Communication of Internal Control Related Matters Noted in an Audit

(1) In addition to the annual audited financial report, each insurer shall furnish the Director with a written communication as to any unremediated material weaknesses in its internal control over financial reporting noted during the audit. The communication must be prepared by the accountant not later than the 60th day after the filing of the annual audited financial report and shall contain a description of any unremediated material weakness (as the term material weakness is defined by Statement on Auditing Standard 60, *Communication of Internal Control Related Matters Noted in an Audit*, or its replacement) as of December 31 immediately preceding (so as to coincide with the audited financial report required by OAR 836-011-0120(1)) in the insurer's internal control over financial reporting noted by the accountant during the course of their audit of the financial statements. If no unremediated material weaknesses were noted, the communication must so state.

(2) The insurer shall submit with the report required under section (1) of this rule a description of remedial actions taken or proposed to correct unremediated material weaknesses, if the actions are not described in the accountant's report.

(3) The insurer shall maintain information about significant deficiencies communicated by the independent certified public accountant. The information must be made available to the examiner conducting a financial condition examination for review and kept in such a manner as to remain confidential.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 731.244 & 731.488
Stats. Implemented: ORS 731.488
Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0210

Accountant's Letter of Qualifications

(1) An accountant shall furnish the insurer, in connection with and for inclusion in the filing of the annual audited financial report, a letter stating:

(a) That the accountant is independent with respect to the insurer and conforms to the standards of the accounting profession as contained in the Code of Professional Ethics and pronouncements of the American Institute of Certified Public Accountants (AICPA) and the Rules of Professional Conduct of the Oregon State Board of Accountancy, or a similar code of conduct of the state board regulating the practice of accountancy in the state in which the accountant is licensed to practice.

(b) The background and experience in general, and the experience in audits of insurers, of the staff assigned to the engagement and whether each is an independent certified public accountant.

(c) That the accountant understands that the annual audited financial report and the opinion of the accountant thereon must be filed in compliance with OAR 836-011-0100 to 836-011-0230 and that the Director will rely on the information contained in the report and opinion in the monitoring and regulation of the financial position of insurers.

(d) That the accountant consents to the requirements of OAR 836-011-220 and that the accountant agrees to make the workpapers described in 836-011-0220 available for review by the Director, or the Director's designee or appointed agent.

(e) A representation that the accountant is currently licensed by an appropriate state licensing authority and is a member in good standing in the American Institute of Certified Public Accountants.

(f) A representation that the accountant is in compliance with OAR 836-011-0160.

(2) This rule does not prohibit an independent certified public accountant from using such staff as the accountant determines appropriate when use of the staff is consistent with the standards prescribed by generally accepted auditing standards.

Stat. Auth.: ORS 731.244 & 731.488
Stats. Implemented: ORS 731.488
Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0220

Definition, Availability and Maintenance of Independent Certified Public Accountants Workpapers

(1) For the purpose of this rule, workpapers are the records kept by an independent certified public accountant of the procedures followed, the tests performed, the information obtained and the conclusions reached pertinent to the accountant's audit of the financial statements of an insurer. Accordingly, workpapers may include audit planning documentation, work programs, analyses, memoranda, letters of confirmation and representation, abstracts of company documents and schedules or commentaries prepared or obtained by the independent certified public accountant in the course of the accountant's audit of the financial statements of an insurer and which support the accountant's opinion.

(2) An insurer that is required to file an audited financial report pursuant to OAR 836-011-0100 to 836-011-0230 shall require the accountant to make available for review by Department of Consumer and Business Service examiners, all workpapers prepared in the conduct of the accountant's audit and any communications related to the audit between the accountant and the insurer, at the offices of the insurer, at the Department or at any other reasonable place designated by the Director. The insurer shall require that the accountant retain the audit workpapers and communications until the Department has filed a report on examination covering the period of the audit but no longer than seven years from the date of the audit report.

(3) In the conduct of a periodic review by the Department examiners, it shall be agreed that photocopies of pertinent audit workpapers may be made and retained by the Department. Any such review by the Department examiners is an investigation and all working papers and communications obtained during the course of such an investigation must be given the same confidentiality as other examination workpapers generated by the Department.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 731.244 & 731.488
Stats. Implemented: ORS 731.488
Hist.: ID 4-1992, f. & cert. ef. 3-26-92; ID 22-2002, f. & cert. ef. 11-27-02; ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0223

Requirements for Audit Committees

(1) This rule does not apply to an authorized foreign or alien insurer or to an insurer that is a SOX Compliant Entity or a direct or indirect wholly-owned subsidiary of a SOX Compliant Entity.

(2) The audit committee shall be directly responsible for the appointment, compensation and oversight of the work of an accountant, including resolution of disagreements between management and the accountant regarding financial reporting, for the purpose of preparing or issuing the audited financial report or related work pursuant to OAR 836-011-0100 to 836-011-0230. Each accountant shall report directly to the audit committee.

(3) Each member of the audit committee must be a member of the board of directors of the insurer or a member of the board of directors of an entity elected pursuant to section (6) of this rule.

(4) To be considered independent for purposes of this rule, a member of the audit committee may not accept any consulting, advisory or other compensatory fee from the entity or be an affiliated person of the entity or any subsidiary thereof, other than in the member's capacity as a member of the audit committee, the board of directors or any other board committee. However, if a law requires board participation by an otherwise non-independent member, that law prevails and the member may participate in the audit committee and be designated as independent for audit committee purposes, unless the member is an officer or employee of the insurer or one of its affiliates.

(5) If a member of the audit committee ceases to be independent for a reason outside the member's reasonable control, that person, with notice by the responsible entity to the Director, may remain an audit committee member of the responsible entity until the earlier of the date of the next annual meeting of the responsible entity or one year from the occurrence of the event that caused the member to be no longer independent.

(6) To exercise the election of the controlling person to designate the audit committee for purposes of OAR 836-011-0100 to 836-011-0230, the ultimate controlling person shall provide written notice to the Director. The notice must be provided in a timely manner prior to the issuance of the statutory audit report and must include a description of the basis for the election. The insurer may change the election by notifying the Director. The notice to the Director must include a description of the basis for the change. The election remains in effect for perpetuity, until rescinded.

(7) The audit committee shall require the accountant that performs for an insurer any audit required by OAR 836-011-0100 to 836-011-0230 to

ADMINISTRATIVE RULES

timely report to the Audit committee in accordance with the requirements of SAS 61, *Communication with Audit Committees*, or its replacement, including:

- (a) All significant accounting policies and material permitted practices;
 - (b) All material alternative treatments of financial information within statutory accounting principles that have been discussed with management officials of the insurer, ramifications of the use of the alternative disclosures and treatments, and the treatment preferred by the accountant; and
 - (c) Other material written communications between the accountant and the management of the insurer, such as any management letter or schedule of unadjusted differences.
- (8) If an insurer is a member of an insurance holding company system, the reports required by section (7) of this rule may be provided to the audit committee on an aggregate basis for insurers in the holding company system, but only if any substantial differences among insurers in the system are identified to the Audit committee.

(9) The proportion of independent audit committee members shall meet or exceed the following criteria:

Prior Calendar Year Direct Written and Assumed Premiums

\$0 - \$300,000,000 — No minimum requirements. See also Note A and B.
Over \$300,000,000 - \$500,000,000 — Majority (50% or more) of members shall be independent. See also Note A and B.
Over \$500,000,000 — Supermajority of members (75% or more) shall be independent. See also Note A.

(10) (**Note A**) The Director is authorized by state law to require an entity's board to enact improvements to the independence of the audit committee membership if the insurer is in a RBC action level event, meets one or more of the standards of an insurer determined to be in hazardous financial condition or otherwise exhibits qualities of a troubled insurer.

(11) (**Note B**) All insurers with less than \$500,000,000 in prior year direct written and assumed premiums are encouraged to structure their audit committees with at least a supermajority of independent Audit committee members.

(12) (**Note C**) Prior calendar year direct written and assumed premiums shall be the combined total of direct premiums and assumed premiums from non-affiliates for the reporting entities.

(13) An insurer with direct written and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$500,000,000 may apply to the Director for a waiver from the requirements of this rule on the basis of hardship. The insurer shall file, with its annual statement filing, the approval for relief from this rule with the states that it is licensed or authorized in or doing business in and with the NAIC. If a nondomestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC.

Stat. Auth.: ORS 731.244 & 731.488
Stats. Implemented: ORS 731.488
Hist.: ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0225

Conduct of Insurer in Connection with the Preparation of Required Reports and Documents

(1) A director or officer of an insurer may not directly or indirectly:
(a) Make or cause to be made a materially false or misleading statement to an accountant in connection with any audit, review or communication required under OAR 836-011-0100 to 836-011-0230; or

(b) Omit to state, or cause another person to omit to state, any material fact necessary in order to make statements made, in light of the circumstances under which the statements were made, not misleading to an accountant in connection with any audit, review or communication required under OAR 836-011-0100 to 836-011-0230.

(2) An officer or director of an insurer, or any other person acting under the direction thereof, may not directly or indirectly take any action to coerce, manipulate, mislead or fraudulently influence any accountant engaged in the performance of an audit pursuant to OAR 836-011-0100 to 836-011-0230 if that person knew or should have known that the action, if successful, could result in rendering the insurer's financial statements materially misleading.

(3) For purposes of section (2) of this rule, actions that, "if successful, could result in rendering the insurer's financial statements materially misleading" include, but are not limited to, actions taken at any time with respect to the professional engagement period to coerce, manipulate, mislead or fraudulently influence an accountant:

- (a) To issue or reissue a report on an insurer's financial statements that is not warranted in the circumstances, due to material violations of statutory accounting principles prescribed by the Director, generally accepted auditing standards, or other professional or regulatory standards;
- (b) Not to perform audit, review or other procedures required by generally accepted auditing standards or other professional standards;
- (c) Not to withdraw an issued report; or
- (d) Not to communicate matters to an insurer's audit committee.

Stat. Auth.: ORS 731.244 & 731.488
Stats. Implemented: ORS 731.488
Hist.: ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0227

Management's Report of Internal Control over Financial Reporting

(1) Each insurer required to file an audited financial report pursuant to OAR 836-011-0100 to 836-011-0230 that has annual direct written and assumed premiums of \$500,000,000 or more, excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, shall prepare a report of the insurer's or group of insurers' internal control over financial reporting. The insurer shall file the report with the Director, along with the Communication of Internal Control Related Matters Noted in an Audit, as described in OAR 836-011-0200. The Management's Report of Internal Control over Financial Reporting shall be as of December 31 immediately preceding.

(2) Notwithstanding the premium threshold in section (1) of this rule, the Director may require an insurer to file a Management's Report of Internal Control over Financial Reporting if the insurer is in any RBC level event or meets any one or more of the standards of an insurer determined to be in hazardous financial condition as defined in ORS 731.385.

(3) An insurer or a group of insurers described in this section may file its or its parent's Section 404 Report and an addendum in satisfaction of this rule, but only if the internal controls of the insurer or group of insurers having a material impact on the preparation of the insurer's or group of insurers' audited statutory financial statements (those items included in OAR 836-011-0140(2) and (3), except for 836-011-0140(2)(a),) were included in the scope of the Section 404 Report. This section applies to an insurer or a group of insurers that is:

- (a) Directly subject to Section 404;
 - (b) Part of a holding company system whose parent is directly subject to Section 404;
 - (c) Not directly subject to Section 404 but is a SOX Compliant Entity;
- or

(d) A member of a holding company system whose parent is not directly subject to Section 404 but is a SOX Compliant Entity.

(4) An addendum provided by an insurer or group of insurers under section (3) of this rule must be a positive statement by management that there are no material processes with respect to the preparation of the insurer's or group of insurers' audited statutory financial statements (those items included in OAR 836-011-0140(2) and (3), except for 836-011-0140(2)(a)) excluded from the Section 404 Report. If there are internal controls of the insurer or group of insurers that have a material impact on the preparation of the insurer's or group of insurers' audited statutory financial statements and those internal controls were not included in the scope of the Section 404 Report, the insurer or group of insurers may file either (i) a report under this rule, or (ii) the Section 404 Report and a report under this rule for those internal controls that have a material impact on the preparation of the insurer's or group of insurers' audited statutory financial statements not covered by the Section 404 Report.

(5) A Management's Report of Internal Control over Financial Reporting must include:

(a) A statement that management is responsible for establishing and maintaining adequate internal control over financial reporting;

(b) A statement that management has established internal control over financial reporting and an assertion, to the best of management's knowledge and belief, after diligent inquiry, as to whether its internal control over financial reporting is effective to provide reasonable assurance regarding the reliability of financial statements in accordance with statutory accounting principles;

(c) A statement that briefly describes the approach or processes by which management evaluated the effectiveness of its internal control over financial reporting;

(d) A statement that briefly describes the scope of work that is included and whether any internal controls were excluded;

(e) Disclosure of any unremediated material weaknesses in the internal control over financial reporting identified by management as of December 31 immediately preceding;

ADMINISTRATIVE RULES

(f) A statement regarding the inherent limitations of internal control systems; and

(g) Signatures of the chief executive officer and the chief financial officer (or equivalent position and title).

(6) For a Management's Report of Internal Control over Financial Reporting under section (5) of this rule, management may not conclude that the internal control over financial reporting is effective to provide reasonable assurance regarding the reliability of financial statements in accordance with statutory accounting principles if there is one or more unremediated material weaknesses in its Internal control over financial reporting.

(7) Management shall document and make available upon financial condition examination the basis upon which its assertions, required in section (5) of this rule, are made. Management may base its assertions, in part, upon its review, monitoring and testing of internal controls undertaken in the normal course of its activities. In addition:

(a) Management shall have discretion as to the nature of the internal control framework used, and the nature and extent of documentation, in order to make its assertion in a cost effective manner and, as such, may include assembly of or reference to existing documentation.

(b) Management's Report on Internal Control over Financial Reporting, required by section (1) of this rule, and any documentation provided in support thereof during the course of a financial condition examination, shall be kept confidential by the Department.

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

836-011-0235

Effective Dates

(1) The requirements of OAR 836-011-0160(4) as amended effective July 1, 2008 apply to audits of the year beginning January 1, 2010 and thereafter.

(2) The requirements of OAR 836-011-0223 first apply beginning January 1, 2010. An insurer or group of insurers that is not required to have independent audit committee members or only a majority of independent audit committee members, as opposed to a supermajority, because the total written and assumed premium is below the threshold and subsequently becomes subject to one of the independence requirements due to changes in premium has one year following the year the threshold is exceeded, but not earlier than January 1, 2010, to comply with the independence requirements. Likewise, an insurer that becomes subject to one of the independence requirements as a result of a business combination shall have one calendar year following the date of acquisition or combination to comply with the independence requirements.

(3) The requirements of OAR 836-011-0100 to 836-011-0230 as amended effective July 1, 2008, except for OAR 836-011-0223, are effective beginning with the reporting period ending December 31, 2010 and each year thereafter. An insurer or group of insurers that is not required to file a report because the total written premium is below the threshold and subsequently becomes subject to the reporting requirements shall have two years following the year the threshold is exceeded, but not earlier than December 31, 2010, to file a report. Likewise, an insurer acquired in a business combination shall have two calendar years following the date of acquisition or combination to comply with the reporting requirements.

Stat. Auth.: ORS 731.244 & 731.488

Stats. Implemented: ORS 731.488

Hist.: ID 9-2008, f. 6-30-08, cert. ef. 7-1-08; ID 11-2008, f. & cert. ef. 7-29-08

Rule Caption: General Criteria for Director's Orders Under Insurance Code in Event of Governor's Emergency Declaration.

Adm. Order No.: ID 12-2008

Filed with Sec. of State: 7-29-2008

Certified to be Effective: 7-29-08

Notice Publication Date: 6-1-2008

Rules Adopted: 836-050-0300, 836-050-0305

Subject: This rulemaking is being filled to correct a filing error.

This rulemaking implements legislation enacted in the 2008 special session, which authorizes the Director of the Department of Consumer and Business Services, in the event the Governor issues a declaration of emergency, to issue an order addressing matters related to insurance policies issued in this state.

Rules Coordinator: Sue Munson—(503) 947-7272

836-050-0300

Purpose, Authority, Application

(1) OAR 836-050-0300 and 836-050-0305 are adopted to implement section 2, chapter 22, Oregon Laws 2008 (Enrolled HB 3605), which requires the Director to adopt rules establishing general criteria for orders that the Director is authorized to issue when the Governor declares a state of emergency under ORS 401.055.

(2) OAR 836-050-0300 and 836-050-0305 apply to a state of emergency declared by the Governor when the conditions leading to the declaration substantially interfere with the public's ability to carry on its normal business affairs.

Stat. Auth.: ORS 731.244 & 2008 OL Ch. 22, Sec. 2

Stats. Implemented: 2008 OL Ch. 22, Sec. 2

Hist.: ID 10-2008, f. & cert. ef. 6-30-08; ID 12-2008, f. & cert. ef. 7-29-08

836-050-0305

Criteria for orders

(1) An order issued pursuant to section 2, chapter 22, Oregon Laws 2008 (Enrolled HB 3605):

(a) Must include the items required in that section to be specified by line of insurance; and

(b) Must make a statement of general findings that refers to the specific declaration of a state of emergency upon which the order is based, describes the need for the order and declares the harm to be prevented or mitigated by the order.

(2) If the Director determines that an order under this rule must address reporting requirements for claims, the Director shall consider to what extent the circumstances of the declared state of emergency prevent policyholders from using normal methods of reporting claims and shall determine what methods of reporting remain available to consumers in the affected areas. The Director shall prepare the order accordingly. The Director may direct insurers to accept alternative methods of reporting as may be available to policyholders and may extend the reporting period as appropriate, subject to limitations of section 2, chapter 22, Oregon Laws 2008.

(3) If the Director determines that an order under this rule must address grace periods for payment of insurance premiums and performance of other duties by insureds, the Director shall consider the extent to which the circumstances of the declared state of emergency prevent the payment and performance and shall prepare the order accordingly. The Director may direct insurers to extend the grace periods as appropriate, subject to limitations of section 2, chapter 22, Oregon Laws 2008.

(4) If the Director determines that an order under this rule must temporarily postpone policy cancellations and nonrenewals, the Director shall consider the extent to which the declared state of emergency prevents communication of notices of cancellation or nonrenewal from policyholders to their insurers and the extent to which communication is prevented from insurers to their policyholders. The Director shall prepare the order accordingly. The Director may direct insurers to accept alternative methods of communication of the notices and may postpone cancellations and nonrenewals as appropriate, subject to limitations of section 2, chapter 22, Oregon Laws 2008. An order including a temporary postponement under this section must include the following:

(a) The period for which an extension of policy coverage will apply and the method for determining premium for the extended term of coverage, and whether notices of cancellation or nonrenewals must be withdrawn and reissued;

(b) When and how an insurer that was unable to cancel or nonrenew a policy owing to an order may cancel or nonrenew the policy following the period to which the order applies, and the date on which the cancellation or nonrenewal may become effective; and

(c) That an insurer may not cancel or nonrenew a policy solely because of a claim resulting from the circumstances on which the emergency order is based, except that the Director may allow cancellation or nonrenewal of a policy under specific fact circumstances, including but not limited to fraud or material misrepresentation affecting the policy or in the presentation of a claim under the policy, upon application by an insurer.

(5) An order of the Director under this rule must establish at least the following matters, as appropriate:

(a) Whether the order applies to authorized insurers only or to other insurers as well;

(b) The classes and categories of insurance policies to which the order applies, whether by specific inclusion or exclusion;

(c) The categories of insureds and insured property to which the order applies.

ADMINISTRATIVE RULES

(d) Whether an insurer who receives a claim from an insured owing premium may offset the premium due from any claim payment made under the policy;

(e) Whether a free look period in a variable life insurance policy or variable annuity contact is extended by the order; and

(f) Procedures to be followed by premium finance companies with respect to cancellation of policies, including notice, proof of notice and treatment of refunds.

(6) An extension of time by the Director under this rule does not relieve a policyholder who has a claim resulting from the state of emergency from compliance with the policyholder's obligations to provide information and cooperate in the claim adjustment process relative to the claim.

Stat. Auth.: ORS 731.244 & 2008 OL Ch. 22, Sec. 2
Stats. Implemented: 2008 OL Ch. 22, Sec. 2
Hist.: ID 10-2008, f. & cert. ef. 6-30-08; ID 12-2008, f. & cert. ef. 7-29-08

Rule Caption: Rulemaking Relating to Uniform Workers' Compensation Statistical Plan.

Adm. Order No.: ID 13-2008(Temp)

Filed with Sec. of State: 8-14-2008

Certified to be Effective: 9-1-08 thru 1-1-09

Notice Publication Date:

Rules Amended: 836-042-0045

Subject: This rulemaking amends the reference in OAR 836-042-0045 to the Unit Statistical Plan of Oregon to reflect the recent amendments by the National Council on Compensation Insurance, the rating organization for workers' compensation insurance in Oregon. These amendments recognize the federal Terrorism Risk Insurance Program Reauthorization Extension Act of 2007 and this rulemaking will bring Oregon into compliance with the federal law.

Rules Coordinator: Sue Munson—(503) 947-7272

836-042-0045

Uniform Workers' Compensation Statistical Plan

(1) The Unit Report Expanded (URE) Workers Compensation Statistical Plan, Edition of July 1, 2001 filed by the National Council on Compensation Insurance and approved by the Director to become effective January 1, 2002 is prescribed as the statistical plan for workers' compensation insurance. In addition:

(a) The January 1, 2004 edition of Part 8, Pension Tables, of the NCCI URE Workers Compensation Statistical Plan is prescribed as the pension tables effective in this state January 1, 2004.

(b) The January 1, 2006, edition of the Part 4, Paragraph 6, Gross Losses, and Paragraph 35, Deductible Reimbursement; and Part 5, Paragraph 2, Correction Reports, are prescribed as the statistical plan for the Oregon Employer Paid Medical Program Limits effective January 1, 2006.

(c) The January 1, 2005, edition of Part 4, Paragraph 1, Reporting Losses, Paragraph 16, Fraud Amount, Paragraph 20, Loss Condition, and Paragraph 30, Fraudulent Claim; Part 5, Paragraph 2, Correction Reports; and Part 7, Paragraph 17, Fraudulent Claim are prescribed as the statistical plan for Fraudulent Claims effective July 7, 2008.

(d) The January 1, 2005, edition of Part 1, Paragraph 16, Date of Valuation and Filing; Part 4, Paragraph 11, Reporting of Assessments and Special Funds, Paragraph 15, Subrogation Amount; and Part 5, Paragraph 1, Subsequent Reports, and Paragraph 2, Correction Reports are prescribed as the statistical plan for the Addition of 6th-10th Report Levels effective July 7, 2008.

(e) The January 1, 2006, edition of the Part 4, Paragraph 6, Gross Losses, and Paragraph 35, Deductible Reimbursement; and Part 5, Paragraph 2, Correction Reports, are prescribed as the statistical plan for the Oregon Employer Paid Medical Program Limits effective January 1, 2009.

(f) The January 1, 2002, edition of Part 3 — Exposure Information, Paragraph 14, Statistical Codes — Premium Amount Not Subject to Experience Modification; and Part 7 — Coding Specifications, Paragraph 9, Statistical Codes — Premium Amount Not Subject to Experience Modification effective September 1, 2008.

(2) The State Accident Insurance Fund Corporation and each insurer transacting workers' compensation insurance in this state shall report statistics for such business to the workers' compensation rating organization of which it is a member according to the statistical plan prescribed by section (1) of this rule.

(3) The amendments in section (1) of this rule, which were filed in ID 7-2003 with the Secretary of State on December 3, 2003 to become effective on January 1, 2004, are re-adopted with the operative date of January 1, 2004.

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

Stat. Auth.: ORS 731.244 & 737.225

Stats. Implemented: ORS 737.225

Hist.: IC 3-1982, f. 1-27-82, ef. 7-1-82; IC 10-1982, f. 6-23-82, ef. 7-1-82; IC 2-1983, f. 3-16-83, ef. 4-1-83; IC 5-1983, f. 6-30-83, ef. 7-1-83; IC 4-1984, f. 9-28-84, ef. 10-1-84; ID 2-1998, f. & cert. ef. 2-6-98; ID 15-2001, f. 12-19-01, cert. ef. 1-1-02; ID 7-2003, f. 12-3-03 cert. ef. 1-1-04; ID 5-2005, f. & cert. ef. 4-7-05; ID 10-2006, f. & cert. ef. 6-9-06; ID 3-2008, f. & cert. ef. 4-7-08; ID 13-2008(Temp), f. 8-14-08, cert. ef. 9-1-08 thru 1-1-09

Rule Caption: Sales and replacement of life insurance and annuities; Disclosure requirements.

Adm. Order No.: ID 14-2008

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 8-15-08

Notice Publication Date: 6-1-2008

Rules Adopted: 836-051-0900, 836-051-0905, 836-051-0910, 836-051-0915, 836-051-0920, 836-051-0925, 836-080-0095, 836-080-0165

Rules Amended: 836-080-0001

Subject: This rulemaking proposes: adoption of the NAIC Annuity Disclosure Model Regulation, governing disclosure of information relating to the sale of annuities, with some changes; addition of an exemption to the rules governing replacement of life insurance and annuities; and adoption of rules relating to the suitability of insurance sales and to annuity sales practices.

Rules Coordinator: Sue Munson—(503) 947-7272

836-051-0900

Purpose; Authority

(1) OAR 836-051-0900 to 836-051-0925 establish standards for disclosure of minimum information relating to annuity contracts, to protect consumers and foster consumer education. OAR 836-051-0900 to 836-051-0925 prescribe the minimum information that must be disclosed and the method for disclosing it in connection with the sale of annuity contracts. The goal of 836-051-0900 to 836-051-0925 is to ensure that purchasers of annuity contracts understand certain basic features of annuity contracts.

(2) OAR 836-051-0900 to 836-051-0925 are adopted pursuant to ORS 731.244 for the purpose of implementing 746.075, 746.085, 746.110 & 746.240.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.009, 746.075, 746.085, 746.110, & 746.240

Hist.: ID 14-2008, f. & cert. ef. 8-15-08

836-051-0905

Applicability and Scope

(1) OAR 836-051-0900 to 836-051-0925 apply to all group and individual annuity contracts and certificates except:

(a) Registered or non-registered variable annuities or other registered products;

(b) Immediate and deferred annuities that contain no nonguaranteed elements except as provided in OAR 835-051-0920(2);

(c) Annuities used to fund:

(A) An employee pension plan that is covered by the Employee Retirement Income Security Act (ERISA);

(B) A plan described by Sections 401(a), 401(k) or 403(b) of the Internal Revenue Code, when the plan, for purposes of ERISA, is established or maintained by an employer;

(C) A governmental or church plan defined in Section 414 or a deferred compensation plan of a state or local government or a tax exempt organization under Section 457 of the Internal Revenue Code; or

(D) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

(d) Structured settlement annuities; and

(e) Funding agreements.

(2) OAR 836-051-0900 to 836-051-0925 also apply to annuities used to fund a plan or arrangement that is funded solely by contributions an employee elects to make, whether on a pre-tax or after-tax basis, and when the insurer has been notified that plan participants may choose from among two or more fixed annuity providers and there is a direct solicitation of an individual employee by a producer for the purchase of an annuity contract. A direct solicitation under this section does not include any meeting held

ADMINISTRATIVE RULES

by a producer solely for the purpose of educating or enrolling employees in the plan or arrangement.

(3) OAR 836-051-0900 to 836-051-0925 apply to annuity contracts that are sold on or after October 1, 2008. An insurer may conform its contracts to the provisions of 836-051-0900 to 836-051-0925 prior to that date.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.009, 746.075, 746.085, 746.110 & 746.240

Hist.: ID 14-2008, f. & cert. ef. 8-15-08

836-051-0910

Definitions

As used in OAR 836-051-0900 to 836-051-0925:

(1) "Contract owner" means the owner named in the annuity contract or a certificate holder in the case of a group annuity contract.

(2) "Determinable elements" means elements that are derived from processes or methods that are guaranteed at issue and not subject to insurer discretion, but in which the values or amounts cannot be determined until some point after issue. These elements include the premiums, credited interest rates (including any bonus), benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these. These elements may be described as guaranteed but not determined at issue. An element is considered determinable if it was calculated from underlying determinable elements only, or from both determinable and guaranteed elements.

(3) "Free look" means the number of days immediately after delivery of the contract in which the contract owner has to examine the contract and decide to return it to get the purchase payment returned penalty free. May also be referred to as "Right to Examine."

(4) "Funding agreement" means an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts that are not based on mortality or morbidity contingencies.

(5) "Generic name" means a short title descriptive of the annuity contract being applied for or illustrated, such as "single premium deferred annuity."

(6) "Guaranteed elements" means the premiums, credited interest rates (including any bonus), benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these, that are guaranteed and determined at issue. An element is considered guaranteed if all of the underlying elements that go into its calculation are guaranteed.

(7) "Non-guaranteed elements" means the premiums, credited interest rates (including any bonus), benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these, that are subject to company discretion and are not guaranteed at issue. An element is considered non-guaranteed if any of the underlying non-guaranteed elements are used in its calculation.

(8) "Structured settlement annuity" means a "qualified funding asset" as defined in section 130(d) of the Internal Revenue Code or an annuity that, by its issue, would be a qualified funding asset under section 130(d) but for the fact that it is not owned by an assignee under a qualified assignment.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.009, 746.075, 746.085, 746.110 & 746.240

Hist.: ID 14-2008, f. & cert. ef. 8-15-08

836-051-0915

Standards for the Disclosure Document and Buyer's Guide

(1) When the application for an annuity contract is taken in a face-to-face meeting, the applicant shall be given, at or before the time of application, both the disclosure document described in section (4) of this rule and the Buyer's Guide contained in Exhibit 1 to this rule.

(2) When the application for an annuity contract is taken by means other than in a face-to-face meeting, the applicant shall be sent both the disclosure document and the Buyer's Guide no later than five business days after the completed application is received by the insurer. The following provisions apply to the requirement in this section:

(a) With respect to an application received as a result of a direct solicitation through the mail:

(A) Providing a Buyer's Guide in a mailing inviting prospective applicants to apply for an annuity contract satisfies the requirement that the Buyer's Guide be provided no later than five business days after receipt of the application.

(B) Providing a disclosure document in a mailing inviting a prospective applicant to apply for an annuity contract satisfies the requirement that the disclosure document be provided no later than five business days after receipt of the application.

(b) With respect to an application received through the Internet:

(A) Taking reasonable steps to make the Buyer's Guide available for viewing and printing on the insurer's website satisfies the requirement that the Buyer's Guide be provided no later than five business days of receipt of the application.

(B) Taking reasonable steps to make the disclosure document available for viewing and printing on the insurer's website satisfies the requirement that the disclosure document be provided no later than five business days after receipt of the application.

(C) A solicitation for an annuity contract provided in other than a face-to-face meeting must include a statement that the proposed applicant may contact the insurance department of the state for a free annuity Buyer's Guide, except that alternatively, an insurer may include a statement that the prospective applicant may contact the insurer for a free annuity Buyer's Guide.

(3) When the Buyer's Guide and disclosure document are provided at delivery of the contract and are not provided at or before the time of application, a free look period of no less than 15 days must be provided for the applicant to return the annuity contract without penalty. This free look runs concurrently with the free look provided under the contract.

(4) When the Buyer's Guide and disclosure document are provided at the time of application, a free look period of no less than ten days must be provided to enable the contract owner to examine the contract with the disclosure document and return the annuity contract without penalty if not satisfied.

(5) For the purpose of this rule, a "Buyer's Guide" is the document in Exhibit 1 to this rule or the most current version adopted by the NAIC, or other published descriptions that are similar in nature approved by the Director. Companies may purchase personalized brochures from the NAIC or reproduce the Buyer's Guide in their own type, style and format. Any description of an annuity feature in the Buyer's Guide is for general education and does not imply that all features are acceptable for filing under Oregon standards.

(6) At a minimum, the following information shall be included in the disclosure document required to be provided under OAR 836-051-0900 to 836-051-0925:

(a) The generic name of the contract, the insurer product name, if different, and form number, and the fact that it is an annuity;

(b) The insurer's name and address;

(c) A description of the contract and its benefits, emphasizing its long-term nature, including examples when appropriate, as follows:

(A) The guaranteed, non-guaranteed and determinable elements of the contract, and their limitations, if any, and an explanation of how they operate;

(B) An explanation of the initial crediting rate, specifying any bonus or introductory portion, the duration of the rate and the fact that rates may change from time to time and are not guaranteed;

(C) Periodic income options both on a guaranteed and non-guaranteed basis;

(D) Any value reductions caused by withdrawals from or surrender of the contract, and also a dollar-figure statement, which may be specific to the contract or given as an example using round numbers, of the maximum effect of penalties, surrender charges, market value adjustments and any other adjustments owing to a withdrawal or surrender;

(E) How values in the contract can be accessed;

(F) The death benefit, if available and how it will be calculated;

(G) A summary of the federal tax status of the contract and any penalties applicable on withdrawal of values from the contract; and

(H) The impact of any rider, such as a long-term care rider.

(d) The specific dollar amount or percentage charges and fees, which shall be listed with an explanation of how they apply.

(e) Information about the current guaranteed rate for new contracts, with a clear notice that the rate is subject to change.

(7) An insurer must define terms used in the disclosure statement in language that facilitates the understanding by a typical person within the segment of the public to which the disclosure statement is directed.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.009, 746.075, 746.085, 746.110 & 746.240

Hist.: ID 14-2008, f. & cert. ef. 8-15-08

836-051-0920

Report to Contract Owners

(1) For an annuity in the payout period with changes in non-guaranteed elements and for the accumulation period of a deferred annuity, the insurer shall provide each contract owner with a report, at least annually, on the status of the contract that contains at least the following information:

(a) The beginning and end date of the current report period.

ADMINISTRATIVE RULES

(b) The accumulation and cash surrender value, if any, at the end of the previous report period and at the end of the current report period.

(c) The total amounts, if any, that have been credited, charged to the contract value or paid during the current report period; and

(d) The amount of outstanding loans, if any, as of the end of the current report period.

(2) For a deferred annuity with only guaranteed elements and no cash surrender value during the accumulation period, the insurer shall provide each contract owner with a report, at least annually, on the status of the contract that contains at least the following information:

(a) The beginning and end date of the current report period.

(b) The selected annuitization date, including any time restraints for changing the annuitization date.

(c) The selected annuitization option, including any time restraints for changing to another option.

(d) Any additional benefit values, such as the death benefit and any optional access to cash values.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.009, 746.075, 746.085, 746.110 & 746.240

Hist.: ID 14-2008, f. & cert. ef. 8-15-08

836-051-0925

Trade Practice Regulation

Violation of any provision of OAR 836-051-0900 to 836-051-0925 is an unfair trade practice under ORS 746.240.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.009, 746.075, 746.085, 746.110 & 746.240

Hist.: ID 14-2008, f. & cert. ef. 8-15-08

836-080-0001

Statutory Authority; Purpose; Applicability

(1) OAR 836-080-0001 to 836-080-0043 are adopted pursuant to the general rulemaking authority of the Director of the Department of Consumer and Business Services in ORS 731.244 and the specific authority in 746.085(1), for the purpose of implementing 746.085 and 746.240.

(2) The purpose of OAR 836-080-0001 to 836-080-0043 is to protect the insurance-buying public in insurance transactions involving the replacement of life insurance or annuities by:

(a) Regulating the activities of insurers and insurance producers with respect to the replacement of existing life insurance and annuities.

(b) Protecting the interests of life insurance and annuity purchasers by establishing minimum standards of conduct to be observed in replacement or financed purchase transactions. OAR 836-080-0001 to 836-080-0043 are intended to:

(A) Assure that a purchaser receives information with which a decision can be made in the purchaser's own best interest;

(B) Reduce the opportunity for misrepresentation and incomplete disclosure; and

(C) Establish penalties for failure to comply with requirements of OAR 836-080-0001 to 836-080-0043.

(3) In OAR 836-080-0001 to 836-080-0043 and the appendices thereto, for purposes of consistency with the Life Insurance and Annuities Replacement Model Regulation of the National Association of Insurance Commissioners dated July 2000, an annuity is referred to as a contract and a life insurance policy is referred to as a policy, and they are subject to 836-080-0001 to 836-080-0043 on the basis of that terminology.

(4) Unless otherwise specifically included, OAR 836-080-0001 to 836-080-0043 do not apply to transactions involving:

(a) Credit life insurance;

(b) Group life insurance or group annuities, when there is no direct solicitation of individuals by an insurance producer. Direct solicitation does not include any group meeting held by an insurance producer solely for the purpose of educating or enrolling individuals or, when initiated by an individual member of the group, assisting with the selection of investment options offered by a single insurer in connection with enrolling that individual. Group life insurance or group annuity certificates marketed through direct response solicitation are subject to the provisions of OAR 836-080-0039;

(c) An application to the existing insurer that issued the existing policy or contract when a contractual change or a conversion privilege is being exercised; or, when the existing policy or contract is being replaced by the same insurer pursuant to a program filed with and approved by the Director; or when a term conversion privilege is exercised among corporate affiliates;

(d) Proposed life insurance that is to replace life insurance under a binding or conditional receipt issued by the same insurer;

(e)(A) Policies or contracts used to fund any of the following:

(i) An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);

(ii) A plan described by Section 401(a), 401(k) or 403(b) of the Internal Revenue Code, when the plan, for purposes of ERISA, is established or maintained by an employer;

(iii) A governmental or church plan defined in Section 414 of the Internal Revenue Code, a governmental or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the Internal Revenue Code; or

(iv) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

(B) Notwithstanding paragraph (A) of this subsection, OAR 836-080-0001 to 836-080-0043 apply to policies or contracts used to fund any plan or arrangement that is funded solely by contributions an employee elects to make, whether on a pre-tax or after-tax basis, and when the insurer has been notified that plan participants may choose from among two or more insurers and there is a direct solicitation of an individual employee by an insurance producer for the purchase of a contract or policy. As used in this subsection, direct solicitation does not include any group meeting held by an insurance producer solely for the purpose of educating individuals about the plan or arrangement or enrolling individuals in the plan or arrangement or, when initiated by an individual employee, assisting with the selection of investment options offered by a single insurer in connection with enrolling that individual employee;

(f) When new coverage is provided under a life insurance policy or contract and the cost is borne wholly by the insured's employer or by an association of which the insured is a member;

(g) Existing life insurance that is a non-convertible term life insurance policy that will expire in five years or less and cannot be renewed;

(h) Immediate annuities that are purchased with proceeds from an existing contract. Immediate annuities purchased with proceeds from an existing policy are not exempted from the requirements of OAR 836-080-0001 to 836-080-0043; or

(i) Structured settlements.

(5) Registered contracts are exempt from the requirements of OAR 836-080-0029(1)(b) and 836-080-0034(2) with respect to the provision of illustrations or policy summaries, but premium or contract contribution amounts and identification of the appropriate prospectus or offering circular shall be required instead.

Stat. Auth.: ORS 731.244 & 746.085

Stats. Implemented: ORS 746.085 & 746.240

Stat. Auth.: ORS 731.244 & 746.085

Stats. Implemented: ORS 746.085 & 746.240

Hist.: IC 8-1984, f. 10-26-84, ef. 12-1-84; ID 5-2001, f. 4-16-01, cert. ef. 11-1-01; ID 8-2005, f. 5-18-05, cert. ef. 8-1-05; ID 14-2008, f. & cert. ef. 8-15-08

836-080-0095

Annuity Sales; Disclosure Not a Defense

The fact that a person made a disclosure to a consumer about the nature of an annuity in connection with the sale of the annuity to the consumer is not a defense by itself to a determination by the Director under OAR 836-080-0090 that the sale was unsuitable with respect to the consumer.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 746.100, 746.110 & 746.240

Hist.: ID 14-2008, f. & cert. ef. 8-15-08

836-080-0165

Notice of Insurance Division Assistance

(1) An insurer shall include in an individual annuity contract and with any subsequent offer for sale of additional coverage in connection with the annuity a statement to the effect that the Insurance Division of the Department of Consumer and Business Services offers assistance to consumers in the event of a dispute with the insurer. When the statement appears in the contract, the statement must be displayed on the cover page, the first page of the annuity terms, the page that contains the names of the parties and basic coverage information or another prominent place. When the statement appears in an offer for sale of additional coverage, the statement must be displayed in a prominent place. The statement must include the telephone number and website information for contacting the Insurance Division for assistance.

(2) Violation of this rule is an unfair trade practice for the purpose of ORS 746.240.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.009 & 746.240

Hist.: ID 14-2008, f. & cert. ef. 8-15-08

ADMINISTRATIVE RULES

Department of Corrections Chapter 291

Rule Caption: Incoming Mail Services for Inmates Incarcerated in Department of Corrections Facilities.

Adm. Order No.: DOC 17-2008

Filed with Sec. of State: 7-18-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 5-1-2008

Rules Amended: 291-131-0025

Subject: This proposed amendment will permit inmates incarcerated in Department of Corrections facilities to receive used books through the inmate mail system.

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

291-131-0025

Incoming Mail

(1) Incoming mail shall require the sender's name and return address on the front of the envelope and shall be addressed to the inmate using only his/her committed name and SID number. Incoming electronic messages shall include the name and address of the sender as part of the message and the full name and SID number of the inmate recipient.

(a) Mail whose recipient cannot be identified because of incomplete name or number will be returned to the sender. A reasonable attempt will be made to identify the inmate recipient. If the inmate recipient cannot be positively identified, the mail will be returned to the sender.

(b) Mail with no return address or an incomplete name and return address shall be refused and returned to the U.S. Postal Service or other authorized mail service provider.

(c) The placement of the return address for international mail shall be in accordance with the sending country's postal regulations.

(2) Incoming mail must be in pen, lead or color pencil, non-toxic markers or be typewritten or photocopied.

(3) Transfers:

(a) Incoming mail to inmates not residing in the receiving facility will be forwarded to the inmate if he/she resides at another Department of Corrections facility.

(b) Incoming mail for inmates temporarily transferred to another criminal justice agency will be held at the facility for seven consecutive days. If the inmate does not return to the facility within seven days, the facility will forward to the agency all accumulated and subsequent mail received at the facility. If the criminal justice agency refuses the forwarded mail, it will be held at the department facility until the inmate has been returned.

(4) Mail received for an inmate who has been released, discharged, or has escaped shall be refused and returned to the U.S. Postal Service or other authorized mail service provider.

(5) New and used books, magazines, and newspapers shall only be received directly from the publisher or distributor.

(a) Multiple copies of the same publication to an inmate shall be prohibited.

(b) Publications that have been previously rejected by the department and altered (i.e., offending pages removed) shall be prohibited.

(6) Inmates may receive catalogs, advertisements, brochures, promotional materials, pamphlets, sweepstakes, and contest materials solicited by the inmate provided the materials are properly addressed with the inmate's full name and SID number and are received directly at the correct address of where the inmate is currently housed. These materials must conform to any content restrictions contained within this rule.

(7) No notice or administrative review will be provided to the sender or intended inmate recipient for mail refused under subsections (5)(a) and (b) or (6) of this rule.

(8) Packages, except books, magazines, and newspapers received directly from the publisher, require prior authorization from the functional unit manager or designee.

(9) Central Administration Review of Publications:

(a) Facility mailroom staff shall stamp approval of all accepted books, magazines and other publications (except newspapers) on the front or inside front cover of the publication, together with the inmate's name, SID number, date accepted, and the authorizing staff's signature. Books and magazines without the completed stamp on the front or inside the front cover shall be unauthorized and considered contraband.

(b) Unauthorized attachments, enclosures, merchandise, or materials in publications may be removed and destroyed to allow the publication to be delivered to the intended inmate recipient, if the publication is otherwise

in compliance with these rules, and doing so would not drastically alter/destroy the publication.

(c) If mailroom staff determine a publication contains material that is prohibited under these or other department administrative rules, the violation notice and prohibited material shall be reviewed by a designated Central Administration official, who will either affirm, reverse or otherwise modify the original rejection decision in writing. The reviewing official shall not take part in any subsequent administrative review of the rejected publication under OAR 291-131-0050.

(10) General correspondence shall be authorized up to 1/4 inch thickness. Legal and official mail received directly from the original source shall be authorized up to three inches thick. Legal and official mail in excess of three inches shall require prior approval from the functional unit manager or designee.

(11) Unauthorized Attachments and [/or] Enclosures:

(a) Only the canceled postage stamp, address label, and return address stamp (if used) attached to the front of an envelope or package shall be glued, taped or otherwise affixed to an envelope or package, or its contents.

(b) Only written correspondence, newspaper and magazine clippings, small pamphlets, photocopies, carbon copies, business cards, hand made drawings, and photographs may be enclosed in the envelope. Inmates shall not receive newspaper or magazine clippings from another inmate. Unauthorized items with minimal monetary value (i.e., paper clip, rubber band, uncanceled stamp(s), book mark, envelope, blank paper, newspaper and magazine clippings and photocopies that violate the content portion of this rule, etc.) may be removed and destroyed and the remaining mail sent to the inmate, if the mail is otherwise in compliance with department rules.

(A) Small pamphlets, photocopies, carbon copies and hand-made drawings shall be allowed provided the contents do not exceed the one fourth inch thickness limitation as specified in section (10) above.

(B) Newspaper and magazine clippings and photographs shall not exceed ten items for each category.

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

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

Hist.: CD 18(Temp), f. & ef. 12-18-73 thru 4-17-74; CD 22, f. 6-27-74, ef. 7-25-74; CD 1-1979, f. & ef. 1-4-79; Renumbered from 291-010-0310, CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 41-1983(Temp), f. & ef. 10-14-83; CD 13-1984, f. & ef. 4-11-84; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 12-2001(Temp) f. & cert. ef. 6-20-01 thru 12-17-01; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 4-2002(Temp), f. & cert. ef. 3-25-02 thru 9-21-02; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 5-2007(Temp), f. & cert. ef. 8-1-07 thru 1-27-08; DOC 1-2008, f. & cert. ef. 1-25-08; DOC 17-2008, f. 7-18-08, cert. ef. 7-21-08

Rule Caption: Placement of Inmates in Administrative Housing for Purposes of Protective custody, Involuntary Protective Custody, and Administrative Segregation.

Adm. Order No.: DOC 18-2008

Filed with Sec. of State: 7-18-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 11-1-2007

Rules Adopted: 291-046-0014, 291-046-0100

Rules Amended: 291-046-0005, 291-046-0010, 291-046-0020, 291-046-0025, 291-046-0030, 291-046-0035, 291-046-0040, 291-046-0045, 291-046-0050, 291-046-0055, 291-046-0060, 291-046-0065, 291-046-0070, 291-046-0075, 291-046-0080, 291-046-0085, 291-046-0090

Subject: Modifications of these rules are necessary to clarify and update requirements for placing an inmate in administrative housing for purposes of protective custody, involuntary protective custody and administrative segregation, and to establish an administrative review process for such placements. Inmates will not be assigned to administrative housing for these purposes without review and approval of the Special Population Management Committee.

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

291-046-0005

Authority, Purpose and Policy

(1) The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030 and 423.075.

(2) Purpose: The purpose of this rule is to provide a method to administratively house inmates in Department of Corrections facilities who:

ADMINISTRATIVE RULES

- (a) Constitute a continuing or immediate threat to the safety, security, and orderly operation of the facility; or
- (b) Require protective custody.
- (3) Policy: It is the policy of the Department of Corrections to administratively house those inmates in Department of Corrections facilities whose notoriety, actions or threats jeopardize the safety, security, and orderly operation of the facility, staff, visitors or other inmates.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 28-1987, f. & ef. 6-5-87; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0010

Definitions

- (1) Administrative Housing: Housing separate and apart from the general population, including facilities, rooms, or cells for inmates whose actions, or threats jeopardize the safety, security, and orderly operation of the facility, staff, visitors, or other inmates or for those inmates who require protective custody and no other reasonable housing alternative is available.
- (2) Administrative Hold: An involuntary or voluntary temporary administrative housing assignment not to exceed 30 days by order of the functional unit manager or designee only when he/she determines there is sufficient evidence to believe immediate assignment is necessary to protect the safety, security and orderly operation of the facility.
- (3) Administrative Segregation: Administrative housing for those inmates whose notoriety, actions, or threats jeopardize the safety, security, and orderly operation of the facility, staff, visitors, or other inmates.
- (4) Department of Corrections Facility: Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections.
- (5) Inmate: Any person under the supervision of Department of Corrections who is not on parole, post-prison supervision, or probation status.
- (6) Officer in Charge: That person designated by the functional unit manager to supervise the facility and make operational decisions in accordance with rule or procedure during periods when the functional unit manager or officer of the day are not readily available.
- (7) Protective Custody: Administrative housing for those inmates who consent in writing and for which no reasonable housing alternative is available or for those inmates who are considered by staff to require protective custody but do not volunteer to sign consent for such placement.
- (8) Reasonable Grounds: Information that is of such credibility that it would induce a reasonably prudent person to use it in the conduct of their serious affairs.
- (9) Special Needs Inmate Evaluation Committee (SNIEC): An institution committee that reviews, evaluates, and manages the needs of special population inmates housed in the custody of Department of Corrections facilities.
- (10) Special Population Management Committee (SPM): A committee that is composed of at least three department staff to include a representative from Institution Operations, Behavioral Health Services, and the Office of Population Management.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 28-1987, f. & ef. 6-5-87; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0014

Administrative Hold

An inmate may be voluntarily or involuntarily assigned to administrative housing for a period not to exceed 30 days without a hearing. Any assignment exceeding 30 days must follow the procedures outlined under OAR 291-046-0020 (Voluntary Administrative Housing) or OAR 291-046-0025 (Involuntary Administrative Housing).

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0020

Voluntary Administrative Housing

- (1) An inmate may be voluntarily placed in protective custody for a period in excess of 30 days without a hearing only when:
 - (a) He/she consents in writing;
 - (b) There is substantial evidence that protective custody is warranted and such evidence is documented;
 - (c) There is no reasonable alternative available; and

(d) The functional unit manager or designee authorizes such an assignment.

(2) The voluntary housing packet for protective custody will contain information as outlined in the Department's policy on Administrative Housing (40.3.3).

(3) Once the functional unit manager or designee has signed the voluntary assignment, the functional unit manager or designee will forward the voluntary packet recommending assignments over 30 days to the SPM Committee. Upon receipt of the voluntary packet, the SPM Committee will review the information and determine which administrative housing unit the inmate will be assigned.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0025

Involuntary Administrative Housing

(1) An inmate may be involuntarily placed in administrative segregation or protective custody for a period not to exceed 30 days by order of the functional unit manager or designee only when he/she has sufficient evidence to believe immediate assignment is necessary to protect the safety, security, and orderly operation of the facility.

(2) An inmate may be involuntarily placed in administrative segregation or protective custody for a period in excess of 30 days only when information verified through the hearing process, outlined in these rules, shows the inmate to constitute an immediate and continuing threat to the safety, security, and orderly operation of the facility.

(3) The involuntary administrative housing packet will contain information as outlined in the Department's policy on Administrative Housing (40.3.3).

(4) Each inmate placed in involuntary administrative housing exceeding 30 days will receive a hearing by a hearings officer. The hearing report shall be processed and reviewed by the Institutions Administrator or designee. If the factual allegations support placement in involuntary administrative segregation or protective custody, the packet will be forwarded to the SPM Committee for placement. Upon receipt of the administrative housing packet, the SPM Committee will review the information and determine which administrative housing unit the inmate will be assigned.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0030

Hearings Process

(1) Each inmate placed involuntarily in administrative housing will receive a hearing as described below if the involuntary placement request exceeds 30 days. The hearing shall occur within 30 days, if he/she is placed in administrative housing without a hearing as permitted in OAR 291-046-0025. It is the responsibility of each functional unit manager to notify the hearings officer of the need for a hearing and to provide him/her with a Request for Administrative Housing (CD1482) containing the allegations justifying such action, including a recommendation for length of stay not to exceed 180 days.

(2) The hearing shall be conducted by a hearings officer, or other person trained in the hearings process, in the event the hearings officer is unavailable.

(3) Prior to the hearing, the hearings officer shall review the involuntary housing assignment request to determine if there is sufficient evidence to proceed with a hearing. If the request is not complete, it will be returned to the functional unit manager for resubmission.

(4) The hearings officer shall not have participated in the case as a charging, investigating, or reviewing officer. Further, no person shall serve as a hearings officer who was a witness to the allegations or has personal knowledge of any disputed material fact relating to the case being heard.

(5) The hearings officer may pose questions during the hearing.

(6) The evidence considered by the hearings officer will be of such reliability as would be considered by reasonable persons in the conduct of their serious affairs.

(a) When confidential informant testimony is submitted to the hearings officer, the identity of the informant and the verbatim statement of the informant shall be revealed to the hearings officer in writing, but shall remain confidential.

(b) In order for the hearings officer to rely on the testimony of a confidential informant, information must be submitted to the hearings officer

ADMINISTRATIVE RULES

from which the hearings officer can find that the informant is a person who can be believed or that the information provided in the case at issue is truthful.

(7) Behavioral Health Services staff will be notified when inmates with either mental health or developmental disability issues are placed in administrative housing or are scheduled for an involuntary administrative housing hearing.

(8) At the conclusion of the hearing, the hearings officer will decide whether the factual allegations support involuntary placement of the inmate in administrative segregation or protective custody. The hearings officer may postpone the rendering of a decision for a reasonable period of time, not to exceed five days, for the purpose of reviewing the evidence.

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0035

Findings

(1) No Justification: The hearings officer may find that the factual allegations do not support involuntary placement in administrative segregation or protective custody, in which case the hearings officer will recommend that the inmate remain in general population status with all rights and privileges of that status.

(a) The report shall be processed with final action subject to review by the Institutions Administrator.

(b) The findings must be on the merits. Technical or clerical errors in the writing or processing of the allegations shall not be grounds for a no justification finding, unless there is substantial prejudice to the inmate.

(2) Justification: The hearings officer may find the factual allegations do support placement in administrative segregation or protective custody, in which case the hearings officer will so inform the inmate, and recommend that he/she be assigned to administrative housing for a specified period of time, as recommended by the functional unit manager, but not to exceed 180 days. The report shall be processed and recorded with final action subject to review by the Institutions Administrator.

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 28-1987, f. & ef. 6-5-87; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0040

Inmate Rights

(1) Hearing: An inmate shall be entitled to a hearing when an involuntary request for administrative housing has been filed against him/her.

(2) Waiver of Hearing:

(a) An inmate may waive the right to a hearing. Waiver of the right must be in writing or verbal and must be documented on the record. An inmate's refusal to attend the hearing will constitute a waiver.

(b) An inmate waiving his/her right to a hearing shall have his/her case reviewed on its merits by the hearings officer in accordance with the procedures outlined in this rule.

(3) Notice of Hearing:

(a) The inmate shall be given written notice of the hearing not less than 24 hours prior to the hearing, unless the inmate consents to holding the hearing within 24 hours after the involuntary request for administrative housing has been served on the inmate.

(b) The notice shall include a copy of this rule (OAR 291-046).

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0045

Representation

(1) In all cases, the inmate is entitled to:

(a) Speak in his/her own behalf;

(b) Be present at all evidentiary stages of the hearing process, except when the hearings officer finds that to have the charged inmate present would present an immediate threat to the safety, security, and orderly operation of the facility. The reason(s) for the finding shall be part of the record.

(2) Assistance by an employee, inmate, or other person approved by the hearings officer will be ordered upon a finding that assistance is necessary based upon language barriers or competence and capacity of the inmate to prepare a defense, to understand the allegations, or to understand the rights available to him or her.

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0050

Investigation

(1) The inmate may request that an investigation be conducted.

(2) If an investigation is ordered, a designee of the hearings officer shall conduct the investigation. No person shall serve as an investigator who has participated in the case or who was a witness to the allegations or has personal knowledge of any disputed material fact relating to the case being heard.

(3) An investigation shall be conducted upon the inmate's request, if an investigation will assist in the resolution of the proceedings and the information sought is within the ability of the facility to procure.

(4) The hearings officer may order an investigation on his/her own motion.

(5) The hearings officer shall allow the inmate access to the results of the investigation unless disclosure of the investigative results would constitute a threat to the safety, security, and orderly operation of the facility.

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0055

Testimony of Witnesses

The hearings officer shall direct the scheduling and taking of testimony of witnesses at the hearing. Witnesses may include inmates, employees, or other persons. Testimony may be taken in person, by telephone, or by written report or statement.

(1) The inmate may request that the hearings officer schedule witnesses to present testimony at the hearing. The request must be submitted to the hearings officer in writing in advance of the hearing, and include a list of the person(s) the inmate requests be called to testify and the questions to be posed to each person. The hearings officer shall arrange for the taking of testimony from such witnesses as properly requested by the inmate, subject to the exclusions and restrictions provided in these rules.

(2) The inmate shall not have the right to cross examine or directly pose questions to any witness.

(3) The hearings officer may limit testimony when it is cumulative or irrelevant.

(4) The hearings officer may exclude a specific inmate or employee witness upon finding that the witness' testimony would not assist the hearings officer in the resolution of the proceeding, or that the witness' appearance at the hearing would present an immediate undue risk to the safety, security, and orderly operation of the facility. If a witness is excluded, the reason(s) shall be made a part of the record.

(5) The hearings officer may exclude other persons as witnesses upon finding that the witness' testimony would not assist the hearings officer in the resolution of the proceeding, or that the witness' appearance at the hearing would present an undue risk to the safety, security, and orderly operation of the facility. The reason(s) for exclusion shall be made part of the record.

(6) Witnesses requested by the inmate may refuse to testify. Persons, other than inmates or employees, requested as witnesses may refuse to appear or testify.

(7) The hearings officer may, on his/her own motion, call witnesses to testify.

(8) All questions which may assist in the resolution of the proceeding, as determined by the hearings officer, shall be posed. The reason(s) for not posing a question will be made part of the record.

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0060

Documents/Physical Evidence

(1) The inmate may present documents and physical evidence during the hearing, subject to the exclusion and restrictions provided in these rules.

(2) The reporting employee or other agents of the Department of Corrections who are knowledgeable of the allegations may submit documents and physical evidence.

(3) The hearings officer may exclude documents and physical evidence upon finding that such evidence would not assist in the resolution of the proceeding, or that such evidence would present an undue risk to the

ADMINISTRATIVE RULES

safety, security, and orderly operation of the facility. The reason(s) for exclusion shall be made part of the record.

(4) The hearings officer may classify documents and physical evidence as confidential (and not disclose such evidence to the inmate) upon finding that disclosure would present an undue risk to the safety, security, and orderly operation of the facility. The reason(s) for classifying documents and physical evidence as confidential shall be made part of the record.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0065

Postponement

(1) A hearing may be postponed by the hearings officer for good cause and for reasonable periods of time.

(2) Good cause includes, but is not limited to:

(a) Preparation of defense;

(b) Illness or unavailability of the inmate charged;

(c) Gathering of additional evidence (e.g., calling of witnesses, gathering of witnesses' statements, investigation, acquisition of physical evidence); or

(d) Avoiding interference with ongoing police investigation or pending prosecution.

(3) The reason(s) for the postponement shall be stated on the record.

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0070

Hearing Record

(1) A verbatim recording of the hearing shall be made. Upon completion of the hearing, the hearings officer shall prepare a written hearing record of the decision and the supporting reasons within seven days for transmittal to the Institutions Administrator. The hearing decision shall be documented in the Correctional Information System.

(2) The record of the formal hearing shall include:

(a) Request for Administrative Housing form (CD 1482);

(b) Notice of hearing and copy of this rule (OAR 291-046);

(c) Supporting documentation; and

(d) Preliminary Order, Conclusion, and Recommendation of hearings officer.

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0075

Institutions Administrator's Review

(1) The results of any hearing held to involuntarily place an inmate in administrative housing will be reviewed and approved by the Institutions Administrator or his/her designee.

(2) The Institutions Administrator or designee shall review the case, using the hearing record described above, in terms of the following factors:

(a) Was there substantial compliance with this rule (OAR 291-046);

(b) Was the decision based on substantial evidence; and

(c) Was the assignment to administrative housing consistent with the provisions of this rule (OAR 291-046).

(3) Within seven days of the receipt of the hearing record, the Institutions Administrator or his/her designee shall review the document and do one of the following:

(a) Affirm the recommendation;

(b) Modify the recommendation; or

(c) Reverse the recommendation.

(4) When the Institutions Administrator takes action to modify or reverses a recommendation, he/she must state in writing, his/her reason(s) and immediately notify the inmate, the hearings officer, and the functional unit manager of his/her action and reason(s).

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0080

Provision of Basic Services and Program

(1) Basic services and programs may be denied, or the manner in which they are provided may differ from the manner in which programs or services are provided to those in the general population, if their provision in a routine manner would cause an immediate and continuing threat to the safety, security, and orderly operation of the facility.

(2) The officer-in-immediate-charge may temporarily deny or withhold a basic service or program previously granted to an inmate in administrative housing if there are reasonable grounds to believe there is a threat to the safety, security, and orderly operation of the facility. All such actions must be reported to the functional unit manager and either affirmed or denied by him/her the following work day. No basic program or service will be permanently withheld without the expressed approval of the functional unit manager.

(3) At the discretion of the functional unit manager, inmates in administrative housing may not be permitted out of their assigned cell or room except when in actual custody of an employee. Restraints may be used at the discretion of the functional unit manager.

(4) Inmates in administrative housing will be given basic visiting status in accordance with the Department of Corrections rule on Visiting (Inmate) (OAR 291-127).

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 28-1987, f. & ef. 6-5-87; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0085

Administrative Housing Release

(1) Voluntary Assignment: Inmates who voluntarily requested to be assigned to administrative housing will be reassigned to the general population upon request, but only after staff have had adequate time to determine proper placement and transfer to general population.

(2) Involuntary Assignment: Inmates involuntarily assigned to administrative segregation or protective custody will be reassigned to the general population once their involuntary timeframe has been completed, but the assignment shall not exceed 180 days without due process.

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 47-1985, f. & ef. 8-16-85; CD 28-1987, f. & ef. 6-5-87; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

291-046-0090

Situational Reviews

(1) Inmates assigned to administrative housing shall remain so assigned for only the shortest length of time necessary to achieve the purpose for which the assignment was prescribed. A review of all inmates' status will be made every 30 days by the institution Special Needs Inmate Evaluation Committee (SNIEC).

(2) An employee in administrative housing may initiate a request for an inmate requesting psychological intervention. All requests will be referred to Behavioral Health Services.

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

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

Hist.: CD 7-1980(Temp), f. & ef. 4-1-80; CD 19-1980, f. & ef. 5-30-80; CD 28-1987, f. & ef. 6-5-87; CD 30-1997, f. 12-19-97, cert. ef. 1-1-98; DOC 18-2008, f. 7-18-08, cert. ef. 7-21-08

Rule Caption: Use of Electronic Immobility Devices and Specialty Impact Munitions in Use of Force Situations.

Adm. Order No.: DOC 19-2008

Filed with Sec. of State: 8-7-2008

Certified to be Effective: 8-7-08

Notice Publication Date: 8-1-2007

Rules Amended: 291-013-0010, 291-013-0070, 291-013-0100, 291-013-0104, 291-013-0110, 291-013-0205, 291-013-0206, 291-013-0215

Subject: These rules modifications are necessary to clarify proper deployment and use of electronic immobilizing devices and specialty impact munitions in use of force situations. This includes use of the taser and pepperball launching systems. Other amendments are necessary to update terminology for the custody classification level of inmates.

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

ADMINISTRATIVE RULES

291-013-0010

Definitions

(1) Carotid Hold: Application of a hold to the neck that restricts deoxygenated blood leaving the brain, which may result in the person to whom it is applied becoming unconscious.

(2) Chemical Agents: Chemical compounds that when deployed are designed to cause sufficient physiological effect to stop, control or temporarily immobilize an individual. Chemical agents are commonly referred to as CS (ortho-chlorobenzylidene malononitrile), CN (2-chloroacetophenone) and OC (Oleoresin Capsicum).

(3) Choke Hold: Application of physical pressure applied directly to the neck area to restrict air from entering the lungs.

(4) Co-Located Minimum Security Facility/Level 2: A minimum security facility on the grounds of a medium or higher security facility, but not within the fenced perimeter of this higher security facility.

(5) Corporal Punishment: The use of physical force for the purpose of punishment.

(6) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(7) Electronic Control Devices: Security equipment designed to stop, control or temporarily immobilize through the use of high voltage, low amperage electric shock.

(8) Excessive Force: A type or amount of force beyond that which is reasonably necessary to control the situation and achieve the correctional objective; or the continued use of force after it is no longer reasonably necessary.

(9) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, an Assistant Director or administrator and has responsibility for delivery of program services or coordination of program operations.

(10) Hogtie Method: Binding a person's wrists and ankles together behind the back while in a prone position.

(11) Less Lethal Force: Systems that are explicitly designed and primarily employed so as to incapacitate while minimizing fatalities or permanent injury.

(12) Lethal Force: Physical force that has substantial risk of causing death.

(13) Level of Force: The type of force employed, amount of that type of force employed, and the circumstances within which the force is employed.

(14) Medium or Higher Security Facility/Level 3 or Higher: A medium or higher security facility may house multiple custody classifications of inmates within its secure perimeter, including minimum/Level 1 and 2 custody inmates. Medium or higher security facilities will treat all inmates as if they are classified medium/Level 3 or higher custody.

(15) Officer-in-Charge: That person designated by the functional unit manager to supervise and make operational decisions in accordance with department policy, rule or procedure during periods when the functional unit manager or officer-of-the-day is not readily available.

(16) Physical Force: The use of hands, other parts of the body, objects, instruments, chemical devices, electronic devices, firearms or other physical methods used to restrain, subdue, control, intimidate or to compel persons to act in a particular way, or to stop acting in a particular way.

(17) Planned Use of Force: The use of force in situations where time and circumstances allow for consultation and approval with higher ranking employees, and where there is some opportunity to plan the actual use of force.

(18) Prone Restraint: The process of placing an individual "face-down" upon a surface and then securing or limiting the movement of the arms, legs, or trunk from that surface.

(19) Reactive Use of Force: The use of force in situations where time and circumstances do not permit approval by higher ranking employees, or consultation or planning.

(20) Reasonable Force: The use of physical force to achieve a legitimate correctional objective, where the type and amount of force are consistent with the situation and the objective to be achieved; and where alternatives to physical force are unavailable or ineffective; and where the force used is the minimum necessary to control the situation.

(21) Restraint Chair: A restraining device that allows for a person to sit upright in a chair that is designed to immobilize the person's arms and legs. In addition, the device provides for protection of the head for the person being restrained.

(22) Secure Custody: Custody exercised upon a person under the jurisdiction of the Department of Corrections by means of physical con-

finement within a facility of the Department of Corrections, or direct physical supervision of a person with or without use of restraints while outside a Department of Corrections facility.

(23) Security Equipment: Firearms, ammunition, batons, chemical agents, security restraints, electronic immobilizing devices, and similar devices.

(24) Security Restraints: Handcuffs, temporary cuffs, leg irons, belly chains, restraining chairs, and other similar equipment designed to restrict and control the person's movement from injuring himself/herself, others, and escape.

(25) Serious Physical Injury: Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

(26) Show of Force: A demonstration of the current ability to use force, such as the massing of officers or tactical squads.

(27) Stand Alone Minimum Security Facility: A minimum security facility that is not on the grounds of a medium or higher security facility.

(28) Specialty Impact Munitions: Munitions designed to incapacitate, distract, and control a subject with less likelihood of life threatening injury.

(29) Therapeutic Restraints: A type of restraint applied to an inmate for medical or mental health purposes, and designed to limit an inmate's movement. The kinds of restraints that may be used for therapeutic purposes include, but are not limited to, leather, rubber or canvas restraints for the arms, legs and upper torso.

(30) Use of Force: Any situation in which an employee uses physical force against an inmate or other person, except those situations in which security restraints are used in a standard manner for arrest, escort, or transport, or in which therapeutic restraints are used.

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

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

Hist.: CD 35-1978, f. 11-9-78, ef. 11-13-78; CD 7-1982(Temp), f. & ef. 1-29-82; CD 12-1982, f. & ef. 3-19-82; CD 3-1983, f. & ef. 1-20-83; CD 40-1985, f. & ef. 8-16-85; CD 42-1986, f. & ef. 10-17-86; CD 26-1987, f. & ef. 6-5-87; CD 12-1988, f. & cert. ef. 9-30-88; CD 21-1988(Temp), f. & cert. ef. 12-30-88; CD 9-1989, f. & cert. ef. 6-20-89; CD 20-1991, f. & cert. ef. 8-28-91; CD 3-1995, f. & cert. ef. 1-19-95; CD 20-1995, f. 10-26-95, cert. ef. 11-1-95; DOC 14-1998, f. & cert. ef. 6-18-98; DOC 3-2004(Temp), f. & cert. ef. 1-27-04 thru 7-25-04; Administrative correction 8-19-04; DOC 15-2004, f. & cert. ef. 11-2-04; DOC 19-2008, f. & cert. ef. 8-7-08

291-013-0070

Planned Use of Force

(1) The functional unit manager or designee will be contacted for authorization of the planned use of force involving firearms, batons, water hoses, electronic control devices, specialty impact munitions, and chemical agents other than aerosol sprays.

(2) Any planned use of force shall be carried out under the personal direction of supervisory or higher level staff, and only after consultation with and approval of the officer-in-charge. The officer-in-charge may be present when the use of force is employed if there is no anticipated danger of becoming a hostage.

(a) Chemical agents, electronic control device, baton, water force, or specialty impact munitions may be used prior to the arrival of the supervising employee if immediate use is essential to prevent and/or control death, serious injury, major disturbance or substantial destruction of property.

(b) If an employee is assaulted, he/she will not participate in a planned use of force, unless no other option is available; e.g., no other employees are readily available to participate in the planned use of force.

(3) A health care professional shall be contacted, if on duty at the facility, prior to the planned use of force to ensure medical assistance is readily available, if necessary, and to evaluate the inmate if he/she is medically high risk.

(4) If the inmate has a known history of mental health concerns, a mental health professional shall be contacted and consulted, if on duty at the facility, prior to the planned use of force to ensure mental health assistance is readily available, if necessary.

(5) Every planned use of force situation shall be videotaped provided that time and circumstances permit.

(a) The video recording should include a briefing, the use of force incident, and debriefing. The video recording should not be stopped during the use of force incident.

(b) The original video recording and will be stored by the functional unit for three years from the date of the incident, or the time stored will be extended until the resolution of pending or actual litigation, or as otherwise directed by the department's legal counsel. A back-up video recording will be made and sent to Inspections Division. Inspections will store the back-up tape for a period of three years. Back-up tapes will be returned to the

ADMINISTRATIVE RULES

originating facility for disposition. A use of force video recording may be released with the approval of the functional unit manager or designee.

(6) The commander shall authorize the type and amount of force used during any declared emergency at a facility except for reactive use of force.

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

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

Hist.: CD 3-1995, f. & cert. ef. 1-19-95; CD 20-1995, f. 10-26-95, cert. ef. 11-1-95; DOC 14-1998, f. & cert. ef. 6-18-98, Renumbered from 291-013-0125; DOC 15-2004, f. & cert. ef. 11-2-04; DOC 19-2008, f. & cert. ef. 8-7-08

291-013-0100

Lethal Force

(1) Employees shall consider every reasonable means of control before resorting to the use of lethal force.

(2) Use of Lethal Force in Medium/Level 3 or Higher Security Facilities: Lethal force may be used when and to the extent that an employee reasonably believes it necessary:

(a) To prevent imminent serious bodily injury or death to one's self or another person.

(b) To prevent escape by an inmate from secure custody, whether inside or outside the secure perimeter of a Department of Corrections facility while the inmate is on department grounds.

(c) To prevent or stop a riot or other group disturbance by inmates where there is reason to believe an inmate poses a threat of escape or imminent serious bodily injury or death to another person.

(d) To prevent an unauthorized person(s) or motor vehicle(s) from attempting to breach the secure perimeter of a Department of Corrections facility in order to assist in an escape or insurrection by an inmate(s).

(e) To prevent or stop extensive damage to property if, and only if, its loss or destruction would lead directly to escape or imminent serious bodily injury or death to another person.

(f) To prevent or stop an inmate or other person from setting or spreading fire to or within a building within the secure perimeter of a Department of Corrections facility, where there is reason to believe the fire poses a threat of serious bodily injury or death to another person.

(3) Any inmate moving toward an unauthorized motor vehicle or airborne craft, whether inside or outside the secure perimeter of the facility, shall be considered to be a potential escape attempt. Shots shall not be fired at an airborne craft in a flight over the perimeter, landing, on the ground, or taking off from the facility except in self defense to one's self or another person where the situation is a clear and immediate threat to life.

(4) Use of Lethal Force in Stand Alone Minimum Security Facilities/Level 2: Lethal force may not be used to prevent the escape of an inmate from a stand alone minimum security facility.

(5) Use of Lethal Force in Co-Located Minimum Security Facilities/Level 2: Lethal force may not be used to prevent the escape of an inmate from a co-located minimum security facility if the staff member knows the inmate is classified as minimum custody.

(6) Use of lethal force in community situations; e.g., transport of an inmate, supervision of outside work crews, is covered under OAR 291-013-0215.

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

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

Hist.: CD 3-1995, f. & cert. ef. 1-19-95; DOC 14-1998, f. & cert. ef. 6-18-98, Renumbered from 291-013-0155; DOC 3-2004(Temp), f. & cert. ef. 1-27-04 thru 7-25-04; Administrative correction 8-19-04; Renumbered from 291-013-0090; DOC 15-2004, f. & cert. ef. 11-2-04; DOC 14-2005, f. 10-14-05, cert. ef. 10-24-05; DOC 19-2008, f. & cert. ef. 8-7-08

291-013-0104

Security Equipment

(1) General Provisions:

(a) The Chief of Security will review all security equipment. The Director or designee shall approve all security equipment before it is issued and used as department authorized security equipment.

(b) Only department authorized and/or issued equipment shall be used to apply physical force to individuals.

(c) Security equipment shall not be issued to or used by an employee who has not been trained in the proper use of such devices.

(d) The above three sections (a)–(c) apply to all use of force incidents except for situations that require reactive use of force where there is a clear and imminent threat of death or great bodily injury, and where there is no other reasonable alternative.

(e) The storage and use of security equipment will be authorized by the Director through the appropriate functional unit manager.

(2) Security Restraints — General Use of Restraints:

(a) Security restraints are authorized to restrict, immobilize and control the movement of an inmate.

(b) The standard routine use of security restraints for escort or transportation of an inmate is not a use of force within the context of these rules. Situations in which an inmate has refused to be placed in security restraints, or has resisted after being placed in restraints are considered use of force within the context of these rules.

(3) Restricting Movement:

(a) Security restraints may be used to restrain an inmate with the express approval of the officer-in-charge, upon a demonstration that the inmate is out of control and engaged in behavior which, if unrestrained could:

(A) Result in significant destruction of property;

(B) Constitute a serious health or injury hazard to the inmate or others; or

(C) Escalate into a serious disturbance.

(b) Security restraints used to restrain an out-of-control inmate shall be terminated when the inmate has demonstrated behavior which would not result in the above three sections (A)–(C).

(c) Placing an inmate in security restraints or a restraint chair shall be considered a use of force within the context of these rules, except when placing an inmate in handcuffs/restraints for transportation or escort.

(d) Security restraints will not be placed around the neck or head, nor in any manner that restricts blood circulation or breathing.

(e) The hogtie method will not be used as a security restraint.

(f) Employees in general shall ensure that unnecessary pressure is not placed on the inmate's chest, back or neck while applying restraints. Employees shall maintain close observation of a restrained inmate in order to detect breathing difficulties and/or loss of consciousness.

(g) While using the prone restraint position when the correctional objective is met the inmate should be placed on his/her side or moved into a sitting position as soon as feasible. Employees will assess the inmate's physical condition.

(h) Restrained inmates will never be transported on their stomach.

(i) An employee shall check at least every 30 minutes and verify security restraints are not causing obvious injury or an obvious medical problem when an inmate has been placed in restraints as a result of a use of force situation. Each check of the restraints will be documented. A copy of the documentation shall accompany the unusual incident report.

(j) The officer-in-charge shall evaluate the need to restrain an out-of-control inmate every two hours with written documentation for the reason(s) to continue or discontinue security restraints or restraint chair. The documentation shall accompany the use-of-force review documentation.

(k) The officer-in-charge will notify a health care professional as soon as feasible, but not later than four hours from the application of security restraints or restraint chair.

(l) The health care professional, when notified, will perform the following:

(A) Evaluate the inmate's condition to verify the security restraints are not causing injury or an obvious medical problem;

(B) Evaluate the inmate's mental status and notify a qualified mental health professional, if necessary;

(C) Consider treatment or intervention as an alternative, or in conjunction with security restraints;

(D) Document the results of the evaluation; and

(E) Physically re-evaluate sections (A)–(D) above every two hours.

(m) Use of security restraints or restraint chair to restrain an out-of-control inmate will be documented and reported by the officer-in-charge to the functional unit manager or designee. The documentation shall accompany the use of force review documentation.

(n) Continued use of security restraints applied for a time period longer than eight hours, and every eight hours thereafter, shall require the written approval of the functional unit manager or designee in addition to the requirements of sections (j), (k), and (l) above.

(o) Continued use of the restraint chair for a time period longer than two hours, and every two hours thereafter, shall require the written or verbal approval of the functional unit manager or designee in addition to the requirements of sections (j), (k), and (l) above.

(p) Continued use of the restraint chair for a time period longer than two hours, and every two hours thereafter, during the transporting of an inmate shall require the verbal approval of the functional unit manager or designee.

(A) The officer-in-charge of the transport shall ensure that observation of the inmate is maintained and documented on the Trip Documentation Sheet every 30 minutes. The officer-in-charge shall ensure that the inmate is evaluated by a health care professional once the final destination is reached.

ADMINISTRATIVE RULES

(B) Placing an inmate in the restraint chair shall be considered a use of force within the context of these rules, except when the restraint chair is being utilized as additional seating for inmates during transfers.

(q) Therapeutic Restraints: The documentation, application and use of therapeutic restraints will not be considered a use of force situation, but shall be in accordance with the department's rule on Therapeutic Restraints (OAR 291-071). Therapeutic restraints will be:

(A) Applied to an inmate only for medical or mental health treatment to limit the inmate's movement; and

(B) Applied to an inmate only upon the documented verbal or written order of a physician, except in the absence of a physician, a registered nurse may authorize the application of therapeutic restraints for a period not to exceed one hour.

(4) Chemical Agents, Electronic Control Devices, Batons, Water Force and Specialty Impact Munitions:

(a) The use of chemical agents other than aerosol spray, electronic control devices, batons, water force, and specialty impact munitions shall be authorized only by the functional unit manager or designee. The decision to use chemical agents, electronic control devices, batons, water force and specialty impact munitions shall be based on the level of force that, in the judgment of the functional unit manager or designee, is most likely to resolve the situation with the least amount of injury to all parties involved.

(b) The use of chemical agents, electronic control devices, batons, water force and specialty impact munitions may be used to subdue an inmate when the level of physical hands-on force required to subdue the inmate would potentially subject the employee, inmate or others to greater injury than would be incurred through the use of this security equipment.

(5) Use of Chemical Agents (OC, Pava, CN, or CS):

(a) The amount and type of chemical agent used and the means of dispersal shall be limited to that necessary to achieve the correctional objective and be used in accordance with the manufacturer's instructions and departmental training.

(b) Prior to the use of any chemical agent, and where time and circumstances permit, the inmate against whom it is directed shall be warned chemical agents will be used.

(c) If possible, a chemical agent shall not be used against an inmate known to suffer cardio-vascular, convulsive or respiratory ailments.

(d) An employee recently assaulted by an inmate shall not approve or apply chemical agents to the particular inmate, unless there is no reasonable alternative.

(e) An inmate shall not be restrained or held for the sole purpose of rendering him/her a more stationary target for a chemical agent. If chemical agents are administered to a handcuffed inmate, staff shall document the reason why the removal of the handcuffs was not feasible.

(f) Those affected by a chemical agent shall be permitted to wash their face, eyes and other exposed skin areas, as soon as possible after the chemical agent has been used.

(g) Those affected by a chemical agent in a closed area shall be permitted to move to an uncontaminated area as soon as possible after the chemical agent has been used.

(h) Clothing exposed to a chemical agent shall be removed as soon as feasible and clean clothing made immediately available.

(i) An employee(s) or inmate(s) affected by a chemical agent shall be examined by a health care professional as soon as feasible after the chemical agent has been used.

(j) An inmate(s) receiving an application of a chemical agent shall be under continuous staff observation for the first ten minutes.

(A) The inmate shall then be observed approximately every ten minutes for the first 30 minutes after receiving the application of a chemical agent.

(B) All observations shall be documented with a date and time reference.

(C) The documentation shall accompany the use of force review documentation.

(6) Use of Electronic Control Devices:

(a) Electronic control devices authorized by the department include hand-held devices which include the nova spirit and taser X26 and M26, electronic shield, and electronic restraint belt.

(b) Medical Considerations:

(A) As soon as feasible following each use of an electronic control device, the inmate shall be afforded medical examination and treatment.

(B) The taser shall not be deployed if there is knowledge that the inmate is pregnant.

(C) If the taser probes penetrate the skin, they shall be removed when the inmate is under control. Medical staff, if on duty at the facility, shall

remove the probes. Trained security staff may remove the probes if medical staff are not available.

(D) If probes are embedded in soft tissue areas such as the head, neck, face and groin removal shall be done by medical staff only.

(c) Electronic control devices will not be used in conjunction with aerosol propelled chemical agents.

(d) Prior to the deployment of the taser, the supervisor and person assigned to be the operator of the taser, shall have attended the approved departmental training on the operation and protocol associated with the use of the taser.

(7) Use of Specialty Impact Weapons:

(a) Specialty impact munitions are intended as a less lethal alternative to the use of deadly force. Use of specialty impact munitions shall be authorized by the functional unit manager or designee prior to deployment.

(b) After each use of specialty impact munitions, exposed inmates shall be examined by Health Services personnel.

(c) Pepperball Launching Systems (PLS) is an authorized delivery system and is intended for the dispersal of approved projectiles.

(d) The PLS shall only be deployed by employees trained in their use and effects. The number of projectiles deployed will be limited to the least amount of rounds necessary to meet the correctional objective. The PLS may be used as a specialty impact weapon or used to deploy chemical agents where the use of aerosol type agents would not be effective.

(e) The following are approved projectiles for use with the PLS consistent with departmental training:

(A) Pava projectiles;

(B) Inert direct impact pain compliance rounds to include inert, water and marking projectiles.

(C) Glass shattering projectiles which may only be deployed by a tactical squad and are not intended for use on humans.

(f) An inmate shall not be restrained or held for the sole purpose of rendering him/her a more stationary target for use of the PLS. If the PLS are administered to a handcuffed inmate, staff shall document the reason why the removal of the handcuffs was not feasible.

(g) Prior to the deployment of the PLS, the supervisor and person assigned to be the operator of the launcher, shall have attended the approved departmental training on the operation and protocol associated with the use of the launcher.

(8) Firearms:

(a) The functional unit manager or designee will authorize the location and carrying of a department issued firearm on the grounds of a facility.

(b) A Transportation Unit officer or facility correctional officer may carry a firearm in the performance of his/her duties as authorized by the functional unit manager/designee and in accordance with the department policy.

(c) Prior to resorting to the use of firearms against an inmate or other persons, time and circumstances permitting, an employee shall first issue an appropriate warning to the inmate or other person in a readily understandable fashion. An appropriate warning may include, but is not limited to, one or more of the following:

(A) Shouting;

(B) Blowing a whistle;

(C) Hand signals; or

(D) Firing a warning shot.

(d) The discharge of a firearm will be handled in accordance with the departmental policy. The State Police or local law enforcement officials shall be notified to investigate any discharge of a firearm except for training or accidental discharge where injury or significant property damage has not occurred. The external law enforcement investigation shall be separate from the full review.

(e) Any employee involved in the discharge of a firearm in a situation on duty shall immediately report the incident to the officer-in-charge. The employee shall follow the department's policy on Critical Incident.

(f) A warning shot is the least preferred method of warning. It should be used only in situations where other warning methods are not practical or effective, and when there is a target that is sufficiently large to minimize the risk of harm to others from a missed shot or ricochet.

(g) Time and circumstances permitting, an employee shall attempt to warn an inmate that is observed to be:

(A) Entering or inside a restricted security perimeter zone;

(B) Tampering with or cutting security perimeter equipment or fence/wall;

(C) On or climbing a security fence/wall;

ADMINISTRATIVE RULES

(D) Moving toward any motor vehicle or airborne craft in an obvious attempt to escape;

(E) Engaged in any other behavior that is a clear or obvious attempt to escape; or

(F) Engaged in any behavior that poses serious bodily injury or death to oneself or another person.

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

Stats. Implemented: ORS 179.040, 423.020 & 423.075

Hist.: DOC 14-1998, f. & cert. ef. 6-18-98; Renumbered from 291-013-0090, DOC 15-2004, f. & cert. ef. 11-2-04; DOC 14-2005, f. 10-14-05, cert. ef. 10-24-05; DOC 19-2008, f. & cert. ef. 8-7-08

291-013-0110

Bloodborne Pathogens

When a person has been exposed to blood or body fluid resulting from the use of force, standard universal precautions shall be implemented as described in the department's policy on Bloodborne Pathogens, (20.6.7).

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

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

Hist.: CD 3-1995, f. & cert. ef. 1-19-95; DOC 14-1998, f. & cert. ef. 6-18-98, Renumbered from 291-013-0075; DOC 19-2008, f. & cert. ef. 8-7-08

291-013-0205

Chemical Agents

(1) Authorization to carry a chemical agent shall be authorized by the functional unit manager if a chemical agent is authorized.

(2) Authorization to carry department issued chemical agents shall be limited to the performance of official duties.

(3) Employees authorized to carry a chemical agent shall carry the chemical agent whenever:

(a) Protective body armor is worn; or

(b) A firearm is carried.

(4) An employee shall only discharge a chemical agent for the following:

(a) To defend himself/herself or another person from an animal attack.

(b) To defend himself/herself or another person from imminent danger.

(c) To enforce a valid order(s) to an inmate to submit to the application of restraints.

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

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

Hist.: CD 3-1995, f. & cert. ef. 1-19-95; DOC 14-1998, f. & cert. ef. 6-18-98; DOC 15-2004, f. & cert. ef. 11-2-04; DOC 19-2008, f. & cert. ef. 8-7-08

291-013-0206

Electronic Control Devices

(1) Authorized electronic control devices authorized by the department include hand held devices which includes the nova spirit and taser X26 and M26, electronic shield, and electronic restraint belt.

(2) Use of the electronic restraint belt or taser for court appearances or transportation will be approved by the functional unit manager or designee.

(3) Medical Considerations:

(a) As soon as feasible following each use of an electronic control device, the inmate shall be afforded medical examination and treatment.

(b) The taser shall not be deployed if there is knowledge that the inmate is pregnant.

(c) If the taser probes penetrate the skin, they shall be removed when the inmate is under control by medical staff if feasible. Trained security staff may remove the probes if medical staff are not available.

(d) If probes are embedded in soft tissue areas such as the head, neck, face and groin removal shall be done by medical staff only.

(4) Electronic control devices will not be used in conjunction with aerosol propelled chemical agents.

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

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

Hist.: DOC 15-2004, f. & cert. ef. 11-2-04; DOC 19-2008, f. & cert. ef. 8-7-08

291-013-0215

Lethal Force

(1) Employees shall consider every reasonable means of control before resorting to the use of lethal force.

(2) Use of Lethal Force During Transporting of Inmates: An employee may use lethal force when transporting an inmate(s) to the extent that an employee reasonably believes it necessary to:

(a) Prevent imminent serious bodily injury or death to the employee or another person.

(b) Prevent the escape of an inmate classified as medium custody/Level 3 or higher, or if the inmate is classified as minimum cus-

tody/Level 1 and 2 and is being transported with another inmate(s) who has been classified as medium custody Level 3 or higher.

(3) Use of Lethal Force When Supervising Minimum/Level 1 and 2 Custody Inmates Engaged in Work Crews or Other Approved Activities in the Community: Supervisors of minimum/Level 1 and 2 custody inmates engaged in work crews or other authorized activities in the community are not authorized to use lethal force to prevent an escape. Lethal force may be used to prevent imminent serious bodily injury or death to the supervisor or another person.

(4) Prior to resorting to the use of lethal force against an inmate or other person, if feasible, the employee shall give a verbal warning from the imminent use of lethal force.

(5) A warning shot will not be used in the community before the use of lethal force. Other practical warning methods will be used, if time and circumstances permit, before using lethal force.

(6) Firearms will not be fired at or from a moving vehicle or airborne craft, except in self defense or defense of another from the imminent use of lethal force.

(7) Firearms will not be used if innocent people are in the line of fire.

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

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

Hist.: CD 3-1995, f. & cert. ef. 1-19-95; DOC 14-1998, f. & cert. ef. 6-18-98; DOC 3-2004(Temp), f. & cert. ef. 1-27-04 thru 7-25-04; Administrative correction 8-19-04; DOC 15-2004, f. & cert. ef. 11-2-04; DOC 19-2008, f. & cert. ef. 8-7-08

Rule Caption: Suicide Prevention of Inmates to Correctional Facilities.

Adm. Order No.: DOC 20-2008

Filed with Sec. of State: 8-14-2008

Certified to be Effective: 8-14-08

Notice Publication Date: 3-1-2008

Rules Adopted: 291-076-0040

Rules Amended: 291-076-0020, 291-076-0030

Subject: These rule modifications are necessary to update Department policy and processes to more effectively manage the inmate population with mental health issues. These modifications provide greater response to and assessment of incidents when an inmate has exhibited behavior of suicide warning signs or has attempted suicide.

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

291-076-0020

Definitions

(1) Behavioral Health Services (BHS): A unit of ODOC Health Services with primary responsibility for the assessment and treatment of inmates with mental illness and developmental disabilities.

(2) Mental Health Provider: Any person employed by the Department or engaged by contract with the Department for the explicit purpose of providing mental health services.

(3) Suicide Assessment: A brief but formal assessment of mental status conducted by a mental health provider or a registered nurse in consultation with a mental health provider, concluding with a judged level of suicidal risk.

(4) Suicide Attempt: Any self-injury requiring significant medical intervention as determined by a mental health provider

(5) Suicide Close Observation: In moderate risk situations, unobstructed visual observation of the inmate is required at staggered intervals, not to exceed 15 minutes, with recorded observation within each 15 minute interval.

(6) Suicide Warning Signs: The following list provides some of the indicators of suicide potential:

(a) Talk of suicide, threats of suicide;

(b) Extreme sadness or crying;

(c) Apathy, loss of interest in all or almost all people and activities;

(d) Loss of appetite or weight;

(e) Walking or completing tasks at an unusually slow speed;

(f) Difficulty concentrating or thinking;

(g) Sleep disturbances;

(h) Emotional flatness; seems numb, non-reactive;

(i) Difficulty carrying out routine tasks; e.g., eating, dressing, etc.;

(j) Tension and agitation; inability to relax or sit still, pacing, hand wringing;

(k) Withdrawal, silent, uncommunicative;

(l) Pessimistic attitude about the future;

(m) Emotional outbursts, sudden expression of anger for no apparent reason; or

ADMINISTRATIVE RULES

(n) Feeling of hopelessness and helplessness.

(7) Suicide Watch: In high risk situations, continuous and unobstructed one-to-one view of the inmate is required at all times with recorded observation within each 15-minute interval.

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

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

Hist.: CD 4-1997, f. & cert. ef. 2-12-97; DOC 23-2000, f. & cert. ef. 11-6-00; DOC 20-2008, f. & cert. ef. 8-14-08

291-076-0030

Procedures

(1) Identification: All new admissions to the Department of Corrections will receive a mental health screening interview as part of the intake process. The mental health screening will include mental health history, suicide potential, evidence of psychosis, or other acute mental health emergency.

(2) Training: All employees having direct inmate contact will receive suicide prevention training.

(a) Suicide warning signs, prevention strategies, and response procedures will be present in New Employee Orientation (NEO) and in annual in-service training.

(b) Suicide prevention training curriculum will be approved by the Administrator of Behavioral Health Services.

(c) Additional training is required of staff on special housing units where mentally ill or suicidal risk inmates are concentrated.

(3) Referral: Inmates with significant potential for self harm or who are displaying suicide warning signs should be referred to Behavioral Health Services for evaluation.

(4) Assessment: Any Department staff, upon concluding that sufficient suicide warning signs are present to merit concern, should immediately notify a registered nurse or mental health provider. A mental health provider or registered nurse in consultation with a mental health provider will determine if suicide risk is present.

(a) When an inmate is placed on suicide watch or suicide close observation, the inmate should be reassessed by a registered nurse every four hours and by a mental health provider within 24 hours, in person or by phone, and once every 24-hour period thereafter.

(b) At those facilities without 24-hour nursing coverage, a suicide assessment will be completed every four hours when nursing staff are on duty, as well as at the end of the last shift and the beginning of the next shift. During the interim, specific written instructions shall be given to the officer-in-charge regarding what actions should be taken if the inmate's mental status appears to deteriorate, or if any acts of self-destruction are carried out.

(c) All suicide assessment, reassessments, inmate responses, as well as any written instructions which are given to the officer-in-charge, will be documented in the inmate's Health Services file.

(5) Monitoring — Suicide Watch (high risk): The officer-in-charge shall be responsible for placing an inmate on suicide watch based on the instruction from a mental health provider or registered nurse in consultation with a mental health provider. The officer-in-charge may initiate a suicide watch until a registered nurse or mental health provider arrives.

(a) An inmate on suicide watch shall be under continuous and unobstructed one-to-one observation at all times.

(b) When an inmate is placed on suicide watch, the officer-in-charge shall remove any items that pose a threat to self-harm from the inmate's living area based on the instruction from a mental health provider or a registered nurse in consultation with a mental health provider.

(c) Any inmate placed on suicide watch will be continued in this status until a mental health provider, or a registered nurse in consultation with a mental health provider, determines that the suicide watch is no longer necessary, and has notified the officer-in-charge. The officer-in-charge will then order the suicide watch discontinued and property will be returned as instructed.

(d) If the mental health provider decides to maintain an inmate on suicide watch past 48 hours, the officer-in-charge will be notified and arrangements will be made for the transportation of the inmate to the nearest Mental Health Infirmary. It is the responsibility of the mental health provider to communicate to the Mental Health Infirmary receiving staff of the impending admission.

(6) Monitoring — Suicide Close Observation (moderate risk): The officer-in-charge shall be responsible for placing an inmate on suicide close observation based on the instruction of a mental health provider or a registered nurse in consultation with a mental health provider. The officer-in-charge may initiate suicide close observation until a registered nurse or mental health provider arrives.

(a) Suicide close observation requires unobstructed one-to-one observation of the inmate at staggered intervals, not to exceed 15 minutes (e.g., 9:15, 9:25, 9:34, 9:49, 10:00).

(b) When an inmate is placed on suicide close observation, the officer-in-charge shall remove items that pose a threat to self-harm from the inmate's living area based on the instruction from a mental health provider or a registered nurse in consultation with a mental health provider.

(c) Any inmate placed on close observation will be continued in this status until a mental health provider, or a registered nurse in consultation with a mental health provider, determines that the suicide close observation is no longer necessary and has notified the officer-in-charge. The officer-in-charge will then order the suicide close observation discontinued and property will be returned according to instruction.

(7) Housing: Inmates on suicide watch or suicide close observation may be housed in a segregation cell or special housing, or other cell modified and identified for use in suicide prevention if there is a visual and unobstructed view of the inmate so that he or she can be observed one-to-one on a continuous or staggered interval basis as required and property can be restricted as instructed.

(a) A mental health provider should be consulted as to the most appropriate housing. Upon determination and instruction by a mental health provider or a registered nurse in consultation with a mental health provider that an inmate cannot be safely maintained at a facility while on suicide watch or suicide close observation (in particular, those facilities without 24-hour nursing coverage), arrangements will be made to transfer the inmate to an appropriate facility for observation and intervention.

(b) The mental health provider or registered nurse in consultation with a mental health provider will communicate the details of the case to a mental health provider and registered nurse at the receiving facility before the inmate arrives at the receiving facility.

(8) Communication: Throughout the process of suicide risk assessment and intervention, Department staff and mental health providers will work closely together to ensure adequate and effective communication.

(9) Intervention: If a staff member discovers a suicide in progress, the following steps will be followed using universal blood and body fluid precautions:

(a) Call for assistance.

(b) If it is a hanging, the staff member shall cut the inmate down immediately.

(c) Emergency first aid procedures should be followed in the event of any self-destructive behavior and should be continued until Medical Services staff arrive and give further instructions.

(d) First aid procedures will be continued until relieved by Medical Services staff regardless of belief that the inmate is no longer alive.

(10) Notification and Reporting: The officer-in-charge will be responsible for initiating the facility's notification process of any attempted suicide. The notification will include the local Behavioral Health Services Manager or designee and the on-call prescriber for that facility where the attempted suicide took place. In the event of a completed suicide, the notification will include the local Behavioral Health Services Manager or designee and the Behavioral Health Services Administrator or designee.

(11) The Department of Corrections rules on Death (Inmate) (OAR 291-027) and Emergency Preparedness (OAR 291-053) will be followed in the event of a completed suicide.

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

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

Hist.: CD 4-1997, f. & cert. ef. 2-12-97; DOC 23-2000, f. & cert. ef. 11-6-00; DOC 20-2008, f. & cert. ef. 8-14-08

291-076-0040

Review

(1) Suicide Review: If a suicide occurs, a formal suicide review will be completed as assigned by the Inspector General, including a review of the inmate's Health Services files, related materials, and interviews of staff.

(a) The actual review of the Health Services files, related materials, and interviews of staff will be conducted by a multi-disciplinary team comprised of an assigned Special Investigations Unit manager, Assistant Superintendent of Security, Medical Services manager and Behavioral Health Services manager from a facility other than the facility where the suicide occurred.

(b) The Inspector General will appoint the chair of the team.

(c) The team will write a review and submit it to the Inspector General.

(d) The Inspector General will submit the review to the Director, Deputy Director, Assistant Director for Operations, Health Services

ADMINISTRATIVE RULES

Administrator, Behavioral Health Services Administrator, and the functional unit manager where the suicide occurred.

(2) Attempted Suicide Review: The Director, Deputy Director, Inspector General, Health Services Administrator, Assistant Director for Operations or Behavioral Health Services Administrator may request a formal review from a multi-disciplinary team as described in (1) above for any suicide attempt.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 20-2008, f. & cert. ef. 8-14-08

Department of Energy
Chapter 330

Rule Caption: Requires State Agencies to reduce annual energy use by 20% by 2015.

Adm. Order No.: DOE 5-2008

Filed with Sec. of State: 7-29-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 6-1-2008

Rules Adopted: 330-130-0055, 330-130-0090, 330-130-0100

Rules Amended: 330-130-0010, 330-130-0020, 330-130-0030, 330-130-0040, 330-130-0050, 330-130-0060, 330-130-0070, 330-130-0080

Subject: The purpose of these rules is to implement House Bill 3612, which requires that before June 30, 2015, an authorized state agency reduce the amount of energy it uses in its state owned facilities by 20% based on usage in calendar year 2000.

The proposed rules would:

1. Establish criteria by which the State Department of Energy determines a person is pre-qualified to perform energy consumption analysis for a major facility that is to be constructed or renovated.

2. Establish the requirement that the energy consumption analysis model be calibrated to reflect actual design and operating conditions.

3. Amend rules definitions for consistency with ORS 276.900–915.

4. Establish guidelines that incorporate energy efficiency requirements into lease agreements of 10 or more years.

5. Establish criteria by which to pre-qualify persons for work including energy consumption analysis, energy savings performance contracts, energy audits, building commissioning, monitoring and verification services and other services related to the operation and management of a facility's energy systems in order to achieve the 20% energy savings required of this bill.

6. Establish annual reporting requirements and deadlines for when a state agency fails to achieve and maintain a 20 percent reduction in energy use in their authorized facilities on and after June 30, 2015.

7. Determine fees by which the State Department of Energy will recover from authorized state agencies the costs associated with administering the provisions of this bill, including costs associated with adopted rules, maintaining a state energy use database and pre-qualifying persons to perform energy related work.

Rules Coordinator: Kathy Stuttaford—(503) 378-4128

330-130-0010

Purpose

The Oregon Department of Energy, in consultation with the Oregon Department of Administrative Services and the Oregon University System, has developed OAR 330-130-0010 through 330-130-0100. These rules prescribe procedures to:

(1) Minimize energy use in new and renovated facilities designed and constructed by state agencies, and

(2) Reduce the amount of energy used in existing buildings by at least 20 percent from the amount used by the state agency in the 2000 calendar year by the year 2015, in compliance with ORS 276.900 through 276.915.

Stat. Auth.: ORS 276.900 - 276.915, Ch. 26, OL 2008 HB 3612
Stats. Implemented: ORS 469
Hist.: DOE 1-1990, f. & cert. ef. 4-2-90; DOE 1-1998, f. & cert. ef. 3-26-98; DOE 4-2001, f. 11-5-01, cert. ef. 11-15-01; DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0020

Definitions

(1) "Agency" means any state agency, board, commission, department or division which has the authority to finance the construction, purchase, renovation, or leasing of buildings or other structures for use by the State of Oregon.

(2) "Agency Contact" means a lead person appointed by the Agency who is responsible to coordinate all SEED related business with the Oregon Department of Energy, i.e. project notifications, interagency agreements, invoice and payment, project coordination, guideline updates, advisory.

(3) "Baseline Building" means the basic building conceived by the Agency and the Design Team. The Baseline Building shall incorporate the standard design features of typical buildings of the same usage and just meet the prescriptive requirements of the Oregon Energy Code according to criteria established in the SEED Program Guidelines.

(4) "Benefit-to-Cost Ratio (BCR)" means the Present Value of ECM benefits divided by the Present Value of incremental ECM costs.

(a) The ECM benefit is the difference between the Present Values of the Operating Cost of the Baseline Building and the Operating Cost of the Baseline Building with the ECM added.

(b) The incremental ECM cost is the difference between the Present Values of the Capital Cost of the Baseline Building and the Capital Cost of the Baseline Building with the ECM added.

(5) "Biennial Report" means the report, which evaluates the compliance of Agencies with the objectives of ORS 276.900 through 276.915.

(6) Facility and Building Class:

(a) "Facility" as used in ORS 276.900 through 276.915 means a building for the purposes of these rules;

(b) "Class 1 Building" means all:

(A) New buildings, additions, or renovations of 10,000 or more square feet of heated or cooled floor area; and

(B) Building additions that increase the size of an existing building to 10,000 or more square feet of heated or cooled floor area and renovations to buildings of 10,000 or more square feet of heated or cooled floor area, which significantly affect:

(i) The existing mechanical or control system; or

(ii) At least two of the following energy systems: interior lighting, building envelope, domestic hot water, or special equipment.

(iii) Only those systems identified in (i) and (ii) that are significantly affected are subject to procedures outlined in 330-130-0040.

(c) "Class 2 Building" means all new buildings or renovations of less than 10,000 square feet of heated or cooled floor area except:

(A) Those described in Class 1 Buildings; and

(B) New buildings, structures, or facilities of any size which have no energy using systems.

(7) "Building Model" means a computer model, which calculates annual building energy use. The Oregon Department of Energy shall approve hourly Building Models, simplified hourly Building Models and the approach to modeling ECM energy savings above the code baseline building as established in the SEED Program Guidelines. The Building Model for all Class 1 Buildings shall be an hourly Building Model, except for the following examples where simplified hourly Building Modeling or prescriptive packages established in the SEED program Guidelines may be used:

(a) Heated-only warehouses of any size;

(b) Theaters and assembly buildings smaller than 35,000 square feet;

(c) Office buildings smaller than 35,000 square feet;

(d) Other Class 1 Buildings for which a simplified hourly Building Model or other calculation is appropriate as approved by the Oregon Department of Energy.

(8) "Capital Construction Cost" means the cost of current and future building investments including construction, design, administration, major replacement, and salvage values. Costs of compliance with these rules may also be included.

(9) "Commissioning Agent" is an individual or firm that has demonstrated experience commissioning Heating, Ventilating, and Air Conditioning (HVAC) mechanical systems and HVAC control systems, commercial and industrial mechanical technologies, lighting controls, and Testing and Balancing of air and water systems.

(10) "Design Team" means the architect(s), engineer(s), and other professionals who are responsible for the design of the new building or renovation.

(11) "Energy Analysis Report" means a report prepared by an Energy Analyst, under the direction of a professional engineer or licensed architect,

ADMINISTRATIVE RULES

recommending an Optimum ECM Package for a Class 1 building. The report shall include:

(a) Oregon Department of Energy State Energy Efficient Design (SEED) forms;

- (b) A summary of recommendations;
- (c) A Baseline Building description;
- (d) ECM descriptions with analysis results;
- (e) ECM savings calculations; and
- (f) ECM cost estimates.

(12) "Energy Analyst" means the individual who prepares the building energy analysis and the Energy Analysis Report under the direction of a professional engineer or licensed architect who reports to the project architect or Agency.

(13) "Energy Auditor" is an individual or firm that has demonstrated experience performing comprehensive analysis of a building's energy using systems, and performs benefit to cost analysis of energy efficiency measures.

(14) "Energy Code" means Chapter 13 of the current State of Oregon Structural Specialty Code.

(15) "Energy Conservation Measure (ECM)" means a measure designed to reduce energy use, including alternative energy systems which replace conventional fuels with renewable resources. ECMs shall not conflict with applicable codes and other professional standards.

(16) "ECM Package" means two or more ECMs combined for analysis.

(17) "Energy Service Company (ESCO)" means a company, firm or other legal Person with the demonstrated technical, operational, financial and managerial capabilities to design, install, construct, commission, manage, measure and verify, and otherwise implement Energy Conservation Measures and other Work in building systems or building components that are directly related to the ECMs in existing buildings and structures.

(18) "Energy Services Performance Contract (ESPC)" means a Public Improvement Contract between a Contracting Agency and a Qualified Energy Service Company for the identification, evaluation, recommendation, design, and construction of Energy Conservation Measures, including a Design — Build Contract, that guarantees the energy savings performance.

(19) "Energy Systems Performance Verification Plan" means a plan that outlines how the building's energy systems are to be tested during the construction phase and how the building's performance is to be verified with long-term monitoring during occupancy.

(20) "Measurement and Verification (M&V)" means, as used in ESPC Procurement, the examination of installed ECMs using the International Performance Measurement and Verification Protocol or process, to monitor and verify the operation of energy using systems pre-installation and post-installation.

(21) "Model of energy efficiency" means a facility that is designed, built and operated according to these SEED rules, that exceeds the state building code by 20 percent or more, that makes use of renewable energy resources where practical and that incorporates outstanding energy efficiency measures.

(22) "Net Present Value Savings (NPVS)" means the difference between the Present Values of the Capital and Operating Costs of the Baseline Building and the Capital and Operating Costs of the Baseline Building with the ECM added.

(23) "Operating Cost" means the costs for energy, fuel, annual and periodic maintenance, supplies, consumables, and other operating items associated with ECMs, such as water and sewer, during the life of the building.

(24) "Optimum ECM Package" means the ECM package which incorporates all reasonable cost-effective ECMs and which meets the following conditions:

- (a) Each ECM included in the package has a BCR greater than 1.0 when modeled independently.
- (b) The ECM package has a BCR greater than 1.0.
- (c) The ECM Package has the highest NPVS of the analyzed ECM packages.

(25) "Present Value" means the value of a financial cost or benefit, discounted to current dollars using discounting factors and methods approved by the Oregon Department of Energy.

(26) "Renewable energy resource" includes, but is not limited to on-site generation of energy for use in the building from the following sources:

- (a) Straw, forest slash, wood waste or other wastes from farm or forest land, nonpetroleum plant or animal based biomass, ocean wave energy, solar energy, wind power, water power or geothermal energy; or

(b) A hydroelectric generating facility that obtains all applicable permits and complies with all state and federal statutory requirements for the protection of fish and wildlife and:

- (A) That does not exceed 10 megawatts of installed capacity; or
- (B) Qualifies as a research, development or demonstration facility. The purchase of green tags does not qualify as a renewable energy resource.

(27) "SEED Program Guidelines" are guidelines developed by the Oregon Department of Energy with assistance from an Advisory Committee that consists of representatives from interested Agencies, design professionals, consulting engineers and utilities.

(28) "Simple Payback" means the estimated ECM cost divided by the estimated first year ECM energy, operating, and maintenance savings.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 276.900 - 276.915

Stats. Implemented: ORS 469

Hist.: DOE 1-1990, f. & cert. ef. 4-2-90; DOE 1-1998, f. & cert. ef. 3-26-98; DOE 4-2001, f. 11-5-01, cert. ef. 11-15-01; DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0030

Notification

When the building class has been determined during the pre-design or programming phase of a building project, the following procedures shall be followed:

(1) Class 1 Buildings. Before the Design Team is selected, the Agency and the Oregon Department of Energy may enter into an interagency agreement which outlines the procedures as shown in 330-130-0040, the hourly rates to be charged by the Oregon Department of Energy and the related statement of work. The Agency Contact shall coordinate with the Oregon Department of Energy the set-up of the Initial Meeting early in the pre-design or programming phase of a building project. The interagency agreement may include Expanded Services, which are beyond the scope of this rule. See 330-130-0040 section (8) below.

(2) Class 2 Buildings. The Agency shall contact the Oregon Department of Energy for consultation and request a list of recommended ECMs and services applicable to the building.

Stat. Auth.: ORS 276.900 - 276.915

Stats. Implemented: ORS 469

Hist.: DOE 1-1990, f. & cert. ef. 4-2-90; DOE 1-1998, f. & cert. ef. 3-26-98; DOE 4-2001, f. 11-5-01, cert. ef. 11-15-01; DOE 1-2003, f. & cert. ef. 1-10-03; DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0040

Procedures for Class 1 Buildings

(1) Procedures for Class 1 Buildings The SEED process as outlined below follows some typical steps in the design process as the organizing principle. In case the Agency is accustomed to using different phases or terminology, or if the project does not fit the suggested steps, an alternative plan shall be developed between the Oregon Department of Energy and the Agency.

(2) Pre-Design or Programming phase. The purpose of the SEED process is to ensure early involvement so energy efficiency is an integral part of the building design.

(a) Initial Meeting. Early in the Pre-Design or Programming phase, the Agency and the Oregon Department of Energy shall meet to

(A) Discuss the scope of the project.

(B) Define the role of the Oregon Department of Energy, including but not limited to the level of involvement, decision authority on behalf of the owner, and relationship with contractors. The Oregon Department of Energy shall be notified of all meetings where significant review or of final decisions about energy systems are anticipated.

(C) Request for proposal and contract. The request for proposal (RFP) and the contract's Statement of Work shall include a reference to the goal of 20 percent or better than the state building code, to the SEED process and to the "model of energy efficiency". The Oregon Department of Energy shall develop language the Agency may use to include energy efficient design in the request for proposals and the contract for architectural and engineering services. Upon request, the Oregon Department of Energy will review or comment on the RFP, Contract or energy qualifications of proposals as an Expanded Service (see section (8) below).

(D) Energy Analyst. The Agency shall hire the Energy Analyst from the Department of Energy's list of pre-qualified energy analysts.

(b) Schematic Design Phase:

(A) Energy Planning Session. Early in the Schematic Design Phase, the Agency, Design Team, Oregon Department of Energy and Energy Analyst shall meet to further define the project design, construction schedule, energy goals of the project, the design criteria, the integrated energy design approach, the Energy Systems Performance Verification Plan and

ADMINISTRATIVE RULES

the modeling approach. The Energy Analyst shall regularly update these items during the design process.

(B) Preliminary Investigation. Working with the Agency and the Design Team, the Energy Analyst shall prepare a comprehensive list of ECMs to capture significant opportunities for building energy savings. Two weeks before the Scoping Process (see step (c) below), the Agency shall deliver to the Oregon Department of Energy the following items:

- (i) Description of the Baseline Building and its energy-using systems;
- (ii) List of proposed ECMs;
- (iii) Approach and tools for modeling;
- (iv) Initial plans;
- (v) Design intent;
- (vi) Description of operating criteria; and
- (vii) Results of preliminary modeling effort, if any.

(c) Scoping Process. The Oregon Department of Energy, the Agency, the Design Team, and the Energy Analyst shall select the ECMs for analysis. If needed, further refinement of the modeling effort will be discussed and decided upon.

(3) Design Development Phase:

(a) Baseline and Individual ECM Analysis. The Energy Analyst shall use the Building Model for Baseline Building analysis and individual ECMs analysis. The Energy Analyst may use fully documented manual calculations for simple, non-interactive ECMs and may eliminate potential ECMs with preliminary estimates of costs and savings if the Simple Payback is greater than the equipment life.

(b) Metering Plan. The Agency, in consultation with the Energy Analyst, the Design Team and the Oregon Department of Energy, shall specify what types of utility meters are to be installed and what system is to be used to monitor the building's energy use. Where practical, sub-metering shall be provided on major energy using equipment or systems. This Metering Plan shall be incorporated in the Energy Systems Performance Verification Plan.

(c) Interim Submittal and Review. Two weeks before the ECM Review Meeting, the Agency shall submit to the Oregon Department of Energy the Preliminary Energy Analysis Report. The Oregon Department of Energy shall review the Preliminary Energy Analysis Report and provide its written or verbal comments and recommendations to the Agency prior to the ECM Review Meeting. The following items shall be submitted as part of the Preliminary Energy Analysis Report:

(A) Narrative describing the Baseline Building and the proposed ECMs.

(B) Tables showing energy use for the Baseline Building and the building with proposed ECMs;

- (C) The Baseline Building Model input and output;
- (D) A list of eliminated ECMs and calculations;
- (E) Analysis results for individual ECMs; and
- (F) The Metering Plan.

(d) ECM Review Meeting. The Oregon Department of Energy, the Agency, the Design Team, and the Energy Analyst shall meet to review and agree on the results in the Preliminary Energy Analysis Report.

(4) Construction Documents Phase:

(a) Implementation of Cost-Effective Measures. The Agency shall incorporate the Optimum ECM Package into the final building design.

(b) Submittal of Construction Documents. The Agency shall provide the Oregon Department of Energy with construction documents in sufficient detail to verify that the ECMs will be included in the final construction documents and specifications or no later than at 90 percent design completion, whichever comes first. This submittal shall also include the Preliminary Energy Systems Performance Verification Plan.

(c) The Oregon Department of Energy shall review this submittal and forward its written findings and recommendations to the Agency within ten working days after receiving the documents, if practicable.

(5) Construction Phase:

(a) Contractor Submittals and Substitutions. The design firm shall ensure that contractor equipment submittals, requests for substitutions and change orders adhere to the ECM design intent. The design firm must send any substitutions or submittals that differ from the ECM design intent to the Oregon Department of Energy for review.

(b) Final Report Submittal. The Agency shall deliver the final Energy Analysis Report containing the Optimum ECM Package and projected energy use to the Oregon Department of Energy for review.

(c) Delivery of the Oregon Department of Energy Findings. The Oregon Department of Energy shall review the report and forward its written findings and recommendations to the Agency within ten working days after receiving the report, if practicable.

(d) Site Inspections. To verify that ECMs are installed correctly and operating efficiently, the Oregon Department of Energy or its representative may make walk-through site inspections during the installation of ECMs.

(e) Performance verification. The Energy Systems Performance Verification Plan shall be carried out and Oregon Department of Energy shall receive a copy of the test reports.

(f) Training. It is recommended that instruction on the design intent and operation of the building as a system be offered to the owners and operators of the new facility. This may be part of the Energy Systems Performance Verification Plan. The training should parallel the operations manual prepared for the owner.

(6) Occupancy Phase:

(a) Monitoring. At completion of functional testing (approximately two months after occupancy begins), a meeting shall be held between the Agency, ODOE, building operator, general contractor, commissioning agent, and energy analyst to review building energy use. Actual building operation will be compared with assumptions made in the Final Design Phase Energy Analysis. If significant differences in schedules, equipment, operation, etc. exist, a calibrated energy model must be submitted at the discretion of the Department of Energy (if actual energy use is outside 5% (+/-) of predicted energy use). During the first 18 months into occupancy, energy use by the building systems shall be monitored and compared with the modeling results. If significant differences between the actual energy use and the model predictions result, the Agency shall investigate to find the cause, so that:

(A) An adjustment can be made to the operation of the building; or

(B) An explanation for the difference can be found that is acceptable to the Agency and the Oregon Department of Energy. The Agency shall send its finding to the Oregon Department of Energy for inclusion in the Biennial Report to the Legislature.

(b) Non-compliance. If, after monitoring the building for 18 months, the building's performance does not exceed the energy conservation provisions of the state building code by 20 percent or more because of reasons reported under (6)(a), the Agency shall submit an energy conservation plan to the Oregon Department of Energy within 90 days after reporting the non-compliance. This plan will outline the modifications to be made until monitoring shows that the goal of 20 percent or better is met, or all reasonable attempts to reduce the energy use have been made. These remedial actions shall be reported and sent to the Oregon Department of Energy for inclusion in the Biennial Report to the Legislature.

(c) SEED Award. The Oregon Department of Energy shall give the SEED Award to the Agency if the building complies with these SEED rules and is a "model of energy efficiency". These reports and the SEED Award will also be used for educational or marketing purposes to show what works and help convince agencies that the return on energy efficient design is well worth the possible extra cost in the planning and construction phases.

(7) Waiver. Under certain circumstances, part of these rules that describe specific activities may be waived.

(8) Expanded Services. Expanded services are services provided by the Oregon Department of Energy that are outside the scope of OAR 330-130-0010 through 0100. Such services may include but are not limited to acting as the owner's agent on energy issues, modeling during various phases of the design process and when the building is occupied, building commissioning, and providing resource conservation management assistance. The Agency may include Expanded Services as part of the inter-agency agreement with the Oregon Department of Energy for work required under these Administrative Rules.

Stat. Auth.: ORS 276.900 - 276.915

Stats. Implemented: ORS 469

Hist.: DOE 1-1990, f. & cert. ef. 4-2-90; DOE 1-1998, f. & cert. ef. 3-26-98; DOE 4-2001, f. 11-5-01, cert. ef. 11-15-01; DOE 1-2003, f. & cert. ef. 1-10-03; DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0050

Procedures for Class 2 Buildings

(1) Role of the Agency. The Agency shall determine that the design incorporates all required prescriptive ECMs or all reasonable cost-effective ECMs. ECMs or ECM packages with a Simple Payback shorter than equipment life shall be considered cost-effective for Class 2 Buildings.

(2) Role of the Oregon Department of Energy. The Oregon Department of Energy shall provide a list of prescriptive groups of measures or packages in excess of code that are deemed to result in energy usage that is at least 20 percent less than required by code. The Oregon Department of Energy shall also be available to the Agency to advise or suggest potential energy saving measures.

(3) Project Reporting. The Agency shall provide the Oregon Department of Energy with the list of all measures or packages installed in

ADMINISTRATIVE RULES

the building. This information will be used in preparation of the Biennial Report to the legislature.

Stat. Auth.: ORS 276.900 - 276.915
Stats. Implemented: ORS 469
Hist.: DOE 1-1990, f. & cert. ef. 4-2-90; DOE 1-1998, f. & cert. ef. 3-26-98; DOE 4-2001, f. 11-5-01, cert. ef. 11-15-01; DOE 1-2003, f. & cert. ef. 1-10-03; DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0055

Procedure for Leased Buildings

The Department of Energy, in consult with authorized state agencies, shall establish guidelines for incorporating energy efficiency requirements into lease agreements of 10 years or more to be phased in as current leases expire or as authorized agencies enter into new agreements.

Stat. Auth.: Ch. 26, OL 2008 HB 3612
Stats. Implemented: ORS 276.900 - 276.915
Hist.: DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0060

Service Charges

Charges to the Agency by the Oregon Department of Energy for services shall be as follows:

(1) Class 1 Buildings:

(a) The charges by the Oregon Department of Energy to the Agency will be based on an hourly rate for the actual hours worked on the project. Hourly rates charged by the Oregon Department of Energy and invoiced to the Agency will include salary, other payroll expenses, the federally allowed indirect rate for the Oregon Department of Energy, staff travel expenses, other service or supply costs, and administrative costs. Invoices may be submitted to the Agency by the Oregon Department of Energy monthly commencing one month after notification. Invoices will provide the hours of service and the hourly rate. The maximum charge shall be calculated at \$0.002 for each dollar of capital construction cost unless otherwise agreed to in writing by the Agency and the Oregon Department of Energy.

(b) The Oregon Department of Energy will invoice the Agency for all final charges within sixty (60) days following the completion of its work as described in 330-130-0040. To ensure the Agency receives the final invoice prior to closing their construction accounts, the Oregon Department of Energy may invoice in advance for final building inspections and post-occupancy energy use tracking.

(2) Class 2 Buildings. No charge unless the Agency chooses to enter into an interagency agreement with the Oregon Department of Energy.

(3) Charges do not include Design Team or Energy Analyst services. The Agency shall obtain these services directly. Charges include all services provided by the Oregon Department of Energy or their representative in fulfilling the requirements described in 330-130-0040. Charges do not include services such as described in section 330-130-0040(8) "Expanded Services" provided by the Oregon Department of Energy.

(4) Charges may be waived for special circumstances including but not limited to demonstration or pilot projects.

(5) All charges are subject to review and adjustment by the Administrator of the Oregon Department of Energy.

Stat. Auth.: ORS 276.900 - 276.915
Stats. Implemented: ORS 469
Hist.: DOE 1-1990, f. & cert. ef. 4-2-90; DOE 1-1998, f. & cert. ef. 3-26-98; DOE 4-2001, f. 11-5-01, cert. ef. 11-15-01; DOE 1-2002, f. 5-8-02, cert. ef. 5-13-02; DOE 1-2003, f. & cert. ef. 1-10-03; DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0070

Oregon Office of Energy Administrative Procedures

(1) The Oregon Department of Energy shall provide information and administer the program to ensure the program is in accordance with these rules.

(2) Under special circumstances, the Administrator may waive certain requirements under these rules, provided the intent of the program is maintained.

(3) The Oregon Department of Energy has developed guidelines, which contain recommended procedures, instructions, and information relating to these rules. The Oregon Department of Energy shall solicit Agency comments on the guidelines on a biennial basis and revise the guidelines as appropriate.

(4) The Oregon Department of Energy shall compile information about Agency participation and ECM implementation into a database. The Oregon Department of Energy shall make database information available to agencies and use the data in evaluating Agency compliance with the objectives of ORS 276.900 through ORS 276.915.

(5) The Oregon Department of Energy, the Oregon Department of Administrative Services and the Oregon University System shall jointly

prepare a Biennial Report to the legislature on January 1 of every odd-numbered year.

Stat. Auth.: ORS 276.900 - 276.915
Stats. Implemented: ORS 469
Hist.: DOE 1-1990, f. & cert. ef. 4-2-90; DOE 1-1998, f. & cert. ef. 3-26-98; DOE 4-2001, f. 11-5-01, cert. ef. 11-15-01; DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0080

Procedures for Monitoring the Reduction in Energy Use by State Agencies

In order to review whether an Agency meets the requirement to reduce the amount of use of energy by at least 20 percent from the amount used by the Agency in the 2000 calendar year or the first twelve month period for which reliable energy use data exists, the following rules for tracking energy use apply.

(1) Energy use shall be tracked on a monthly basis using billing data. Electricity and heating fuels shall be tracked separately. The use of standard commercially available software for uniform tracking is recommended.

(2) Agencies shall report energy use on an annual basis by entering it into the State Energy Use Database <http://saeuc.wesd.org/>

(3) Energy use per square foot of conditioned space shall be tracked, where applicable. Where square footage is not applicable, another metric by which to compare annual energy use must be used in consultation with the Department.

(4) Weather adjustments relative to the base year 2000 are allowed if they follow a standard process developed by the Oregon Department of Energy through the SEED Program Guidelines and if both the raw and revised usage is reported.

(5) When significant changes of facility size or use takes place, adjustments to the baseline energy consumption may be made.

(6) It is recommended that sub-metering of buildings and/or major energy consuming equipment is added where advisable and feasible in order to get better data on energy use and facilitate better energy management of the facilities.

(7) To assure that the 20% energy use reduction by 2015 goal is met, interim energy reduction goals shall apply:

(a) 10% reduction in energy use by a state agency by December 31, 2010

(b) 15% reduction in energy use by a state agency by December 31, 2012

(8) Reporting requirements for leased facilities will be developed in SEED Guidelines.

(9) If an Agency fails to achieve and maintain the required percent reduction by the dates in (7)(a) and (7)(b), the following rules apply:

(a) The Agency must notify the Oregon Department of Energy that it failed to achieve or maintain the required percent energy savings by June 30th of each subsequent year.

(b) Within 90 days of such notification, the Agency must submit to the Oregon Department of Energy a corrective plan to reduce energy use by the required percent. The plan must outline all modifications, procedures, and changes that need to be introduced until the target is met and maintained. The plan shall be in a format described in the SEED guidelines.

(c) The Agency may request the Oregon Department of Energy to provide technical assistance in developing this corrective plan. In the event that the Agency requests assistance, the Agency shall compensate the Oregon Department of Energy's costs for assistance in preparation or review of the plan.

(d) The Agency shall implement the corrective plan within six months from the date of approval by the Oregon Department of Energy. The Agency shall monitor progress, report to the Oregon Department of Energy, and modify the plan as necessary every six months, until the target reduction is achieved.

(e) This conservation plan and the results of remedial action(s) shall be included in the Biennial Report to the legislature, to be jointly prepared by the Oregon Department of Energy, the Oregon Department of Administrative Services and the Oregon University System.

Stat. Auth.: ORS 276.900 - 276.915
Stats. Implemented: ORS 469
Hist.: DOE 4-2001, f. 11-5-01, cert. ef. 11-15-01; DOE 1-2003, f. & cert. ef. 1-10-03; DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0090

Pre-qualification for persons performing Energy Analysis and Energy Savings Performance Contracting Services

(1) The Oregon Department of Energy shall establish criteria to pre-qualify persons or firms to execute the provisions of this bill. Authorized State Agencies must only select persons or firms that have been prequali-

ADMINISTRATIVE RULES

fied by the Oregon Department of Energy to perform energy analysis and energy savings performance contracting services.

(2) Authorized state agencies that wish to hire a person or firm that has not been previously prequalified by the Oregon Department of Energy must request approval from the Oregon Department of Energy for exemption from this requirement. Only Licensed Professional Architects and Engineers will be considered eligible for exemption from prequalification.

(a) Energy Analyst

(A) The Oregon Department of Energy shall establish a list of pre-qualified energy analysts. This list will be established through an open RFP process that will use qualifications based scoring criteria to determine a person's ability to perform building energy analysis.

(B) If the energy analyst is a licensed engineer or architect not on the approved list, the energy analyst shall be approved by the Oregon Department of Energy and the building energy analysis and the Energy Analysis Report must be stamped by the licensed engineer or architect.

(b) Energy Service Company (ESCO)

(A) A qualifying firm will have demonstrated expertise in the following areas:

(i) a prior record of successfully performing ESPCs on projects involving existing buildings and structures that are comparable to the project under consideration by the Contracting Agency;

(ii) and the financial strength to effectively guarantee energy savings and performance under the ESPC for the project in question, or the ability to secure necessary financial measures to effectively guarantee energy savings under an ESPC for that project.

(iii) Pre-qualification process: The Oregon Department of Energy must utilize a RFQ process as the first step in a two-part process to pre-qualify Energy Service Companies to perform Energy Savings Performance Contracting Services.

(B) RFQ proposal evaluation process: For ESPC proposal evaluations, the Oregon Department of Energy will establish qualifications-based evaluation factors that outweigh price-related factors, due to the fact that the RFQ process is the first step of a two-step process used to establish a list of pre-qualified firms that a contracting state agency must choose from for distribution of RFPs.

(3) Authorized state agencies must adhere to the following requirements for ESPC projects.

(a) Authorized state agencies must only select persons or firms that have been pre-qualified by the Oregon Department of Energy to provide Energy Savings Performance Contracting Services.

(b) Authorized state agency must use the Oregon Department of Energy's template contract documents for all phases of the ESPC contract.

(c) Authorized state agencies must only utilize ESPC for comprehensive facility retrofits that include energy efficiency projects for two or more energy using systems. These systems must contribute to at least 50% of a facility's total energy use.

(d) Authorized state agencies must only use ESPC for projects that save energy and water resources.

(e) Authorized state agencies must only use ESPC for existing buildings that are two or more years old.

(f) Eligible contracting phases are limited to Phase I parts A and B for the technical energy audit and project development plan, Phase II Design Build contract, and Phase III for the energy savings guarantee and Measurement and Verification contract.

(g) Authorized state agencies must not combine service agreements with an ESPC contract. All service agreement contracts must be mutually exclusive.

(h) A contracting state agency must advertise a simplified RFP as the second step of a two-step process for final selection of an ESCO for ESPC services.

(i) Contracting agencies may only distribute RFPs to ESCOs that have been pre-qualified by the Oregon Department of Energy.

(j) At a minimum, the RFP must include a technical facility profile, mandatory pre-proposal walk-through, and an interview process.

(k) A contracting agency may select qualifications based evaluation factors that out-weigh price factors, due to the fact that prices for the major components of the work to be performed will likely not be determinable at the time of proposal evaluation.

(l) Authorized state agencies may contract with a third party for commissioning and measurement and verification services.

(m) A contracting agency may not select a pre-qualified ESCO for third party commissioning or measurement and verification services associated with the ESPC project.

Stat. Auth.: Ch. 26, OL 2008 HB 3612

Stats. Implemented: ORS 276.900 - 276.915

Hist.: DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

330-130-0100

Pre-qualification for persons performing Energy Commissioning, Auditing, and Performance Verification Services

(1) The Oregon Department of Energy shall establish criteria to pre-qualify persons or firms to execute the provisions of this bill. Authorized State Agency's may select persons or firms that have been prequalified by the Oregon Department of Energy to perform auditing, commissioning, and performance verification services for energy systems.

(2) Energy Auditor:

(a) The Oregon Department of Energy maintains a list of pre-qualified energy auditing firms. This list will be established through an open RFP process using a qualifications based scoring criteria to determine a person's or firm's ability to perform energy audits in existing buildings.

(b) A qualifying firm will have demonstrated expertise in the following areas:

(A) Commercial and industrial technology,

(B) Energy auditing equipment, heating, ventilating, and air conditioning systems,

(C) Lighting design,

(D) Energy efficiency technology, and:

(E) Preventative maintenance procedures.

(C) Authorized state agencies may use the Oregon Department of Energy's list of pre-qualified energy auditors for the selection of a person or firm to perform energy conservation measure analysis of existing buildings.

(3) Commissioning Agent

(a) The Oregon Department of Energy maintains a list of pre-qualified commissioning firms. This list will be established through an open RFP process that uses a qualifications based scoring criteria to determine a person's or firm's ability to perform commissioning of energy using systems in new and existing buildings.

(b) At least one individual employed by the firm must be a member of a building commissioning professional association such as Building Commissioning Association (BCA), National Environmental Balancing Bureau (NEBB), or Associated Air Balance Council (AABC).

(c) Authorized state agencies may use the Oregon Department of Energy's list of pre-qualified commissioning agents for the selection of a person or firm to perform commissioning services for energy efficiency projects in new and existing buildings.

(4) Measurement and Verification.

(5) Authorized state agencies may select from the list of pre-qualified ESCOs and/or commissioning agents for the Measurement and Verification of implemented energy efficiency measures.

Stat. Auth.: Ch. 26, OL 2008 HB 3612

Stats. Implemented: ORS 276.900 - 276.915

Hist.: DOE 5-2008, f. 7-29-08, cert. ef. 8-1-08

Department of Fish and Wildlife Chapter 635

Rule Caption: Allow additional opportunity for personal use harvest of Pacific lamprey at Willamette Falls.

Adm. Order No.: DFW 82-2008(Temp)

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-29-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-017-0090

Rules Suspended: 635-017-0090(T)

Subject: This amended rule allows for two additional days for personal use harvest of Pacific lamprey by individuals with the required permit. The season modifications provide opportunity for harvest of lamprey that may become stranded due to the scheduled installation of water flow devices at Willamette Falls.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-017-0090

Inclusions and Modifications

(1) The **2008 Oregon Sport Fishing Regulations** provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2008 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individu-

ADMINISTRATIVE RULES

als collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday; except personal use harvest is permitted on July 29 and July 30, 2008 from 7:00 A.M. to 6:00 P.M. daily;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Carmen Reservoir (Linn County) is open to angling for trout all year.

(a) The daily catch limit for trout is 5 per day, minimum length is 8 inches, only 1 trout over 20 inches in length may be taken per day.

(b) Use of bait is allowed.

(4) Effective February 1, 2008 there are no size restrictions or bag limits on trout or warmwater fish in Roslyn Lake. All other **General Statewide** and **Willamette Zone** regulations as provided in the **2008 Oregon Sport Fishing Regulations** apply.

(5) Effective 12:01 a.m. June 2, 2008, the Willamette River and its tributaries, including the Multnomah Channel, will close to the retention of spring Chinook salmon, with the exception of the Clackamas River upstream to North Fork Dam and the Molalla River which will remain open to the retention of one adult adipose fin-clipped spring Chinook per day as part of the daily bag limit. All other regulations as provided in the **2008 Oregon Sport Fishing Regulations** apply.

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

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02, cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03, cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction

12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08

Rule Caption: Rules regarding furbearer harvest, seasons and bag limits for the 2008–09 and 2009–10 seasons.

Adm. Order No.: DFW 83-2008

Filed with Sec. of State: 7-25-2008

Certified to be Effective: 7-25-08

Notice Publication Date: 6-1-2008

Rules Amended: 635-050-0045, 635-050-0070, 635-050-0080, 635-050-0090, 635-050-0100, 635-050-0110, 635-050-0120, 635-050-0130, 635-050-0140, 635-050-0150, 635-050-0170, 635-050-0183, 635-050-0189, 635-050-0210

Subject: Rules regarding seasons and bag limits for the 2008–09 and 2009–10 furbearer harvest and pursuit seasons.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-050-0045

General Furbearer Regulations

The following general regulations apply to furbearer seasons:

(1) 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, 2009 for the 2008–09 seasons and April 15, 2010 for the 2009–2010 seasons. Failure to do so shall deny the license holder the opportunity to purchase a hunting license for furbearers or furtakers license for the following furbearer season.

(2) Any person may sell or exchange the hide, carcass, or any part thereof, of any legally taken furbearing or unprotected mammal.

(3) 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.

(4) No branded trap or snare may be sold unless accompanied by a uniform bill of sale.

(5) 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.

(6) Use of dogs is permitted to hunt or pursue bobcat, raccoon, fox, and unprotected mammals except in game bird nesting habitat during April, May, June or July, except as authorized by the Fish and Wildlife Commission.

(7) It is unlawful for any person to trap for furbearers or unprotected mammals using:

(a) A steel leghold trap with a jaw spread greater than 9 inches.

(b) A No. 3 or larger leghold trap 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 or a bill of sale from the person to whom the brand is registered.

(g) Sight bait within 15 feet of any leghold trap set for carnivores.

(8) 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.

(9) 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

ADMINISTRATIVE RULES

trapped animals removed. This regulation does not apply to the taking of predatory animals.

(10) 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.

(11) 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).

(12) 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).

(13) These general furbearer regulations do not apply to the trapping of gophers, moles, ground squirrels and mountain beaver.

(14) 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.

(15) 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. & 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

635-050-0070

Beaver

Open Season: November 15, 2008 through March 15, 2009 and November 15, 2009 through March 15, 2010 in the following described areas:

(1) Clackamas County. All open except waters within the exterior boundaries of Mt.Hood National Forest.

(2) Crook County. All open except Prineville Reservoir below high water line and the Ochoco National Forest.

(3) Curry County. All open except the Rogue River from the east county line to the mouth.

(4) Grant County. All open except within the exterior boundaries of the Ochoco National Forest; Murderers Creek and Deer Creek, tributaries of the South Fork John Day River, within the exterior boundaries of the Malheur National Forest.

(5) Jefferson County. All open except that portion of Willow Creek and its tributaries on the National Grasslands.

(6) Josephine County. All open except Rogue River from the confluence of Grave Creek downstream to the county line.

(7) Umatilla County: All open except the Camas Creek drainage in its entirety and that portion of the North Fork of the Umatilla River and its tributaries that are within the exterior boundaries of the Umatilla National Forest.

(8) Union County. All open except:

(a) Waters inside exterior boundaries of National Forests. However, private inholdings within the National Forest remain open.

(b) Grande Ronde River above Beaver Creek.

(c) All tributaries of the Grande Ronde River above the confluence of Five Points Creek. (Five Points Creek open to the National Forest boundary.)

(9) Wallowa County. All open except:

(a) Wallowa River and tributaries above Wallowa Lake.

(b) Lostine River, Hurrucane Creek, Bear Creek and their tributaries above the Wallowa-Whitman National Forest boundary.

(c) Minam River and tributaries.

(d) Peavine Creek, a tributary of Chesnimnus Creek.

(10) Wheeler County. All open except within the exterior boundaries of the Ochoco National Forest and Bridge Creek at its tributaries within the exterior boundaries of Bureau of Land Management lands.

(11) Other counties: All of the following counties in their entirety: Baker, Benton, Clatsop, Columbia, Coos, Deschutes, Douglas, Gilliam, Hood River, Harney, Jackson, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington and Yamhill.

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

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

Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 43-1982, f. & cert. ef. 7-9-82; FWC 27-1983, f. & cert. ef. 7-8-83; FWC 58-1983, f. & cert. ef. 10-19-83; FWC 52-1984, f. & cert. ef. 9-5-84; FWC 44-1985, f. & cert. ef. 8-22-85; FWC 48-1986, f. & cert. ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; 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; FWC 65-1996(Temp), f. & cert. ef. 11-21-96; FWC 46-1997, f. & cert. ef. 8-13-97; 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 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

635-050-0080

Bobcat

(1) The open harvest season for bobcat is December 1, 2008 through February 28, 2009 and December 1, 2009 through February 28, 2010.

(2) The bag limit for bobcat in those counties east of the summit of the Cascade Range (including Hood River and Klamath counties) is five per season per licensed hunter or trapper.

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

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

Hist.: FWC 151, f. & cert. ef. 10-5-77; FWC 1-1978(Temp), f. & cert. ef. 1-17-78; FWC 10-1978, f. & cert. ef. 3-7-78; FWC 44-1978, f. & cert. ef. 9-1-78; FWC 37-1979, f. & cert. ef. 8-29-79; FWC 35-1980, f. & cert. ef. 7-2-80; FWC 47-1980, f. & cert. ef. 9-17-80; FWC 21-1981, f. & cert. ef. 6-29-81, Renumbered from 635-050-0022; FWC 43-1982, f. & cert. ef. 7-9-82; FWC 27-1983, f. & cert. ef. 7-8-83; FWC 58-1983, f. & cert. ef. 10-19-83; FWC 52-1984, f. & cert. ef. 9-5-84; FWC 44-1985, f. & cert. ef. 8-22-85; FWC 48-1986, f. & cert. ef. 8-28-86; 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 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

635-050-0090

Gray Fox

(1) Open Season: November 15, 2008 through February 28, 2009 and November 15, 2009 through February 28, 2010.

(2) Open area: Entire state.

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

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

Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 43-1982, f. & cert. ef. 7-9-82; FWC 27-1983, f. & cert. ef. 7-8-83; FWC 58-1983, f. & cert. ef. 10-19-83; FWC 52-1984, f. & cert. ef. 9-5-84; FWC 44-1985, f. & cert. ef. 8-22-85; FWC 48-1986, f. & cert. ef. 8-28-86; 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 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

635-050-0100

Red Fox

Open Seasons and areas are as follows:

(1) Open season entire year in Baker, Gilliam, Harney, Malheur, Morrow, Umatilla, Union, Wallowa and Wheeler counties (Furtaker license is required).

(2) October 15, 2008 through January 15, 2009 and October 15, 2009 through January 15, 2010 in remainder of state.

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

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

Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 43-1982, f. & cert. ef. 7-9-82; FWC 27-1983, f. & cert. ef. 7-8-83; FWC 58-1983, f. & cert. ef. 10-19-83; FWC 52-1984, f. & cert. ef. 9-5-84; FWC 44-1985, f. & cert. ef. 8-22-85; FWC 48-1986, f. & cert. ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; 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 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

ADMINISTRATIVE RULES

635-050-0110

Marten

(1) Open season: November 1, 2008 through January 31, 2009 and November 1, 2009 through January 31, 2010.

(2) Open area: Entire state.

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

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

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; 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 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

635-050-0120

Mink

(1) Open season: November 15, 2008 through March 31, 2009 and November 15, 2009 through March 31, 2010.

(2) Open area: Entire state.

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

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

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; 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 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

635-050-0130

Muskrat

(1) Open Season: November 15, 2008 through March 31, 2009 and November 15, 2009 through March 31, 2010.

(2) Open area: Entire state.

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

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

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; 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 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

635-050-0140

Raccoon

(1) Open Season: November 15, 2008 through March 15, 2009 and November 15, 2009 through March 15, 2010.

(2) Open area: Entire state.

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

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

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; 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 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

635-050-0150

River Otter

Open Seasons and areas are as follows: November 15, 2008 through March 15, 2009 and November 15, 2009 through March 15, 2010 in the entire state except Grant County and all areas closed to beaver trapping in OAR 635-050-0070.

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

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

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & cert. ef. 8-15-89; 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 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

635-050-0170

Pursuit Seasons

(1) The following pursuit seasons are authorized:

(a) Bobcat: September 1, 2008 through February 28, 2009 and September 1, 2009 through February 28, 2010.

(b) Fox: September 1, 2008 through February 28, 2009 and September 1, 2009 through February 28, 2010.

(c) Raccoon: September 1, 2008 through March 15, 2009 and September 1, 2009 through March 15, 2010.

(2) License Requirements: Furtaker's license or hunting license for furbearers shall be on one's person during pursuit.

(3) No animals shall be killed except during authorized open harvest season.

(4) A bobcat record card shall be on one's person while taking or attempting to take bobcat.

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

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

Hist.: FWC 35-1980, f. & ef. 7-2-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0026; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; 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 61-2001, f. & cert. ef. 7-25-01; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 85-2003(Temp), f. & cert. ef. 8-27-03 thru 2-23-04; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-2006; DFW 83-2008, f. & cert. ef. 7-25-08

635-050-0183

Bobcat and River Otter Ownership Tags

(1) The ownership tag shall be affixed by Department personnel at district and regional offices and shall remain so affixed while the pelt is in raw form.

(2) Ownership tags may be used as foreign export tags.

(3) Each ownership tag authorizes the holder to sell one bobcat or river otter.

(4) Each person shall have an ownership tag affixed to his or her bobcat or river otter pelt at a Department district or regional office within 5 business days after the season ends.

(5) It shall be *unlawful* to possess a 2008–2009 or 2009–2010 harvested bobcat or river otter after 5 business days following the season closure without an ownership tag.

(6) It shall be *unlawful* to sell or remove from the state a 2008–2009 or 2009–2010 harvested bobcat or river otter pelt without the respective year's ownership tag.

(7) A furtaker shall be responsible for presenting the lower jawbone and information on sex, date of catch and county of harvest with each individual Oregon bobcat and river otter to qualify for ownership tags. A district office may, on a case-by-case basis, waive the lower jawbone requirement where the furtaker provides evidence that failure to provide the jawbone is due to unexpected circumstances beyond his or her control.

(8) The record card with the required information including species, sex, date of possession and county shall be presented to obtain an ownership tag.

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

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

Hist.: FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; 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 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

635-050-0189

Special Bobcat and River Otter Regulations

(1) Raw pelts taken prior to September 1, 1982 may not be sold unless they were metal-sealed by the Oregon State Police or the Department prior to that date.

(2) Those persons failing to comply with 2008–2009 or 2009–2010 Special Bobcat and River Otter Regulations shall not be issued a license for the following furbearer season and shall be subject to the penalties provided in ORS 496.992.

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

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

Hist.: FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; 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 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

635-050-0210

Areas Closed to Hunting or Trapping

It is *unlawful* to hunt or trap furbearing mammals or unprotected mammals on the following areas except as authorized by permit or as provided in section (23) of this section:

(1) Cemeteries;

(2) City and municipal watersheds declared to be refuges;

(3) Enterprise Wildlife Area, south of U.P. Railroad, and Marr tract;

ADMINISTRATIVE RULES

- (4) Federal refuges;
- (5) Denman Wildlife Area;
- (6) Fern Ridge Wildlife Area;
- (7) Irrigon Wildlife Area;
- (8) Jewell Meadows Wildlife Area;
- (9) Klamath Wildlife Area;
- (10) Ladd Marsh Wildlife Area;
- (11) McDonald Forest (Benton County);
- (12) Metolius Wildlife Refuge;
- (13) North Bank Habitat Management Area (BLM);
- (14) Public campgrounds;
- (15) National, state and public parks;
- (16) Rimrock Springs Wildlife Area;
- (17) Sauvie Island Wildlife Area;
- (18) School lands;
- (19) Summer Lake Wildlife Area;
- (20) E.E. Wilson Wildlife Area;

(21) Within city boundaries (note, however, that ORS 498.012 allows landowners and their agents to trap for the purpose of dealing with certain types of damage, public nuisance and public health risk. This authority overrides the restriction on trapping within cities);

(22) Tillicum Natural Area.

(23) Notwithstanding section (21) of this rule, trapping furbearing and unprotected mammals is permitted within incorporated city limits as follows:

- (a) Warrenton, except within 100 yards of any residential building or within the boundaries of Fort Stevens State Park;
- (b) Klamath Falls, on a person's own property for muskrat and beaver;
- (c) Bend, as approved and permitted by the Department;
- (d) Cottage Grove; applicants must submit written request to the City of Cottage Grove for a trapping permit.

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

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

Hist.: FWC 140, f. & ef. 8-29-77; FWC 44-1978, f. & ef. 9-1-78; FWC 37-1979, f. & ef. 8-29-79; FWC 35-1980, f. & ef. 7-2-80; FWC 45-1980, f. & ef. 8-28-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0037; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 65-1983(Temp), f. & ef. 11-22-83; FWC 9-1984, f. & ef. 3-12-84; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; 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 67-2004, f. & cert. ef. 7-13-04; DFW 83-2008, f. & cert. ef. 7-25-08

.....

Rule Caption: Reintroduction of Anadromous Fish to the Oregon Section of the Klamath River.

Adm. Order No.: DFW 84-2008

Filed with Sec. of State: 7-28-2008

Certified to be Effective: 7-28-08

Notice Publication Date: 6-1-2008

Rules Adopted: 635-500-3890, 635-500-3895, 635-500-3900, 635-500-3905, 635-500-3910

Subject: The adopted rules allow implementation of the Klamath Basin Anadromous Fish Reintroduction Plan of 2008. The adopted rules allow for the reintroduction of anadromous fish species into the Klamath River. The species considered for reestablishment are Chinook salmon, coho salmon, steelhead trout and lamprey.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-500-3890

Chinook Salmon in Upper Klamath Lake and Tributaries

(1) Goal: Restore naturally reproducing self-sustaining populations of Chinook salmon into suitable habitat in Upper Klamath Lake and tributaries.

(2) Policies:

(a) A Re-Introduction Implementation Plan shall be prepared to guide re-introduction of Chinook salmon into Upper Klamath Lake and tributaries.

(b) The Re-Introduction Implementation Plan shall identify near-term and long-term actions necessary to address key uncertainties and develop specific strategies for achieving the goals of re-introduction.

(c) The Re-Introduction Implementation Plan shall identify and address key uncertainties necessary to complete an Anadromous Fish Conservation Plan for the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries, consistent with stipulations of the Oregon Department of Fish and Wildlife's (Department's) Native Fish Conservation Policy (OAR 635-007-0503).

(d) As part of the Re-Introduction Implementation Plan, a stock recruitment model will be developed for Chinook salmon utilizing Upper Klamath Lake and tributaries to determine specific escapement numbers necessary to meet conservation and other management goals to be finalized in the Anadromous Fish Conservation Plan.

(e) Release of Chinook salmon into Upper Klamath Lake and tributaries shall not occur until the Re-Introduction Implementation Plan is completed.

(f) An Anadromous Fish Conservation Plan for Chinook salmon in Upper Klamath Lake and tributaries, consistent with the stipulations of the Department's Native Fish Conservation Policy (OAR 635-007-0503) shall be prepared for Oregon Fish and Wildlife Commission approval, once self-sustaining population(s) of Chinook salmon are established in Upper Klamath Lake and tributaries.

(g) The Anadromous Fish Conservation Plan prepared for Oregon Fish and Wildlife Commission approval shall provide policy direction to guide management of established anadromous fish populations in the Oregon portion of the Klamath Basin. This plan will be incorporated into a comprehensive plan for fisheries management of the entire Klamath River Basin that will fulfill requirements of the Pacific Fisheries Management Council.

(h) Klamath Basin stocks of Chinook salmon have priority over out-of-basin stocks of Chinook salmon for re-introduction into Upper Klamath Lake and tributaries.

(i) Hatchery production and supplementation efforts associated with reintroduction of Chinook salmon into Upper Klamath Lake and tributaries will be developed consistent with Fish Hatchery Management Policy and guidelines (OAR 635-007-0542).

(j) As part of active efforts to re-establish runs of anadromous fish, only pathogen free eggs or juvenile Chinook salmon will be released into Upper Klamath Lake and tributaries.

(k) Once adult Chinook salmon are voluntarily returning to Keno Dam, they will be seasonally trapped and moved upstream as needed.

(3) Objectives:

(a) Determine the most appropriate stock(s) of Chinook salmon to reintroduce into Upper Klamath Lake and tributaries.

(b) Restore self-sustaining populations of Chinook salmon in Upper Klamath Lake and tributaries.

(c) Protect and improve Chinook salmon habitat in Upper Klamath Lake and tributaries.

(d) Integrate self-sustaining populations of Chinook salmon returning to the Oregon portion of the Klamath River Basin into tribal, sport and commercial fisheries through development of an Anadromous Fish Conservation Plan.

Stat. Auth.: ORS 496.138, 496.146, and 506.119

Stats. Implemented: ORS 496.162, 506.109, and 506.129

Hist.: DFW 84-2008, f. & cert. ef. 7-28-08

635-500-3895

Chinook Salmon in the Oregon Portion of the Klamath River and Tributaries Below Upper Klamath Lake

(1) Goal: Restore self-sustaining populations of naturally produced Chinook salmon in the Oregon portion of the Klamath River and its tributaries below Upper Klamath Lake.

(2) Policies:

(a) Chinook salmon shall be monitored for natural re-colonization into the Oregon portion of the Klamath River and its tributaries below Upper Klamath Lake.

(b) A Re-Introduction Implementation Plan shall be prepared which identifies facilities and evaluation activities to monitor natural re-colonization of Chinook salmon into the Oregon portion of the Klamath River and its tributaries below Upper Klamath Lake.

(c) Chinook salmon in the Oregon portion of the Klamath River and its tributaries below Upper Klamath Lake shall be managed for natural production consistent with the Native Fish Conservation Policy (OAR 635-007-0503).

(d) No Chinook salmon shall be released into the Oregon portion of the Klamath River and its tributaries below Upper Klamath Lake, unless re-colonization is not occurring or is too slow as described through criteria directed under the Re-introduction Implementation Plan.

(e) An Anadromous Fish Conservation Plan for Chinook salmon in the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries, consistent with stipulations of the Department's Native Fish Conservation Policy (OAR 635-007-0503) shall be prepared for Oregon Fish and Wildlife Commission approval, once self-sustaining population(s)

ADMINISTRATIVE RULES

of Chinook salmon are established in the Oregon portion of the Klamath River and its tributaries.

(f) The Anadromous Fish Conservation Plan prepared for Oregon Fish and Wildlife Commission approval shall provide policy direction to guide management of established Chinook salmon populations in the Oregon portion of the Klamath Basin. This plan will be incorporated into a comprehensive plan for fisheries management of the entire Klamath River Basin that will fulfill requirements of the Pacific Fisheries Management Council.

(3) Objectives:

(a) Monitor natural re-colonization of Chinook salmon into the Oregon portion of the Klamath River and its tributaries below Upper Klamath Lake.

(b) Protect and improve Chinook salmon habitats in the Oregon portion of the Klamath River and its tributaries below Upper Klamath Lake.

(c) Integrate self-sustaining populations of Chinook salmon returning to the Oregon portion of the Klamath River Basin into tribal, sport and commercial fisheries through development of an Anadromous Fish Conservation Plan.

Stat. Auth.: ORS 496.138, 496.146, 506.119
Stats. Implemented: ORS 496.162, 506.109, 506.129
Hist.: DFW 84-2008, f. & cert. ef. 7-28-08

635-500-3900

Steelhead Trout in the Oregon Portion of the Klamath River, Upper Klamath Lake and Tributaries

(1) Goal: Restore self-sustaining populations of naturally produced steelhead trout in the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries.

(2) Policies:

(a) Steelhead trout shall be monitored for natural re-colonization into the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries.

(b) A Re-Introduction Implementation Plan shall be prepared which identifies facilities and evaluation activities to monitor natural re-colonization of steelhead trout into the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries.

(c) Steelhead trout in the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries shall be managed for natural production consistent with the Native Fish Conservation Policy (OAR 635-007-0503).

(d) No steelhead trout shall be released into the Oregon portion of the Klamath River and its tributaries, unless re-colonization is not occurring or is too slow as described through criteria directed under the Re-introduction Implementation Plan.

(e) An Anadromous Fish Conservation Plan for steelhead trout in the Oregon portion of Klamath River, Upper Klamath Lake and tributaries, consistent with stipulations of the Department's Native Fish Conservation Policy (OAR 635-007-0503) shall be prepared for Oregon Fish and Wildlife Commission approval, once self sustaining population(s) of steelhead trout are established in the Oregon portion of the Klamath River and its tributaries.

(f) The Anadromous Fish Conservation Plan prepared for Oregon Fish and Wildlife Commission approval shall provide policy direction to guide management of established steelhead trout populations in the Oregon portion of the Klamath Basin. This plan will be incorporated into a comprehensive plan for fisheries management of the entire Klamath River Basin.

(3) Objectives:

(a) Monitor natural re-colonization of steelhead trout into the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries.

(b) Protect and improve steelhead trout habitat in the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries.

(c) Integrate self-sustaining populations of steelhead trout returning to the Oregon portion of the Klamath River Basin into tribal and sport fisheries through development of an Anadromous Fish Conservation Plan.

Stat. Auth.: ORS 496.138, 496.146, 506.119
Stats. Implemented: ORS 496.162, 506.109, 506.129
Hist.: DFW 84-2008, f. & cert. ef. 7-28-08

635-500-3905

Coho Salmon in the Oregon Portion of the Klamath River and Tributaries

(1) Goal: Restore self-sustaining populations of naturally reproduced coho salmon in the Oregon portion of the Klamath River and its tributaries.

(2) Policies:

(a) Coho salmon shall be monitored for natural re-colonization into the Oregon portion of the Klamath River and its tributaries.

(b) A Re-Introduction Implementation Plan shall be prepared which identifies facilities and evaluation activities to monitor natural re-colonization of coho salmon into the Oregon portion of the Klamath River and its tributaries.

(c) Coho salmon in the Oregon portion of the Klamath River and its tributaries shall be managed for natural production consistent with the Native Fish Conservation Policy (OAR 635-007-0503).

(d) No coho salmon shall be released into the Oregon portion of the Klamath River and its tributaries, unless re-colonization is not occurring or is too slow as described through criteria directed under the Re-introduction Implementation Plan.

(e) An Anadromous Fish Conservation Plan for coho salmon in the Oregon portion of the Klamath River and its tributaries, or amendments to the Recovery Plan for SONCC Coho, consistent with stipulations of the Department's Native Fish Conservation Policy (OAR 635-007-0503) shall be prepared for Oregon Fish and Wildlife Commission approval, once self-sustaining population(s) of coho salmon are established in the Oregon portion of the Klamath River and its tributaries.

(f) The Anadromous Fish Conservation Plan, or amendments to the Recovery Plan for SONCC Coho, prepared for Oregon Fish and Wildlife Commission approval shall provide policy direction to guide management of established coho salmon populations in the Oregon portion of the Klamath Basin. This plan will be incorporated into a comprehensive plan for fisheries management of the entire Klamath River Basin that will fulfill requirements of the Pacific Fisheries Management Council.

(3) Objectives:

(a) Monitor natural re-colonization of coho salmon into the Oregon portion of the Klamath River and its tributaries.

(b) Protect and improve coho salmon habitat in the Oregon portion of the Klamath River and its tributaries.

(c) Integrate self-sustaining populations of coho salmon returning to the Oregon portion of the Klamath River Basin into tribal, sport and commercial fisheries through development of an Anadromous Fish Conservation Plan, or amendments to the Recovery Plan for SONCC Coho.

Stat. Auth.: ORS 496.138, 496.146, 506.119
Stats. Implemented: ORS 496.162, 506.109, 506.129
Hist.: DFW 84-2008, f. & cert. ef. 7-28-08

635-500-3910

Pacific Lamprey in the Oregon Portion of the Klamath River, Upper Klamath Lake and Tributaries

(1) Goal: Restore self-sustaining populations of naturally reproduced Pacific Lamprey in the Oregon portion of the Klamath River and its tributaries.

(2) Policies:

(a) Pacific Lamprey shall be monitored for natural re-colonization into the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries.

(b) A Re-Introduction Implementation Plan shall be prepared which identifies facilities and evaluation activities to monitor natural re-colonization of Pacific Lamprey into the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries.

(c) Pacific Lamprey in the Oregon portion of the Klamath River, Upper Klamath lake and tributaries shall be managed for natural production consistent with the Native Fish Conservation Policy (OAR 635-007-0503).

(d) No Pacific Lamprey shall be released into the Oregon portion of the Klamath River and its tributaries, unless re-colonization is not occurring or is too slow as described through criteria directed under the Re-introduction Implementation Plan.

(e) An Anadromous Fish Conservation Plan for Pacific Lamprey in the Oregon portion of the Klamath River, Upper Klamath Lake and tributaries, consistent with stipulations of the Department's Native Fish Conservation Policy (OAR 635-007-0503) shall be prepared for Oregon Fish and Wildlife Commission approval once self-sustaining population(s) of Pacific Lamprey are established in the Oregon portion of the Klamath River and its tributaries.

(f) The Anadromous Fish Conservation Plan prepared for Oregon Fish and Wildlife Commission approval shall provide policy direction to guide management of established Pacific Lamprey populations in the Oregon portion of the Klamath Basin. This plan will be incorporated into a comprehensive plan for fisheries management of the entire Klamath River Basin.

(3) Objectives:

(a) Monitor natural re-colonization of Pacific Lamprey into the Oregon portion of the Klamath River and its tributaries.

(b) Protect and improve Pacific Lamprey habitat in the Oregon portion of the Klamath River and its tributaries.

ADMINISTRATIVE RULES

(c) Integrate self-sustaining populations of Pacific Lamprey returning to the Oregon portion of the Klamath River Basin into tribal, sport and commercial fisheries through development of an Anadromous Fish Conservation Plan.

Stat. Auth.: ORS 496.138, 496.146, 506.119
Stats. Implemented: ORS 496.162, 506.109, 506.129
Hist.: DFW 84-2008, f. & cert. ef. 7-28-08

Rule Caption: Fall Commercial Seasons Set for Columbia River mainstem and Select Area Fisheries.

Adm. Order No.: DFW 85-2008(Temp)

Filed with Sec. of State: 7-24-2008

Certified to be Effective: 8-1-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-042-0031, 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180

Rules Suspended: 635-042-0145(T), 635-042-0160(T), 635-042-0170(T), 635-042-0180(T)

Subject: Amended rules set for the 2008 fall commercial salmon seasons for the Columbia River mainstem in zones 1 thru 5 and the Columbia River Select Areas. Fall Select Area fisheries implemented include: Youngs Bay; Blind and Knappa sloughs; Tongue Point/South Channel; and Deep River.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 1-5, as identified in OAR 635-042-0001. Retention of green sturgeon is prohibited.

(2) It is *unlawful* to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010 (4)).

(3) The open fishing periods are:

(a) 7:00 p.m. Sunday, August 3 to 7:00 a.m. Monday, August 4, 2008 (12 hours);

(b) 7:00 p.m. Tuesday, August 5 to 7:00 a.m. Wednesday, August 6, 2008 (12 hours);

(c) 7:00 p.m. Thursday, August 7 to 7:00 a.m. Friday August 8, 2008 (12 hours).

(d) 7:00 p.m. Sunday, August 10 to 7:00 a.m. Monday, August 11, 2008 (12 hours); and

(e) 7:00 p.m. Tuesday, August 12 to 7:00 a.m. Wednesday, August 13, 2008 (12 hours);

(4) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open. Sturgeon possession and sales limit includes mainstem fisheries only.

(5) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis-B, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129
Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 85-1991, f. & cert. ef. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. & cert. ef. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. & cert. ef. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. & cert. ef. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. & cert. ef. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. & cert. ef. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. & cert. ef. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. & cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. & cert. ef. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. & cert. ef. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. ef. 8-21-06 thru

12-31-06; DFW 89-2006(Temp), f. & cert. ef. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. & cert. ef. 7-24-08, cert. ef. 8-1-08 thru 12-31-08

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in those waters of Youngs Bay.

(a) The open fishing periods are established in segments categorized as the winter fishery; the spring fishery; the summer fishery and the fall fishery, as follows:

(A) Fall Season: 6:00 a.m. Wednesday, August 6 to 6:00 p.m. Thursday, August 7, 2008 (36 hours); 6:00 a.m. Wednesday, August 13 to 6:00 p.m. Thursday, August 14, 2008 (36 hours); 6:00 a.m. Wednesday, August 20 to 6:00 p.m. Thursday, August 16, 2008 (36 hours); 6:00 a.m. Wednesday, August 27 to 6:00 p.m. Thursday, August 28, 2008 (36 hours); and 7:00 p.m. Tuesday, September 2 to noon Friday, October 31, 2008 (60 days);

(b) The fishing area for the Youngs Bay fall fisheries includes:

(A) All waters from the new Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is *unlawful* to use a gill net having a mesh size that is more than 8-inches during the fall season from August 6 though 28, 2008. It is *unlawful* to use a gill net having a mesh size that is more than 6-inches after August 28, 2008

(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 three 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 (1)(a)(A) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 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. 8-20-89; FWC 82-1990(Temp), f. & cert. ef. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. & 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. 5-22-92, 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. 3-29-95, 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. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. & cert. ef. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. & cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. & cert. ef. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. & cert. ef. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. & cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. & cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. & cert. ef. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. & cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. & cert. ef. 5-6-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef.

ADMINISTRATIVE RULES

5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes during the open fishing periods described below:

(a) Open fishing periods for the fall season in Blind and Knappa Sloughs are: 7:00 p.m. to 7:00 a.m. on Tuesday, Wednesday and Thursday nights from September 2 through September 12, 2008 (6 nights); 7:00 p.m. to 7:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 15 through September 19, 2008 (4 nights); and 4:00 p.m. to 8:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 20 through October 31, 2008 (24 nights).

(b) The fishing areas for the season is:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore. Markers define an area closure of about a 100 foot radius at the mouth of Big Creek.

(c) Gear restrictions are as follows:

(A) During the fall fishery, outlined above in sections (1)(a) and (1)(b), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is greater than 8-inches through September 5, 2008 and a 6-inch maximum mesh size thereafter.

(2) A maximum of three 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 sections (1)(a) and (1)(b) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

(3) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp), f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 8-1-03 thru 10-1-03; DFW 86-2003, f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-

20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06 & cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 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

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point includes all waters bounded by a line from a yellow marker midway between the red light at Tongue Point and the downstream (northern most) pier (#8) to the flashing green USCG navigation light (#3) at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

(2) South Channel includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel.

(3) Salmon and sturgeon may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in sections (1) and (2) of this rule. Open fishing periods are: 7:00 p.m. to 7:00 a.m. on Tuesday, Wednesday and Thursday nights from September 2 through September 12, 2008 (6 nights); 7:00 p.m. to 7:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 15 through September 19, 2008 (4 nights); and 4:00 p.m. to 8:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 20 through October 31, 2008 (24 nights).

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

(5) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in section (3) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative Correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04

ADMINISTRATIVE RULES

04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 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 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 44-2008(Temp), f. 4-25-08, cert. ef. 4-28-08 thru 10-24-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes from the US Coast Guard navigation marker #16 upstream to the town of Deep River.

(2) The fishing seasons are open:

(a) Fall season: Monday, Tuesday, Wednesday, and Thursday nights, from 7:00 p.m. to 7:00 a.m. (12 hours) September 1 through September 19, 2008; and from 4:00 p.m. to 8:00 a.m. (16 hours) September 20 through October 31, 2008.

(3) Gill nets may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel.

(a) During the fall season, outlined above in (2)(a), it is unlawful to use a gill net having a mesh size that is less than 7-inches.

(4) A maximum of three 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) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries.

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

Rule Caption: Expanded Recreational Sturgeon Fishery in Willamette River and Columbia River Above Wauna.

Adm. Order No.: DFW 86-2008(Temp)

Filed with Sec. of State: 7-25-2008

Certified to be Effective: 7-25-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-017-0095, 635-023-0095

Rules Suspended: 635-023-0095(T)

Subject: Amended rules allow recreational retention of sturgeon in the Columbia River from Wauna powerlines (River Mile 40) upstream to Bonneville Dam and in the Willamette River downstream of Willamette Falls (including Multnomah Channel) four days per week, Thursdays through Saturdays, from August 1 through September 30, 2008. This two month period was previously closed to

retention of sturgeon. Modification to the recreational sturgeon fishery in the Columbia River below Wauna powerlines rescinded retention of sturgeon previously authorized for July 27. Revisions are consistent with Joint State Action taken by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-017-0095

Sturgeon Season

(1) The 2008 Oregon Sport Fishing Regulations provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2008 Oregon Sport Fishing Regulations.

(2) The Willamette River downstream of Willamette Falls (including Multnomah Channel) is open to the retention of white sturgeon four days per week, Thursday, Friday, Saturday and Sunday during the following periods:

(a) January 1 through December 31.

(3) Retention of green sturgeon is prohibited all year in all areas.

[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 2-2005(Temp), f. & cert. ef. 1-21-05 thru 7-19-05; DFW 55-2005, f. & cert. ef. 6-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 74-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 7-2008, f. & cert. ef. 2-11-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08

635-023-0095

Sturgeon Season

(1) The 2008 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 2008 Oregon Sport Fishing Regulations.

(2) The Columbia River from Wauna powerlines (River Mile 40) upstream to Bonneville Dam is open to the retention of white sturgeon four days per week, Thursdays through Sundays, during the following periods:

(a) January 1 through December 31.

(3) The Columbia River from Wauna powerlines (River Mile 40) downstream to the mouth at Buoy 10, including Youngs Bay is open to the retention of white sturgeon seven days per week during the following periods:

(a) January 1 through April 30; and

(b) May 10 through June 24.

(c) July 10 through July 12;

(d) July 17 through July 19; and

(e) July 26.

(4) The retention of white sturgeon in the area identified in section (3) of this rule is prohibited May 1 through May 9; June 25 through July 9; July 13 through July 16; July 20 through July 25; and from July 27 through December 31.

(5) During the fishing period as identified in subsection (3)(a) of this rule, only white sturgeon between 42 60 inches in overall length may be retained.

(6) During the fishing periods as identified in subsection (3)(b) through (3)(e) of this rule, only white sturgeon between 45 60 inches in overall length may be retained.

(7) The Columbia River and tributaries between Bonneville Dam and The Dalles Dam are closed to retention of sturgeon effective 12:01 a.m. Saturday, July 12, 2008.

(8) The Columbia River and tributaries between The Dalles Dam and John Day Dam are closed to the retention of sturgeon effective 12:01 a.m. Saturday, March 15, 2008.

(9) The Columbia River and tributaries between John Day Dam and McNary Dam are closed to the retention of sturgeon effective 12:01 a.m. Wednesday, March 26, 2008.

(10) Angling for sturgeon is prohibited from Marker 85 upstream to Bonneville Dam, from Highway 395 Bridge upstream to McNary Dam, and from the west end of the grain silo at Rufus upstream to John Day Dam during May 1 through July 31.

(11) Retention of green sturgeon is prohibited all year in all areas.

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

ADMINISTRATIVE RULES

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 129-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp), f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; 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 20-2007(Temp), f. 3-26-07, cert. ef. 3-28-07 thru 7-30-07; DFW 38-2007(Temp), f. & cert. ef. 5-31-07 thru 11-26-07; DFW 59-2007(Temp), f. 7-18-07, cert. ef. 7-29-07 thru 12-31-07; DFW 75-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 102-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 8-2008, f. & cert. ef. 2-11-08; DFW 23-2008(Temp), f. 3-12-08, cert. ef. 3-15-08 thru 9-10-08; DFW 28-2008(Temp), f. 3-24-08, cert. ef. 3-26-08 thru 9-10-08; DFW 72-2008(Temp), f. 6-30-08, cert. ef. 7-10-08 thru 12-31-08; DFW 78-2008(Temp), f. 7-9-08, cert. ef. 7-12-08 thru 12-31-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08

Rule Caption: Treaty Indian Summer Salmon Fisheries in the Columbia River and Tributaries Extended.

Adm. Order No.: DFW 87-2008(Temp)

Filed with Sec. of State: 7-25-2008

Certified to be Effective: 7-25-08 thru 8-31-08

Notice Publication Date:

Rules Amended: 635-041-0076

Rules Suspended: 635-041-0076(T)

Subject: Amended rule extends the Tribal Indian commercial gill net fishery in the Columbia River and tributaries by adding a new fishing period. Modifications are consistent with action taken July 24, 2008 by the Columbia River Compact agencies of Oregon and Washington in concert with the Columbia River Inter-Tribal Fish Commission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0076

Summer Salmon Season

(1) Commercial sale of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Monday, June 16, 2008 until further notice.

(a) Gear is restricted to subsistence fishing gear: hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Allowable sales include Chinook, coho, sockeye, steelhead, wall-eye, carp, and shad.

(c) Sturgeon may not be sold. However, white sturgeon between 48 and 60 inches in length taken from The Dalles and John Day pools may be kept for subsistence use. White sturgeon between 42 and 60 inches in length taken from the Bonneville Pool may be kept for subsistence use. White sturgeon caught in subsistence fisheries downstream of Bonneville Dam must be released immediately unharmed.

(d) Closed areas, except the Spring Creek sanctuary, as set forth in OAR 635-041-0045 remain in effect.

(2) Chinook, coho, sockeye, steelhead, walleye, carp, and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6 during the following periods:

6:00 a.m. Monday, June 23 through 6:00 p.m. Wednesday, June 25, 2008 (60 hours);

6:00 a.m. Tuesday, July 1 through 6:00 p.m. Thursday, July 3, 2008 (60 hours);

6:00 a.m. Tuesday, July 8 through 6:00 p.m. Thursday, July 10, 2008 (60 hours);

6:00 a.m. Tuesday, July 15 through 6:00 p.m. Thursday, July 17, 2008 (60 hours);

6:00 a.m. Tuesday, July 22 through 6:00 p.m. Thursday, July 24, 2008 (60 hours); and

6:00 a.m. Monday, July 28 through 6:00 p.m. Thursday, July 31, 2008 (84 hours).

(a) No minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, coho, sockeye, steelhead, wall-eye, carp, and shad.

(c) Sturgeon may not be sold. However, white sturgeon between 48 and 60 inches in length taken from The Dalles and John Day pools may be kept for subsistence use. White sturgeon between 42 and 60 inches in length taken from the Bonneville Pool may be kept for subsistence use.

(d) Closed areas, except the Spring Creek sanctuary, as set forth in OAR 635-041-0045 remain in effect.

(3) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake/Little White Salmon River; and Big White Salmon River, including the Yakama Nation subsistence fishery on the Washington shore downstream of Bonneville Dam, are allowed during those days and hours when the tributaries are open under lawfully

enacted tribal fishing periods, subject to restrictions as specified in section 1 above.

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

Rule Caption: Adopt Inseason Actions Implemented by the Federal Government for Commercial Fisheries.

Adm. Order No.: DFW 88-2008(Temp)

Filed with Sec. of State: 8-1-2008

Certified to be Effective: 8-1-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-004-0019

Rules Suspended: 635-004-0019(T)

Subject: This amended rule adopts in-season actions implemented by the National Oceanic and Atmospheric Administration (NOAA) for commercial fisheries including adjustments to trip limits governing the limited entry non-whiting trawl fishery and the limited entry and open access daily trip limit sablefish fisheries.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0019

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 G**, West Coast Groundfish Fisheries.

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart G**, provides requirements for commercial groundfish fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations.

(3) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of 73FR21057, announced inseason management measures effective May 1, 2008, including but not limited to: adjustments governing the limited entry non-whiting trawl fishery including changes to trip limits and Rockfish Conservation Area (RCA) boundaries; and trip limit adjustments to the open access sablefish daily trip limit fishery north of 36° N. Latitude.

(4) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of Federal Register/Vol. 73, No.143/Thursday, July 24, 2008, announced inseason management measures effective August 1, 2008, including but not limited to: adjustments to trip limits governing the limited entry non-whiting trawl fishery, and the limited entry fixed gear and open access sablefish daily trip limit fisheries.

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

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-1999(Temp), f. 9-30-99, cert. ef. 10-1-99 thru 12-31-99; DFW 81-1999(Temp), f. & cert. ef. 10-12-99 thru 12-31-99; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 23-2005(Temp), f. & cert. ef. 4-8-05 thru 10-4-05; DFW 30-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 43-2005(Temp), f. & cert. ef. 5-13-05 thru 10-17-05; DFW 68-2005(Temp), 6-30-05, cert. ef. 7-1-05 thru 12-27-05; DFW 114-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 12-31-05; DFW 125-2005(Temp), f. & cert. ef. 10-19-05 thru 12-31-05; DFW 134-2005(Temp), f. & cert. ef. 11-30-05 thru 12-31-05; DFW 147-2005(Temp), f. 12-28-05, cert. ef. 1-1-06 thru 6-28-06; DFW 8-2006(Temp), f. 2-28-06, cert. ef. 3-1-06 thru 8-25-06; DFW 25-2006(Temp), f. 4-28-06, cert. ef. 5-1-06 thru 10-27-06; DFW 55-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-27-06; DFW 110-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06; Administrative Correction 1-16-07; DFW 29-2007(Temp), f. & cert. ef. 5-1-07 thru 10-27-07; DFW 58-2007(Temp), f. 7-18-07, cert. ef. 8-1-07 thru 12-31-07; DFW 106-2007(Temp), f. 10-5-07, cert. ef. 10-6-07 thru 12-31-07; DFW 123-2007(Temp), f. 11-26-07, cert. ef. 11-28-07 thru 12-31-07; DFW 126-2007(Temp), f. & cert. ef. 12-11-07 thru 12-31-07; DFW 41-2008(Temp), f. 4-23-08, cert. ef. 5-1-08 thru 10-27-08; DFW 88-2008(Temp), f. & cert. ef. 8-1-08 thru 12-31-08

Rule Caption: Commercial Directed Sardine Fishery Closed Until September 15, 2008.

Adm. Order No.: DFW 89-2008(Temp)

Filed with Sec. of State: 8-6-2008

ADMINISTRATIVE RULES

Certified to be Effective: 8-6-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-004-0016

Rules Suspended: 635-004-0016(T)

Subject: This amended rule adopts management measures for the 2008 commercial sardine fishery that are consistent with federal regulations, as approved by the Pacific Fishery Management Council in November 2007. In accordance with these 2008 management measures, the amended rule closes the commercial directed fishery for Pacific sardines until September 15, 2008.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0016

Harvest Guideline

(1) This rule incorporates, by reference, the sardine management measures for 2008 included in the Pacific Council List of Decisions for the November 2007 Pacific Fishery Management Council Meeting, and in addition to the extent they are consistent with these rules, Code of Federal Regulations, Title 50 Part 660, as amended to incorporate the standards recommendations of the Pacific Council. Therefore, persons must consult the Federal Regulations in addition to this rule 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.

(2) Notwithstanding the management measures in section (1) above, effective 12:01 a.m. August 8, 2008, the directed fishery for Pacific sardines is closed until September 15, 2008.

[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 89-208(Temp), f. & cert. ef. 8-6-08 thru 12-31-08

Rule Caption: Amendments regarding harvest of game birds, season dates, open areas, bag limits and take of wild birds including nests and eggs.

Adm. Order No.: DFW 90-2008

Filed with Sec. of State: 8-13-2008

Certified to be Effective: 8-13-08

Notice Publication Date: 7-1-2008

Rules Amended: 635-045-0000, 635-051-0000, 635-051-0048, 635-052-0000, 635-053-0000, 635-054-0000, 635-060-0000

Subject: Rules regarding the harvest of game birds including 2008–09 season dates, open areas, regulations and bag limits and to allow continuation of control methods currently allowed under Federal permits for all migratory birds and to implement the Nest and Egg Depredation Order or resident Canada geese. The department may allow the destruction of nests and/or eggs by authorized federal agencies and their permittees for the purposes of public health and safety, nuisance, and depredation control.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-045-0000

Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled “2008–2009 Oregon Game Bird Regulations”, and “2008 Oregon Big Game Regulations,” are incorporated by reference into these rules. These documents are available at hunting license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

[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 36-1988, f. & cert. ef. 6-13-88; FWC 47-1989, f. & cert. ef. 7-25-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 91-1990, f. & cert. ef. 9-4-90; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08

635-051-0000

Purpose

(1) The purpose of these rules is to establish dates, areas and other restrictions for hunting game birds pursuant to ORS Chapter 496.

(2) The document entitled “2008–2009 Oregon Game Bird Regulations,” is incorporated by reference into these rules.

[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 8-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2003(Temp), f. & cert. ef. 8-26-03 thru 2-20-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08

635-051-0048

Other Restrictions

Except as provided in section (1)(a), (b), (c), (2), (3)–(5) of this rule, it is unlawful: To hunt within the corporate limits of any city or town, public park or cemetery, or on any campus or grounds of a public school, college, or university or from a public road, road right-of-way, or railroad right-of-way.

(1) Migratory game bird hunting is permitted within the city limits of Warrenton in the following described areas:

(a) Beginning at a point located at the west end of the Lewis and Clark Bridge (Alternate Highway 101) at the southern boundary of the Warrenton city limits and west bank of the Lewis and Clark River, then westerly along the common southern boundary of the Port of Astoria airport and the Warrenton City limits to the west bank of Adams Slough (formerly Adair’s Slough), then northerly along the west tracks, then westerly along said railroad tracks to its intersection with Northeast King Avenue, then northerly along Northeast King Avenue to the mouth of the Skipanon River, then generally northwesterly following a contour line 100 yards inland from the shoreline at mean high water of the Columbia River, and on the Columbia River side of the Burlington Northern Railroad tracks to its intersection with the Warrenton/Hammond city limits at Tansy Point, then in a generally southeasterly direction upstream along the Columbia River, Youngs Bay and Lewis and Clark River to the point of beginning.

(b) Beginning at a point of intersection with the low tide of the Pacific Ocean and the westerly extension of Delaura Beach Road (County Road #34), then easterly along Delaura Beach Road and Oceanview Cemetery Road (County Road #321) to the junction with Wild Ace Lake Drive to the Warrenton School Dump Road (County Road #286), then easterly along the Warrenton School Dump Road to the junction of Southwest Juniper Avenue, then northerly along Southwest Juniper Avenue to the road’s end, then continuing northerly along the common boundary of Section 16 and 17 to the Warrenton/Hammond city limits, then westerly along the Warrenton/Hammond city limits to the low tide of the Pacific Ocean, then southerly to the point of beginning.

(c) Beginning at a point of intersection with the most southerly boundary of the Warrenton city limits and Oregon Coast Highway 101 and the west bank of the Skipanon River, then northerly along the west bank of the Skipanon River to the bridge on (Crab Pot Way) Alternate Highway 101 (Fort Stevens Highway #104), then in a generally easterly direction along Alternate Highway 101 to Southeast 14th Place, then in a generally southeasterly direction along Southeast 14th Place and its easterly extension, crossing the Oregon Coast Highway 101 to its intersection with the Warrenton city limits, then southerly and westerly along the line of the Warrenton city limits to the point of beginning.

(2) Game bird hunting is permitted within the city limits of Dunes City.

(3) Game bird hunting is permitted within the boundary limits of the Klamath Falls Airport.

(4) Waterfowl hunting is permitted in the following portion of Miami Cove lying within the city limits of Garibaldi: That land in the east one-half of the northwest quarter of Section 22, Township 1 North, Range 10 West, Willamette Meridian, lying south of Coast Highway 101, and in the east one-half of the southwest quarter of Section 22, Township 1 North, Range 10 West, lying north and west of Coast Highway 101, provided that no hunting be permitted within 100 yards of any residence or commercial structure.

(5) Waterfowl hunting is allowed within a portion of Coos Bay City limits as described in Coos Bay City Ordinance number 100, section 3(2)(a) as of August 3, 2007.

ADMINISTRATIVE RULES

(6) No person shall take any wild bird without a permit or destroy the eggs or nests of wild birds

(7) Notwithstanding the prohibition in paragraph (6):

(a) If registered through the Resident Canada Goose Nest and Egg Registration Site of the U.S. Fish and Wildlife Service (<https://epermits.fws.gov/eRCGR/geSL.aspx>), any person may destroy the eggs or nests of resident Canada geese:

(A) Inside incorporated cities or urban growth boundaries; or

(B) On golf courses, parks or other highly developed recreational areas outside incorporated cities or urban growth boundaries.

(b) The U.S. Fish and Wildlife Service, or anyone issued a depredation permit by the USFWS, may take any wild migratory bird, its eggs or nest for the purpose of protecting public health or safety, to address public nuisance or to deal with crop depredation. Any wild bird captured for the purpose of translocation must be reported to the department and the translocation site approved by the department prior to release.

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

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

Hist.: FWC 46-1983, f. & ef. 9-19-83; FWC 65-1983(Temp), f. & ef. 11-22-83; FWC 9-1984, f. & ef. 3-12-84; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 80-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 116-2006(Temp), f. & cert. ef. 10-12-06 thru 4-10-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 37-2008(Temp), f. & cert. ef. 4-21-08 thru 10-17-08; DFW 90-2008, f. & cert. ef. 8-13-08

635-052-0000

Purpose

(1) The purpose of these rules is to establish season dates, areas and bag limits for migratory upland game birds pursuant to ORS Chapter 496.

(2) The document entitled "2008–2009 Oregon Game Bird Regulations," is incorporated by reference into these rules.

[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 61-1988, f. & cert. ef. 7-28-88; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08

635-053-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting upland game birds pursuant to ORS Chapter 496.

(2) The document entitled "2008–2009 Oregon Game Bird Regulations," is incorporated by reference into these rules.

[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 81-1988, f. & cert. ef. 9-2-88; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 2-2004(Temp), f. 1-13-04, cert. ef. 1-16-04 thru 1-31-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08

635-054-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting ducks, geese, coots, common snipe and crow pursuant to ORS Chapter 496.

(2) The document entitled "2008–2009 Oregon Game Bird Regulations," is incorporated by reference into these rules.

[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 82-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 95-1998(Temp), f. & cert. ef. 12-1-98 thru 12-18-98; DFW 98-1998(Temp), f. & cert. ef. 12-18-98 thru 2-28-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 99-2001(Temp), f. & cert. ef. 10-12-01 thru 4-10-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 87-2004(Temp), f. & cert. ef. 8-18-04 thru 9-16-04; Administrative correction 10-25-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS 496.162.

(2) The documents entitled "2008–2009 Oregon Game Bird Regulations," and "2008," are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

[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 118, f. & ef. 6-3-77; FWC 25-1978, f. & ef. 5-26-78; FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. 2-18-81, f. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 16-1985, f. & ef. 4-11-85; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 28-2002(Temp), f. 4-1-02, cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 90-2008, f. & cert. ef. 8-13-08

Rule Caption: Promulgation of Inland waters Anchovy Season.

Adm. Order No.: DFW 91-2008(Temp)

Filed with Sec. of State: 8-11-2008

Certified to be Effective: 8-11-08 thru 1-31-09

Notice Publication Date:

Rules Amended: 635-004-0038

Subject: This adopted rule promulgates the commercial Inland Waters Anchovy Season. This rule also sets the season dates; defines the types of gear authorized for the taking of anchovies; methods to be employed in estimating total weight of fish taken; and recording and reporting requirements for the fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0038

Inland Waters Anchovy Fishery

There is no closed season or area for the commercial taking of anchovies in inland waters except as specified in Oregon administrative rule or as specified

(1) The open season for the taking of anchovies is August 11 through October 31.

(2) Any vessel engaged in the commercial taking of anchovies must obtain a license as described in 635-006-0140 or 635-006-0160.

(3) Any person engaged in or assisting in the taking of anchovies from the waters of this state must possess a commercial fishing license as described in OAR 635-006-0145 or 635-006-0160.

(4) It is *unlawful* to use any fishing gear or method of harvest for the taking of anchovy other than:

(a) Purse seine with a maximum length of 50 fathoms (300 feet), defined as the maximum distance from the first to last pursing rings on the purse line;

(b) Lampara net; or

(c) Hook and line "jigging."

(5) All species other than anchovies, taken in operation of gear such as described in section (4) above, must be returned to the water immediately unharmed.

(6) All anchovies harvested commercially must be reported on a Commercial Fisherman Transportation Report as described in OAR 635-006-0165 when caught, and must be reported to a wholesale bait dealer or wholesale fish dealer upon landing and recorded on a fish receiving ticket as described in 635-006-0210.

(7) Wholesale fish and bait dealers may estimate the net weight of fish landed provided such method is approved and authorized in writing by the Oregon Department of Fish and Wildlife (Department).

(8) Those wholesale fish or bait dealers or canners authorized to use the sampling procedure in subsection (7) of this rule are subject to inspection for accuracy by the Department or by the Oregon State Police, at any

ADMINISTRATIVE RULES

time. Authorization for use of a sampling procedure may be withdrawn at any time by the Department or by the Oregon State Police.

Stat. Auth.: ORS 506.119
Stats Implemented: ORS 506.109 and 506.129
Hist.: DFW 91-2008(Temp), f. & cert. ef. 8-11-08 thru 1-31-09

Rule Caption: Ocean Sport Pacific halibut Re-opens North of Cape Falcon, Oregon.

Adm. Order No.: DFW 92-2008(Temp)

Filed with Sec. of State: 8-11-2008

Certified to be Effective: 8-11-08 thru 9-30-08

Notice Publication Date:

Rules Amended: 635-039-0085

Rules Suspended: 635-039-0085(T)

Subject: Amended rule re-opens the sport fishery for Pacific halibut in the area between Leadbetter Point, Washington and Cape Falcon, Oregon at 12:01 a.m. on Friday, August 22 through 11:59 p.m. Saturday August 23, 2008 (2 days). Revisions are consistent with regulations that have been implemented by the federal government and the International Pacific Halibut Commission for the 2008 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, modifications or additions to provisions determined by the IPHC and to the extent they are consistent with Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996) Volume 73, Number 46, dated March 7, 2008 and as amended by Federal Regulations.

(2) Effective 11:59 p.m., Sunday August 2, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) is closed to the retention of Pacific halibut.

(3) Effective 12:01 a.m. Friday, August 22 through 11:59 p.m. Saturday, August 23, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) re-opens to the retention of Pacific halibut.

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

Rule Caption: Early Closure of Fall Commercial Season in Columbia River Zones 1 Through 5.

Adm. Order No.: DFW 93-2008(Temp)

Filed with Sec. of State: 8-12-2008

Certified to be Effective: 8-12-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: Amended rule rescinds the previously adopted commercial fishing period scheduled from 7:00 p.m. Tuesday, August 12, 2008 through 7:00 a.m. Wednesday, August 13, 2008 for the Columbia River mainstem in zones 1 through 5.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 1-5, as identified in OAR 635-042-0001. Retention of green sturgeon is prohibited.

(2) It is *unlawful* to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010(4)).

(3) The open fishing periods are:

(a) 7:00 p.m. Sunday, August 3 to 7:00 a.m. Monday, August 4, 2008 (12 hours);

(b) 7:00 p.m. Tuesday, August 5 to 7:00 a.m. Wednesday, August 6, 2008 (12 hours);

(c) 7:00 p.m. Thursday, August 7 to 7:00 a.m. Friday August 8, 2008 (12 hours); and

(d) 7:00 p.m. Sunday, August 10 to 7:00 a.m. Monday, August 11, 2008 (12 hours).

(4) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open. Sturgeon possession and sales limit includes mainstem fisheries only.

(5) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis-B, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08

Rule Caption: Treaty Indian Summer Salmon Season Extended in the Columbia River and Tributaries.

Adm. Order No.: DFW 94-2008(Temp)

Filed with Sec. of State: 8-14-2008

Certified to be Effective: 8-14-08 thru 9-30-08

Notice Publication Date:

Rules Amended: 635-041-0076

Rules Suspended: 635-041-0076(T)

Subject: Amended rule extends the Tribal Indian commercial gill net salmon season in the Columbia River and tributaries by adding three new fishing periods. Modifications are consistent with action taken August 13, 2008 by the Columbia River Compact agencies of Oregon and Washington in concert with the Columbia River Inter-Tribal Fish Commission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0076

Summer Salmon Season

(1) Commercial sale of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Monday, June 16, 2008 until further notice.

(a) Gear is restricted to subsistence fishing gear: hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Allowable sales include Chinook, coho, sockeye, steelhead, wall-eye, carp, and shad.

(c) Sturgeon may not be sold. However, white sturgeon between 48 and 60 inches in length taken from The Dalles and John Day pools may be kept for subsistence use. White sturgeon between 42 and 60 inches in length

ADMINISTRATIVE RULES

taken from the Bonneville Pool may be kept for subsistence use. White sturgeon caught in subsistence fisheries downstream of Bonneville Dam must be released immediately unharmed.

(d) Closed areas, except the Spring Creek sanctuary, as set forth in OAR 635-041-0045 remain in effect.

(2) Chinook, coho, sockeye, steelhead, walleye, carp, and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6 during the following periods:

6:00 a.m. Monday, June 23 through 6:00 p.m. Wednesday, June 25, 2008 (60 hours);
6:00 a.m. Tuesday, July 1 through 6:00 p.m. Thursday, July 3, 2008 (60 hours);
6:00 a.m. Tuesday, July 8 through 6:00 p.m. Thursday, July 10, 2008 (60 hours);
6:00 a.m. Tuesday, July 15 through 6:00 p.m. Thursday, July 17, 2008 (60 hours);
6:00 a.m. Tuesday, July 22 through 6:00 p.m. Thursday, July 24, 2008 (60 hours); and
6:00 a.m. Monday, July 28 through 6:00 p.m. Thursday, July 31, 2008 (84 hours).
6:00 a.m. Tuesday, August 19 through 6:00 p.m. Friday, August 22, 2008 (84 hours);
6:00 a.m. Tuesday, August 26 through 6:00 p.m. Friday, August 29, 2008 (84 hours);
6:00 a.m. Tuesday, September 2 through 6:00 p.m. Saturday, September 6, 2008 (108 hours).

(a) No minimum mesh size restriction is in effect through August 18, 2008. An 8-inch minimum mesh size restriction is in effect beginning August 19, 2008.

(b) Allowable sales include Chinook, coho, sockeye, steelhead, walleye, carp, and shad.

(c) Sturgeon may not be sold. However, white sturgeon between 48 and 60 inches in length taken from The Dalles and John Day pools may be kept for subsistence use. White sturgeon between 42 and 60 inches in length taken from the Bonneville Pool may be kept for subsistence use.

(d) Closed areas, except the Spring Creek sanctuary, as set forth in OAR 635-041-0045 remain in effect through August 18, 2008. The Spring Creek Hatchery sanctuary is in effect beginning August 19, 2008.

(3) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake/Little White Salmon River; and Big White Salmon River, including the Yakama Nation subsistence fishery on the Washington shore downstream of Bonneville Dam, are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods, subject to restrictions as specified in section 1 above.

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, f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08

Rule Caption: Two Commercial Gill Net Salmon Fishing Periods Authorized for Columbia River below Bonneville Dam.

Adm. Order No.: DFW 95-2008(Temp)

Filed with Sec. of State: 8-14-2008

Certified to be Effective: 8-14-08 thru 9-30-08

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: Amended rule allows two commercial gill net salmon fishing periods in the Columbia River mainstem below Bonneville Dam. The first period is from 7:00 p.m. Thursday, August 14 through 7:00 a.m. Friday, August 15, 2008 (12 hours) in Zones 2 thru 5. The second period is from 8:00 p.m. Tuesday, August 19 through 6:00 a.m. Wednesday, August 20, 2008 (10 hours) in Zones 4 and 5.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 1–5, as identified in OAR 635-042-0001 during open fishing periods identified in sections (3)(a) through (3)(d); Zones 2–5 during the fishing period identified in section (3)(e) below; and Zones 4–5 during the fishing period identified in section (3)(f) below. Retention of green sturgeon is prohibited.

(2) It is unlawful to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010(4)).

(3) The open fishing periods are:

(a) 7:00 p.m. Sunday, August 3 to 7:00 a.m. Monday, August 4, 2008 (12 hours);

(b) 7:00 p.m. Tuesday, August 5 to 7:00 a.m. Wednesday, August 6, 2008 (12 hours);

(c) 7:00 p.m. Thursday, August 7 to 7:00 a.m. Friday August 8, 2008 (12 hours);

(d) 7:00 p.m. Sunday, August 10 to 7:00 a.m. Monday, August 11, 2008 (12 hours);

(e) 7:00 p.m. Thursday, August 14 to 7:00 a.m. Friday, August 15, 2008 (12 hours);

(f) 8:00 p.m. Tuesday, August 19 to 6:00 a.m. Wednesday, August 20, 2008 (10 hours).

(4) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open through August 16, 2008. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) beginning August 17, 2008. Sturgeon possession and sales limit includes mainstem fisheries only.

(5) Closed waters, as described in OAR 635-042-0005, for Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis-B, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified in sections (3)(a) through (3)(e) above and Lewis-B, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified in section (3)(f) above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 13-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08

Rule Caption: Recreational Ocean Salmon Fishery North of Cape Falcon, OR Closes to All Salmon Fishing.

Adm. Order No.: DFW 96-2008(Temp)

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 8-15-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-013-0004

Rules Suspended: 635-013-0004(T)

Subject: Amended rule closes the recreational ocean salmon fishery from Leadbetter Point, Washington south to Cape Falcon, Oregon effective 2:00 p.m. Sunday, August 17, 2008. Modifications are consistent with action taken by NOAA Fisheries in consultation with the Department, Washington Department of Fish and Wildlife, representatives from the recreational and commercial Oregon salmon fisheries, and the Pacific Fishery Management Council.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-013-0004

Inclusions and Modifications

(1) OAR 635-013-0005 through 635-013-0009 modify or are in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subparts A and H**, and the **2008 Oregon Sport Fishing Regulations**.

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H**, and the **2008 Oregon Sport Fishing Regulations** contain requirements for sport salmon angling in the Pacific Ocean off the Oregon coast. However, additional regulations may be adopted from time to time, and, to the extent of any inconsistency, they supersede the published federal regulations and the **2008 Oregon Sport Fishing Regulations**. This means that persons must consult not only the federal regulations and the published sport fishing regulations but also the Department's web page to determine all applicable sport fishing regulations.

(3) This rule contains requirements that modify sport salmon angling regulations off the Oregon coast. The following modifications are organized in sections that apply to the ocean sport salmon fishery in general and within management zones established by the Pacific Fishery Management Council and enacted by **Federal Regulations (CFR, Title 50, Part 660, Subparts A and H)**.

(4) Effective 12:01 a.m. Saturday, June 21, 2008, in the recreational ocean salmon fishery from Leadbetter Point, WA, to Cape Falcon, OR, the daily bag limit is increased from one to two Chinook per angler.

(5) Effective 12:01 a.m. Sunday, June 29, 2008, in the recreational ocean salmon fishery from Leadbetter Point, WA, to Cape Falcon, OR, the daily bag limit is two legal size salmon. All coho retained must have a healed-over adipose fin clip.

(6) Effective 2:00 p.m. Sunday, August 17, 2008, the recreational ocean salmon fishery from Leadbetter Point, WA, to Cape Falcon, OR, is closed to all salmon fishing.

[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 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 31-1992, f. 4-29-92, cert. ef. 5-1-92; FWC 25-1994, f. & cert. ef. 5-2-94; 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 20-1996, f. & cert. ef. 4-29-96; FWC 72-1996, f. 12-21-96, cert. ef. 1-1-97; FWC 19-1997(Temp), f. 3-17-97, cert. ef. 4-15-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 43-1997(Temp), f. 8-8-97, cert. ef. 8-10-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 59-1998(Temp), f. & cert. ef. 8-10-98 thru 8-21-98; DFW 66-1998(Temp), f. & cert. ef. 8-21-98 thru 9-24-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 20-1999(Temp), f. 3-29-99, cert. ef. 4-1-99 thru 4-30-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 61-1999(Temp), f. 8-31-99, cert. ef. 9-3-99 thru 9-17-99; DFW 66-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 16-2000(Temp), f. 3-31-00, cert. ef. 4-1-00 thru 4-30-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 47-2000(Temp), f. 8-10-00, cert. ef. 8-13-00 thru 9-30-00; 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 16-2001(Temp), f. 3-28-01, cert. ef. 4-1-01 thru 4-30-01; Administrative correction 6-20-01; DFW 59-2001(Temp), f. 7-18-01, cert. ef. 7-19-01 thru 10-31-01; DFW 20-2002(Temp), f. 3-19-02, cert. ef. 4-1-01 thru 4-30-02; DFW 75-2002(Temp), f. 7-19-02, cert. ef. 7-21-02 thru 12-31-02; DFW 80-2002(Temp), f. 7-31-02, cert. ef. 8-1-02 thru 12-31-02; DFW 85-2002(Temp), f. 8-8-02, cert. ef. 8-11-02 thru 12-31-02; DFW 99-2002(Temp) f. 8-30-02, cert. ef. 9-2-02 thru 12-31-02; DFW 100-2002(Temp), f. & cert. ef. 9-6-02 thru 12-31-02; 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 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 69-2003(Temp), f. 7-21-03, cert. ef. 7-25-03 thru 12-31-03; DFW 78-2003(Temp), f. 8-14-03, cert. ef. 8-20-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 75-2004(Temp), f. 7-20-04, cert. ef. 7-23-04 thru 12-31-04; DFW 80-2004(Temp), f. 8-12-04, cert. ef. 8-13-04 thru 12-31-04; DFW 93-2004(Temp), f. 9-2-04, cert. ef. 9-4-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 81-2005(Temp), f. 7-25-05, cert. ef. 7-29-05 thru 12-31-05; DFW 103-2005(Temp), f. 9-7-05, cert. ef. 9-9-05 thru 12-31-05; DFW 106-2005(Temp), f. 9-14-05, cert. ef. 9-17-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 67-2006(Temp), f. 7-25-06, cert. ef. 8-11-06 thru 12-31-06; DFW 87-2006(Temp), f. 8-18-06, cert. ef. 8-19-06 thru 12-31-06; DFW 90-2006(Temp), f. 8-25-06, cert. ef. 8-26-06 thru 12-31-06; Administrative correction 1-16-07; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 80-2007(Temp), f. 8-23-07, cert. ef. 8-25-07 thru 12-31-07; DFW 81-2007(Temp), f. 8-31-07, cert. ef. 9-2-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 66-2008(Temp), f. 6-20, cert. ef. 6-21-08 thru 10-31-08; DFW 96-2008(Temp), f. & cert. ef. 8-15-08 thru 12-31-08

Department of Forestry Chapter 629

Rule Caption: Application fee for the Underproductive Forestland Tax Credit program is now an eligible project cost.

Adm. Order No.: DOF 5-2008

Filed with Sec. of State: 8-1-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 629-023-0420, 629-023-0430, 629-023-0440, 629-023-0450

Subject: Amends the rules for the 50% Underproductive Forestland Conversion Tax Credit consistent with the 2007 Legislative Assembly HB 3364 amending the governing ORS 315.104 and ORS 315.106. HB 3364 made the application fee (for filing a written request for a preliminary certificate) an eligible reforestation project cost. Other amendments to the rules specify that the application fee is due for the amount in effect on the date the application is filed and that multiple project areas must be approved by the State Forester prior to application for the preliminary certificate. Amended rules were sent to legislators, stakeholders and those on agency's mailing list. The last day for comment was July 22, 2008. No comments from the public were received. No hearing was conducted or requested.
Rules Coordinator: Gayle Birch—(503) 945-7210

629-023-0420

Definitions

(1) "Appropriate sites" means those sites capable of producing a commercial hardwood or softwood stand which meet the definition of commercial forestland and are planted with suitable forest tree species.

(2) "Commercial forestland" means land for which a primary use is the growing and harvesting of forest tree species.

(3) "Forest tree species" means those species that are ecologically suited to the planting site, capable of producing commercial forest products, and marketable in the future as determined by the State Forester.

(4) "Hardwood harvests conducted for the purpose of converting underproductive forestland" means the harvest of an area occupied by a low volume and low value stand in which significant commercial harvest of forest tree species is not possible as defined in OAR 629-023-0440(2), or the landowner can demonstrate that the stand is or was unmerchantable by showing a negative economic return.

(5) "Negative economic return" means the costs that result from the harvest, such as logging, taxation and reforestation costs, exceed the market value received or to be received.

(6) "Project Costs" mean costs paid by the taxpayer to afforest underproductive forestland. For projects planted on or after January 1, 2008, the tax credit application fee is a project cost.

(7) "Reasonable costs" mean:

(a) Costs that a prudent person in the field of forestry would be willing to pay for a product or service; and

(A) Are competitive; and

(B) Associated with generally accepted practices listed in OAR 629-023-0440(3)-(9); or

(b) Costs that are otherwise approved by the State Forester.

(8) "Reasons beyond the control of the taxpayer" means:

(a) Natural disaster including fire, flood, landslides, unusual weather conditions, and other natural incidents as determined by the State Forester; or

(b) The forest is not established even though the project was completed in accordance with the specifications of OAR 629-023-0440 as determined by the State Forester.

(9) "Reasons under the control of the taxpayer" means the reforestation project was not completed in accordance with the specifications of OAR 629-023-0440 as determined by the State Forester.

(10) "Tax credit application fee" means a nonrefundable fee that is paid by the taxpayer, in accordance with OAR 629-023-0450(2), at the time the written request for preliminary certificate is filed with the State Forester.

Stat. Auth.: ORS 315 & 526

Stats. Implemented: ORS 315.104 & 315.106

Hist.: FB 9-1990, f. & cert. ef. 10-25-90; FB 6-1996, f. 7-9-96, cert. ef. 7-15-96; DOF 4-2002 f. & cert. ef. 6-18-02; DOF 1-2006(Temp), f. & cert. ef. 1-3-06 thru 6-29-06; DOF 5-2006, f. 5-2-06, cert. ef. 6-1-06; DOF 5-2008, f. 8-1-08 cert. ef. 9-1-08

629-023-0430

Eligible Project Costs

For projects planted on or after January 1, 2008, the application fee is an eligible project cost. For all projects, eligible project and plantation establishment costs incurred by the taxpayer to forest underproductive forestland may include labor (does not include labor performed by the taxpayer), supervision, material, and equipment operating costs for the following:

(1) Site preparation;

(2) Planting, or with State Forester approval, seeding;

(3) Release;

(4) Moisture conservation;

ADMINISTRATIVE RULES

- (5) Erosion control;
- (6) Animal damage control.
Stat. Auth.: ORS 315 & 526
Stats. Implemented: ORS 315.104 & 315.106
Hist.: FB 9-1990, f. & cert. ef. 10-25-90; FB 6-1996, f. 7-9-96, cert. ef. 7-15-96; DOF 4-2002 f. & cert. ef. 6-18-02; DOF 1-2006(Temp), f. & cert. ef. 1-3-06 thru 6-29-06; DOF 5-2006, f. 5-2-06, cert. ef. 6-1-06; DOF 5-2008, f. 8-1-08 cert. ef. 9-1-08

629-023-0440

Standards and Specifications

To qualify for a credit, the State Forester must determine that the forestland, prior harvest, and project comply with the following standards and specifications:

(1) Forestland must be capable of producing at least 20 cubic feet of wood fiber per acre at culmination of mean annual increment. Site productivity can be determined directly by tree growth and stocking measurements within the operation area, or determined indirectly using applicable USDA Natural Resources Conservation Service soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other sources.

(2) Prior to harvest the area contains no more than an allowable average of 80 square feet of basal area per acre. Measurable trees are those softwood species, 6 inches dbh and larger, and hardwood species, 11 inches and larger. Conifers may amount to no more than 50 percent of the allowable basal area.

(3) Site Preparation. The planting spot for each tree must be free from competing vegetation and slash. This may be accomplished by:

- (a) Bulldozing, plowing, discing, mulching, or scalping;
- (b) Hand slashing;
- (c) Aerial or ground application of various chemicals;
- (d) Controlled burning;
- (e) Any combination of above.

(4) Planting Stock. Seedlings must be from a seed source and elevation compatible with the planting area. The seedling size, stem caliper, and root to top ratio must be suited to the project site.

(5) Planting Operations. Planting operations must be conducted as follows:

(a) Seedlings must be planted at the same depth as they were in the nursery seed bed with roots straight in the soil;

(b) The planting may be with any forest tree species as defined in OAR 629-023-0420(3), or as approved in a plan for an alternate practice with the State Forester;

(c) The planting may occur any time the trees are dormant and the ground is not frozen, snow covered, or extremely dry.

(6) Release. The taxpayer must use all measures necessary to control competing vegetation to insure survival of the seedlings.

(7) Moisture Conservation. The taxpayer must use all measures necessary to control loss of moisture and increase the chance of survival of the seedlings. This may include a combination of cultivation, mulching, or the use of chemicals.

(8) Erosion Control. When necessary the taxpayer must use water barring, contour cultivation practices, or other methods to prevent erosion.

(9) Animal Damage Control. When necessary the taxpayer must use treated planting stock, grass control, repellents, protective casings or other approved methods to control animal damage.

(10) The taxpayer has paid the tax credit application fee to the State Forester in accordance with OAR 629-023-0450(2)

(11) Project costs are reasonable and must be \$500 or more after deducting all financial assistance received from any federal, state or other incentive program.

- Stat. Auth.: ORS 315 & 526
Stats. Implemented: ORS 315.104 & 315.106
Hist.: FB 9-1990, f. & cert. ef. 10-25-90; FB 6-1996, f. 7-9-96, cert. ef. 7-15-96; DOF 1-2006(Temp), f. & cert. ef. 1-3-06 thru 6-29-06; DOF 5-2006, f. 5-2-06, cert. ef. 6-1-06; DOF 5-2008, f. 8-1-08 cert. ef. 9-1-08

629-023-0450

Preliminary Certificate Issuance

(1) The project is completed when the minimum number of well-distributed seedlings has been satisfactorily planted. The minimum number required under this section is the same as required under the reforestation rules of the Oregon Forest Practices Act.

(2) The preliminary credit application submitted to the State Forester by the taxpayer must include:

- (a) Payment of the tax credit application fee in the amount in effect on the date the preliminary certificate is filed;
- (b) A single project area; or
- (c) Multiple project areas if approved by the State Forester;

- (d) A project map;
- (e) The tax year (the year the trees were planted) for which the credit is claimed;

(f) Whether claimant status is as an individual, partnership, or corporation;

(g) The applicant's name, address, social security number or employer identification number;

(h) The legal description of the property including the county;

(i) The number of acres eligible for the tax credit;

(j) The approximate date each activity was completed;

(k) The amount of federal or state cost share or other incentive program funds received; and

(l) The taxpayer's reasonable eligible project costs.

(3) The tax credit claimed on the preliminary certificate may be retained by the taxpayer in the event that a new forest is not established when all of the following conditions exist:

(a) The taxpayer made a reasonable effort to meet the project specifications of OAR 629-023-0440;

(b) The reasons the new forest is not established are beyond the control of the taxpayer;

(c) The measures performed by the taxpayer would normally have resulted in establishing the minimum number of trees per acre.

- Stat. Auth.: ORS 315 & 526
Stats. Implemented: ORS 315.104 & 315.106
Hist.: FB 9-1990, f. & cert. ef. 10-25-90; FB 6-1996, f. 7-9-96, cert. ef. 7-15-96; DOF 4-2002 f. & cert. ef. 6-18-02; DOF 1-2006(Temp), f. & cert. ef. 1-3-06 thru 6-29-06; DOF 5-2006, f. 5-2-06, cert. ef. 6-1-06; DOF 5-2008, f. 8-1-08 cert. ef. 9-1-08

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

Rule Caption: Establishment of a Hearing Process For Patients and Residents Prior to Administration of Significant Procedures.

Adm. Order No.: MHS 6-2008

Filed with Sec. of State: 7-25-2008

Certified to be Effective: 7-25-08

Notice Publication Date: 6-1-2008

Rules Adopted: 309-114-0030

Rules Amended: 309-114-0000, 309-114-0005, 309-114-0010, 309-114-0015, 309-114-0020, 309-114-0025

Rules Repealed: 309-114-0000(T), 309-114-0005(T), 309-114-0010(T), 309-114-0015(T), 309-114-0020(T), 309-114-0025(T), 309-114-0030(T)

Subject: The Addictions and Mental Health Division of the Department of Human Services is amending OAR 309-114-0000 through 309-114-0025 and adopting 309-114-0030 to institute a hearing process for patients and residents prior to the administration of "significant procedures," as defined in OAR 309-114-0005.

Rules Coordinator: Richard Luthe—(503) 947-1186

309-114-0000

Purpose and Statutory Authority

Purpose. These rules prescribe standards and procedures to be observed by personnel of state institutions operated by Addictions and Mental Health Division or the Seniors and People With Disabilities Division in obtaining informed consent to significant procedures, as defined by these rules, from patients and residents of such state institutions. These rules do not apply to routine medical procedures. Administration of significant procedures without informed consent is permitted in emergencies under OAR 309-114-0015. The purpose of these rules is to assure that the rights of patients and residents are protected with respect to significant procedures.

- Stat. Auth.: ORS 179.040
Stats. Implemented: ORS 179.321, 426.070, 426.385, 427.031 & 427.255
Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; 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

309-114-0005

Definitions

As used in these rules:

(1) "Certified Law Student" means an eligible law student certified by the Oregon State Bar to appear in court or in an administrative proceeding and is supervised by an attorney licensed by the Oregon State Bar.

ADMINISTRATIVE RULES

(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) "Division," as used in these rules means these Divisions of the Department of Human Services:

(a) Addictions and Mental Health Division (AMH) when referring to "patients;" and

(b) The Seniors and People with Disabilities Division (SPD) when referring to "residents."

(4) "Guardian" means a legal guardian who is a person appointed by a court of law to act as guardian of a minor or a legally incapacitated person.

(5) "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.

(6) "Material Risk." A risk is material if it may have a substantial adverse effect on the patient's or resident's psychological and/or physical health. 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.

(7) "Medication Educator" means a Qualified Mental Health Professional (QMHP) or Qualified Mental Retardation Professional who provides information about the proposed significant procedures to patients and residents.

(8) "Patient" means a person who is receiving care and treatment in a state institution for the mentally ill.

(9) "Person Committed to the Division" or "Person" means a patient or resident committed under ORS 161.327, 161.370, 179.478, 426.130, or 427.215, or certified by the State Training Center Review Board under ORS 427.020.

(10) "Qualified Mental Health Professional" (QMHP) means any person 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.

(11) "Qualified Mental Retardation Professional" means a person who meets the professional requirements under 42 CFR 483.430.

(12) "Resident" means a person who is receiving care, treatment, and training in a state institution for the mentally retarded.

(13) "Representative" is an individual allowed to represent a party or the agency in an administrative hearing under Oregon law.

(14) "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 or resident, including, but not limited to physical examinations, blood draws, tuberculosis (TB) testing, and hygiene.

(15) "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 or resident such as, but not limited to, psychotropic medication and electro-convulsive therapy. Significant procedures do not include routine medical procedures.

(16) "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 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. Significant procedures of a similar class do not need to be specifically listed on the treating physician's form.

(17) "State Institution" or "Institution" means all Oregon State Hospital campuses, Blue Mountain Recovery Center and Eastern Oregon Training Center.

(18) "Superintendent" means the executive head of the state institution listed in section

(17) Of this rule, or the superintendent's designee.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070, 426.385, 427.031 & 427.255

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

309-114-0010

General Policy on Obtaining Informed Consent to Treatment and Training

(1) Basic Rule. Patients and residents, or parents or guardians of minors, or guardians on behalf of legally incapacitated patients and residents, may refuse any significant procedure and may withdraw at any time consent previously given to a significant procedure. Any refusal or withdrawal or withholding of consent shall be documented in the patient's or resident's record.

(a) Personnel of a state institution shall not administer a significant procedure to a patient or resident unless written informed consent is obtained from or on behalf of the patient or resident in the manner prescribed in these rules, except as follows:

(A) Administration of significant procedures to legally incapacitated patients or residents as provided in section (6) of this rule;

(B) Administration of significant procedures without informed consent in emergencies under OAR 309-114-0015; and

(C) Involuntary administration of significant procedures with good cause to persons committed to the Division under OAR 309-114-0020.

(b) In no case may personnel of a state institution for the mentally retarded administer a procedure using aversive stimuli to a resident without the consent of a parent or legal guardian.

(2) Capacity of patient or resident: In order to consent to, or refuse, withhold, or withdraw consent to significant procedures, the patient or resident must have the capacity to make a decision concerning acceptance or rejection of a significant procedure, as follows:

(a) Unless adjudicated legally incapacitated for all purposes or for the specific purpose of making treatment decisions, a patient or resident shall be presumed competent to consent to, or refuse, withhold, or withdraw consent to significant procedures. A person committed to the Division may be deemed unable to consent to or refuse, withhold, or withdraw consent to a significant procedure only if the person currently demonstrates an inability to comprehend and weigh the risks and benefits of the proposed procedure, alternative procedures, or no treatment at all or other information disclosed pursuant to subsections (3)(a) of this rule. The patient's current inability to provide informed consent is to be documented in the patient's record and supported by the patient's statements or behavior; and may be evidenced in the treating physician's informed consent form, the evaluation form by the independent examining physician, review by disposition boards in the case of a resident, and forms approving or disapproving the procedure by the superintendent or chief medical officer;

(b) A person committed to the Division shall not be deemed unable to consent to or refuse, withhold, or withdraw consent to a significant procedure merely by reason of one or more of the following facts:

(A) The person has been involuntarily committed to the Division;

(B) The person has been diagnosed as mentally ill or mentally retarded;

(C) The person has disagreed or now disagrees with the treating physician's or certified nurse practitioner's diagnosis;

(D) The person has disagreed or now disagrees with the treating physician's or certified nurse practitioner's recommendation regarding treatment.

(c) If a court has determined that a patient or resident is legally incapacitated, then consent shall be sought from the legal guardian.

(3) Procedures for Obtaining Informed Consent and Information to be Given: The person from whom informed consent to a significant procedure is sought shall be given information, orally and in writing, the substance of which is to be found on the treating physician's informed consent form. In the case of medication, there shall be attached a preprinted patient information sheet on the risks and benefits of the medication listed on the treating physician's form. All written materials under this rule will be provided in English. However, if the institution has reason to believe a patient or resident has limited English language proficiency or the patient requests it, then the institution will make reasonable accommodations to provide the patient or resident with meaningful access to the information, such as Providing the patient or resident with copies of the materials in the patient or resident's native language if the materials are readily available in that language or providing the opportunity to have an interpreter orally translate written materials into the patient or resident's native language. Specific information about significant procedures of a similar class will not be provided to or discussed with the patient or resident.

(a) The information shall describe:

(A) The nature and seriousness of the patient's or resident's mental illness or condition;

ADMINISTRATIVE RULES

(B) The purpose of the significant procedures listed on the treating physician's form, the intended outcome and the risks and benefits of the procedures;

(C) Any alternatives, particularly alternatives offering less material risks to the proposed significant procedure that are reasonably available and reasonably comparable in effectiveness;

(D) If the proposed significant procedure is medication, facility medical staff shall give the name, dosage range, and frequency of administration of the medication listed on the treating physician's form, and shall explain the material risks of the medication at that dosage range.

(E) The side effects of the intended medication or electro-convulsive therapy;

(F) The predicted medical, psychiatric, social, or legal consequences of not accepting the significant procedure or any comparable procedure, including any potential risk the patient or resident represents to the health and safety of himself or others if he or she does not receive the significant procedure;

(G) That consent may be refused, withheld or withdrawn at any time; and

(H) Any additional information concerning the proposed significant procedure requested by the patient or resident.

(b) A medication educator shall assist by providing information to the patient or resident that explains the proposed significant procedure, as described in section (3)(a) of this rule;

(c) The treating physician intending to administer a significant procedure shall document in the patient's or resident's chart that the information required in subsections (3)(a) of this rule was explained and that the patient, resident, parent or guardian of a minor or guardian of a legally incapacitated patient or resident explicitly consented, refused, withheld or withdrew consent. The treating physician may document this by completing the informed consent form and make it part of the patient's record.

(4) When discussing the significant procedure with the treating physician and the medication educator, the patient or resident may request additional information about the significant procedure pursuant to OAR 309-114-0010(3)(a)(H) and present additional information relevant to making his or her decision.

(5) Voluntary Consent: Consent to a proposed significant procedure must be given voluntarily, free of any duress or coercion. Subject to the provisions of OAR 309-114-0020, the decision to refuse, withhold or withdraw consent previously given shall not result in the denial of any other benefit, privilege, or service solely on the basis of refusing, withholding or withdrawing consent. A voluntary patient or resident may be discharged from the institution if offered procedures are refused.

(6) Obtaining Consent with Respect to Legally Incapacitated Patients and Residents: A state institution may not administer a significant procedure to a legally incapacitated patient or resident without the consent of the guardian, or, in the case of a minor, the parent or guardian, except in the case of an emergency under OAR 309-114-0015 or where the institution has good cause to involuntarily administer a significant procedure under OAR 309-114-0020. In order to prove good cause, the hospital must prove OAR 309-114-0020(1)(a) and (1)(d) in reference to the guardian and 309-114-0020(1)(b) and (1)(c) in reference to the patient.

(7) Reports of Progress: A patient or resident, the parents or guardian of a minor patient or resident, or the guardian of a legally incapacitated patient or resident shall, upon request, be informed of the progress of the patient or resident during administration of the significant procedure.

(8) These rules will be effective as of December 1, 2007 on all new orders for administration of significant procedures without informed consent. This includes new orders written after expiration of the previous order. This rule will be effective for existing, unexpired orders as of January 1, 2008, on a phased-in schedule that will accommodate as many new hearings as is practicable to schedule each week.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070, 426.385, 427.031 & 427.255

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

309-114-0015

Administration of Significant Procedures Without Informed Consent in Emergencies

(1) An emergency exists if in the opinion of the chief medical officer or designee:

(a) Immediate action is required to preserve the life or physical health of the patient or resident and it is impracticable to obtain informed consent as provided in OAR 309-114-0010; or

(b) Immediate action is required because the behavior of the patient or resident creates a substantial likelihood of immediate physical harm to the patient, resident, or others in the institution and it is impracticable to obtain informed consent as provided in OAR 309-114-0010.

(2) If an emergency exists, the chief medical officer or designee may administer a significant procedure to a patient or resident without obtaining prior informed consent in the manner otherwise required by these rules provided:

(a) The specific nature of each emergency and the procedure which was used to deal with the emergency are adequately documented in the patient's or resident's record and a form provided for emergency procedure is completed and placed in the patient's or resident's record;

(b) Reasonable effort shall be made to contact the parent or legal guardian prior to the administration of the significant procedure. If contact is not possible, notice shall be given to the parent or legal guardian as soon as possible;

(c) Within a reasonable period of time after an emergency procedure is administered, the treatment team shall review the treatment or training program and, if practicable, implement a treatment or training program designed to correct the behavior creating the emergency;

(d) The administration of a significant procedure in an emergency situation does not allow the institution to administer these procedures, once the emergency has subsided, without obtaining informed consent.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070, 426.385, 427.031 & 427.255

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

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 certified nurse practitioner after consultation with the treatment team the following four 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 in the treating physician's informed consent form and the independent examining physician's evaluation form, and 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.

(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 informed consent form and the independent examining physician's evaluation form, unless this factor is affirmatively raised as an issue by the patient or resident or his/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, and 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 OAR 309-114-0025 by introducing into evidence the treating physician'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 resident or his/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 informed consent form and the medication educator's form/progress note, unless this factor is affirmatively raised as an issue by the patient or resident or his/her representative at the hearing. If the institution has reason to believe a patient or resident has limited English language proficiency or the patient requests it, then the institution will make reasonable accommodations to provide the patient or resident with meaningful access to the informed consent process, such as providing the patient or the resident 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 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:

ADMINISTRATIVE RULES

(A) The patient's or resident's treating physician made at least two good faith attempts to obtain informed consent by attempting to explain the procedure to the patient or resident and documenting those efforts in the patient's or resident'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 or resident.

(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. 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 administrative 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) Prior to granting approval for the administration of a significant procedure for good cause, the superintendent or chief medical officer of a state institution for the mentally retarded shall refer the matter for review to a disposition board convened for such purpose. The disposition board shall have five members: two employees from the state institution not directly involved in the treatment of the resident and three public members. Members of the disposition board shall be provided a copy of administrative rules OAR 309-114-0000 through 309-114-0030 and shall be part of a training program regarding their meaning and application.

(4) The superintendent or chief medical officer shall provide to a patient or resident 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 or review by a disposition board for the purpose of administering the procedure without the patient's or resident's consent.

(5) The physician selected to conduct the independent consultation or the disposition board shall:

(a) Review the person's medical chart, including the records of efforts made to obtain the person's informed consent, personally examine the person, or, in the case of the disposition board, interview the resident;

(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 withdrawal or inability to consent to the significant procedure. This determination must be documented in the patient's or resident's records 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;

(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;

(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

(B) The person to whom a significant procedure is proposed to be administered, with a copy being made part of the person's record.

(6) 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 disposition board 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 person and made part of the person's

record. This notice must be delivered to the patient or resident, and fully explained by facility medical staff. This notice must include a clear statement of the decision to treat without informed consent, specific bases for the decision, state 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 or resident 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 or resident shall have 48 hours to request a contested case hearing after receiving this notice. If the patient or resident does not request a hearing within the 48 hour period or the patient or resident subsequently withdraws his initial hearing request and is not already receiving the significant procedure, the institution may involuntarily administer the significant procedure. A patient or resident 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 or resident withdraws his 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 or resident may request a second hearing. If the patient or resident 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 or disposition boards and 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 or review by a disposition board was sought;

(B) The number of times consultation or review was sought from a particular independent examining physician or disposition board for each type of proposed significant procedure;

(C) The number of times each independent examining physician or disposition board 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;

(E) Such summaries shall be public records and shall be made available to the public during reasonable business hours in accordance with ORS Chapter 192.

(7) When treatment is being administered without informed consent, the ward physician will write a progress note addressing any changes in patient's or resident's capacity to give informed consent every 60 days.

(8) At any time that a patient's or resident's condition changes so that there appears to his or her treating physician to be a substantial improvement in the patient's or resident's capacity to consent to or refuse treatment, a formal re assessment of the patient's or resident'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 OAR 309-114-0010 and 309-114-0020.

(9) When a patient or resident is transferred to a state institution from a community hospital or another state institution where he/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 OAR 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, 427.031 & 427.255

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

ADMINISTRATIVE RULES

309-114-0025

Contested Case Hearing

(1) Patient's or Resident's Rights: A patient or resident has the right to contest the hospital's determination that it has good cause to involuntarily administer a significant procedure without informed consent pursuant to OAR 309-114-0020(6)(c). If the patient or resident is a minor or legally incapacitated, the parents or guardian has the right to contest the hospital's determination that it has good cause to involuntarily administer a significant procedure without informed consent pursuant to OAR 309-114-0020(6)(c).

(a) Instructions and a simple method of requesting such a hearing shall be provided to every patient or resident when he or she receives notice that the institution intends to administer a significant procedure without informed consent. The patient or resident 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.

(b) A patient or resident's verbal or written request for a hearing implies consent to the release of his or her records and protected health information to his or her representative, the institution's representative, and the Office of Administrative Hearings for the purpose of preparing for and conducting the contested case hearing.

(c) After filing a request for an administrative hearing, an attorney or certified law student will be appointed by the Division to represent any patient or resident who requests one. The patient or resident has the right to be represented at the hearing by a representative appointed and paid by the state. The patient or resident also has the right to be represented at the hearing by an attorney or certified law student of his/her choice and at his/her own expense.

(d) If a patient or resident requests a contested case hearing and is not already receiving the significant procedure pursuant to a valid physician's order the patient or resident has the right to not receive the significant procedure prior to and during the hearing. If the patient or resident is already receiving the significant procedure pursuant to a valid physician's order, the institution may continue to administer the significant procedure to the patient or resident until the final order is issued.

(2) Contested Case Hearing: The administrative hearing will conform to the requirements set forth in ORS 183.413 through 183.500, and the Attorney General's Model Rules at OAR 137-003-0501 and the following:

(a) The hearing must be held within 14 days of the date of the patient's or resident's request, unless the patient or resident or his/her representative or the state institution's representative requests a delay for good cause or the patient or resident or his/her representative and the state institution's representative agree to a postponement. Good cause includes, but is not limited to, the following circumstances: the patient's ward is quarantined at the time of the hearing, additional time is required to access necessary and relevant records not in the possession of the state institution, or titration of the patient's medication is necessary to allow minimally adequate communication by the patient with his or her representative for purposes of the hearing.

(b) These hearings are closed to all non-participants, except personnel from the institution or the Attorney General's Office, personnel from Disability Rights Oregon, personnel from the Office of Administrative Hearings, or members of the patient's family. Any exceptions to this policy must be agreed to in advance by the institution's representative and the patient or resident or his/her representative. The institution may exclude non-participants, otherwise allowed to attend these hearings, who are disruptive or represent a safety concern.

(c) In lieu of discovery, the patient or resident or his/her representative will be provided with the treating physician's form, independent examining physician's evaluation form, the superintendent's or chief medical officer's form approving or disapproving of the administration of the significant procedure, and the preprinted patient information regarding the risks and benefits of the proposed significant procedures. The patient or resident or his/her representative may also review the patient's chart and consult with the patient's treating physician.

(d) The following procedures are not available in these contested case hearings: summary determination procedures as defined in OAR 137-003-580, pre-hearing motions as defined in OAR 137-003-0630, and pre-determination review procedures in OAR 137-003-0640.

(e) A proposed written order must be issued by the administrative law judge within two days, excluding weekends and holidays, after the hearing, except when the administrative law judge determines that there is good cause to delay the order. All proposed orders must be issued within 3 days of the close of the hearing or the record, whichever is later, excluding weekends and holidays.

(f) If after the hearing, the administrative law judge determines that there is an issue not raised by a party or the agency that impacts the outcome of the case, the administrative law judge must grant a continuance for good cause and inform the institution's representative and the patient or resident or his/her representative so that they may present additional arguments and evidence on that issue.

(g) The administrative law judge must determine whether to affirm or reverse the state institution's decision that it has good cause to involuntarily administer a significant procedure without informed consent from the patient or resident as defined by the four factors in OAR 309-114-0020(1) with regards to the significant procedures listed on the treating physician's informed consent form.

(h) If the ALJ issues a proposed order, and the proposed order is adverse to a party or the institution, the party or institution may file exceptions or written argument to the proposed order to be considered by the institution. The exceptions must be in writing and reach the institution not later than two days (excluding weekends and holidays) after the date of the proposed order is issued by the ALJ. No additional evidence may be submitted without prior approval of the institution. After receiving and considering the exceptions or argument, if any, the institution may adopt the proposed order as the final order or may prepare a new order to be issued within 2 days (excluding weekends and holidays) from receipt of the exception or argument. A final order is effective immediately upon being signed or as otherwise provided in the order.

(i) A final order affirming or reversing the institution's decision to involuntarily administer a significant procedure to the patient or resident without informed consent includes all significant procedures listed on the treating physician's informed consent form and all unlisted significant procedures of a similar class.

(j) A final order approving the involuntary administration of the significant procedure without informed consent shall be reexamined if the treating physician determines that there is a substantial increase in the risk to the patient or resident in administering the significant procedure during the term of a person's commitment, but in no case longer than 180 days. Approval of the significant procedure may also be reexamined pursuant to OAR 309-114-0020(8) if the treating physician determines that there is substantial improvement in the patient's or resident's capacity.

(k) A final order disapproving the involuntary administration of the significant procedure without informed consent lasts for no longer than 180 days. If a substantial change in the patient's or resident's condition occurs during this time, the institution may re-evaluate the patient or resident using the entire OAR 309-114-0020 process, and must additionally document and explain what substantial change in the person's capacity has occurred since the administrative law judge decision was issued.

(l) If the final order reverses the institution's decision to involuntarily administer a significant procedure and the patient or resident is already receiving the significant procedure, then the hospital may continue to administer the significant procedure to the extent it is necessary to develop and implement a titration plan to safely discontinue the significant procedure according to current clinical practice.

(m) If the patient or resident withdraws his 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 or resident may request a second hearing. If the patient or resident 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. The proposed order by default and the final order by default will be issued in a manner consistent with the time frames and process outlined in OAR 309-114-0025(2).

(n) Any administrative law judge who will preside over a hearing regarding involuntary administration of a significant procedure without informed consent must complete agency approved training unique to administration of psychiatric treatment without consent. This training shall be developed by the Division in consultation with Disability Rights Oregon.

(o) Subject to the approval of the Attorney General, an agency officer or employee is authorized to appear (but not make legal argument) on behalf of the agency in contested case hearings involving the involuntary administration of a significant procedure to a patient or resident.

ADMINISTRATIVE RULES

(A) For purposes of this rule, the term “legal argument” is used as defined in ORS 183.452 and OAR 137-003-0545.

(B) When an agency officer or employee represents the agency, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection. Where such objections involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after the conclusion of the hearing.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070, 426.385, 427.031 & 427.255

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

309-114-0030

Notice to Patients, Residents, and Employees

(1) Upon a patient’s or resident’s admission, the state institutions shall inform the patient and resident, orally and in writing, of the rights, policies, and procedures set forth in these rules. In addition, a clear and simple summary of the contents, including the title, number, and purpose of these rules, and instructions on how to obtain a copy of the rules and advice about their content shall be prominently displayed in areas frequented by patients and residents in all state institutions.

(2) All employees of state institutions involved in patient or resident care shall be notified in writing at the commencement of his or her employment, or, for present employees, within a reasonable time after the effective date of these rules, of the rights, policies, and procedures set forth in these rules. These employees shall participate in a training program regarding the rules, their meaning and application.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070, 426.385, 427.031 & 427.255

Hist.: MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08

.....

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

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 17-2008(Temp)

Filed with Sec. of State: 7-17-2008

Certified to be Effective: 7-17-08 thru 1-13-09

Notice Publication Date:

Rules Amended: 413-200-0424

Subject: OAR 413-200-0424 about the Department’s actions at the conclusion of the child protective services assessment is being amended to correct a typographical error and correctly state the Department’s policy regarding the type of dispositions that need management approval for a certified family to maintain a certificate of approval.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-200-0424

Department Actions at the Conclusion of the CPS Assessment

(1) CPS Worker and Supervisor Actions.

(a) In addition to the actions required in Child Welfare Policy I-AB.4, “CPS Assessment”, OAR 413-015-0400 to 413-015-0485, the CPS worker must convene a staffing within five business days of the completion of the CPS assessment to:

(A) Share information acquired during the CPS assessment, and the results of the CPS assessment;

(B) Discuss and determine whether any additional actions described in Child Welfare Policy I-AB.4, “CPS Assessment”, OAR 413-015-0400 to 413-015-0485 are appropriate;

(C) Determine who needs to be notified of the disposition of the CPS assessment and determine which staff will be responsible for providing notification;

(D) Discuss certification actions that have been taken and whether any additional actions described in Child Welfare Policy II-B.1.1, “Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents,” OAR 413-200-0270 to 413-200-0296 are appropriate.

(b) The CPS worker must ensure that the following staff members are invited to the staffing:

(A) The CPS supervisor;

(B) The assigned certifier or the certification supervisor; and

(C) The caseworkers assigned to each child or young adult placed in the home of the certified family or their respective supervisors.

(c) The CPS supervisor or his or her designee must:

(A) Ensure that the staffing, discussed in subsection (a) of this section occurs;

(B) Determine whether the Child Welfare Program Manager, CPS Consultant, and Foster Care Coordinator should be invited to the staffing; and

(C) Approve notification of the following individuals of the disposition of the CPS assessment:

(i) The attorney for the child;

(ii) The court appointed special advocate (CASA) for the child;

(iii) The child’s parents;

(iv) Any attorney representing the child’s parents; and

(v) If the disclosure is authorized by ORS 419B.035, others who are involved in the case plan as necessary.

(D) The supervisor may authorize an exception to the notification of a child’s parents and any attorney representing a child’s parents required in paragraph (C) of this subsection if the notification may interfere with an investigation or assessment or jeopardize the child’s safety.

(d) At the conclusion of any CPS assessment, regardless of the disposition, the CPS supervisor must immediately forward a copy of the Out of Home Care Investigation Report to the assigned caseworkers, the certifier, the CPS Consultant, and the Foster Care Coordinator.

(2) Assigned Caseworker Actions.

(a) Within ten business days of the Department determining the disposition of a CPS assessment involving the alleged abuse of a child placed in the home of a certified family, the caseworker for the child must notify the individuals identified in paragraph (1)(c)(C) of this rule of the disposition unless an exception, described in paragraph (1)(c)(D) of this rule, is authorized by the CPS supervisor or his or her designee.

(b) Within ten business days of the conclusion of a law enforcement determination involving the alleged abuse of a young adult placed in the home of a certified family, the caseworker for the young adult must notify the individuals identified in paragraph (1)(c)(C) of this rule of the disposition, unless notification may interfere with an investigation or assessment or jeopardize the young adult’s safety is authorized by the caseworker’s supervisor.

(3) Certifier and Certification Supervisor Actions.

(a) At the conclusion of the CPS assessment, during or within five business days of the meeting required in subsection (1)(a) of this rule, the certifier and certification supervisor must:

(A) Staff the case and review all the information gathered during the CPS assessment;

(B) Determine whether the information indicates certification actions described in Child Welfare Policy II-B.1.1, “Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents,” OAR 413-200-0270 to 413-200-0296 should be taken; and

(C) Assure documentation of the results of the staffing in FACIS provider’s notes and in the certification file.

(b) After completing the staffing required in subsection (1)(a) of this rule, if the Department determines:

(A) That the Certificate of Approval for the certified family should be revoked, the assigned certifier must initiate revocation of the Certificate of Approval as described in Child Welfare Policy II-B.1.1, “Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents,” OAR 413-200-0296.

(B) That inactive referral status should continue because one or more of the conditions in Child Welfare Policy II-B.1.1, “Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents,” OAR 413-200-0294 are present, the assigned certifier must summarize the outcome of the assessment and the reasons for continuing inactive referral status in a letter delivered to the certified family within 10 days of receiving the completed CPS assessment. The certifier must retain a copy of the letter in the certification file.

(C) That the certificate will not be revoked after a founded or unable to determine disposition, the assigned certifier must:

(i) Submit written documentation supporting the continued certification of the certified family to the District Manager, Assistant District Manager, or Child Welfare Program Manager for approval;

ADMINISTRATIVE RULES

(ii) Upon receiving approval for continued certification from the District Manager, Assistant District Manager, or Child Welfare Program Manager, remove the certified family from inactive referral status;

(iii) Within ten business days of receiving approval from the District Manager, Assistant District Manager, or Child Welfare Program Manager, send written notification to the certified family that the home is no longer on inactive referral status and retain a copy of the written notification in the certification file; and

(iv) Notify Department staff responsible for placement that the certified family is no longer on inactive referral status.

(4) The CPS worker or supervisor, and the certifier or supervisor must meet with the certified family within ten business days of the completion of the CPS assessment to explain the disposition and any certification actions that will be taken unless the certified family declines the opportunity for a meeting.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015 & 419B.020

Hist.: CWP 33-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 15-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 17-2008(Temp), f. & cert. ef. 7-17-08 thru 1-13-09

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 18-2008

Filed with Sec. of State: 8-1-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 6-1-2008

Rules Amended: 413-040-0005, 413-040-0006, 413-040-0009, 413-040-0010, 413-040-0017, 413-040-0024

Subject: OAR 413-040-0005 about the definitions for terms used in OAR 413-040-0000 through 413-040-0032 about developing and managing the case plan is being amended to restate the definition of the terms “action agreement”, “case plan”, and “family plan.”

OAR 413-040-0006 about the requirements for protective capacity assessments is being amended to clarify the Department’s policy by replacing old terminology with new terminology.

OAR 413-040-0009 about the requirements for conditions for return is being amended to clarify the Department’s policy regarding the return of a child to a parent or legal guardian by allowing for return of a child to a parent or legal guardian that may or may not reside in a home.

OAR 413-040-0010 about the requirements for the case plan is being amended to comply with federal funding requirements for case plan information by clarifying the definition of a family plan, specifying the requirement to have a record of the child’s visits with parents and siblings, and specifying the requirement for documenting progress on both the permanency plan and the concurrent plan.

OAR 413-040-0017 about the requirements for return and reunification is being amended to restate the Department’s policy on the requirement for return and reunification of a child by describing the Department’s responsibilities when returning a child to a parent in a residential treatment facility, an alcohol and drug free housing program, or a residential domestic violence program. This rule is also being amended to replace old terminology with new terminology and follow standard formatting.

OAR 413-040-0024 about the requirements for an in-home ongoing safety plan prior to return and next day contact is being amended to describe the Department’s responsibilities for the development of an ongoing safety plan when returning a child to a parent in a residential treatment facility, an alcohol and drug free housing program, or a residential domestic violence program. This rule is also being amended to replace old terminology with new terminology and follow standard formatting.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-040-0005

Definitions

The following definitions apply to OAR 413-040-0000 to 413-040-0032:

(1) “Action agreement” means a written document between the Department and a parent or legal guardian that identifies one or more of the services or activities provided by the Department or other community part-

ners, in which the parent or legal guardian will participate to achieve an expected outcome.

(2) “Child” means a person under 18 years of age.

(3) “Case plan” means a written goal oriented, time limited individualized plan for the child and the child’s family, developed by the Department and the parents or legal guardians, to achieve the child’s safety, permanency, and well-being.

(4) “Concurrent permanent plan” means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The concurrent permanent plan is developed simultaneously with the plan to return the child to the parents or legal guardians.

(5) “Conditions for return” mean a written statement of the specific behaviors, conditions, or circumstances that must exist within a child’s home before a child can safely return and remain in the home with an in-home ongoing safety plan.

(6) “Department” means the Department of Human Services, Child Welfare.

(7) “Expected outcome” means an observable, sustained change in a parent or legal guardian’s behavior, condition, or circumstance that, when accomplished, will increase a parent or legal guardian’s protective capacity and reduce or eliminate an identified safety threat, and which, when accomplished, will no longer require Child Welfare intervention to manage a child’s safety. It is a desired end result and takes effort to achieve.

(8) “Expert evaluation” means a written assessment prepared by a professional with specialized knowledge of a particular subject matter such as physical health, psychological health, mental health, sexual deviancy, substance abuse, and domestic violence. The assessment provides information regarding an individual’s functioning in the area of the professional’s specialized knowledge, and when the expert is evaluating a parent or legal guardian, whether the individual’s functioning impacts his or her protective capacity.

(9) “Family member” means any person related to the child by blood, marriage, or adoption, including, but not limited to the parents, grandparents, stepparents, aunts, uncles, sisters, brothers, cousins, or great-grandparents. Family member also includes a child 12 years of age or older and a child younger than 12 years of age, when appropriate. In a case involving an Indian child under the Indian Child Welfare Act (ICWA), a “family member” is defined by the law or custom of the child’s tribe.

(10) “Family plan” means a written document developed at the OFDM that includes family recommendations on planning for the child and may include a permanency plan, concurrent permanent plan, placement recommendations, or service recommendations. The family plan also includes expectations of the parents of the child and other family members; services the Department will provide; time lines for implementation of the plan; benefits of compliance with the plan; consequences of noncompliance with the plan; and a schedule of future meetings if appropriate. The family plan described in ORS 417.375(1) is incorporated into the case plan to the extent that it protects the child, builds on family strengths, and is focused on achieving permanency for the child within a reasonable time.

(11) “Ongoing safety plan” means a documented set of actions or interventions that manage a child’s safety after the Department has identified one or more safety threats to which the child is vulnerable and determined the parent or caregiver is unable or unwilling to protect the child. An ongoing safety plan can be in-home or out-of-home and is adjusted when necessary to provide the least intrusive interventions.

(12) “Parent” means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. “Parent” also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(13) “Permanency plan” means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

ADMINISTRATIVE RULES

(14) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a child safe.

(15) "Reunification" means placement with a parent or legal guardian.

(16) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(17) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 8-1996(Temp) , f. 11-27-96, cert. ef. 12-1-96; SCF 4-1997, f. 6-19-97, cert. ef. 6-28-97; SOSCF 15-1998, f. & cert. ef. 7-27-98; CWP 31-2003, f. & cert. ef. 10-1-03; CWP 4-2007, f. & cert. ef. 3-20-07; CWP 18-2008, f. & cert. ef. 8-1-08

413-040-0006

Requirements for the Protective Capacity Assessment

(1) The Department uses the protective capacity assessment to engage the child's parents or legal guardians in a collaborative process to:

(a) Examine and understand the behaviors, conditions, or circumstances that made the child unsafe;

(b) Examine and understand how the behavioral, cognitive and emotional characteristics of the parents or legal guardians impact their ability to care for and keep the child safe;

(c) Determine the changes (expected outcomes) in the behaviors, conditions, or circumstances of the parents or legal guardians that will increase protective capacity and reduce or eliminate the identified safety threat; and

(d) Identify services or activities that are likely to achieve the expected outcomes.

(2) Whenever possible, the Department and the parents or legal guardians come to agreement on expected outcomes and the actions, services, and activities that will achieve the expected outcomes.

(3) The caseworker must:

(a) Complete the following activities within five days of receipt of the case from the CPS worker:

(A) Review the child welfare case history, case documentation, and the actions and decisions of the most recent CPS assessment.

(B) Review the ongoing safety plan by contacting all participants in the safety plan to determine whether the ongoing safety plan assures the safety of the child.

(C) Document the review of the ongoing safety plan in FACIS.

(b) Complete the following activities:

(A) Conduct reasonable inquiries for the purpose of identifying individuals who may contribute to the caseworker's understanding of the protective capacity of the parents or legal guardians and the safety of the child. Such individuals may include parents or legal guardians, grandparents, extended family, an Indian child's tribe, and any other family members, persons with significant attachments to the child, other professionals, substitute caregivers, neighbors, and friends of the family. Reasonable inquiries mean, as defined in ORS 417.371(4)(b), efforts that include reviewing the case file for relevant information, contacting the parents or guardians, and contacting additional sources of information for the purpose of ascertaining the whereabouts of family members, if necessary.

(B) Gather information from these individuals through individual interviews or meetings for the purpose of identifying and understanding the needs, concerns, strengths, and limitations associated with the protective capacity of parents or legal guardians and assessing the impact on the child's safety.

(C) Evaluate the relationship between:

(i) The existing protective capacities of parents or legal guardians that contribute to child safety;

(ii) The diminished protective capacities of parents or legal guardians that must change for the parents or legal guardians to care for and keep the child safe; and

(iii) The parents' or legal guardians' readiness to change.

(D) Whenever possible, collaboratively identify with the parents or legal guardians:

(i) Other family members, persons with significant attachments to the child, community members, and members of an Indian child's tribe who will contribute to and actively participate in the ongoing safety plan or enhancing the protective capacity of the parents or legal guardians; and

(ii) Actions and services that will reduce or eliminate identified safety threats or enhance the protective capacity of the parents or legal guardians.

(E) Inform the parents or legal guardians of the Department's actions and decisions regarding identified safety threats, protective capacity, and the ongoing safety plan.

(F) Enter in FACIS the findings of the protective capacity assessment, the information obtained by conducting the activities required in paragraphs (A) to (D) of this subsection.

(4) The caseworker must include the findings of the protective capacity assessment in the case plan.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 4-2007, f. & cert. ef. 3-20-07; CWP 18-2008, f. & cert. ef. 8-1-08

413-040-0009

Requirements for Conditions for Return

(1) The caseworker must determine the conditions that must exist prior to the return of the child to a parent or legal guardian.

(2) The conditions for return are documented in the case plan and must describe:

(a) The specific behaviors, conditions, or circumstances that must exist to develop an ongoing safety plan that assures a child's safety, as described in OAR 413-015-0450(2)(b)(A)(i) – (iii); and

(b) The actions, services, and time requirements of all participants in the ongoing safety plan.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 4-2007, f. & cert. ef. 3-20-07; CWP 18-2008, f. & cert. ef. 8-1-08

413-040-0010

Requirements for the Case Plan

(1) The caseworker must analyze the information gathered during the protective capacity assessment to develop a case plan. The case plan must include all of the following information:

(a) Family composition, which includes the identifying information of each child, each young adult, and each parent or legal guardian.

(b) Safety threats identified in the CPS assessment as described in OAR 413-015-0420(1)(f)(A)(i) and (ii).

(c) The ongoing safety plan as described in OAR 413-015-0450 and recorded in FACIS.

(d) The findings of the protective capacity assessment.

(e) Expected outcomes and actions that each parent or legal guardian is taking to achieve them.

(f) Services (if applicable) to the child or young adult that include:

(A) The identified needs and services provided to any child or young adult placed in substitute care, and the reasons the substitute care placement is the least restrictive placement to meet the child's identified needs;

(B) The child or young adult's health information, which documents the child's routine and specialized medical, dental, and mental health services, including the CF 310H;

(C) The child or young adult's education services, the school or educational placement history of the child or young adult, high school credits earned for a child over 14 years of age or a young adult, and any special educational needs including the CF 310E; and

(D) Services to transition the child or young adult to independent living in all cases when the child is 16 years or older, and if provided to the child who is 14 or 15 years old.

(g) Services the Department will provide including:

(A) Case oversight and routine contact with the parents or legal guardians and the child or young adult;

(B) Appropriate and timely referrals to services and service providers suitable to address identified safety threats or strengthen parental protective capacity; and

(C) Timely preparation of reports to the court or other service providers.

(h) The date that the progress of the parents or legal guardians in achieving expected outcomes will be reviewed. The case plan must be reviewed with the parents or legal guardians every 90 days; however, the caseworker and parents or legal guardians may agree on a review date at any time within the 90-day period.

(i) When the child or young adult is in substitute care, the case plan must also include:

(A) Current placement information including:

(i) The location of the child or young adult and the substitute caregiver of the child or young adult, except when doing so would jeopardize the safety of the child, young adult, or the substitute caregiver, or the substitute caregiver will not authorize release of the address; and

ADMINISTRATIVE RULES

(ii) Documentation that shows that the child or young adult is receiving safe and appropriate care in the least restrictive environment able to provide safety and well-being for the child or young adult.

(B) The child or young adult's record of visits with his or her parents and siblings (CF 310V).

(C) The permanency plan.

(D) The conditions for return.

(E) The concurrent permanent plan, which is the alternate permanent plan when the child or young adult is in substitute care and the progress the Department has made in implementing the concurrent permanent plan.

(2) As applicable, the caseworker must also include in the case plan:

(a) The goals and activities required for an Indian child under the Indian Child Welfare Act (see Child Welfare Policy I-E.2.1, "Placement of Indian Children", OAR 413-010-0100 to 413-010-0260) or for a refugee child under the Refugee Act (see Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380 and see ORS 418.925 to 418.945).

(b) Recommendations of expert evaluations requested by the Department whenever the recommendations may impact parental protective capacities or treatment services for the child or young adult. If the recommendations are not included in the case plan, the rationale must be documented in FACIS.

(c) Diligent efforts to place with relatives and with siblings who are also in substitute care, sibling connections, and the Department's efforts to keep siblings together.

(d) Orders of the court.

(3) The persons involved with the Department in the development of the case plan include the parents or legal guardians, unless their participation threatens or places other participants at risk; and may include the child, young adult, adoptive parents, an Indian custodian when applicable, other relatives, persons with significant attachments to the child, the substitute caregiver, and other professionals when appropriate.

(4) The case plan must include the signature of the caseworker and each parent or legal guardian, unless the Department is unable to obtain the signature of the parent or legal guardian as described in subsection (6)(a) or (6)(b) of this rule.

(5) Approval and distribution of the case plan.

(a) The Child Welfare supervisor must approve and sign the case plan.

(b) The caseworker must give a copy of the case plan to the parents or legal guardians of the child or young adult, and the Indian child's tribe when applicable, as soon as possible but no later than seven working days after the case plan is approved by the supervisor, except when doing so would provide information that places another person at risk.

(6) Exceptions and exemptions to the required case plan.

(a) A court may authorize an exception to the involvement of the parents or legal guardians when it determines that reasonable efforts, or active efforts in an ICWA case, to return the child home are not required, as described in Child Welfare Policy I-E.3.6, "Achieving Permanency", OAR 413-070-0515.

(b) When the Department has custody of a child or young adult in substitute care and is unable to obtain the signature of a parent or legal guardian, the caseworker must prepare and send a letter of expectations and a copy of the case plan to the parent or legal guardian within seven working days after the supervisor has approved and signed the case plan. A letter of expectations means an individualized written statement for the family of the child or young adult that identifies family behaviors, conditions, or circumstances that resulted in an unsafe child; the expected outcomes of improved parental capacity; and what the Department expects each parent or legal guardian will do to achieve safety, permanency, and well-being of the child or young adult in the parental home.

(c) A case plan as described in sections (1) to (5) of this rule is not required if a family, child, or young adult is eligible for Family Support Services as described in Child Welfare Policy I-B.2.3.1, "Family Support Services", OAR 413-030-0000 to 413-030-0030.

(7) Timeline for case plan development.

(a) The caseworker must develop the case plan within 60 days of a child's removal from home or within 60 days of the completion of the CPS assessment, in cases where the child remains in the home of a parent or legal guardian.

(b) The supervisor may authorize an extension of the time for developing the case plan when:

(A) The court has not yet conducted the disposition hearing and the Department intends to include any court-ordered activities or services in the case plan; or

(B) Information essential to the development of the case plan is not yet available due to circumstances beyond the control of the Department.

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

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SCF 8-1996(Temp), f. 11-27-96, cert. ef. 12-1-96; SCF 4-1997, f. 6-19-97, cert. ef. 6-28-97; SOSCF 15-1998, f. & cert. ef. 7-27-98; SOSCF 4-2000(Temp), f. & cert. ef. 1-31-00 thru 7-28-00; SOSCF 19-2000, f. & cert. ef. 8-8-00; CWP 31-2003, f. & cert. ef. 10-1-03; CWP 4-2007, f. & cert. ef. 3-20-07; CWP 18-2008, f. & cert. ef. 8-1-08

413-040-0017

Requirements for Return and Reunification

(1) The caseworker recommends returning the child or young adult to a parent or legal guardian after the caseworker has reviewed the safety threats identified in the CPS assessment that required an out-of-home ongoing safety plan and verified that:

(a) The conditions for return in the case plan have been met;

(b) The identified safety threats can be managed with an ongoing safety plan;

(c) The parents or legal guardians are willing and able to accept responsibility for the care of the child or young adult with an ongoing safety plan;

(d) The parents or legal guardians are willing and able to continue participating in case plan services;

(e) Service providers who are currently working with the child, young adult, parents or legal guardians, and other involved persons including the child's CASA and attorneys have been informed, in writing, of the plan to return the child or young adult with an in-home ongoing safety plan; and

(f) No safety concerns for the child or young adult are raised in the caseworker's review of the criminal history records and child welfare protective service records of all persons currently residing in a parent or legal guardian's home.

(2) When the child or young adult is returning to a parent living in a residential treatment facility, an alcohol and drug free housing program, or a residential domestic violence program, the Department does not review the criminal history records and child welfare protective service records of persons living in the state funded facilities and programs.

(3) If the caseworker cannot confirm that identified safety threats can be managed if the child or young adult is returned to a parent or legal guardian with an in-home ongoing safety plan, the child or young adult must remain in substitute care.

(4) The caseworker's supervisor must review and concur that conditions for return have been met, and that any disagreement with the plan to return the child or young adult has been reviewed and considered in the development of the in-home ongoing safety plan prior to the caseworker recommending to the court that a child or young adult be returned to a parent or legal guardian.

(5) The in-home ongoing safety plan must specifically document the planned caseworker and safety service provider contacts with the child or young adult and the parent or legal guardian, when the child or young adult is returned to the parent or legal guardian.

(6) The caseworker must revise, as necessary, and confirm the sufficiency of an in-home ongoing safety plan that will manage safety threats as they are uniquely occurring within a particular family prior to the child's physical return.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 31-2003, f. & cert. ef. 10-1-03; CWP 4-2007, f. & cert. ef. 3-20-07; CWP 18-2008, f. & cert. ef. 8-1-08

413-040-0024

Requirements for an In-home Ongoing Safety Plan Prior to Return and Next Day Contact

(1) When the caseworker determines the conditions for return have been achieved and identified safety threats can be managed when a child or young adult is returned to a parent or legal guardian (see OAR 413-040-0017), the caseworker must develop an in-home ongoing safety plan as described in OAR 413-015-0450. The caseworker's supervisor must:

(a) Approve the proposed in-home ongoing safety plan during the five working days prior to the return of a child or young adult to the home of a parent or legal guardian of the child or young adult, and must

(b) Document the approval in FACIS.

(2) After a proposed in-home ongoing safety plan returning a child or young adult to the parent or legal guardian's home is approved by the caseworker's supervisor, the caseworker must complete all of the following activities:

ADMINISTRATIVE RULES

(a) Visit the child or young adult, outside the presence of a parent or legal guardian, at least once during the five days prior to the return of the child or young adult to the home to confirm the readiness of and prepare the child or young adult for the return home.

(b) Visit the parent or legal guardian in the home of the parent or legal guardian, at least once during the five days prior to the return of the child or young adult to the home, to verify:

(A) The behaviors, conditions, and circumstances in the home are safe for the return of the child or young adult;

(B) Confirmation of all persons living in the household;

(C) The parent or legal guardian is ready for the return of the child or young adult;

(D) The parent or legal guardian is willing and able to participate in the ongoing safety plan; and

(E) The parent or legal guardian is willing and able to continue in case plan services.

(c) Confirm the in-home ongoing safety plan with the parent or legal guardian, and obtain the signature of the parent or legal guardian.

(d) Document the revised ongoing safety plan in FACIS.

(3) After a proposed in-home ongoing safety plan returning a child or young adult to the parent or legal guardian's residential treatment facility, an alcohol and drug free housing program, or residential domestic violence program is approved by the caseworker's supervisor, the caseworker must complete all of the following activities:

(a) Visit the child or young adult, outside the presence of a parent or legal guardian, at least once during the five days prior to the return of the child or young adult to the home to confirm the readiness of and prepare the child or young adult for the return.

(b) Contact the parent or legal guardian at least once during the five days prior to the return of the child or young adult to the home, to verify:

(A) The parent or legal guardian is ready for the return of the child or young adult;

(B) The parent or legal guardian is willing and able to participate in the ongoing safety plan;

(C) The parent or legal guardian is willing and able to continue to participate in case plan services.

(c) Verify that the residential treatment facility, an alcohol and drug free housing program, or residential domestic violence program is a safe environment for the child or young adult.

(d) Confirm the in-home ongoing safety plan with the parent or legal guardian and obtain the signature of the parent or legal guardian.

(e) Document the revised ongoing safety plan in FACIS.

(4) In the event a court orders the return of a child or young adult to a parent or legal guardian of the child or young adult before an in-home ongoing safety plan can be developed and approved (in accordance with the criteria in OAR 413-015-0450 and this rule):

(a) The caseworker must complete the activities described in this rule as soon as practicable, but not later than seven working days following the court order; and

(b) If the caseworker disagrees with the order of the court, the caseworker must immediately consult with his or her supervisor.

(5) The caseworker must visit the child or young adult in the residence of the parent or legal guardian the day following the return home of the child or young adult. The caseworker must:

(a) Confirm the safety of the child or young adult;

(b) Review the in-home ongoing safety plan; and

(c) Document observations and the conditions of the residence in FACIS within seven working days of the visit.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 4-2007, f. & cert. ef. 3-20-07; CWP 18-2008, f. & cert. ef. 8-1-08

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 19-2008

Filed with Sec. of State: 8-1-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 6-1-2008

Rules Amended: 413-080-0067

Subject: OAR 413-080-0067 about the required contacts between a Department case worker and a child or young adult, parent, legal guardian, relative caregiver, foster parent, or provider is being amended to remove old terminology and to identify a worker's responsibilities for contact when a child is placed in another state through

Interstate Compact for the Placement of Children (ICPC), in accordance with federal compliance standards.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-080-0067

Contact Requirements and Exceptions; Required Face-to-Face Contact

(1) The caseworker may make scheduled or unscheduled face-to-face contacts with the child or young adult, parent, legal guardian, relative caregiver, foster parent, or provider.

(2) The caseworker's supervisor may approve and designate a child welfare supervisor, the Child Welfare program manager, or another caseworker to make the contact required by these rules (OAR 413-080-0040 to 413-080-0067) when a caseworker's schedule or special circumstances prevent the caseworker from making the contact.

(a) Prior to arranging the required face-to-face contact, the designee must have information regarding the ongoing safety plan, the parents or legal guardians, and the child or young adult, including any special needs of the child or young adult.

(b) The staff person making the contact is responsible for assessing the safety of the child or young adult and completing the contact requirements set forth in these rules (OAR 413-080-0040 to 413-080-0067).

(3) The caseworker's supervisor or the Child Welfare program manager may approve an exception to the requirement of caseworker face-to-face contact with the child or young adult, parent, legal guardian, foster parent, relative caregiver, or provider when:

(a) The safety and well-being of the child or young adult can be confirmed by another responsible adult who has face-to-face contact with the child or young adult and confirms the child or young adult is safe, without a face-to-face contact by the caseworker.

(b) Approval for the exception is documented in the case file, including:

(A) The reason for approval of the exception;

(B) The length of time the exception is in effect, which shall be no longer than 90 days unless the caseworker obtains the approval of the Child Welfare program manager or designee (for purposes of this section, "designee" means a person under the direct and immediate supervision, or a person equal or higher in management position and responsibility to the designator); and

(C) The designee confirms the facts demonstrating that child safety and well-being are confirmed without the required face-to-face contact.

(c) Reasons for granting an exception to the face-to-face contact requirements include but are not limited to:

(A) The child or young adult is unavailable.

(B) The child or young adult has been placed in a planned permanent living arrangement that has been approved by the court (an exception may be allowed, if appropriate, for face-to-face caseworker contact every 90 days with the child or young adult and the relative caregiver, foster parent, or provider).

(C) The child or young adult has been placed in residential care (an exception may be allowed, if appropriate, for face-to-face caseworker contact with the child or young adult every 60 days).

(D) The parent or legal guardian of the child or young adult is unavailable.

(E) A parent or legal guardian of the child or young adult presents a safety risk to the caseworker or Department staff, which has been documented in the case file.

(F) A young adult is receiving only Independent Living Services. (An exception may be allowed, when appropriate, for face-to-face contact every 60 days. Face-to-face contact with a young adult confirms the appropriateness of services, not safety.)

(G) A child or young adult is placed in another state through ICPC. The child or young adult's caseworker must request that officials from the receiving state have face-to-face contact with the child a minimum of once every 30 days to monitor child safety and well-being. If the receiving state declines the caseworker's request for 30 day face-to-face contact, the caseworker must document in the case file the type and level of contact the receiving state will provide and how the contact is sufficient to confirm the child or young adult's safety and well-being. To meet federal standards face-to-face contact must be made at a minimum of once every six months. If the receiving state is unwilling or unable to have face-to-face contact with the child or young adult at least once every six months, a plan must be developed to meet this requirement.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

ADMINISTRATIVE RULES

Hist.: CWP 3-2004(Temp), f. & cert. ef. 3-1-04 thru 8-27-04; CWP 15-2004, f. & cert. ef. 8-25-04; Renumbered from 413-080-0060, CWP 4-2007, f. & cert. ef. 3-20-07; CWP 19-2008, f. & cert. ef. 8-1-08

.....
**Department of Human Services,
Children, Adults and Families Division:
Self-Sufficiency Programs
Chapter 461**

Rule Caption: Changing OARs affecting public assistance, medical assistance or food stamp clients.

Adm. Order No.: SSP 18-2008(Temp)

Filed with Sec. of State: 8-1-2008

Certified to be Effective: 8-1-08 thru 1-28-09

Notice Publication Date:

Rules Adopted: 461-155-0700

Rules Amended: 461-155-0500, 461-155-0526, 461-155-0600, 461-155-0610

Subject: OAR 461-155-0500, 461-155-0526, 461-155-0600, and 461-155-0610 are being amended and 461-155-0700 is being adopted to support placement of Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM — serving the elderly and people with disabilities) clients who need long-term care services, in their homes or in community-based care facilities rather than in nursing facilities. All of these rules relate to special needs payments for OSIP and OSIPM clients for this purpose.

OAR 461-155-0500 is an overview rule about special needs payments in the General Assistance (GA), General Assistance Medical (GAM), Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM), Refugee Assistance (REF), Refugee Assistance Medical (REFM), and Temporary Assistance for Needy Families (TANF) programs. This rule is being amended to clarify the Department's policy on eligibility for special needs payments and add cross-references to other rules and laws and follow standard formatting.

OAR 461-155-0526 is about special needs payments for community transition services in the Oregon Supplemental Income Program (OSIP) and OSIPM programs. This rule is being amended to limit the applicability of this rule to situations where the client is transitioning to in-home and assisted living facility care settings only, because other changes in this group of rules will address diversion to the other community-based care settings.

OAR 461-155-0600 is about special needs payments for home repairs in the General Assistance (GA), OSIP and OSIPM programs. This rule is being amended to restate the Department's policy for approval of special needs payments for home repairs.

OAR 461-155-0610 is about special needs payments for moving costs in the GA, OSIP and OSIPM programs. This rule is being amended to restate the Department's policy regarding special needs payments for moving costs in the GA, OSIP and OSIPM programs. This rule is being amended to allow for special needs payment for moving expenses when the client must move because his or her level of care needs increase or decrease and to allow for special needs payment for moving expense when the client must move because his or her care needs would be better met out of state. This rule is also being amended with clarifications that will help field staff understand the rule. This rule is also being amended to increase the maximum amount of moving expense special needs payments that may be authorized for a client.

OAR 461-155-0700 is about special needs payments for personal incidentals and room and board allowances in the OSIP and OSIPM programs. This rule is being adopted to state the Department's policy for allowing special needs payments for a client's personal incidentals and room and board costs in a community-based care facility, for a client who lacks the income to make the payment,

and the client would be placed in a nursing facility without the payment.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-155-0500

Special Needs; Overview

(1) In the GA, GAM, MAA, MAF, OSIP, OSIPM, REF, REFM, and TANF programs, special needs are needs not included in the basic standard. They may be one-time needs or ongoing needs.

(2) Ongoing special needs are needs that last several months at a consistent cost. Examples are special diets and accommodation allowances. OAR 461-155-0010 is used to determine how special needs are considered for each program.

(3) To be eligible for a special need item, clients must have no other available resources in the community or in their natural support system to meet the need, excluding resources used in determining eligibility.

(4) To be eligible for a special need item, clients must not be eligible for the item through Medicare, Medicaid, or any other medical coverage.

(5) Clients may be eligible for an ongoing special need item if providing the ongoing special need item is authorized in lieu of additional provider service hours pursuant to OAR 411-030-0002 through 411-030-0090 and is more cost-effective.

(6) The Department will authorize payment for one-time and ongoing special needs for the following, in accordance with OAR 461-155-0510 through 461-155-0700:

(A) One-time needs for the following:

(a) Community based facility room and board (see OAR 461-155-0630)

(b) Community transition services (see OAR 461-155-0526)

(c) Home adaptations to accommodate a client's physical condition (see OAR 461-155-0551).

(d) Home repairs (see OAR 461-155-0600)

(e) Moving costs (see OAR 461-155-0610)

(f) Property taxes (see OAR 461-155-0620)

(g) Ongoing needs for the following:

(A) Accommodation allowances (see OAR 461-155-0660)

(B) Food for guide dogs and special assistance animals (see OAR 461-155-0530)

(C) Laundry allowances (see OAR 461-155-0580)

(D) Personal Incidentals and Room and Board Allowance (see OAR 461-155-0700)

(E) Restaurant meals (see OAR 461-155-0640)

(F) Special diet allowances (see OAR 461-155-0670)

(G) Telephone allowances (see OAR 461-155-0680)

Stat. Auth.: ORS 411.060 & 411.070

Stats. Implemented: ORS 411.060 & 411.070

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 16-2002(Temp), f. & cert. ef. 11-1-02 thru 4-30-03; SSP 11-2003, f. & cert. ef. 5-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 18-2008(Temp), f. & cert. ef. 8-1-08 thru 1-28-09

461-155-0526

Special Need; Community Transition Services; OSIP and OSIPM

(1) In the OSIP and OSIPM programs, the Department will authorize one-time payments for allowable expenses necessary for clients to set up housing in Oregon in their own homes or apartment, or an assisted living facility as long as the facility is not required to provide the item covered by the payment by contract or by the administrative rule governing assisted living facilities (OAR 411-054-0000 to 411-054-0300). Payments are allowed only for the following clients who are returning to the community if they meet the criteria for one of the service priority levels served by the Department according to OAR 411-015-0015(1):

(a) Clients leaving a nursing facility.

(b) Clients who have been admitted as an inpatient and are leaving an acute care hospital.

(2) Examples of allowable expenses are expenses for moving belongings; housing security deposits; essential furnishings; eating utensils; food preparation items; deposits for utility hook-ups for heat, electricity and telephone; climate control; and health and safety measures such as pest eradication or allergen control. Allowable expenses do not include rent for housing or temporary housing, ongoing utility costs, medical supplies such as lift chairs, reachers, grabbers, wheelchairs, and transfer trays, or recreational items such as a television or cable television access.

ADMINISTRATIVE RULES

(3) Payment will be authorized only for the minimum amount necessary to establish the client's basic living arrangement.

Stat. Auth.: ORS 411.060 & 411.070

Stats. Implemented: ORS 411.060 & 411.070

Hist.: AFS 16-2002(Temp), f. & cert. ef. 11-1-02 thru 4-30-03; SSP 11-2003, f. & cert. ef. 5-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 35-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 18-2008(Temp), f. & cert. ef. 8-1-08 thru 1-28-09

461-155-0600

Special Need; Home Repairs, GA, OSIP, and OSIPM

In the GA, OSIP and OSIPM programs, the Department will authorize a special need payment for home repairs for homeowners or buyers as a one-time special need within the following limits:

(1) The repairs must be needed to remove a physical hazard to the health and safety of the client.

(2) Payment for repairs authorized by this rule:

(a) Is limited to the least expensive means possible;

(b) Cannot exceed \$1,000 in any 24-month period; and

(c) When the home is jointly owned, is limited to a percentage of the cost of the repairs equal to the percentage of client ownership.

(3) The repairs must cost less than moving to another home.

(4) Payment is limited to the lowest possible cost that will provide adequate facilities. The client must provide three competitive bids for the repairs, unless there are not three providers of the service in the local area.

(5) Before approving payment for repairs or new installations, the Department will consider the use value and will determine whether it is consistent with the service plan for the client to remain in the house.

(6) Providers of the repairs or new installations must ensure that the work being completed meets current building codes.

(7) Repairs or replacements include, but are not limited to:

(a) Electrical wiring that does not constitute conversion to electrical space heating but that is needed:

(A) To avoid condemnation; or

(B) To remove a definite fire or shock hazard as documented by appropriate public officials.

(b) Plumbing, but not including the costs of plumbing items with which the house is not already equipped except that a toilet may be paid for when newly required by the creation or extension of a sewer district. Examples of what plumbing-related items may be covered include:

(A) Toilets and sinks.

(B) Cleaning or replacing septic tanks or cesspools.

(C) Installing sewer connections from house to street — but not sewer installation — if required by the creation of a new sewer district or the extension of an existing district.

(c) Repair or replacement of existing electric pumps for wells needed to continue the water supply. This does not include drilling a new well.

(d) Heating equipment: repair of heating stoves, furnaces and water heaters and, if repair is not possible, replacement with the least expensive adequate equipment.

(e) Repair of roofs.

(f) Repair or replacement of steps and repair of floors.

(8) Clients with life estates are not eligible for this special need allowance. The person who will benefit from the life estate, following the death of the client, is considered responsible for the home repairs.

Stat. Auth.: ORS 411.060 & 411.070

Stats. Implemented: ORS 411.060 & 411.070

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 16-2002(Temp), f. & cert. ef. 11-1-02 thru 4-30-03; SSP 11-2003, f. & cert. ef. 5-1-03; SSP 18-2008(Temp), f. & cert. ef. 8-1-08 thru 1-28-09

461-155-0610

Special Need; Moving Costs

(1) In the GA, OSIP and OSIPM programs, the Department will authorize payment for the cost of moving a client's household effects as a one-time special need if:

(a) Moving is essential to provide nonhazardous housing. "Hazardous" housing means a building so deteriorated and unsafe that it is uninhabitable or subject to condemnation. If no official certification to that effect can be obtained, the condition of the dwelling must have been seen by a Department employee and documented in the case record.

(b) The client has been evicted for reasons other than his or her own neglect or failure to make rent or house payments.

(c) The move is a result of domestic violence or protective services.

(d) For a client in a *nonstandard living arrangement* (see OAR 461-001-0000), the client must move because the level of needed services increases or decreases.

(e) The client's needs would be better met out of state.

(2) The Department will not authorize payment of expenses to return the client to a state of former residence.

(3) Payment for moving costs authorized by this rule:

(a) May be authorized for not more than one move in any 12-month period;

(b) Is limited to the least expensive means possible; and

(c) Cannot exceed \$500 in any 12-month period.

(4) Payments necessary for a one-time move may be made over a period not to exceed 30 consecutive days.

(5) A filing group that has received a payment for moving costs under this rule is not eligible for a moving cost payment again until the first day of the 12th month following the first payment that was made for the most recent month.

Stat. Auth.: ORS 411.060 & 411.070

Stats. Implemented: ORS 411.060 & 411.070

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 16-2002(Temp), f. & cert. ef. 11-1-02 thru 4-30-03; SSP 11-2003, f. & cert. ef. 5-1-03; SSP 18-2008(Temp), f. & cert. ef. 8-1-08 thru 1-28-09

461-155-0700

Special Need; Personal Incidentals and Room and Board Allowances; OSIP and OSIPM

(1) Personal incidentals and room and board allowances are allowed for the following OSIP and OSIPM clients leaving a nursing facility or an acute care hospital to reside in a *community based care facility* (see OAR 461-155-0630).

(a) An individual who is determined eligible based on a disability determination made by the Department (see OAR 461-125-0370).

(A) To receive this payment, a client must pursue SSI by making application with the Social Security Administration (SSA) and appealing denials until SSA makes a final administrative decision. If SSI is denied at the final administrative level, the client is no longer eligible for this payment.

(B) The payment is the difference between the client's countable income and the OSIPM adjusted income standard (see OAR 461-155-0250).

(b) An individual who is leaving a nursing facility and limited to a maximum SSI payment of \$30 or to a maximum Veterans benefit payment of \$90. The payment is the difference between the client's countable income and the OSIPM adjusted income standard (see OAR 461-155-0250).

(c) An individual who has lost eligibility for SSI due to the individual's qualified non-citizen status and has not met the requirements to become a naturalized citizen.

(A) The individual must pursue naturalization.

(B) The payment is the difference between the client's countable income and the OSIPM adjusted income standard (see OAR 461-155-0250).

(d) An individual who does not have sufficient income to cover the needs of the individual's community spouse income allowance as outlined in OAR 461-160-0620(3)(d). The allowance is the lesser of the following:

(A) The OSIPM adjusted income standard (see OAR 461-155-0250);

or

(B) The difference between the calculated community spouse income allowance (see OAR 461-160-0620(3)(d)) and the amount of income that the client has available to divert to the community spouse.

(2) The payment amount is prorated in the first month for clients who move to a *community based care facility* on any day other than the first day of the month.

Stat. Auth.: ORS 411.060 & 411.070

Stats. Implemented: ORS 411.060 & 411.070

Hist.: SSP 18-2008(Temp), f. & cert. ef. 8-1-08 thru 1-28-09

Rule Caption: Re-opening a Qualified Medicaid Beneficiaries sub-program to new applicants.

Adm. Order No.: SSP 19-2008(Temp)

Filed with Sec. of State: 8-8-2008

Certified to be Effective: 8-8-08 thru 12-28-08

Notice Publication Date:

Rules Amended: 461-135-0730

Rules Suspended: 461-135-0730(T)

ADMINISTRATIVE RULES

Subject: The temporary amendment to OAR 461-135-0730 adopted on July 1, 2008 is being suspended to re-open the QMB-SMF program to new applicants. This program is the Medicare Savings Program for clients with income from 120 up to 135 percent of the federal poverty level. This program is subject to an allocation cap. Once the program exceeds the allocation, it receives no federal match and new clients cannot be enrolled. The program was reauthorized on July 15, 2008 in Section 111 of P.L. 110-275 for the time period of July 1, 2008 through December 31, 2009. The new Draft Allocation issued to states on July 29, 2008 gives Oregon enough funding to run the program for the entire fourth quarter of FFY 2008. This negates the need to close the program.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-0730

Specific Requirements; QMB

(1) The following requirements apply to QMB-BAS:

(a) To qualify for QMB-BAS, an individual must be receiving Medicare hospital insurance under Part A. This includes individuals who must pay a monthly premium to receive coverage.

(b) Clients who qualify for QMB-BAS are not eligible to receive the full range of the Department's medical services. QMB-BAS benefits are limited to payments toward Medicare cost-sharing expenses. These expenses are:

(A) Medicare Part A and Part B premiums; and

(B) Medicare Part A and Part B deductibles and coinsurance up to the Department's fee schedule.

(2) The following requirements apply to QMB-DW:

(a) To qualify for the QMB-DW program, an individual must be eligible for Part A of Medicare as a qualified worker with a disability under Section 1818A of the Social Security Act (42 USC 1395i-2a). These are individuals under age 65 who have lost eligibility for Social Security disability benefits because they have become substantially gainfully employed, but can continue to receive Part A of Medicare by paying a premium.

(b) QMB-DW clients are eligible only for payment of their premiums for Part A of Medicare. They may not have eligibility for any other medical assistance program and be eligible for QMB-DW.

(3) The following requirements apply to QMB-SMB:

(a) To qualify for QMB-SMB, an individual must be receiving Medicare hospital insurance under Part A. This includes individuals who must pay a monthly premium to receive coverage.

(b) Clients who qualify for QMB-SMB are not eligible to receive the full range of the Department's medical services. QMB-SMB benefits are limited to payment of Medicare Part B premiums.

(c) Clients who are institutionalized (reside in a nursing facility, an intermediate care facility for the mentally retarded (ICF/MR), or a hospital) are not eligible for QMB-SMB if they have income equal to or greater than 120% of the Federal Poverty Level (FPL).

(d) A *need group* (see OAR 461-110-0630) with income equal to or greater than 120% of the FPL (see OAR 461-155-0295) may receive QMB-SMB benefits on or after December 1, 2005, except as provided in subsection (3)(e) of this rule.

(e) The QMB-SMB program is subject to an enrollment cap based on the federal allocation. If the enrollment in this program (of clients with income greater than 120% of the FPL) exceeds the federal allocation for that group, the program may be closed.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 35-1992, f. 12-31-92, cert. ef. 1-1-93; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 19-2002(Temp), f. 12-10-02, cert. ef. 1-1-03 thru 5-31-03; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 9-2004(Temp), f. & cert. ef. 4-1-04 thru 6-30-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 3-2006(Temp), f. & cert. ef. 2-6-06 thru 6-30-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 15-2008(Temp), f. & cert. ef. 7-1-08 thru 12-28-08; SSP 19-2008(Temp), f. & cert. ef. 8-8-08 thru 12-28-08

**Department of Human Services,
Public Health Division
Chapter 333**

Rule Caption: Indoor Clean Air Act.

Adm. Order No.: PH 12-2008

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 1-1-09

Notice Publication Date: 4-1-2008

Rules Adopted: 333-015-0062, 333-015-0064, 333-015-0066, 333-015-0068, 333-015-0069, 333-015-0082

Rules Amended: 333-015-0025, 333-015-0030, 333-015-0035, 333-015-0040, 333-015-0045, 333-015-0070, 333-015-0075, 333-015-0080, 333-015-0085, 333-015-0090

Rules Repealed: 333-015-0034, 333-015-0050, 333-015-0060, 333-015-0065

Subject: The Department of Human Services, Public Health Division is permanently adopting, amending, and repealing rules related to the implementation of the Indoor Clean Air Act based on changes to the Act made by the 73rd Legislative Assembly (Senate Bill 571; Oregon Laws 2007, Chapter 602, effective January 1, 2009).

Rules Coordinator: Brittany Sande—(971) 673-1291

333-015-0025

Authority and Purpose

(1) These rules are adopted pursuant to the authority granted the Department of Human Services, Public Health Division in ORS 433.835 through 433.875 and 433.990(5) concerning smokefree places of employment and public places.

(2) The purpose of the Oregon Indoor Clean Air Act is to reduce the health hazard to persons caused by inhaling smoke from tobacco products.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 -433.875, 433.990(5)

Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02;

OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04;

PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0030

Definitions

For purposes of OAR chapter 333, division 15, the following definitions shall apply:

(1) "Act" means the Oregon Indoor Clean Air Act as it appears in ORS 433.835 through 433.875 and 433.990(5).

(2) "Cigar bar" means a business that:

(a) Has on-site sales of cigars as defined in ORS 323.500;

(b) Has a humidor on the premises;

(c) Allows the smoking of cigars on the premises but prohibits the smoking of all other tobacco products in any form that includes, but is not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010, and cigarillos as defined by OAR 333-015-0030(3);

(d) Has been issued and operates under a full on-premises liquor sales license issued under ORS 471.175;

(e) Prohibits persons under 21 years of age from entering the premises and posts notice of the prohibition;

(f) Does not offer video lottery games as authorized under ORS 461.217;

(g) Has a maximum seating capacity of 40 persons;

(h) Has a ventilation system that is certified by the assistant to the State Fire Marshal described in ORS 476.060 for the jurisdiction in which the cigar bar is located as adequate to remove the cigar smoke in the cigar bar and vents the smoke from the cigar bar in a manner that prevents the smoke from entering any other establishment; and

(i) Requires all employees to read and sign a form approved and published by the Public Health Division, which explains the dangers of exposure to secondhand smoke.

(3) "Cigarillos" means a smoking device wrapped in tobacco leaf, rather than paper, containing less than three grams of tobacco and measuring less than 100 mm in length.

(4) "DHS" means the Department of Human Services.

(5) "Employer" means any entity or individual who engages an individual to perform work or services in an enclosed area under the control of said employer.

(6) "Enclosed area" means all space between a floor and a ceiling that is enclosed on all sides by solid walls or windows, exclusive of doors or passageways, that extend from the floor to the ceiling, including all space therein screened by partitions that do not extend to the ceiling or are not solid, such as "office landscaping" or similar structures.

(7) "Entity in charge of a public place" means any person or organization that has responsibility because of ownership, proprietorship, management, or oversight of a place that is open to the public. An entity in

ADMINISTRATIVE RULES

charge of a public place is used to refer to those instances where the person or organization in charge is not an employer.

(8) "Entrance" means any point of entry to premises whereby a person gains access to the interior of enclosed space from the exterior of outdoor space.

(9) "Exit" means any point on a premise whereby a person gains access to the exterior of an enclosed space from the interior of an indoor space.

(10) "Gross revenue" means all receipts from the sale of product(s) less the amount of any rebates, refunds, or credits.

(11) "Humidor" means a storage container designed to allow controlled airflow and equipped with a device that maintains the internal humidity in the range of 70 to 75 percent and an internal temperature in the range of 68 to 70 degrees Fahrenheit.

(12) "Local Public Health Authority" means the county government unless a health district has been formed under ORS 431.414, the county has contracted with a person or agency to act as the public health authority, or the county has relinquished its authority to the state.

(13) "Maximum seating capacity" means the total number of seats available to patrons including bar stools, seating at cocktail tables, seats at buddy-bar tables, banquette seating, and dining seating.

(14) "Noncommercial tobacco products" means unprocessed tobacco plants or tobacco by-products used for ceremonial or spiritual purposes by American Indians.

(15) "PHD" means the Public Health Division of the Department of Human Services.

(16) "Place of employment" means every enclosed area under the control of a public or private employer that employees frequent during the course of employment that includes, but is not limited to, work areas, employee lounges, rest rooms, conference rooms, classrooms, cafeterias, hallways, and work vehicles that are not operated exclusively by one employee. Place of employment does not include a private residence unless it is used as a child care facility as defined in ORS 657A.250 or a facility providing adult day care as defined in ORS 410.490.

(17) "Private residence" means a residence or part of a residence that is not used as a place of business where clients or customers use the premises. A residence that is considered a place of employment or public place is subject to ORS 433.835 through 433.875 during its hours of operation. Only that part of a residence used as a place of business will be subject to ORS 433.835 through 433.875.

(18) "Public place" means any enclosed area open to the public.

(19) "Temporary walls" means walls not intended to be permanent including walls constructed of non-permanent material that includes, but is not limited to, plastic, mesh or other screening materials, slats, louvered blinds, fabric, or blankets.

(20) "Rooms designated by the owner or entity in charge of a hotel or motel as rooms in which smoking is permitted" means sleeping rooms or suites in that hotel or motel.

(21) "Smoking instrument" means any cigar, cigarette, pipe, or other tobacco smoking equipment.

(22) "Smoke shop" means a business that:

(a) Is primarily engaged in the sale of tobacco with at least 75 percent of gross revenues resulting from tobacco sales in every fiscal year;

(b) Prohibits persons under 18 years of age from entering the premises;

(c) Does not offer video lottery games as authorized under ORS 461.217, social gaming, or betting on the premises;

(d) Does not sell or offer on-premises consumption of alcoholic beverages; and

(e) Is a stand-alone business with no other businesses or residential property attached to the premises.

(23) "Wall" means an architectural partition with a height and length greater than its thickness, used to divide or enclose an area or to support another structure.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835

Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0035

General Provision

(1) No person shall smoke or carry any lighted smoking instrument in a public place except in those areas that are not required to be smokefree pursuant to ORS 433.850(2) and OAR 333-015-0035(6) and (8).

(2) Employers shall provide a place of employment that is free of tobacco smoke for all employees, except in those areas listed in ORS 433.850(2) and in OAR 333-015-0035(5), (6) and (8).

(3) No person shall smoke or carry any lighted smoking instrument within 10 feet of the following parts of public places or places of employment:

(a) Entrances;

(b) Exits;

(c) Windows that open;

(d) Ventilation intakes that serve an enclosed area;

(e) A service line or within 10 feet of a service line that extends an entrance.

(4) Smoking shall be prohibited within 10 feet of an accessibility ramp that extends beyond 10 feet from the entrance or exit.

(5) The owner or entity in charge of a hotel or motel may designate up to 25 percent of the sleeping rooms of the hotel or motel as rooms in which smoking is permitted.

(a) If the owner or entity in charge of a hotel or motel chooses to designate up to 25 percent of sleeping rooms as smoking permitted, all smoking rooms on the same floor must be contiguous. The status of the rooms may not be changed, except to add more nonsmoking rooms.

(b) The owner or entity in charge of a hotel or motel must notify clients upon check-in as to the smoking status of the sleeping rooms.

(c) All hotel and motel sleeping rooms must be clearly marked either smoking or non-smoking on the exterior door of the sleeping room.

(d) Nothing in these rules shall prevent the owner or entity in charge of a hotel or motel from prohibiting smoking on the entire premises.

(6) Smoking of noncommercial tobacco products for ceremonial purposes is permitted in spaces designated for traditional ceremonies in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996.

(7) Smoking is prohibited in a room during the time that jurors are required to use the room.

(a) All jury rooms shall be posted prominently with "No Smoking" signs having letters no less than one inch in height.

(b) Nothing in this section is intended to allow smoking in a jury room when it would otherwise be prohibited by ORS 433.850 through 433.875.

(8) The following areas are not required to be smokefree:

(a) Smoke shops meeting the definition set forth in OAR 333-015-0030(22);

(b) Cigar bars if:

(A) The cigar bar generated on-site retail sales of cigars of at least \$5,000 for the calendar year ending December 31, 2006; and

(B) The cigar bar has provided the Public Health Division with proper documentation as required by OAR 333-015-0066.

(c) Up to 25 percent of the sleeping rooms of a hotel or motel, as designated by the owner or entity in charge. The hotel or motel must be in compliance with the rules set forth in OAR 333-015-0035(5)

(9) Nothing in these rules shall prevent an employer in charge of a place of employment or an entity in charge of a public place from designating the entire place of employment or public place as smokefree.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0040

Signs

(1) An employer or entity in charge (EIC), except in those places described in OAR 333-015-0035(6) and (8), shall post signs prohibiting smoking. Signs shall use either the "no smoking" symbol (a cigarette with a diagonal slash through it within a circle) and the words "within 10 feet," the words "No Smoking within 10 feet," or both. Nothing in these rules shall prevent an employer from increasing the amount of property where smoking is prohibited beyond the 10 foot requirement or from designating the entire premises as smokefree. Signage may be used without specifically including the words "within 10 feet" if the signage specifies some other restriction greater than 10 feet or designates the entire premises as smokefree. Signs shall be posted prominently at each entrance and exit to the place of employment or public place.

(2) In a cigar bar or smoke shop where smoking is allowed under OAR 333-015-0035(8), the employer or EIC shall post signage at each entrance and exit to clearly state that smoking is allowed in all or some of the premises, and that anyone under the age of 21 for cigar bars and under the age of 18 for smoke shops is prohibited from entering the premises.

(3) All signs used to describe whether smoking is prohibited or allowed in a place of employment or public place shall be placed at a height

ADMINISTRATIVE RULES

and location easily seen by a person entering the establishment and shall not be obscured in any way.

Stat. Auth.: ORS 433.855
Stats. Implemented: ORS 433.835 - 433.870
Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0045

Ashtrays

Except for those areas described in OAR 333-015-0035(5) and (7), ashtrays or any receptacles to be used for smoking or depositing cigarette debris are prohibited inside a public place, a place of employment, and within 10 feet of entrances, exits, accessibility ramps that extend beyond 10 feet from an entrance or exit, windows that open, and ventilation intakes that serve an enclosed area of any public place or workplace.

Stat. Auth.: ORS 433.855
Stats. Implemented: ORS 433.835 - 433.870
Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0062

Vehicles

(1) An employer may allow smoking in vehicles only when the vehicle is permanently assigned to a single employee and no other employees, clients, or members of the public are required or compelled to operate or otherwise occupy the vehicle.

(2) Nothing in these rules shall prevent an employer from designating all vehicles as smokefree.

Stat. Auth.: ORS 433.855
Stats. Implemented: ORS 433.835 - 433.870
Hist.: PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0064

Outdoor Smoking Areas

(1) The owner or entity in charge of a place of business may establish an outdoor smoking area if that area is:

(a) Not within 10 feet of entrances, exits, windows that open, and ventilation intakes that serve an enclosed area of any public place or workplace;

(b) Not, at any time, an enclosed area as defined in OAR 333-015-0030(6); and

(c) In compliance with all other state, city, and county codes.

(2) Nothing in these rules shall prevent an employer from increasing the amount of property where smoking is prohibited beyond the 10 foot requirement or from designating the entire premises as smokefree.

Stat. Auth.: ORS 433.855
Stats. Implemented: ORS 433.835 - 433.870
Hist.: PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0066

Cigar Bars

(1) A business must apply to DHS for certification before allowing cigar smoking on its premises.

(2) A business must apply for certification on a form prescribed by DHS and the following information or documentation must be included:

(a) A copy of the business' full on-premises liquor sales license issued by the Oregon Liquor Control Commission under ORS 471.175;

(b) A site-map of the premises including a detailed seating capacity chart;

(c) Certification from the assistant to the State Fire Marshal for the jurisdiction where the cigar bar is located that the cigar bar's ventilation system is adequate to remove the cigar smoke in the cigar bar and prevent the smoke from entering any other establishment;

(d) Using the official form provided by the Public Health Division, Tobacco Prevention and Education Program, proof that all employees have read and signed a document explaining the dangers of exposure to second-hand smoke. This form is available on the Internet at www.healthoregon.org/tobacco or by calling the Public Health Division, Tobacco Prevention and Education Program; and

(e) Documentation demonstrating to the satisfaction of the Assistant Director of the Public Health Division that the cigar bar generated onsite retail sales of cigars of at least \$5,000 in the calendar year 2006.

(3) DHS shall review application materials within 30 days of receipt and shall determine whether the application is complete.

(4) Within 10 days of an application being declared complete, DHS shall deny or grant the application. DHS shall grant a business certification if, upon review of the application materials, DHS finds that sufficient docu-

mentation has been provided to demonstrate the compliance with section (2) of this rule. In lieu of denying an application, DHS may request additional information from the applicant in order to determine compliance with section (2) of this rule.

(5) DHS may permanently deny the application for cigar bar certification if an applicant provides information that is false or deliberately misleading.

Stat. Auth.: ORS 433.855
Stats. Implemented: ORS 433.835 - 433.870
Hist.: PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0068

Smoke Shops

(1) A business must apply to DHS for certification prior to allowing smoking on the premises.

(2) A business must apply for certification on a form prescribed by DHS (this form is available on the Internet at www.healthoregon.org/tobacco or by calling the Public Health Division, Tobacco Prevention and Education Program) and the following information or documentation must be included:

(a) Documentation demonstrating that at least 75 percent of the smoke shop's gross revenue is derived from the sale of tobacco products or smoking instruments; and

(b) Documentation, including written descriptions or visual aids, demonstrating that the smoke shop is a stand-alone business with no other businesses or residential property attached to the premises.

(3) DHS shall review application materials within 30 days of receipt and shall determine whether the application is complete.

(4) Within 10 days of an application being declared complete, DHS shall deny or grant the application. DHS shall grant a business certification if, upon review of the application materials, DHS finds that sufficient documentation has been provided to demonstrate the compliance with section (2) of this rule. In lieu of denying an application, DHS may request additional information from the applicant in order to determine compliance with section (2) of this rule.

(5) DHS may permanently deny the application for smoke shop certification if an applicant provides information that is false or deliberately misleading.

(6) Every year, within 30 calendar days from the date certification was originally granted, a smoke shop must provide DHS with documentation demonstrating that at least 75 percent of the smoke shop's gross revenue is derived from the sale of tobacco products or smoking instruments.

Stat. Auth.: ORS 433.855
Stats. Implemented: ORS 433.835 - 433.870
Hist.: PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0069

Revocation of Cigar Bar and Smoke Shop Certification

DHS may revoke the certification of a cigar bar or smoke shop for up to one year for a violation of ORS 433.835 through 433.875 or these rules.

Stat. Auth.: ORS 433.855
Stats. Implemented: ORS 433.835 - 433.870
Hist.: PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0070

Enforcement

(1) DHS shall maintain a system for receiving complaints, providing educational materials, conducting site visits, and issuing notices of violation.

(2) DHS shall:

(a) Provide signs and posters at no cost to businesses and the public;

(b) Upon request and satisfactory review, provide certification to cigar bars and smoke shops verifying that they have met the definitions and standards for allowing smoking as set forth in ORS 433.835(1) and 433.850(2)(d) and these rules;

(c) Provide education and assistance to employers and entities in charge of public places to help them comply with the Act;

(d) Receive, respond to, and investigate complaints of non-compliance with the Act and these rules;

(e) Prepare and follow-up on remediation plans with sites found to be out of compliance with the Act or these rules; and

(f) Issue citations to violators of the Act or these rules, and as necessary conduct contested cases under ORS Chapter 183.

(3) On written agreement with DHS, a county or Local Public Health Authority (LPHA) may assume any or all of the responsibilities outlined in section (2) of this rule. In such cases, DHS will, upon request of the LPHA, be available for consultation and technical assistance with enforcement procedures.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 433.855
Stats. Implemented: ORS 433.835 - 433.870
Hist.: OH 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OH 12-2002, f. & cert. ef. 8-27-02; OH 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0075

Complaint Response

DHS or the LPHA shall respond to complaints as follows:

(1) Initial complaint:

(a) DHS or the LPHA shall assess whether the site in question is required to be smokefree under the provisions of ORS 433.835 through 433.850.

(b) If DHS or the LPHA determines that the place of employment (or some portion) or public place is required to be smokefree, DHS or the LPHA shall send a letter ("initial response letter") to the place of employment or public place named in the complaint within 10 business days after receipt of the complaint of violation. The letter shall contain notification that the employer or public place has been reported as being in violation of the Act or these rules, educational materials about how to comply with the Act and these rules, and information on whom to contact for further information and assistance in compliance.

(c) DHS or the LPHA shall send a form letter to the complainant, if the complainant has supplied their name and contact information, notifying them that the complaint has been received and is being investigated, or that the workplace is not required to be smokefree under ORS 433.835 through 433.850.

(2) Second or subsequent complaint:

(a) If DHS or the LPHA receives additional complaint(s) about the site within five business days after the "initial response letter" was sent, DHS or the LPHA shall send a form letter to the complainant, if the complainant has supplied their name and contact information, telling them that the complaint has been received and the investigation process begun.

(b) If DHS or the LPHA receives a second or subsequent complaint about the site more than five business days after the "initial response letter" was sent, a representative of DHS or the LPHA shall make an unannounced site visit within 30 days of complaint receipt, to determine whether the employer or public place is in violation of the Act or these rules.

(c) Failure of an employer or EIC to permit DHS or the LPHA access to the place of employment or public place is a violation and may result in the imposition of civil penalties, or other action under sections (5) and (6) of this rule. If an employer or EIC does not permit access for a site visit, DHS or the LPHA shall notify the Assistant Director of the Public Health Division or designee for further enforcement activity.

(3) Finding of violation:

(a) A violation of indoor smoking prohibitions is deemed to have occurred if during a site visit pursuant to a second or subsequent complaint, the DHS or LPHA representative:

(A) Observes any person smoking or carrying a lighted smoking instrument in an area where smoking is prohibited;

(B) Observes cigar or cigarette butts in an area where smoking is prohibited;

(C) Observes ashtrays intended for use in an area where smoking is prohibited;

(D) Observes no signs or insufficient signs as required under these rules;

(E) Determines that a cigar bar does not have proper certification from DHS;

(F) Determines that a smoke shop that allows smoking does not have proper certification from DHS;

(G) Observes the smoking of non-cigar tobacco products in a cigar bar;

(H) Observes smoking instruments intended for use in an area where smoking is prohibited; or

(I) Obtains signed written statements from at least two individuals who have personally witnessed smoking, the carrying of a lighted smoking instrument, or the smoking of a prohibited tobacco product at a time and in an area where smoking is prohibited.

(b) A violation of outdoor smoking prohibitions is deemed to have occurred if during a site visit pursuant to a second or subsequent complaint, DHS or the LPHA representative:

(A) Observes any person smoking or carrying a lighted smoking instrument within 10 feet of entrances, exits, accessibility ramps that extend beyond 10 feet from an entrance or exit, windows that open, or ventilation intakes that serve an enclosed area of any public place or workplace;

(B) Observes ashtrays intended to be used for smoking within 10 feet of entrances, exits, accessibility ramps that extend beyond 10 feet from an

entrance or exit, windows that open, or ventilation intakes that serve an enclosed area of any public place or workplace; or

(C) Observes tables or outdoor seating or dining areas within 10 feet of entrances, exits, windows that open, or ventilation intakes that serve an enclosed area of any public place or workplace that are not clearly marked as nonsmoking.

(4) Remediation plan:

(a) After a finding of violation, DHS or the LPHA representative and the employer or EIC will jointly develop a remediation plan. All remediation plans must be completed within 15 days of the site visit.

(b) An employer or EIC may request in writing an extension of time in which to complete the remediation plan in special circumstances. An extension may be granted only by the Assistant Director of the Public Health Division or designee.

(c) A DHS or LPHA representative shall make a follow-up visit within 30 days of the remediation plan completion date to confirm completion.

(d) If an employer or EIC does not cooperate in developing a remediation plan, DHS or the LPHA shall notify the Assistant Director of the Public Health Division or designee for further enforcement activity.

(5) Notice of violation:

(a) If, during the follow-up visit, DHS or the LPHA representative finds that the remediation plan has not been implemented or finds additional evidence of violations, DHS or the LPHA shall notify the Assistant Director of the Public Health Division or designee for further enforcement activity.

(b) Once notified under subsection (2)(c), (4)(d), or (5)(a) of this rule, the Assistant Director of the Public Health Division or designee shall issue a notice of violation and, if applicable, notice of intent to impose civil penalties to the employer or entity in charge of a public place. Such notices shall comply with the notice and civil penalty provision in ORS chapter 183 and OAR 333-015-0085.

(c) The notice of violation and notice of intent to impose civil penalties shall be provided by DHS. This form shall be used for all citations.

(d) The citation shall be personally delivered to the employer or entity in charge of a public place or mailed to the place of employment or entity in charge of a public place address by both first class mail and certified mail, return receipt requested.

(e) Payment of civil penalties shall be made by mail to the Assistant Director of the Public Health Division and credited to the Tobacco Use Reduction Account, as required by ORS 433.855(1)(c).

(6) Failure to cooperate:

(a) In addition to assessing fines under OAR 333-015-0075(5) above, the Assistant Director of the Public Health Division may initiate further legal action against an employer or public place that includes, but is not limited to, requesting an injunction from a court to enjoin operation of the business or public place if the employer or public place has:

(A) Refused to allow an on-site visit to assess status of compliance;

(B) Refused to cooperate in the development of a remediation plan;

(C) Incurred repeated or multiple violations of the Act or these rules.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: OH 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OH 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0080

Public Places which the DHS-HS Regularly Inspects

If, in public places that DHS regularly inspects and that are required to be smokefree under these rules, the DHS inspector, during a regular inspection, notes a possible violation of ORS 433.835 through 433.875 or these rules, the inspector shall report the violation to DHS.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: OH 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OH 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0082

Public Places Regulated by Other State Agencies or Local Governments

If, during the course of an inspection of a public place that is regulated by the State of Oregon or a local government, an inspector notes a possible violation of ORS 433.835 through 433.875 or these rules they may report the possible violation to DHS.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

ADMINISTRATIVE RULES

333-015-0085

Penalties

A violation of the Act or these rules shall be punishable by \$500.00 each day the workplace or public place is found to be out of compliance, not to exceed \$2000.00 in any 30-day period.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

333-015-0090

Effective Date

January 1, 2009.

Stat. Auth.: ORS 433.855

Stats. Implemented: OL 2007, Ch. 602

Hist.: PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09

Rule Caption: Emergency Preparedness in Health Care Facilities.

Adm. Order No.: PH 13-2008

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 8-15-08

Notice Publication Date: 6-1-2008

Rules Adopted: 333-076-0190

Rules Amended: 333-071-0125, 333-076-0710, 333-515-0030, 333-700-0120

Subject: The Oregon Department of Human Services, Public Health Division is permanently adopting and amending rules that will require emergency planning as required in HB 2371, passed in the 2007 Legislative Session, for Ambulatory Surgical Centers, Birthing Centers, Outpatient Dialysis Facilities, Hospitals, and Special Inpatient Care Facilities.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-071-0125

Safety and Emergency Precautions

(1) Telephone communication to summon help in case of fire or other emergency shall be available.

(2) In accordance with ORS chapter 479 and the rules thereunder all requirements of the State Fire Marshal shall be met.

(3) When required, emergency power facilities shall be tested monthly and shall be in readiness at all times for use in all areas required in NFPA 99 and the **National Electrical Code**.

(4) Emergency preparedness:

(a) The health care facility shall develop, maintain, update, train, and exercise an emergency plan for the protection of all individuals in the event of an emergency, in accordance with the regulations as specified in **Oregon Fire Code** (Oregon Administrative Rules chapter 837, division 40).

(A) The health care facility shall conduct at least two drills every year that document and demonstrate that employees have practiced their specific duties and assignments, as outlined in the emergency preparedness plan.

(b) The emergency plan shall include the contact information for local emergency management.

(c) The summary of the emergency plan shall be sent to the Department within one year of the filing of this rule. New facilities that have submitted licensing documents to the state before this provision goes into effect will have one year from the date of license application to submit their plan. All other new facilities shall have a plan prior to licensing. The Department shall request updated plans as needed.

(d) The emergency plan shall address all applicable hazards that may include, but is not limited to, the following:

(A) Chemical emergencies;

(B) Dam failure;

(C) Earthquake;

(D) Fire;

(E) Flood;

(F) Hazardous material;

(G) Heat;

(H) Hurricane;

(I) Landslide;

(J) Nuclear power plant emergency;

(K) Pandemic;

(L) Terrorism; or

(M) Thunderstorms.

(e) The emergency plan shall address the provision of sufficient supplies for patients and staff to shelter in place for a minimum of four days under the following conditions:

(A) Extended power outage;

(B) No running water;

(C) Replacement of food or supplies is unavailable; and

(D) Staff members do not report to work as scheduled.

(f) The emergency plan shall address evacuation, including:

(A) Identification of individual positions' duties while vacating the building, transporting, and housing residents;

(B) Method and source of transportation;

(C) Planned relocation sites;

(D) Method by which each patient will be identified by name and facility of origin by people unknown to them;

(E) Method for tracking and reporting the physical location of specific patients until a different entity resumes responsibility for the resident; and

(F) Notification to the Department about the status of the evacuation.

(g) The emergency plan shall address the clinical and medical needs of the patients, including provisions to provide:

(A) Storage of and continued access to medical records necessary to obtain care and treatment of patients, and the use of paper forms to be used for the transfer of care or to maintain care on-site when electronic systems are not available;

(B) Continued access to pharmaceuticals, medical supplies and equipment, even during and after an evacuation; and

(C) Alternative staffing plans to meet the needs of the patients when scheduled staff members are unavailable. Alternative staffing plans may include, but is not limited to, on-call staff, the use of travelers, the use of management staff, or the use of other emergency personnel.

(h) The emergency plan shall be made available as requested by the Department and during licensing and certification surveys. Each plan will be re-evaluated and revised as necessary or when there is a significant change in the facility or population of the health care facility.

(i) A checklist for inpatient health care facilities has been developed in conjunction with the Office of the State Fire Marshal to assist facilities in developing emergency plans and ensuring compliance with the State Fire Marshal's administrative rules.

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

Stat. Auth.: ORS 441.020, 442.015

Stats. Implemented: ORS 441.020, 442.015

Hist.: HD 17-1987(Temp), f. 10-13-87, ef. 10-15-87 thru 4-15-88; HD 11-1988, f. & cert. ef. 5-27-88; HD 5-1989, f. 7-14-89, cert. ef. 8-1-89; PH 13-2008, f. & cert. ef. 8-15-08

333-076-0190

Emergency Preparedness

(1) The health care facility shall develop, maintain, update, train and exercise an emergency plan for the protection of all individuals in the event of an emergency, in accordance with the regulations as specified in **Oregon Fire Code** (Oregon Administrative Rules chapter 837, division 40).

(a) The health care facility shall conduct at least two drills every year that document and demonstrate that employees have practiced their specific duties and assignments, as outlined in the emergency preparedness plan.

(2) The emergency plan shall include the contact information for local emergency management. Each facility shall have documentation that the local emergency management office has been contacted and that the facility has a list of local hazards identified in the county hazard vulnerability analysis.

(3) The summary of the emergency plan shall be sent to the Department within one year of the filing of this rule. New facilities that have submitted licensing documents to the state before this provision goes into effect will have one year from the date of license application to submit their plan. All other new facilities shall have a plan prior to licensing. The Department shall request updated plans as needed.

(4) The emergency plan shall address all local hazards that have been identified by local emergency management that may include, but is not limited to, the following:

(a) Chemical emergencies;

(b) Dam failure;

(c) Earthquake;

(d) Fire;

(e) Flood;

(f) Hazardous material;

(g) Heat;

(h) Hurricane;

(i) Landslide;

(j) Nuclear power plant emergency;

ADMINISTRATIVE RULES

- (k) Pandemic;
- (l) Terrorism; or
- (m) Thunderstorms.

(5) The emergency plan shall address the availability of sufficient supplies for staff and patients to shelter in place or at an agreed upon alternative location for a minimum of two days, in coordination with local emergency management, under the following conditions:

- (a) Extended power outage;
 - (b) No running water;
 - (c) Replacement of food or supplies is unavailable;
 - (d) Staff members do not report to work as scheduled; and
 - (e) The patient is unable to return to the pre-treatment shelter.
- (6) The emergency plan shall address evacuation, including:
- (a) Identification of individual positions' duties while vacating the building, transporting, and housing residents;
 - (b) Method and source of transportation;
 - (c) Planned relocation sites;
 - (d) Method by which each patient will be identified by name and facility of origin by people unknown to them;
 - (e) Method for tracking and reporting the physical location of specific patients until a different entity resumes responsibility for the patient; and
 - (f) Notification to the Department about the status of the evacuation.

(7) The emergency plan shall address the clinical and medical needs of the patients, including provisions to provide:

(a) Storage of and continued access to medical records necessary to obtain care and treatment of patients, and the use of paper forms to be used for the transfer of care or to maintain care on-site when electronic systems are not available.

(b) Continued access to pharmaceuticals, medical supplies and equipment, even during and after an evacuation; and

(c) Alternative staffing plans to meet the needs of the patients when scheduled staff members are unavailable. Alternative staffing plans may include, but is not limited to, on-call staff, the use of travelers, the use of management staff, or the use of other emergency personnel.

(8) The emergency plan shall be made available as requested by the Department and during licensing and certification surveys. Each plan will be re-evaluated and revised as necessary or when there is a significant change in the facility or population of the health care facility.

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

Stat. Auth.: ORS 441.020, 442.015

Stats. Implemented: ORS 441.020, 442.015

Hist.: PH 13-2008, f. & cert. ef. 8-15-08

333-076-0710

Physical Facility

(1) Design — The Center may be an adaptation of a house. It must include birthing rooms of adequate size to meet the needs to accomplish the procedures specified in the Policies and Procedures and must meet applicable codes for ordinary construction and for water supply and sewage disposal. The building and equipment must be kept clean and in good repair. The Center must include:

- (a) Toilet facilities for staff, mothers and families;
- (b) Bath facilities;
- (c) Hand washing facilities and single use towel dispensers adjacent or closely available to all examining or birth rooms;
- (d) Examination areas;
- (e) Laundry facilities (unless laundry is done elsewhere);
- (f) Kitchen facilities;
- (g) Adequate storage areas for emergency equipment;
- (h) Separate storage for clean/sterile supplies and equipment;
- (i) Storage areas for laboratory equipment and sterilizing, if applicable;
- (j) Space for resuscitation of the newborn; and
- (k) Reception and family facilities.

(2) Client Environment:

(a) There must be provided for each client a good bed, mattress and pillow with protective coverage, and necessary bed coverings;

(b) No towels, wash cloths, bath blankets, or other linen which comes directly in contact with the client will be interchangeable from one client to another unless it is first laundered;

(c) The use of torn or unclean bed linen is prohibited; and

(d) After the discharge of any client, the bed, bed furnishings, bedside furniture and equipment must be thoroughly cleaned and disinfected prior to reuse. Mattresses must be professionally renovated when necessary.

(3) Provision must be made for the safe disposal of any bodily wastes that result from procedures performed in accordance with Centers for Disease Control and Prevention recommendations and state law.

(4) Fire and Safety — State and local fire and life-safety codes apply with specific attention to demonstration of adequate ingress and egress of occupants, placement of smoke alarms, emergency lighting, fire extinguishers or sprinkler systems, fire escape routes, and fire reporting plans. The Center must have an emergency plan in effect on premises available to all staff. There must be evidence of an annual fire inspection.

(5) Emergency Access — Hallways and doorways must be so sized and arranged as to ensure the reasonable access of equipment in the event of the need for emergency transport.

(6) Emergency preparedness:

(a) The health care facility shall develop, maintain, update, train, and exercise an emergency plan for the protection of all individuals in the event of an emergency, in accordance with the regulations as specified in Oregon Fire Code (Oregon Administrative Rules chapter 837, division 40).

(A) The health care facility shall conduct at least two drills every year that document and demonstrate that employees have practiced their specific duties and assignments, as outlined in the emergency preparedness plan.

(b) The emergency plan shall include the contact information for local emergency management. Each facility shall have documentation that the local emergency management office has been contacted and that the facility has a list of local hazards identified in the county hazard vulnerability analysis.

(c) The summary of the emergency plan shall be sent to the Department within one year of the filing of this rule. New facilities that have submitted licensing documents to the state before this provision goes into effect will have one year from the date of license application to submit their plan. All other new facilities shall have a plan prior to licensing. The Department shall request updated plans as needed.

(d) The emergency plan shall address all local hazards that have been identified by local emergency management and may include, but is not limited to, the following:

- (A) Chemical emergencies;
- (B) Dam failure;
- (C) Earthquake;
- (D) Fire;
- (E) Flood;
- (F) Hazardous material;
- (G) Heat;
- (H) Hurricane;
- (I) Landslide;
- (J) Nuclear power plant emergency;
- (K) Pandemic;
- (L) Terrorism; or
- (M) Thunderstorms.

(e) The emergency plan shall address the availability of sufficient supplies for staff and patients to shelter in place or at an agreed upon alternative location for a minimum of two days, in coordination with local emergency management, under the following conditions:

- (A) Extended power outage;
 - (B) No running water;
 - (C) Replacement of food or supplies is unavailable;
 - (D) Staff members do not report to work as scheduled; and
 - (E) The patient is unable to return to the pre-treatment shelter.
- (f) The emergency plan shall address evacuation, including:
- (A) Identification of individual positions' duties while vacating the building, transporting, and housing residents;
 - (B) Method and source of transportation;
 - (C) Planned relocation sites;
 - (D) Method by which each patient will be identified by name and facility of origin by people unknown to them;
 - (E) Method for tracking and reporting the physical location of specific patients until a different entity resumes responsibility for the patient; and
 - (F) Notification to the Department about the status of the evacuation.
- (g) The emergency plan shall address the clinical and medical needs of the patients, including provisions to provide:

(A) Storage of and continued access to medical records necessary to obtain care and treatment of patients, and the use of paper forms to be used for the transfer of care or to maintain care on-site when electronic systems are not available.

(B) Continued access to pharmaceuticals, medical supplies, and equipment, even during and after an evacuation; and

ADMINISTRATIVE RULES

(C) Alternative staffing plans to meet the needs of the patients when scheduled staff members are unavailable. Alternative staffing plans may include, but is not limited to, on-call staff, the use of travelers, the use of management, or the use of other emergency personnel.

(h) The emergency plan shall be made available as requested by the Department and during licensing and certification surveys. Each plan will be re-evaluated and revised as necessary or when there is a significant change in the facility or population of the health care facility.

Stat. Auth.: ORS 441.020 & 442.015

Stats. Implemented: ORS 441.020 & 442.015

Hist.: HD 26-1985, f. & ef. 10-28-85; HD 2-1990, f. 1-8-90, cert. ef. 1-15-90, Renumbered from 333-076-0430; PH 15-2006, f. & cert. ef. 6-27-06; PH 13-2008, f. & cert. ef. 8-15-08

333-515-0030

Safety and Emergency Precautions

(1) The condition of the physical plant and the overall hospital environment must be developed and maintained in such a manner that the safety and well-being of patients are provided for.

(2) Telephone communication to summon help in case of fire or other emergency shall be available.

(3) In accordance with ORS chapter 479 and the rules thereunder all requirements of the State Fire Marshal shall be met.

(4) When required, emergency power facilities shall be tested monthly and shall be in readiness at all times for use in the delivery, operating and emergency rooms, nurseries and other areas as required in NFPA 99 and the **National Electrical Code**.

(5) Emergency preparedness:

(a) The health care facility shall develop, maintain, update, train, and exercise an emergency plan for the protection of all individuals in the event of an emergency, in accordance with the regulations as specified in **Oregon Fire Code** (Oregon Administrative Rules chapter 837, division 40).

(A) The health care facility shall conduct at least two drills every year that document and demonstrate that employees have practiced their specific duties and assignments, as outlined in the emergency preparedness plan.

(b) The emergency plan shall include the contact information for local emergency management.

(c) The summary of the emergency plan shall be sent to the Department within one year of the filing of this rule. New facilities that have submitted licensing documents to the state before this provision goes into effect will have one year from the date of license application to submit their plan. All other new facilities shall have a plan prior to licensing. The Department shall request updated plans as needed.

(d) The emergency plan shall address all applicable hazards that may include, but is not limited to, the following:

(A) Chemical emergencies;

(B) Dam failure;

(C) Earthquakes;

(D) Fire;

(E) Flood;

(F) Hazardous material;

(G) Heat;

(H) Hurricane;

(I) Landslide;

(J) Nuclear power plant emergency;

(K) Pandemic;

(L) Terrorism; or

(M) Thunderstorms.

(e) The emergency plan shall address the provision of sufficient supplies for patients and staff to shelter in place for a minimum of four days under the following conditions:

(A) Extended power outage;

(B) No running water;

(C) Replacement of food or supplies is unavailable; and

(D) Staff members do not report to work as scheduled.

(f) The emergency plan shall address evacuation, including:

(A) Identification of individual positions' duties while vacating the building, transporting, and housing residents;

(B) Method and source of transportation;

(C) Planned relocation sites;

(D) Method by which each patient will be identified by name and facility of origin by people unknown to them;

(E) Method for tracking and reporting the physical location of specific patients until a different entity resumes responsibility for the resident; and

(F) Notification to the Department about the status of the evacuation.

(g) The emergency plan shall address the clinical and medical needs of the patients, including provisions to provide:

(A) Storage of and continued access to medical records necessary to obtain care and treatment of patients, and the use of paper forms to be used for the transfer of care or to maintain care on-site when electronic systems are not available;

(B) Continued access to pharmaceuticals, medical supplies and equipment, even during and after an evacuation; and

(C) Alternative staffing plans to meet the needs of the patients when scheduled staff members are unavailable. Alternative staffing plans may include, but is not limited to, on-call staff, the use of travelers, the use of management staff, or the use of other emergency personnel.

(h) The emergency plan shall be made available as requested by the Department and during licensing and certification surveys. Each plan will be re-evaluated and revised as necessary or when there is a significant change in the facility or population of the health care facility.

(i) A checklist for inpatient health care facilities has been developed in conjunction with the Office of the State Fire Marshal to assist facilities in developing emergency plans and ensuring compliance with the State Fire Marshal's administrative rules.

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

Stat. Auth.: ORS 441.020, 442.015

Stats. Implemented: ORS 441.020, 442.015

Hist. HB 183, f. & ef. 5-26-66; HB 209, f. 12-18-68; HD 11-1980, f. & ef. 9-10-80; Renumbered from 333-023-0186; HD 29-1988, f. 12-29-88, cert. ef. 1-1-89, Renumbered from 333-072-0045; HD 21-1993, f. & cert. ef. 10-28-93; PH 13-2008, f. & cert. ef. 8-15-08

333-700-0120

Physical Environment

(1) The physical environment in which dialysis services are furnished must afford a functional, clean, sanitary, safe, and comfortable setting for patients, staff, and the public.

(2) The physical structure in which dialysis services are furnished must be constructed, equipped, and maintained to ensure the safety of patients, staff, and the public.

(3) All electrical and other equipment used in the facility must be maintained free of defects that could be a potential hazard to patients or personnel. There must be an established program of preventive maintenance of equipment used in dialysis and related procedures in the facility. Facilities shall follow the manufacturers' recommendations for preventive maintenance for all equipment.

(4) The areas used by patients shall be maintained in good repair and kept free of hazards such as those created by damaged or defective parts of the building.

(5) The facility must employ the water quality requirements listed in this section and developed by the Association for the Advancement of Medical Instrumentation (AAMI) and published in "Hemodialysis Systems," second edition, 1993, which is incorporated by reference.

(6) Any adverse results identified by the water quality monitoring system shall be addressed and corrected immediately. Documentation of these corrections will be maintained in a designated area for review.

(7) Testing of the water in dialysis facilities must comply with the requirements of Table 1 of this section.

(8) Treatment areas shall be designed and equipped to provide adequate and safe dialysis therapy, as well as privacy and comfort for patients. The space for treating each patient must be sufficient to accommodate medically needed emergency equipment and personnel to treat the patient in the event of an emergency. There must be sufficient space in the facility for safe storage of dialysis supplies.

(9) Chronic dialysis patients shall be dialyzed in chairs that can be reclined so that the patient's head is lower than his/her feet, except when the patient is dialyzed in a hospital bed.

(10) There shall be a nursing/monitoring station from which all patients receiving dialysis can be continuously monitored during the course of treatment.

(11) Heating and ventilation systems shall be capable of maintaining adequate and comfortable temperatures.

(12) Each facility utilizing a central-batch delivery system must provide, either on the premises or through affiliation agreement or arrangement sufficient individual delivery systems for the treatment of any patient requiring special dialysis solutions.

(13) Emergency preparedness:

(a) The health care facility shall develop, maintain, update, train, and exercise an emergency plan for the protection of all individuals in the event of an emergency, in accordance with the regulations as specified in **Oregon Fire Code** (Oregon Administrative Rules chapter 837, division 40).

ADMINISTRATIVE RULES

(b) The health care facility shall conduct at least two drills every year that document and demonstrate that employees have practiced their specific duties and assignments, as outlined in the emergency preparedness plan.

(c) The emergency plan shall include the contact information for local emergency management. Each facility shall have documentation that the local emergency management office has been contacted and that the facility has a list of local hazards identified in the county hazard vulnerability analysis.

(d) The summary of the emergency plan shall be sent to the Department within one year of the filing of this rule. New facilities that have submitted licensing documents to the state before this provision goes into effect will have one year from the date of license application to submit their plan. All other new facilities shall have a plan prior to licensing. The Department shall request updated plans as needed.

(e) The emergency plan shall address all local hazards that have been identified by local emergency management and may include, but is not limited to, the following:

- (A) Chemical emergencies;
- (B) Dam failure;
- (C) Earthquake;
- (D) Fire;
- (E) Flood;
- (F) Hazardous material;
- (G) Heat;
- (H) Hurricane;
- (I) Landslide;
- (J) Nuclear power plant emergency;
- (K) Pandemic;
- (L) Terrorism; or
- (M) Thunderstorms.

(f) The emergency plan shall address the availability of sufficient supplies for staff and patients to shelter in place or at an agreed upon alternative location for a minimum of two days, in coordination with local emergency management, under the following conditions:

- (A) Extended power outage;
 - (B) No running water;
 - (C) Replacement of food or supplies is unavailable;
 - (D) Staff members do not report to work as scheduled; and
 - (E) The patient is unable to return to pre-treatment shelter.
- (f) The emergency plan shall address evacuation, including:

(A) Identification of individual positions' duties while vacating the building, transporting, and housing residents;

(B) Method and source of transportation;

(C) Planned relocation sites;

(D) Method by which each patient will be identified by name and facility of origin by people unknown to them;

(E) Method for tracking and reporting the physical location of specific patients until a different entity resumes responsibility for the patient; and

(F) Notification to the Department about the status of the evacuation.

(g) The emergency plan shall address the clinical and medical needs of the patients, including provisions to provide:

(A) Storage of and continued access to medical records necessary to obtain care and treatment of patients, and the use of paper forms to be used for the transfer of care or to maintain care on-site when electronic systems are not available;

(B) Continued access to pharmaceuticals, medical supplies and equipment, even during and after an evacuation; and

(C) Alternative staffing plans to meet the needs of the patients when scheduled staff members are unavailable. Alternative staffing plans may include, but is not limited to, on-call staff, the use of travelers, the use of management staff, or the use of other emergency personnel.

(h) The emergency plan shall be made available as requested by the Department and during licensing and certification surveys. Each plan will be re-evaluated and revised as necessary or when there is a significant change in the facility or population of the health care facility.

[ED. NOTE: Tables referenced are available from the agency.]

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

Stat. Auth.: ORS 441.020 & 442.015

Stats. Implemented: ORS 441.020 & 442.015

Hist.: PH 7-2003, f. & cert. ef. 6-6-03; PH 13-2008, f. & cert. ef. 8-15-08

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Adopt Civil Penalty Rules.

Adm. Order No.: DPSST 13-2008

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 8-15-08

Notice Publication Date: 3-1-2008

Rules Adopted: 259-008-0200, 259-008-0220, 259-008-0250

Subject: Adopt new rules to identify a process to impose a civil penalty on public safety agencies for violations of ORS 181.644, 181.652, 181.653 and 181.665. These statutes primarily outline the requirements for Basic certification for all individuals working in the criminal justice disciplines.

Rules Coordinator: Bonnie Salle—(503) 378-2431

259-008-0200

Civil Penalties

(1) For purposes of this rule, "agency" means a law enforcement unit or public or private safety agency as defined in OAR 259-008-0005.

(2) The Department may impose a civil penalty on any agency for any violation of ORS 181.644, 181.652, 181.653 or 181.665. All civil penalties will be imposed in the manner provided by 183.745.

(3) The amount of any civil penalty imposed under subsection (1) of this section may not exceed \$1,500 for any single violation.

Stat. Auth.: ORS 181.679, 183.745

Stats. Implemented: ORS 181.679, 183.745

Hist.: DPSST 13-2008, f. & cert. ef. 8-15-08

259-008-0220

Sanctions, Generally

(1) Information collected by the Department may be used as a basis for any sanction imposed.

(2) The Department's use of any one sanction does not preclude the imposition of any other sanction(s) for the same violation.

(3) If the Department believes there is substantial evidence that a violation has occurred or is occurring, the Department may seek such remedial relief as may be appropriate, including voluntary compliance or notice as provided in 259-008-0250.

Stat. Auth.: ORS 181.679, 183.745

Stats. Implemented: ORS 181.679, 183.745

Hist.: DPSST 13-2008, f. & cert. ef. 8-15-08

259-008-0250

Notice of Civil Penalty

(1) Considerations. In determining the amount of a civil penalty the Department will consider:

(a) Any prior violation of statute or rule by the agency;

(b) The financial benefits, if any, realized by the agency as a result of the violation, such as costs avoided as a result of not having attended required training;

(c) The gravity of the violation; and

(d) The agency's history of correcting violations and preventing recurrence of violations.

(2) Single Violation Civil Penalties. A violation of any requirement within any part of the following statutes is a violation that may result in a civil penalty after a single occurrence. The violations include, but are not limited to:

(a) ORS 181.644 (Certification requirements for a Telecommunicator);

(b) ORS 181.644 (Certification requirements for an Emergency Medical Dispatcher);

(c) ORS 181.652 (Certification requirements for a Corrections Officer);

(d) ORS 181.652 (Failing to attend Basic Corrections training within required timeframe);

(e) ORS 181.652 (U.S. citizenship requirements for a Corrections Officer);

(f) ORS 181.653 (Certification requirements for a Parole & Probation Officer);

(g) ORS 181.653 (U.S. citizenship requirements for a Parole & Probation Officer);

(h) ORS 181.653 (Part-time Parole & Probation continuing education requirement);

(i) ORS 181.665 (Certification requirements for a Police Officer);

ADMINISTRATIVE RULES

(j) ORS 181.665 (Failing to attend Basic Police training within required timeframe);

(k) ORS 181.665 (U.S. citizenship requirements for a Police Officer).

(3) Amount of Civil Penalty:

(a) An agency found in violation of any requirement listed in section (2) of this rule is subject to a civil penalty of not more than \$1,500 per violation per day, unless otherwise provided by this section;

(b) The Department may reduce civil penalty amounts where mitigation is warranted, or resolved by stipulation as provided in section (9) of this rule.

(4) Payment to be Considered Admission of Violation. Unless the Department agrees otherwise, any payment of a civil penalty is considered as admission of violation of the statutes or rules cited in the civil penalty notice for which the civil penalty was paid.

(5) Notice. The Department's notice of its intent to impose a civil penalty will include a statement that if the agency fails to request a hearing within twenty (20) days of the date of service of the notice, the agency's right to a hearing is waived.

(6) Informal Conference. When the Department issues a notice of civil penalty, the agency will be entitled to an informal conference to respond to the notice. The conference must be held before a person authorized to issue an order or to make recommendations regarding issuance of an order. The Department must receive a request for an informal conference in writing within twenty (20) days of the date of service of the notice of civil penalty. If the agency fails to submit a timely request for a conference, the agency's right to a conference is waived.

(7) Hearing Request:

(a) Right to Hearing. If the Department issues a notice of intent to impose a civil penalty, the agency is entitled to a contested case hearing in accordance with the provisions of ORS Chapter 183;

(b) Request for Hearing. The Department must receive a request for a hearing in writing within twenty (20) days of the date the notice of intent to impose a civil penalty was served on the agency. The Department may extend the time allowed for submission of the admission/denial and affirmative defenses for up to 30 calendar days, if requested in writing.

(8) Default Order. If a hearing is not timely requested, or if an agency withdraws a hearing request or fails to appear at a scheduled hearing, the Department may enter a final order by default imposing the civil penalty. In the event of a default, the Department's file or files on the subject of the civil penalty automatically becomes a part of a contested case record for purposes of proving the Department's prima facie case.

(9) Department staff is authorized to seek resolution by stipulation, subject to Department acceptance and approval under the following conditions:

(a) The matter is resolved prior to entry of a final order assessing a civil penalty;

(b) The agency corrects or proceeds to correct all violations noted in a notice of intent to issue a civil penalty within a prescribed timeframe;

(c) The civil penalty amount agreed to is tendered in a certified check, bank draft, cashier's check or postal money order, made payable to the Department, along with the stipulation.

(10) A stipulation will not be accepted for less than the amount provided for in the notice of civil penalty if the violation is not corrected as part of the resolution.

Stat. Auth.: ORS 181.679, 183.745

Stats. Implemented: ORS 181.679, 183.745

Hist.: DPSST 13-2008, f. & cert. ef. 8-15-08

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

Rule Caption: Civil Penalty Schedule for Violation of an Out-of-Service Order or Notice.

Adm. Order No.: DMV 17-2008

Filed with Sec. of State: 7-23-2008

Certified to be Effective: 7-23-08

Notice Publication Date: 6-1-2008

Rules Amended: 735-070-0170

Subject: OL 2007, Ch. 122 (HB 2268) amended ORS 813.052 to provide for new minimum and maximum amounts for the penalty the agency may impose on a person when DMV is notified that the person has violated an out-of-service order issued under ORS 813.050 or has knowingly violated any other out-of-service order or notice under ORS 809.413. DMV has amended OAR 735-070-0170 to

change the specific dollar amounts of the civil penalties that will be imposed. Other changes were made for clarity.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-070-0170

Civil Penalty Schedule for Violation of an Out-of-Service Order or Notice

(1) The Driver and Motor Vehicle Services Division (DMV) of the Department of Transportation shall impose the civil penalty required by ORS 813.052, on the operation of the commercial motor vehicle in accordance with the following schedule:

(a) \$1100 upon DMV's receipt of the first notice indicating the person has violated an out-of-service order or notice; and

(b) \$2750 upon DMV's receipt of a notification that the person has violated a second or subsequent out-of-service order or notice.

(2) The person incurring the civil penalty has a right to a contested case hearing in accordance with ORS 183.090. However, the amount of the civil penalty is not an issue at the hearing, and the hearing officer presiding at the contested case hearing shall not adjust the amount of the civil penalty.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 813.052

Stats. Implemented: ORS 813.052

Hist.: MV 13-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 17-2008, f. & cert. ef. 7-23-08

Rule Caption: Persons Not Required to Be Certified as Commercial Driver School Operators or Instructors.

Adm. Order No.: DMV 18-2008

Filed with Sec. of State: 7-23-2008

Certified to be Effective: 7-23-08

Notice Publication Date: 6-1-2008

Rules Amended: 735-160-0003

Subject: The 2005 Legislature amended ORS 822.5000 and 822.525 to provide that the offenses described in those two statutes do not apply to "[a] person that provides limited education or training for a specialized purpose, as determined by the Department of Transportation by rule." See Or Laws 2005, Ch. 155, Section 1 and 2. The Department adopted OAR 735-160-0003, effective January 1, 2006, to identify circumstances in which the certification requirements of ORS 822.500 and ORS 822.525 would not apply.

These amendments specify additional circumstances that also warrant exemption from the statutory certification requirements, based on the Department's experience with the application of OAR 735-160-0003 during the last two years.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-160-0003

Purpose and Exemptions

(1) The purpose of chapter 735, division 160 rules is to outline the requirements for a Commercial Driver Training School Certificate pursuant to ORS 822.515 and a Driver Training Instructor Certificate pursuant to ORS 822.530.

(2) Except as provided in ORS 822.500(2) and section (4) of this rule a person must obtain a Commercial Driver Training School Certificate to operate, for consideration, a business or non-profit enterprise engaged in educating and training persons in the driving of motor vehicles, either practically or theoretically or both.

(3) Except as provided in ORS 822.525(2) and section (4) of this rule, a person must obtain a Driver Training Instructor Certificate if, for compensation, the person teaches, conducts classes, gives demonstrations to or supervises practice in the driving of motor vehicles. This section applies to persons acting on their own behalf, or acting as an operator of or on behalf of, any business, nonprofit enterprise, or school engaged in educating and training persons in the driving of motor vehicles, either practically or theoretically or both.

(4) The following persons are exempt from the requirement to obtain either a Commercial Driver Training School Certificate or a Driver Training Instructor Certificate.

(a) The operator of, or a person acting on behalf of, a business or non-profit enterprise engaged in educating and training persons for a profession;

(b) The operator of, or person acting on behalf of, an accredited secondary school, college or university; or

(c) A person that provides limited driver education or training for a specialized purpose.

ADMINISTRATIVE RULES

(5) For purposes of ORS 822.500, 822.525 and this rule, the following are persons who provide limited driver education or training for a specialized purpose:

(a) A rehabilitation specialist engaged in evaluating, assessing or retraining drivers to compensate for a physical or mental condition or impairment.

(b) A provider of a DMV approved accident prevention course offered primarily for insurance discount purposes pursuant to ORS 742.490.

(c) A provider who teaches specialized driving skills to drivers of emergency vehicles as defined by ORS 801.260.

(d) An employee of a government entity, business, non-profit enterprise or school who provides defensive driving training or similar driver safety instruction to employees of the business, nonprofit enterprise or school who hold valid driver licenses.

(e) A person hired by, or contracting with, a government entity, business, non-profit enterprise or school who provides defensive driving training or similar driver safety instruction to employees of the government entity, business or nonprofit enterprise who hold valid driver licenses.

(f) A federal, state, county or city agency that provides driver safety training to members of the public who hold valid driver licenses, including, but not limited to teaching people how to drive in adverse weather conditions, a safe-driving program or a motorcycle safety program.

(g) A provider of off-the-highway instruction in the operation of off-road racing vehicles to persons holding valid driver licenses.

(h) A provider of off-the-highway instruction in the operation of off-road all terrain vehicles (ATVs).

(i) A provider of training conducted exclusively over the internet, if no classroom or behind-the-wheel training is conducted at any physical location in Oregon.

(j) A provider of driver improvement or similar driver safety instruction for the purpose of a court-order or for a court diversion program.

(k) An insurer, or person acting on behalf of an insurer, who provides defensive driving training or similar driver safety instruction for the purpose of reducing insurance premiums, not used to meet a DMV requirement.

(l) Providers of training conducted exclusively for currently licensed drivers who are taking the training to gain specific skills, not used to meet a DMV requirement.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.500 & 822.525
Stats. Implemented: ORS 822.500, 822.515, 822.525 & 822.530
Hist.: DMV 25-2005, f. 12-14-05 cert. ef. 1-1-06; DMV 18-2008, f. & cert. ef. 7-23-08

.....
**Department of Transportation,
Highway Division
Chapter 734**

Rule Caption: Chains or traction tires.

Adm. Order No.: HWD 6-2008

Filed with Sec. of State: 7-28-2008

Certified to be Effective: 7-28-08

Notice Publication Date: 6-1-2008

Rules Amended: 734-017-0005

Subject: ODOT amended its rule on chains or traction tires to include retractable studded tires as a traction tire. This change incorporates the provisions of 2007 HB 2567.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-017-0005

Definitions

(1) As used in OAR 734-017-0005 through 734-017-0025, the following definitions apply:

(a) "Traction Tire":

(A) Tires with studs including retractable studded tires allowed under ORS 815.165;

(B) Tires marked as mud and snow or all-season radial tires when used on vehicles exempt under ORS 815.145(4); and

(C) Tires identified by the Rubber Manufacturers Association as meeting tests indicating the tire provides greater traction than mud and snow tires under winter driving conditions.

(b) "Chains" — Link chains, cable chains or another device that attaches to the wheel, vehicle or outside of the tire that is specifically designed to augment the traction of a vehicle under ice or snow conditions.

(c) "Retractable studded tires" are tires with embedded studs of metal or other material that retract to at or below the wear bar of the tire and project

not less than four-hundredths (0.04) inch beyond the tread surface of the tire when extended.

(2) As used in ORS 815.165(10), "motor vehicles used for regularly scheduled medical transport services" means a vehicle used for regularly scheduled, point-to-point transportation for medical purposes and is not a vehicle described by either of the following:

(a) A vehicle regulated by a political subdivision under ORS 221.485.

(b) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of the owner of the vehicle for personal transportation for medical purposes.

Stat. Auth.: ORS 184.616, 184.619 & 815.045

Stats. Implemented: ORS 815.045, 815.140 & 815.165

Hist: 2 HD 15-1981, f. & ef. 11-20-81; HWY 4-1995, f. & cert. ef. 10-17-95; HWY 10-1997(Temp), f. 10-21-97, cert. ef. 11-1-97; TO 8-1998, f. & cert. ef. 9-14-98; HWD 1-2004, f. & cert. ef. 1-20-04; HWD 7-2005, f. & cert. ef. 9-16-05; HWD 6-2008, f. & cert. ef. 7-28-08

.....
**Department of Transportation,
Motor Carrier Transportation Division
Chapter 740**

Rule Caption: Motor Carrier vehicle mileage registering devices.

Adm. Order No.: MCTD 3-2008

Filed with Sec. of State: 7-23-2008

Certified to be Effective: 7-23-08

Notice Publication Date: 6-1-2008

Rules Amended: 740-100-0030

Subject: OAR 740-100-0030 prescribes standards for vehicle mileage registering devices. The amendments correct and clarify previous rule language, and prohibit use of a mileage registering device that can be reset, enhancing proper recording of miles traveled for the purposes of verifying compliance with weight mile tax reports, apportioned registration reports and hours of service regulations.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-100-0030

Mileage Registering Devices

All motor carriers must equip their motor vehicles with an odometer or other satisfactory device to record accurately the cumulative mileage traveled by the vehicle. Such device must be kept constantly in good operating order, may not be a device designed to be reset to zero, and may not be adjustable by the operator of the vehicle. Additional devices for recording trip mileage are allowed, but not in lieu of the requirements stated above.

Stat. Auth.: ORS 823.011 & 825.210

Stats. Implemented: ORS 825.210, 825.252 & 825.474

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); 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 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-035-0015; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0015; MCTD 3-2008, f. & cert. ef. 7-23-08

.....
**Economic and Community Development Department
Chapter 123**

Rule Caption: Conform the rules to existing statute changed by Senate Bill 350 (2007 Legislature).

Adm. Order No.: EDD 20-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 7-1-2008

Rules Adopted: 123-011-0037

Rules Amended: 123-011-0025, 123-011-0027, 123-011-0030, 123-011-0035, 123-011-0040, 123-011-0045

Subject: The proposed administrative rule change addresses the statutory changes implemented in SB 350 (2007 Legislature). Rules changes include clarification of definitions, rule language and a change to a category within the application fee.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-011-0025

Definitions

For the purposes of these rules, the following terms shall have the following meaning, unless the context clearly indicates otherwise:

ADMINISTRATIVE RULES

(1) "Applicant" means any person, firm or public or private corporation or federal or state governmental subdivision or agency which submits an application for Oregon Economic Development Revenue Bonds.

(2) "Bonds" means Oregon Economic Development Revenue Bonds issued by the State of Oregon under ORS 285B.320 to 285B.371.

(3) "Commission" means the State of Oregon Economic and Community Development Commission appointed under ORS 285A.040.

(4) "Finance Committee" means the Finance Committee for the Economic and Community Development Commission as allowed in ORS 285A.060.

(5) "Department" means the State of Oregon Economic and Community Development Department.

(6) "Eligible Project" means an economic development project as defined in ORS 285B.323 determined by the Finance Committee to be eligible under OAR 123-011-0035 for Oregon Economic Development Revenue Bonds.

(7) "Financial Institution" means any commercial bank, mutual savings bank, savings and loan association, insurance company, investment bank or NASD securities underwriter licensed or authorized to do business in the State of Oregon.

(8) "In-state Plant Relocation" means the relocation of an applicant's plant from one labor market area, as defined by the Oregon Employment Department, in Oregon to a different labor market area in Oregon.

(9) "Oregon Express Bond Program" means a program developed by the department that involves a method of sale for a single client purchase that includes, but is not limited to, direct placement of bonds with a bank. Such a purchase does not require the use of placement agents, underwriters, marketing agents or letters of credit. To utilize this program, use of a standardized departmental bond process is required.

(10) "State" means the State of Oregon.

(11) "Treasurer" means the Treasurer of the State of Oregon or the Treasurer's designee.

Stat. Auth.: ORS 285A.075(5) & 285A.110

Stats. Implemented: ORS 285B.320 - 285B.371

Hist.: EDD 8-1984(Temp), f. 12-31-84, ef. 1-1-85; EDD 3-1985, f. & ef. 6-28-85; EDD 4-1988, f. & cert. ef. 2-10-88; EDD 6-1988(Temp), f. & cert. ef. 2-29-88; EDD 9-1988 (Temp), f. & cert. ef. 3-18-88; EDD 15-1988, f. & cert. ef. 5-24-88; EDD 36-1988, f. & cert. ef. 12-15-88; EDD 14-1994(Temp), f. & cert. ef. 11-10-94; EDD 4-1995, f. 4-28-95, cert. ef. 5-3-95; EDD 2-1999(Temp), f. & cert. ef. 3-18-99 thru 9-14-99; EDD 10-1999, f. & cert. ef. 10-11-99; EDD 4-2005, f. & cert. ef. 5-5-05; EDD 20-2008, f. 7-31-08, cert. ef. 8-1-08

123-011-0027

Delegation

(1) Authority for the day-to-day operation of the Economic Development Revenue Bond Program, including determination of eligibility, authorization of the issuance of bonds, adoption of inducement and bond resolutions and amendments thereto, is delegated to the Finance Committee.

(2) The Finance Committee may adopt standards and procedures for the operation of the bond program. Such standards and procedures shall not be inconsistent with any part of this division.

(3) The department may send to each member of the commission a summary of each project to be considered by the Finance Committee. Commissioners shall receive such summaries in sufficient time to comment on the projects and to attend each Finance Committee meeting, as each individual commissioner may in his or her sole discretion determine.

(4) The commission shall review and evaluate the operation of the bond program as it may from time to time determine and may order any changes that it considers necessary or desirable.

(5) The commission shall retain final authority over policies and administrative procedures governing the operation of the bond program.

(6) If at any time the commission shall decide to take any action or make any decision, it may do so at any regular or special meeting or through any telephone conference call as the commission in its sole discretion may determine.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.320 - 285B.371

Hist.: EDD 9-1988(Temp), f. & cert. ef. 3-18-88; EDD 36-1988, f. & cert. ef. 12-15-88; EDD 2-1999(Temp), f. & cert. ef. 3-18-99 thru 9-14-99; EDD 10-1999, f. & cert. ef. 10-11-99; EDD 4-2005, f. & cert. ef. 5-5-05; EDD 20-2008, f. 7-31-08, cert. ef. 8-1-08

123-011-0030

Application

(1) An Applicant desiring issuance of Economic Development Revenue Bonds must submit a complete application to the department in a form approved by the department.

(2) The application shall be received by the department at least 21 days prior to the Finance Committee meeting at which the application will

be considered. The department may waive this requirement at its sole discretion.

(3) A non-refundable application fee is to be submitted with the application: The application fee is a non-refundable application fee of \$500 and shall be paid by an applicant seeking economic development revenue bond financing.

(4) Application materials may be obtained from the Oregon Economic and Community Development Department, 775 Summer Street N.E., Suite 200 Salem, OR 97301-1280.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.320 - 285B.371

Hist.: EDD 8-1984(Temp), f. 12-31-84, ef. 1-1-85; EDD 3-1985, f. & ef. 6-28-85; EDD 4-1988, f. & cert. ef. 2-10-88; EDD 6-1988(Temp), f. & cert. ef. 2-29-88; EDD 9-1988 (Temp), f. & cert. ef. 3-18-88; EDD 15-1988, f. & cert. ef. 5-24-88; EDD 36-1988, f. & cert. ef. 12-15-88; EDD 13-1990, f. & cert. ef. 6-7-90; EDD 2-1999(Temp), f. & cert. ef. 3-18-99 thru 9-14-99; EDD 10-1999, f. & cert. ef. 10-11-99; EDD 4-2005, f. & cert. ef. 5-5-05; EDD 9-2007(Temp), f. & cert. ef. 9-4-07 thru 2-29-08; EDD 9-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 20-2008, f. 7-31-08, cert. ef. 8-1-08

123-011-0035

Determination of Eligibility

(1) The department shall review the application.

(2) The department shall make a recommendation to the Finance Committee to either approve or deny the application for eligibility for Economic Development Revenue Bonds. The review of the application will be based upon the standards set forth in this rule:

(a) The following economic activities are eligible for Economic Development Revenue Bonds, unless otherwise prohibited under subsection (b) of this section:

(A) Manufacturing or other industrial production;

(B) Agricultural development or food processing;

(C) Aquaculture development or seafood processing;

(D) Development or improved utilization of natural resources;

(E) Research and development;

(F) Destination resorts;

(G) Convention and trade centers;

(H) Construction of buildings for corporate headquarters;

(I) Product distribution facilities;

(J) Transportation or freight facilities;

(K) Scientific testing including, but not limited to, medical, clinical or engineering testing services;

(L) Sports facilities not otherwise prohibited under paragraph

(2)(b)(D) of this rule;

(M) Nonprofit entities organized under Section 501(c)(3) of the U.S. Internal Revenue Code ;

(N) Utilities, except electricity, to serve a designated, specified industrial site. General utility systems or systems which provide service primarily to residential or non-industrial commercial customers are not eligible;

(O) Other activities which represent a new technology or type of economic enterprise that the Finance Committee determines is needed to diversify the economic base of an area.

(b) Activities or projects that will not be considered for the issuance of Oregon Economic Development Revenue Bonds include:

(A) Retail businesses and shopping centers;

(B) Food service not part of a convention center or destination resort;

(C) Professional corporations for medicine, law, dentistry, or finance;

(D) Athletic, racquetball, handball clubs, amusement parks, or similar endeavors;

(E) Commercial office buildings except for corporate headquarters;

(F) Activities that maintain private memberships; are not open to the general public; or do not serve a broad cross section of the general public;

(G) Co-generation of electric power;

(c) The following serve as an elaboration and clarification of activities which are eligible for Economic Development Revenue Bonds:

(A) "Destination Resort" may include incidental food service. This classification is not intended to include sleeping accommodations which otherwise would not assist the development of the tourist industry. Sleeping accommodations that do not include major convention meeting facilities or other major non-residential facilities are not eligible. Preferential treatment by the developer to any land purchaser is not allowed;

(B) "Convention Centers" may include sleeping accommodations, but approximately 1/3 of the total bond issue must be used for convention meeting facilities. Such facilities must have the capacity to seat a minimum of 300 people. However, the Finance Committee may approve financing for projects, as convention centers, consisting solely or primarily of sleeping accommodations, if the applicant sufficiently demonstrates existing sleeping accommodations are inadequate for existing meeting facility space;

ADMINISTRATIVE RULES

(C) "Corporate Headquarters" may qualify if the applicant demonstrates it has at least one other facility subordinate to the facility for which eligibility is being requested. A minimum of 75 percent of the floor space must be allocated to the corporate headquarter function. Corporate headquarters do not include professional corporations for medicine, law, dentistry, or finance or office space to be leased to others;

(D) "Transportation" is not intended to include rolling stock or other highly moveable equipment operated by a carrier for hire;

(E) In deciding whether or not to approve economic development revenue bonding for a utility project, the Finance Committee may consider all relevant factors including but not limited to the utility company's published tariff schedules and construction and extension procedures as filed with the Oregon Public Utility Commission;

(F) "Pollution Control" equipment may qualify as part of projects that otherwise qualify under this rule. Where pollution control equipment costs are incidental to the total capital investment of the project, the Finance Committee may qualify such equipment, provided the Oregon Department of Environmental Quality concurs;

(G) "In-State Plant Relocations" not accompanied by an expansion of the applicant's business or employment, may be considered when the applicant is able to demonstrate that:

(i) The relocation is caused by reasons beyond its control; or

(ii) The relocation will not cause a resulting loss of employment at the former site of the business; or

(iii) The relocation is necessary for the continued operation of the business.

(H) "Nonprofit entities" do not include religious, fraternal, or educational organizations;

(I) "Developer Project" may qualify. The Finance Committee shall have right of approval for each tenant occupying 25 percent or more of the leasable space. No more than 25 percent of the leasable space shall be leased to tenants relocating from another Oregon location, unless such relocation is accompanied by an expansion of the tenants' labor force. These conditions shall be incorporated into bond documents, shall survive closing and shall be enforceable for the term of the bond.

(d) Public Purpose. The applicant must demonstrate that a public purpose is served by the proposed economic development project through economic diversification, creation of new jobs including construction activity, construction occurring before it otherwise could or would, economic activity occurring during economic slumps, tax dollars remaining in the state, or increased productivity. The applicant is encouraged to demonstrate as many public purposes for the proposed project as can be prudently shown;

(e) Prior to determining that an economic development project is an Eligible Project, the Finance Committee shall:

(A) Determine that the action is cost effective, considering both major public expenses and major public benefits;

(B) Find that the project involved is consistent with the department's comprehensive policy and programs;

(C) Find that the project will produce goods or services which are sold in markets for which national or international competition exists, or if the project is to be constructed and operated by a not-for-profit organization, that the project will not compete with local for-profit businesses;

(D) Determine that the action is the best use of the moneys involved, considering other pending applications for those moneys; and

(E) Provide for public notice of, and public comment on, the action. The public hearing is not a contested case hearing. Members of the public are invited to present written or oral testimony. Only Finance Committee members and department staff will ask questions.

(F) Notify a senior official (such as mayor or city manager) of the city or county (if in unincorporated county property) in which the project will be located about the project and the potential use of economic development revenue bonds.

(f) The Finance Committee may deny an application if the applicant does not demonstrate, to the satisfaction of the Finance Committee, that the project is financially feasible;

(g) The Finance Committee may deny an application if the applicant (or any of the principals in the applicant) is subject to any existing, pending or threatened litigation or unasserted claim, unless such litigation or claim is fully disclosed to the Finance Committee and the arrangements for the settlement thereof are acceptable to the Finance Committee. In any case where such litigation or claim is unknown to the Finance Committee at the time project eligibility is granted or if such litigation or claim arises subsequent to a grant of project eligibility, the Finance Committee may rescind the project eligibility;

(h) The Finance Committee may make any reasonable requirement of the applicant related to the administration of the Oregon Economic Development Revenue Bond Program, including requirements that would survive closing and be enforceable for the term of the bond.

(3) The Finance Committee shall issue a Resolution for Project Eligibility for each economic development project determined to be an eligible project. The term of eligibility shall last 12 months unless extended by the department or the Finance Committee.

(4) Administrative rules in effect at the time the Finance Committee determines a project to be eligible shall continue to govern the project until the bonds have been redeemed, notwithstanding any contrary provision in any subsequently adopted administrative rule.

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

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.320 - 285B.371

Hist.: EDD 8-1984(Temp), f. 12-31-84, ef. 1-1-85; EDD 1-1985(Temp), f. & ef. 2-26-85; EDD 3-1985, f. & ef. 6-28-85; EDD 5-1985(Temp), f. & ef. 10-4-85; EDD 6-1985(Temp), f. & ef. 10-22-85; EDD 1-1986, f. 1-28-86, ef. 2-1-86; EDD 4-1988, f. & cert. ef. 2-10-88; EDD 6-1988(Temp), f. & cert. ef. 2-29-88; EDD 9-1988(Temp), f. & cert. ef. 3-18-88; EDD 15-1988, f. & cert. ef. 5-24-88; EDD 36-1988, f. & cert. ef. 12-15-88; EDD 13-1990, f. & cert. ef. 6-7-90; EDD 14-1994(Temp), f. & cert. ef. 11-10-94; EDD 4-1995, f. 4-28-95, cert. ef. 5-3-95; EDD 2-1999(Temp), f. & cert. ef. 3-18-99 thru 9-14-99; EDD 10-1999, f. & cert. ef. 10-11-99; EDD 4-2005, f. & cert. ef. 5-5-05; EDD 9-2007(Temp), f. & cert. ef. 9-4-07 thru 2-29-08; EDD 9-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 20-2008, f. 7-31-08, cert. ef. 8-1-08

123-011-0037

Approval of Bond Closing Resolution

Prior to the approval of bond financing for an eligible project, as evidenced by the commission's approval of a bond closing resolution, the commission shall:

(1) Determine that the project satisfies the applicable requirements of OAR chapter 123, division 8 (compliance with local land use planning requirements), as evidenced by documentation to be provided by the city or county (if in unincorporated county property) in which the project is located.

(2) Determine that the project involved is consistent with applicable adopted local economic development plans, as evidenced by documentation from the city or county.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.320 - 285B.371

Hist.: EDD 9-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 20-2008, f. 7-31-08, cert. ef. 8-1-08

123-011-0040

Extension

(1) The department may extend the eligibility granted by the Finance Committee for up to six months if the department determines that the project still constitutes an eligible activity and that there is a reasonable prospect of the bonds being issued within the six-month extension period. The applicant must provide updated financial information, and a project status report to the department, in a form approved by the department, at least 14 calendar days before eligibility expires.

(2) The Finance Committee may extend eligibility if the department denies extended eligibility or if the initial extension granted by the department under section (1) of this rule has expired. The Finance Committee must determine that the project still constitutes an eligible activity, and that there is a reasonable prospect of the bonds being issued within the extension period. The applicant must provide updated financial information and a project status report, as well as a request for extension, in a form approved by the department, at least one month prior to the expiration date of the original or extended eligibility period. The Finance Committee may waive this time period under extraordinary circumstances.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.320 - 285B.371

Hist.: EDD 8-1984(Temp), f. 12-31-84, ef. 1-1-85; EDD 3-1985, f. & ef. 6-28-85; EDD 1-1986, f. 1-28-86, ef. 2-1-86; EDD 4-1988, f. & cert. ef. 2-10-88; EDD 6-1988(Temp), f. & cert. ef. 2-29-88; EDD 9-1988(Temp), f. & cert. ef. 3-18-88; EDD 15-1988, f. & cert. ef. 5-24-88; EDD 36-1988, f. & cert. ef. 12-15-88; EDD 10-1999, f. & cert. ef. 10-11-99; EDD 4-2005, f. & cert. ef. 5-5-05; EDD 9-2007(Temp), f. & cert. ef. 9-4-07 thru 2-29-08; EDD 9-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 20-2008, f. 7-31-08, cert. ef. 8-1-08

123-011-0045

Fees

In addition to the application fee specified in OAR 123-011-0030(5):

(1) The applicant shall pay to the department at the time of initial bond closing a closing fee of 1/2 of one percent of the total bond issue for the project. This initial fee shall not exceed \$50,000 for any single bond issue or single project eligibility.

ADMINISTRATIVE RULES

29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08

(2) For the Oregon Express Bond Program, the applicant shall pay to the department at the time of the initial bond closing a fee of 1/4th of one percent of the total bond issuance for the project.

(3) An applicant for a current refunding of an outstanding bond shall pay to the department a processing fee of \$250 that shall accompany the request for the refunding.

(4) The applicant shall pay to the department a closing fee of 1/10 of one percent of the amount of the refunding bond or for any additional bonds issued under a single project eligibility. This closing fee may be waived for any refunding bond issued within 18 months of the closing date of the bond issue to be refunded.

(5) The department may charge any out-of-pocket expenses, including but not limited to legal expenses, incurred by the department for processing any bond request.

(6) The commission may collect the above fees and expense reimbursements from an applicant that seeks to have an economic development project declared eligible for financing, even though the project has not been determined to be eligible for financing.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.326

Hist.: EDD 8-1984(Temp), f. 12-31-84, ef. 1-1-85; EDD 3-1985, f. & ef. 6-28-85; EDD 4-1988, f. & cert. ef. 2-10-88; EDD 6-1988(Temp), f. & cert. ef. 2-29-88; EDD 9-1988 (Temp), f. & cert. ef. 3-18-88; EDD 15-1988, f. & cert. ef. 5-24-88; EDD 36-1988, f. & cert. ef. 12-15-88; EDD 15-1994, f. & cert. ef. 11-10-94; EDD 10-1996(Temp), f. & cert. ef. 12-4-96; EDD 2-1999(Temp), f. & cert. ef. 3-18-99 thru 9-14-99; EDD 10-1999, f. & cert. ef. 10-11-99; EDD 14-2000(Temp), f. & cert. ef. 12-14-00 thru 6-12-01; Administrative correction 6-14-01; EDD 10-2001(Temp), f. & cert. ef. 12-13-01 thru 6-1-02; Administrative correction 11-29-02; EDD 4-2005, f. & cert. ef. 5-5-05; EDD 9-2007(Temp), f. & cert. ef. 9-4-07 thru 2-29-08; EDD 9-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 20-2008, f. 7-31-08, cert. ef. 8-1-08

Rule Caption: Conform the Oregon Business Development Fund Rules to current statute.

Adm. Order No.: EDD 21-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 123-017-0008, 123-017-0010, 123-017-0015, 123-017-0020, 123-017-0025, 123-017-0030, 123-017-0035, 123-017-0055

Subject: The proposed administrative rule change addresses the statutory changes implemented in SB 350 (2007 Legislature). This division of rules was evaluated and changes were made to clarify rules, and some deletion and clarification of several definitions.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-017-0008

Delegation

(1) Authority for the day-to-day operation of the fund, including approval of loans and projects, and amendments thereto, is delegated to the Finance Committee.

(2) The Finance Committee shall adopt standards and procedures for the operation of the fund. Such standards and procedures shall not be inconsistent with any part of this rule.

(3) The department may send to each member of the commission a summary of each project to be considered by the Finance Committee. Commissioners shall receive such summaries in sufficient time to comment on the projects orally or in writing, and to attend each Finance Committee meeting, as each individual Commissioner may in his or her sole discretion determine.

(4) The commission shall review and evaluate the operation of the fund with such frequency as it may from time to time determine, and may order any changes that it considers necessary or desirable.

(5) The commission shall retain final authority over policies and administrative procedures governing the operation of the fund.

(6) The Director or designee is authorized to execute any document reasonably necessary or convenient to close any loan approved by the Finance Committee or, in the case of loans of \$100,000 or less, by the director.

(7) When applicable, the references to the Finance Committee shall include the Director, acting in regard to loans for business development projects of \$100,000 or less pursuant to ORS 285B.080(3).

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.050 - 285B.098

Hist.: EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 9-1989(Temp), f. & cert. ef. 11-3-89; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 6-2007(Temp), f. & cert. ef. 8-

123-017-0010

Definitions

For the purpose of these rules, the following terms shall have the following definitions, unless the context clearly indicates otherwise:

(1) "Applicant" means any county, municipality, person or any combination of counties, municipalities or persons applying for a loan from the Oregon Business Development Fund under ORS 285B.050 to 285B.098.

(2) "Collateral" means property subject to a security interest, as defined in ORS 79.0102.

(3)(a) "Commission" means the Economic and Community Development Commission appointed under ORS 285A.040;

(b) "Finance Committee" means the Finance Committee for the Oregon Economic and Community Development Commission as authorized in ORS 285A.080.

(4) "Business Development Project" means the acquisition, engineering, improvement, rehabilitation, construction, operation or maintenance of any property, real or personal, that is used or is suitable for use by an economic enterprise and that will result in or will aid, promote or facilitate, development of one or more of the following activities:

(a) Manufacturing or other industrial production;

(b) Agricultural development or food processing;

(c) Aquacultural development or seafood processing;

(d) Development or improved utilization of natural resources;

(e) Convention facilities and trade centers;

(f) Tourist facilities other than retail or food service businesses;

(g) Transportation or freight facilities; and

(h) Other activities that represent new technology or type of economic enterprise that the Finance Committee determines is needed to diversify the economic base of an area but not including:

(A) Construction of office buildings, including corporate headquarters; and

(B) Retail businesses, shopping centers or food service facilities;

(C) An office area or facility providing an internal support function to, and serving as an integral part of, a business development project shall not be considered an office building under paragraph (h)(A) of this section.

(5) "Department" means the Economic and Community Development Department established under ORS 285A.070.

(6) "Director" means the Director of the Economic and Community Development Department appointed under ORS 285A.070 or designee.

(7) "Financial Institution" means any financial institution defined under ORS 706.008.

(8) "Fund" or "OBDF" means the Oregon Business Development Fund as defined and set forth in ORS 285B.050 — 285B.098.

(9) "Local Development Group" means any public or private corporation that has as one of its primary purposes, as stated in its articles of incorporation, charter or bylaws, the promotion of economic development in any part of the State of Oregon.

(10) "Municipality" means any city, municipal corporation or quasi-municipal corporation.

(11) "Person" means any individual, association of individuals, joint venture, partnership, limited liability company or corporation.

(12) "Emerging Small Business" means any business as defined in ORS 200.005.

(13) "Distressed Area" means any area designated as a distressed area by the department under ORS 285A.010.

(14) "Convention center" means a facility for the holding of meetings, conferences, conventions, trade shows or similar gatherings. Sleeping accommodations may be included but at least one-third of the OBDF proceeds must be used for public meeting facilities. Such facilities must have the capacity to seat a minimum of 300 people. However, the Finance Committee, in its sole discretion, may approve financing for projects consisting solely or primarily of sleeping accommodations if the applicant sufficiently demonstrates that existing sleeping accommodations are inadequate for existing facility meeting space.

(15) "Destination attraction" means a project which has a significant impact on the regional tourism economy and has the capacity to be marketed to national or international markets. Incidental food service facilities may be included. Sleeping accommodations without unique attraction capabilities are not eligible.

(16) "County" means any county or federally recognized Oregon Indian tribe.

Stat. Auth.: ORS 285A.110

Stats. Implemented: ORS 285B.050 & 285B.092

ADMINISTRATIVE RULES

Hist.: EDD 2-1983(Temp), f. & ef. 5-25-83; EDD 1-1984, f. & ef. 1-5-84; EDD 10-1988, f. & cert. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 9-1989(Temp), f. & cert. ef. 11-3-89; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 8-1996(Temp), f. & cert. ef. 8-13-96; EDD 4-1997, f. & cert. ef. 3-25-97; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08

123-017-0015

Eligibility

(1) Eligible projects are business development projects as defined in OAR 123-017-0010(4). If the department is unable to obtain a sufficient number of approvable applications to meet the requirements of ORS 285B.059(5), it may, notwithstanding the limitations imposed by ORS 285B.050(2)(g)(B), make loans to service and retail businesses operated by emerging small businesses which are located in or draw their workforces from within distressed areas as determined by the department, when such projects provide compelling economic development benefits. The amount of loans the department may make to service and retail businesses under (1) of this section shall be limited to the amount calculated under the method described in ORS 285B.059(5).

(2) Eligible purposes are the financing of land, buildings, fixture, equipment and machinery, research and development, and the provision of working capital.

(3) Eligible applicants are defined in OAR 123-017-0010(1).

(4) The relocation of a facility from one labor market area to another, if not accompanied by an expansion of the applicant's business or employment, is an eligible activity if:

(a) The relocation is caused by forces beyond the control of the applicant; or

(b) The relocation is necessary for the continued operation of the business; or

(c) There is no resulting loss of employment at the former site of the business.

(5) Relending of funds shall not be an eligible activity, except that the funds may be used for the local injection share of an SBA 503 or 504 Certified Development Company transaction.

(6) In cases where an otherwise eligible company or project has an insignificant (less than 25 percent) ineligible portion, the entire project may be determined eligible for a loan from the fund.

(7) Other than as specified in section (6) of this rule, Fund financing will be limited to 40 percent of the amount of the eligible costs, except that fund financing may equal up to 50 percent of eligible costs when the application is submitted through a Financial Institution.

(8) Tourist facilities shall not be eligible unless:

(a) The project can be qualified as a convention center; or

(b) The project can be qualified as a destination attraction.

(9) Refinancing of existing debt, including existing trade payables and delinquent taxes, shall not be eligible unless the applicant demonstrates to the satisfaction of the Finance Committee that:

(a) The applicant contributes significantly to a target population or to a geographical area targeted by the Oregon Business Development Fund;

(b) The applicant requires refinancing to remain viable. Assessment of viability will be made at the sole discretion of the Finance Committee;

(c) Lenders agree to extend due dates, provide additional financing or provide other favorable terms to the applicant; and

(d) The applicant meets all other requirements set forth in statute and administrative rule, including demonstrating to the satisfaction of the Finance Committee that the project is feasible and a reasonable risk, has a reasonable prospect of repayment and can provide good and sufficient collateral.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.059, 285B.080(3) & 285B.092

Hist.: EDD 2-1983(Temp), f. & ef. 5-25-83; EDD 1-1984, f. & ef. 1-5-84; EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 9-1989(Temp), f. & cert. ef. 11-3-89; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 25-1990 (Temp), f. & cert. ef. 9-13-90; EDD 29-1990, f. & cert. ef. 12-12-90; EDD 6-1991(Temp), f. & cert. ef. 6-18-91; EDD 8-1996(Temp), f. & cert. ef. 8-13-96; EDD 4-1997, f. & cert. ef. 3-25-97; EDD 9-1997(Temp), f. & cert. ef. 10-7-97; EDD 8-1998, f. & cert. ef. 5-22-98; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08

123-017-0020

Preference

(1) Except in the case of a loan made from the Oregon Targeted Development Account, the Finance Committee shall give preference to loan applications for projects that demonstrate an overall community benefit and that have one or more of the following characteristics:

(a) Have a ratio of at least one projected job created or saved per \$30,000 sought to be borrowed from the Oregon Business Development Fund.

(b) Are operated by businesses with fewer than 100 employees;

(c) Are located in rural or distressed areas of the state;

(d) Are located in Enterprise Zones designated under ORS 285C.050-285C.250;

(e) Employ displaced workers in the area;

(f) Assist in the economic diversification of the area;

(g) Contain a significant amount of owner equity capital. At least ten percent of the project costs for established companies (three years old or more) and 30 percent of project costs for start-ups (firms less than three years old, or firms making the transition from research and development to production) should come from equity or subordinated loans from the owners;

(h) Maximize participation by financial institutions and local development groups;

(i) Produce goods or services for the export market;

(j) Encourage the flow of capital from outside the local area; and

(k) Do not cause severe adverse competitive disadvantages to existing businesses.

(2) The Finance Committee shall be the sole judge of the relative importance of each of the above factors for each individual loan application under consideration. Factors will not necessarily be assigned the same weights under all circumstances.

(3) In the case of a loan made from the Oregon Targeted Development Account, the Finance Committee will strive to fund projects that will create or save at least one job for every \$20,000 of Oregon Business Development Fund investment.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.059 & 285B.092

Hist.: EDD 2-1998(Temp), f. & cert. ef. 5-25-83; EDD 1-1984, f. & cert. ef. 1-5-84; EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 6-1991(Temp), f. & cert. ef. 6-18-91; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 5-2005, f. & cert. ef. 5-11-05; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08

123-017-0025

Application Procedure

(1) It is the policy of the Finance Committee to strive for and encourage, throughout the application process:

(a) Maximum participation by financial institutions and local development groups; and

(b) A minimum administrative burden on the applicant and on the local government.

(2) Any applicant may submit an application to the department on a form approved by the department, together with a \$100 application fee.

(3) If the amount of the loan being sought from the Fund is \$100,000 or less, the director may in the director's sole discretion approve or deny the loan request or forward it to the Finance Committee for the Committee's consideration.

(4) If the amount of the loan being sought from the fund exceeds \$100,000 the department shall make a recommendation to the Finance Committee, which may in its sole discretion approve or deny the loan request.

(5) If a loan request is approved, the department shall prepare the documents necessary to close the loan transaction. Such documents shall reflect all terms and conditions upon which the Finance Committee or the director may have conditioned approval of the loan. Any material modifications of those terms and conditions must be approved by the Chair of the Finance Committee or his/her designee, or the director for loans of \$100,000 or less.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.053 & 285B.092

Hist.: EDD 2-1983(Temp), f. & ef. 5-25-83; EDD 1-1984, f. & ef. 1-5-84; EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-87; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 5-2005, f. & cert. ef. 5-11-05; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08

123-017-0030

Loan Conditions

(1) The director (for loan requests of \$100,000 or less) or the Finance Committee may approve a loan request if it finds that:

(a) Fund participation in any financing shall not exceed 40 percent of the total amount of the eligible project costs, except that Fund financing may be up to 50 percent when an application is submitted through a Financial institution.

ADMINISTRATIVE RULES

(b) The proposed business development project is feasible and a reasonable risk from practical and economic standpoints, and the loan has reasonable prospect of repayment.

(c) The applicant can provide good and sufficient collateral for the loan, as determined by the Commission. The commission's security interest may be subordinated to the security interest of other lenders participating in the project. The security interest of loans from the Oregon Targeted Development Account will not be subordinated to the security interest of other lenders, unless the Finance Committee or the director finds there is an abundance of collateral and/or company or guarantor financial strength. The Economic and Community Development Commission may make loans in distressed areas, as defined by the department, without regard to the requirements for security and collateral under ORS 285B.059 and 285B.062 that are otherwise applicable. Collateral value of out-of-state real property will be significantly discounted from nominal assessed or appraised value.

(d) Monies in the Oregon Business Development Fund are or will be available for the proposed business development project.

(e) There is a need for the proposed business development project.

(f) The applicant's financial resources are adequate to ensure success of the project.

(g) The applicant has not received or entered into a contract or contracts exceeding \$700,000 with the commission, under authority of ORS 285B.050 – 285B.098, for the previous 365 days.

(2) The Finance Committee may, in its sole discretion, permit the assumption of an outstanding Oregon Business Development Fund Loan, if the assuming obligor satisfies the Finance Committee or the director as to its willingness and ability to perform all obligations of the original borrower related to the loan, including but not limited to the obligation to repay the loan in accordance with its terms, and if the State's collateral position is not diminished. Oregon Business Development Fund loans are not, however, necessarily or automatically assumable.

(3) The applicant agrees to abide by all laws and regulations applicable to the applicant's project.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.059 & 285B.092

Hist.: EDD 2-1983(Temp), f. & cf. 5-25-83; EDD 1-1984, f. & cf. 1-5-84; EDD 10-1988, f. & cf. 3-18-88; EDD 37-1988, f. & cf. 12-15-88; EDD 9-1989(Temp), f. & cf. 11-3-89; EDD 5-1990, f. & cf. 3-5-90; EDD 8-1996(Temp), f. & cf. 8-13-96; EDD 4-1997, f. & cf. 3-25-97; EDD 9-1997(Temp), f. & cf. 10-7-97; EDD 8-1998, f. & cf. 5-22-98; EDD 11-1999, f. & cf. 10-11-99; EDD 6-2001, f. & cf. 10-9-01; EDD 5-2005, f. & cf. 5-11-05; EDD 6-2007(Temp), f. & cf. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cf. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08

123-017-0035

Loan Agreement

If the Finance Committee approves the business development project, the Finance Committee or the director, on behalf of the state, and the borrower may enter into a loan contract of not more than \$700,000, secured by good and sufficient collateral (except as noted in OAR 123-017-0030(1)(c)), as determined by the Finance Committee, that shall set forth, among other matters:

(1) A plan for repayment by the borrower to the Oregon Business Development Fund moneys borrowed from the Fund used for the business development project with interest charged on those moneys at the fixed rate of one percentage point more than the prevailing interest rate on United States Treasury bills, notes or bonds of a comparable maturity. Loans made from the Oregon Targeted Development Account shall be made at a fixed rate of four percentage points less than the prevailing prime rate. The rate shall not be less than four percent. For the purposes of this section, the prevailing interest rate shall be the weekly average interest rate as set forth in the most recent Federal Reserve Statistical Release H.15(519) that the department has received at the time the loan is approved. The repayment plan, among other matters:

(a) Shall provide for commencement of repayment by the applicant of moneys used for the business development project and interest thereon no later than one year after the date of the loan contract or at such other time as the Finance Committee may provide;

(b) May provide for reasonable extension of the time for making any repayment in emergency or hardship circumstances if approved by the Finance Committee or the director;

(c) Shall provide for such evidence of debt assurance of, and security for, repayment of the loan as is considered necessary by the Finance Committee;

(d) Shall set forth a schedule of payments and the period of loan which shall not exceed the usable life of the contracted project or 25 years from the date of the contract, whichever is less. The term of the Fund loan

will normally be matched to, and not exceed twice that of the commercial or private lender participating in the project. Loans from the Oregon Targeted Development Account shall be for a maximum term of 5 years, with a maximum amortization of 15 years. The term of the loan from the Oregon Targeted Development Account may be extended by the Finance Committee, with any additional terms and conditions, including interest rate, that it may determine. The payment schedule shall include repayment of interest that accrues during any period of delay in repayment authorized by subsection (a) of this section, and the payment schedule may require payments of varying amounts for collection of accrued interest;

(e) Shall set forth a procedure for formal declaration of delinquency or default of payment by the department. Loans shall be declared delinquent when any payment is more than ten days late. Borrower shall be notified in writing of declaration of delinquency, and shall have 31 days from the original payment date to bring the loan current. If the loan is not brought current, or arrangements satisfactory to the department for bringing the loan current have not been made, the department may declare the loan in default, declare the entire outstanding indebtedness to be forthwith due and payable and assign the loan to the Attorney General for collection;

(f) May allow for other forms of payment on loans than scheduled principal and interest payments, as determined by the Finance Committee, or director in the case of loans of \$100,000 or less.

(2) Provisions satisfactory to the department for field engineering and inspection, the department to be the final judge of completion of the contract.

(3) That the liability of the state under the contract is contingent upon the availability of moneys in the Oregon Business Development Fund for use in the business development project.

(4) Such further provisions as the Finance Committee considers necessary to ensure expenditure of the funds for the purposes set forth in the approved application.

(6) That the borrower is responsible for payment of:

(a) All of the expenses of the operation and maintenance of the project, including adequate insurance;

(b) All taxes and special assessments levied with respect to the leased premises and payable during the term of the lease;

(c) Insurance premiums and providing insurance in amount and coverage acceptable to the Finance Committee. Such insurance shall include but shall not be limited to: fire and hazard insurance, liability insurance, worker's compensation, unemployment insurance and flood insurance (if applicable); and

(d) Out-of-pocket costs associated with the loan closing which may include but are not limited to filing and recording fees, title insurance and appraisals, and attorney fees.

(7) That the borrower will provide to the department on an annual basis, within 90 days of the end of its fiscal year, the same type of financial statements as required by the participating bank. The Finance Committee or the department may require additional financial information.

(8) The Finance Committee, or director for loans under \$100,000, may require an assignment of life insurance on active principals in borrower.

(9) In the case of loans of more than \$100,000 that are funded by proceeds from the Oregon Lottery, that the borrower shall make a good faith effort to hire and retain low-income individuals who have received job training assistance from publicly funded job training providers and enter into a first-source hiring agreement with a publicly funded job training provider.

(10) If the loan will result in the construction, expansion, rehabilitation or remodeling of a facility to which the public has access, adequate access for handicapped persons must be provided. This provision applies only to firms that deal directly with the general public in the normal and usual course of their business, and to facilities in which business is customarily transacted by and with members of the general public.

(11) If a project involves building construction, expansion, rehabilitation or modification, a loan from the fund shall be permanent and not interim financing.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.062 & 285B.092

Hist.: EDD 2-1983(Temp), f. & cf. 5-25-83; EDD 1-1984, f. & cf. 1-5-84; EDD 10-1988, f. & cf. 3-18-88; EDD 37-1988, f. & cf. 12-15-88; EDD 9-1989(Temp), f. & cf. 11-3-89; EDD 5-1990, f. & cf. 3-5-90; EDD 25-1990 (Temp), f. & cf. 9-13-90; EDD 29-1990, f. & cf. 12-12-90; EDD 8-1996(Temp), f. & cf. 8-13-96; EDD 4-1997, f. & cf. 3-25-97; EDD 9-1997(Temp), f. & cf. 10-7-97; EDD 8-1998, f. & cf. 5-22-98; EDD 11-1999, f. & cf. 10-11-99; EDD 6-2001, f. & cf. 10-9-01; EDD 5-2005, f. & cf. 5-11-05; EDD 6-2007(Temp), f. & cf. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cf. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08

ADMINISTRATIVE RULES

123-017-0055

Fees and Charges

(1) The department shall charge and collect a fee of \$100 at the time the application is filed.

(2) In addition, the applicant, immediately upon receiving the loan proceeds, shall pay to the department one and one-half percent of the principal amount of the loan.

(3) Monies referred to in (1) and (2) of this section shall be paid into the Fund.

(4) The department may, in its sole discretion, use some or all of the money collected under section (2) of this rule, plus a maximum of an additional one and one-half percent as payment to a local development group, county or municipality for packaging the loan, processing applications, investigating proposed business development projects and servicing outstanding loans. The additional amount of up to one and one-half percent may be paid for projects which are located in an enterprise zone or in a distressed area or for which the OBDF loan being sought is not more than \$100,000. In no case shall the department make any payment of more than \$10,000 for any one project. In no case shall the department make any payment to any third party until the loan has been closed and the department has collected the fee specified in section (2) of this rule.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.056, 285B.068 & 285B.092

Hist.: EDD 2-1983(Temp), f. & cert. 5-25-83; EDD 1-1984, f. & cert. 1-5-84; EDD 10-1988, f. & cert. 3-13-88; EDD 37-1988, f. & cert. 12-15-88; EDD 5-1990, f. & cert. 3-5-90; EDD 11-1999, f. & cert. 10-11-99; EDD 6-2001, f. & cert. 10-9-01; EDD 6-2007(Temp), f. & cert. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. 8-1-08

Rule Caption: Conform the Capitol Access Program to current statute and clarify rule.

Adm. Order No.: EDD 22-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 123-018-0010, 123-018-0040, 123-018-0060, 123-018-0085, 123-018-0100, 123-018-0160

Subject: The proposed administrative rule change addresses the statutory changes implemented in SB 350 (2007 Legislature). This division of rules was evaluated and changes were made to clarify rules, and some deletion and clarification of several definitions.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-018-0010

Definitions

As used in this division of administrative rules, the following definitions apply, unless the context requires otherwise:

(1) "Agreement" means a contract between a Financial Institution and the Department authorizing the Financial Institution to participate in the Program as required under ORS 285B.132.

(2) "Borrower" means a Qualified Business that has received a Qualified Loan from a Participating Financial Institution, including but not limited to a corporation, partnership, limited liability company, joint venture, sole proprietorship or cooperative.

(3) "Brownfield" means any real property where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(4) "Department" means the State of Oregon Economic and Community Development Department under ORS Chapter 285A.

(5) "Distressed Area" means a geographic area so designated as described in division 024 of these administrative rules.

(6) "Enrolled Loan" means a Qualified Loan enrolled in the Program as described in OAR 123-018-0080, including but not limited to a term loan or line of credit.

(7) "Environmental action" on a brownfield(s) means activities undertaken to:

(a) Determine if a release has occurred, or may occur, if the release or potential release poses a significant threat to human health or the environment, or if additional remedial actions may be required at the site;

(b) Conduct a remedial investigation and a feasibility study;

(c) Plan for remedial action or removal; or

(d) Conduct a remedial action or removal action at a site.

(8) "Financial Institution" means a financial institution, as defined in ORS 706.008.

(9) "Fund" means the Capital Access Fund in the State Treasury under ORS 285B.147.

(10) "Loss" means any principal amount due and not paid, accrued interest due and not paid, and actual and necessary, documented out-of-pocket collection expenses at the time the Participating Financial Institution determines, in a manner consistent with its standard lending and loan loss criteria and normal method for making such determinations, that an Enrolled Loan is uncollectible and is to be charged off as a loss. The amount of principal and interest included in the Loss shall not exceed the principal amount of the Enrolled Loan, plus accrued and unpaid interest on covered principal amount from the date the Qualified Loan is made.

(11) "Loss Reserve Account" means an account in the State Treasury or any Financial Institution that is established and maintained by the Department for the benefit of a Financial Institution participating in the Program.

(12) "Participating Financial Institution" means a Financial Institution that has executed an Agreement with the Department to participate in the Program and has enrolled one or more qualified loans.

(13) "Primary Economic Effect" means the majority of economic benefit resulting from a business activity. A business's Primary Economic Effect is in a particular geographic location if either at least 51 percent of the business's total revenues are generated, or at least 51 percent of the business's total jobs are created or retained, in that location.

(14) "Program" means the Capital Access Program authorized by ORS 285B.126 to 285B.147.

(15) "Qualified Business" means any person, conducting business for profit or not for profit, which is authorized to conduct business in the State of Oregon.

(16) "Qualified Loan" means a loan or portion of a loan made by a Participating Financial Institution to a Qualified Business for any business activity that has its Primary Economic Effect in Oregon. The term does not include:

(a) A loan for the purchase of owner-occupied residential housing or for the construction, improvement, or purchase of residential housing that is owned or to be owned by the borrower;

(b) A loan for the purchase of real property that is not used for the business operations of the Borrower; and

(c) A loan or portion of a loan used to refinance the balance of an existing loan that is not an enrolled loan. Any increased portion of the loan used for other purposes may be eligible to be enrolled.

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

Stat. Auth.: ORS 285A.075, 285B.135(3), 285B.138(4)

Stats. Implemented: ORS 285B.126 - 285B.147

Hist.: EDD 27-1990(Temp), f. & cert. 10-16-90; EDD 3-1991, f. & cert. 4-17-91; EDD 15-1991(Temp), f. & cert. 10-31-91; EDD 11-1992, f. & cert. 8-18-92; EDD 1-1994(Temp), f. & cert. 1-11-94; EDD 9-1994, f. 5-27-94, cert. 6-1-94; EDD 10-1997(Temp), f. & cert. 10-7-97; EDD 9-1998, f. & cert. 5-22-98; EDD 8-2005, f. & cert. 10-24-05; EDD 8-2007(Temp), f. & cert. 9-4-07 thru 2-29-08; EDD 6-2008(Temp), f. & cert. 3-4-08 thru 8-1-08; EDD 22-2008, f. 7-31-08, cert. 8-1-08

123-018-0040

Agreement

All Agreements entered into between a Participating Financial Institution and the Department shall provide:

(1) For the creation of a Loss Reserve Account by the Department, owned by the Department for the benefit of the Participating Financial Institution in accordance with ORS 285B.135;

(2) That the liability of the State of Oregon and the Department to the Participating Financial Institution under the Agreement is limited to the outstanding balance in the Loss Reserve Account for that Participating Financial Institution, less the portion of the interest that is available for withdrawal by the Department for administrative costs as described in OAR 123-018-0060;

(3) That the terms and conditions of Qualified Loans are to be determined solely by the Participating Financial Institution and Borrower;

(4) The method for enrolling Qualified Loans in the Program;

(5) That the Borrowers, the Participating Financial Institution, and (subject to the availability of money in the Fund) the Department will deposit moneys into the Participating Financial Institution's Loss Reserve Account when the Participating Financial Institution makes a Qualified Loan to a Borrower;

(6) A claims process for reimbursement of Losses that have been incurred from defaults on Enrolled Loans;

(7) For payment by the Department from the Loss Reserve Account to the Participating Financial Institution to reimburse it for such Losses, up to the total amount of the then current balance available in the Loss Reserve Account, less the portion of the earned interest that belongs to the department for administrative costs.

ADMINISTRATIVE RULES

(8) For disposition of any recoveries from a Borrower made by the Participating Financial Institution subsequent to being reimbursed for any Loss by the Department;

(9) Conditions for subrogation of the Department, at the Department's request, to the rights of the Participating Financial Institution in collateral, personal guarantees or other forms of security for the Qualified Loan;

(10) Conditions for withdrawal by the Department of excess balances or of certain interest earnings (see OAR 123-018-0150) in the Loss Reserve Account;

(11) Conditions for termination by the Department of the obligation to enroll Qualified Loans under the Program;

(12) Conditions for termination of the Agreement, and disposition by the Department of any remaining balance in the Loss Reserve Account;

(13) For withdrawal by the Participating Financial Institution from the Program and disposition by the Department of any remaining balance in the Loss Reserve Account;

(14) For the Participating Financial Institution to periodically report to the Department any information the Department requires, including financial information that is identifiable with, or identifiable from, the financial records of a Borrower;

(15) For inspection by the Department of the Participating Financial Institution's pertinent files relating to Enrolled Loans;

(16) That the Department may require from the Participating Financial Institution information relating to the Participating Financial Institution's status and performance, as developed by or for applicable state or federal regulatory bodies, and relevant to the Participating Financial Institution's participation in the Program or the financial health of institution, or that the Department may obtain public information from state or federal regulatory bodies such as the Oregon State Department of Consumer and Business Services, Division of Finance and Corporate Securities; and

(17) For other terms and conditions as the Department may require.
Stat. Auth.: ORS 285A.075 & 285B.135(3)
Stats. Implemented: ORS 285B.132, 285B.135, 285B.138 & 285B.141
Hist.: EDD 27-1990(Temp), f. & cert. ef. 10-16-90; EDD 3-1991, f. & cert. ef. 4-17-91; EDD 15-1991(Temp), f. & cert. ef. 10-31-91; EDD 11-1992, f. & cert. ef. 8-18-92; EDD 8-2005, f. & cert. ef. 10-24-05; EDD 8-2007(Temp), f. & cert. ef. 9-4-07 thru 2-29-08; EDD 6-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 22-2008, f. 7-31-08, cert. ef. 8-1-08

123-018-0060

Ownership, Control, Investment of Loss Reserve Account

(1) All moneys in a Loss Reserve Account are the exclusive property of the State of Oregon, acting by and through the Department, and are controlled solely by the Department. The Department may withdraw funds from a Loss Reserve Account only as described in this division of administrative rules or as contained in provisions of the applicable Agreement.

(2) The Department may withdraw and transfer into the Capital Access Fund up to 50% of the interest earned on moneys in Loss Reserve Accounts to pay for administrative expenses incurred by the Department.

(3) Any earnings on the balance in a Loss Reserve Account are part of the Loss Reserve Account, except as described in this section and in OAR 123-018-0150.

Stat. Auth.: ORS 285A.075 & 285B.135(3)
Stats. Implemented: ORS 285B.135 & 285B.147
Hist.: EDD 27-1990(Temp), f. & cert. ef. 10-16-90; EDD 3-1991, f. & cert. ef. 4-17-91; EDD 15-1991(Temp), f. & cert. ef. 10-31-91; EDD 11-1992, f. & cert. ef. 8-18-92; EDD 8-2005, f. & cert. ef. 10-24-05; EDD 8-2007(Temp), f. & cert. ef. 9-4-07 thru 2-29-08; EDD 6-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 22-2008, f. 7-31-08, cert. ef. 8-1-08

123-018-0085

State Contributions to Loss Reserve Accounts

The Department shall determine the amount of money it transfers from the Fund to a Loss Reserve Account as follows:

(1) For each Enrolled Loan, the Department shall deposit an amount equal to or greater than the total fees transmitted as described in OAR 123-018-0080(1)(b) and as required in OAR 123-018-0070, subject to further limitations in this rule.

(2) If one or both of the following conditions exist, the Department shall deposit an amount equal to 200 percent of the minimum allowed by section (1) of this rule, except as otherwise restricted in section (4) of this rule:

(a) The Borrower's business operations that benefit from the Enrolled Loan are entirely located in a Distressed Area at the time that the Qualified Loan is made consistent with OAR 123-018-0080(1)(a); or

(b) The Enrolled Loan provides the Borrower with funding for use in an environmental action on a brownfield(s).

(3) For any Participating Financial Institution, the Department may deposit 200 percent of the minimum allowed by section (1) of this rule if

the Loss Reserve Account currently contains less than \$100,000 according to the most recent information provided to the Department at the time of loan enrollment.

(4) The Department may not transfer:

(a) An amount greater than \$35,000 per Enrolled Loan and associated, concurrent transactions with related business interests; or

(b) More than a total of \$150,000 from the Fund to a Loss Reserve Account for a single Qualified Business.

(5) Unless otherwise provided in this rule, the Department may transfer up to 200 percent of the minimum described in section (1) of this rule, if the Department finds the Qualified Loan advances economic development or job creation in this state by small business.

Stat. Auth.: ORS 285A.075, 285B.135(3) & 285B.138(4)
Stats. Implemented: ORS 285B.135 & 285B.138
Hist.: EDD 8-2005, f. & cert. ef. 10-24-05; EDD 8-2007(Temp), f. & cert. ef. 9-4-07 thru 2-29-08; EDD 6-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 22-2008, f. 7-31-08, cert. ef. 8-1-08

123-018-0100

Payment of Claims by Department

(1) The Department shall reimburse a Participating Financial Institution for Losses claimed as described in OAR 123-018-0090. The Department may reject a claim only if the Department determines the representations and warranties provided by the Participating Financial Institution at the time of enrolling the Qualified Loan were false.

(2) All interest earnings shall be available to pay Loss claims, except for:

(a) Earnings available for withdrawal by the Department from the Loss Reserve Account, as described in OAR 123-018-0060, and

(b) As provided for in OAR 123-018-0150.

(3) When there are insufficient funds in the Loss Reserve Account to cover the total amount of a Loss claim, the Department shall pay an amount equal to the balance of the Loss Reserve Account. This payment will fully satisfy the claim and the Participating Financial Institution will have no further right to receive any other amount with respect to such claim.

(4) The Department shall reimburse Loss claims in the order it receives them. If a Participating Financial Institution files two or more Loss claims simultaneously and there are insufficient funds in the Loss Reserve Account to pay them, the Participating Financial Institution may designate the order the Loss claims are to be paid by the Department.

Stat. Auth.: ORS 285A.075 & 285B.135(3)
Stats. Implemented: ORS 285B.135, 285B.138 & 285B.141
Hist.: EDD 27-1990(Temp), f. & cert. ef. 10-16-90; EDD 3-1991, f. & cert. ef. 4-17-91; EDD 15-1991(Temp), f. & cert. ef. 10-31-91; EDD 11-1992, f. & cert. ef. 8-18-92; EDD 8-2005, f. & cert. ef. 10-24-05; EDD 8-2007(Temp), f. & cert. ef. 9-4-07 thru 2-29-08; EDD 6-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 22-2008, f. 7-31-08, cert. ef. 8-1-08

123-018-0160

Termination of and Withdrawal from Program

(1) The Department may terminate enrollment of Qualified Loans under the Program for a Participating Financial Institution on the date specified in the Department's notice of termination to the Participating Financial Institution, or for all Participating Financial Institutions under the Program upon 90 days notice, or such earlier date should the balance in the Fund reach zero, or should the Department anticipate that the balance in the Fund will reach zero. Termination shall not apply to any Qualified Loans made before the date of termination.

(2) Should a Loss Reserve Account have a zero balance, the Department may terminate the Agreement at its sole discretion.

(3) A Participating Financial Institution may withdraw from the Program after giving written notice to the Department. After receipt of this notice, the Department shall determine when to withdraw any remaining balance in the Participating Financial Institution's Loss Reserve Account.

Stat. Auth.: ORS 285A.075 & 285B.135(3)
Stats. Implemented: ORS 285B.135 & 285B.147
Hist.: EDD 27-1990(Temp), f. & cert. ef. 10-16-90; EDD 3-1991, f. & cert. ef. 4-17-91; EDD 15-1991(Temp), f. & cert. ef. 10-31-91; EDD 11-1992, f. & cert. ef. 8-18-92; EDD 8-2005, f. & cert. ef. 10-24-05; EDD 8-2007(Temp), f. & cert. ef. 9-4-07 thru 2-29-08; EDD 6-2008(Temp), f. & cert. ef. 3-4-08 thru 8-1-08; EDD 22-2008, f. 7-31-08, cert. ef. 8-1-08

.....

Rule Caption: Conform the Entrepreneurial Development Loan Fund to existing statute.

Adm. Order No.: EDD 23-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 123-019-0010, 123-019-0020, 123-019-0040

ADMINISTRATIVE RULES

Subject: The proposed administrative rule change addresses the statutory changes implemented in SB 350 (2007 Legislature) regarding the Oregon Economic Development Commission and advisory committees under its charge, as well as making technical correction regarding the Finance Committee to reflect current practice. In addition, the proposed rule clarifies the language regarding contested case proceedings for rejected applications for certain programs.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-019-0010

Definitions

For the purpose of these rules, the following terms shall have the following definitions, unless the context clearly indicates otherwise:

(1) "Applicant" means any means any individual, association of individuals, joint venture, partnership or corporation, person or any combination of persons applying for a loan from the Oregon Entrepreneurial Development Fund.

(2) "Certified Entity" means any entity certified by the director of the Economic Development Department under OAR 123-019-0100.

(3) "Collateral" means property subject to a security interest or security agreement, as defined in ORS 79.1050.

(4) "Department" means the Economic Development Department created under ORS 285.035.

(5) "Deputy Director" means any deputy director of the department appointed under ORS 285.040 or any assistant director appointed by the director.

(6) "Director" means the director of the department appointed under ORS 285.033.

(7) "Equity" means cash, real and personal property owned or controlled by an applicant and committed to use in the project for which a loan from the fund is being sought. Property other than cash will be conservatively valued by the department.

(8) "Finance Committee" means the Finance Committee for the Oregon Economic Development Commission established under ORS 285.030.

(9) "Fund" or "EDLF" means the Oregon Entrepreneurial Development Fund as defined and set forth in Section 13, Chapter 688, Oregon Laws 1991.

(10) "Loan Committee" means any loan committee selected by the director from the Finance Committee or otherwise appointed by the director. The Loan Committee shall consist of at least three members, and the director shall select one of its members to be chair. The Loan Committee shall meet at the call of the chair. Two members of the Loan Committee shall constitute a quorum to transact the business of the Loan Committee.

(12) "Project" means the acquisition, improvement, rehabilitation, construction, operation or maintenance of any property, real or personal, that is or will be used or is suitable for use by an economic enterprise, but not including:

(a) A loan for the construction of residential housing;

(b) A loan for the purchase of property that will not be used for the business operation of the applicant;

(c) A loan for the refinancing of an existing loan.

(13) "Severely Disabled Individuals" means individuals certified as severely disabled by the Vocational Rehabilitation Division of the Department of Human Resources or the Commission for the Blind.

(14) "Small Business Development Center" or "SBDC" means any small business development center described in the Small Business Training Assistance Act of 1983.

(15) "Small Business Management Program" means any of the following:

(a) A Going Into Business class;

(b) A Greenhouse program;

(c) A Small Business Management Program;

(d) Any series of classes/seminars/workshops/counseling sessions similar to a Going Into Business, Greenhouse or Small Business Management Program;

(e) Any series of classes/seminars/workshops/counseling sessions that meet the approval of a Small Business Development Center or Certified Entity director.

Stat. Auth.: ORS 285.035

Stats. Implemented: Ch. 688, OL 1991 & Ch. 765, OL 1993

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 7-1993(Temp), f. & cert. ef. 9-17-93; EDD 3-1994, f. 2-4-94, cert. ef. 2-7-94; EDD 8-1995, f. & cert. ef. 10-26-95; EDD 23-2008, f. 7-31-08, cert. ef. 8-1-08

123-019-0020

Eligibility

(1) To be eligible for a loan from the fund, each applicant must meet at least two of the three criteria in this section:

(a) The applicant must not have been operating for more than 36 months as of the date application is made to the fund;

(b) The applicant must have had total revenues of \$175,000 or less in the 12 calendar months immediately preceding the date application is made to the Fund;

(c) At least 50 percent of the applicant business or proposed business must be owned by an individual or individuals classified as Severely Disabled.

(2) The applicant may not be effectively owned or controlled by another business entity or other person that, either by itself or when combined with the applicant, is not eligible for a loan under this rule. Ownership of 50 percent or more of the applicant would constitute, or a subsidiary which sells a majority of its goods or services to the parent may constitute, effective ownership or control. The director may, however, make this determination based on the facts of an individual case.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.740 - 285B.758

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 7-1993(Temp), f. & cert. ef. 9-17-93; EDD 3-1994, f. 2-4-94, cert. ef. 2-7-94; EDD 11-1997(Temp), f. & cert. ef. 10-7-97; EDD 10-1998, f. & cert. ef. 5-22-98; EDD 5-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 4-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 23-2008, f. 7-31-08, cert. ef. 8-1-08

123-019-0040

Loan Conditions

The director may approve a loan request if the director finds that:

(1) The applicant and the project are eligible for a loan from the fund according to the criteria for a loan from the fund according to the criteria set forth in OAR 123-019-0020 and 123-019-0030.

(2) The applicant has available, and has irrevocably committed to the project, Equity funds in the form of cash or property in an amount equal to or greater than 20 percent of the amount of the loan from the fund.

(3) The proposed project is feasible and a reasonable risk from practical and economic standpoints, and the loan has a reasonable prospect of repayment from cash flow and collateral and that the loan is fully secured by collateral value.

(4) The applicant can provide good and sufficient collateral for the loan. The collateral coverage ratio for the loan is expected to be at least 1:1 applying the following advance ratios:

(a) Real property will generally be valued for collateral purposes at 70 percent of the tax assessed value or 80 percent of appraised value;

(b) New construction will generally be valued for collateral purposes at 80 percent of cost;

(c) Existing machinery will generally be valued for collateral purposes at 40 percent of depreciated book value;

(d) Newly acquired machinery will generally be valued for collateral purposes at 80 percent of acquisition cost.

(5) Applicants should be aware that the collateral value of out-of-state real property will be significantly discounted from nominal assessed or appraised value. The department may, in its sole discretion, assign a value of more or less than the above percentages.

(6) Monies in the fund are or will be available for the proposed project.

(7) The applicant's financial resources and management capability appear adequate to assure success of the project.

(8) The initial amount borrowed from the fund by any borrower does not exceed \$25,000 and the total amount borrowed does not exceed \$40,000.

(9) The director may, in his or her sole discretion, permit the assumption of an outstanding EDLF loan, if the assuming obligor satisfies the director as to its willingness and ability to service the loan, and if the State's collateral position is not diminished. The director may require the obligor to meet all eligibility requirements set out in OAR 123-019-0020 and 123-019-0030. EDLF loans are not necessarily or automatically assumable.

(10) The applicant agrees to abide by all laws and regulations applicable to the applicant's project and will receive all applicable federal, state and local permits and licenses before the disbursement of any proceeds from the fund.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.740 - 285B.758

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 11-1997(Temp), f. & cert. ef. 10-7-97; EDD 10-1998, f. & cert. ef. 5-22-98; EDD 5-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 4-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 23-2008, f. 7-31-08, cert. ef. 8-1-08

ADMINISTRATIVE RULES

Rule Caption: Conform the Credit Enhancement Fund rules to current statute and clarify rule.

Adm. Order No.: EDD 24-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 7-1-2008

Rules Adopted: 123-021-0015

Rules Amended: 123-021-0010, 123-021-0020, 123-021-0040, 123-021-0050, 123-021-0060, 123-021-0070, 123-021-0080, 123-021-0090, 123-021-0100, 123-021-0110, 123-021-0120, 123-021-0130, 123-021-0140

Subject: The proposed administrative rule change addresses the statutory changes implemented by SB 350 (2007 Legislature). With deletion and clarification of several definitions. Deletion of the Borrow Preferences section 123-021-0030. Moved Qualified Business out of definitions into its own rule section.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-021-0010

Definitions

For the purpose of these rules, the following terms shall have the following definitions, unless the context clearly indicates otherwise:

(1) "Application" means a request for a loan or other credit guarantee submitted to the department by a Financial institution.

(2) "Average annual employment" means:

(a) In the case of a borrower existing for more than twelve months preceding the date of application, the average level of employment for the twelve months preceding the date of application;

(b) In the case of a borrower that has existed for less than twelve months prior to the date of application, the average of all monthly employment levels preceding the date of application;

(c) In the case of a new borrower, the number of employees at the time of application.

(3) "Borrower" means a business entity which meets the eligibility requirements of OAR 123-021-0010(19), and includes a prospective borrower where the context requires.

(4) "Brownfield" or "Brownfields" means real property where expansion or redevelopment is complicated by real or perceived environmental contamination.

(5) "Commission" means the Oregon Economic and Community Development Commission appointed under ORS 285A.040 or its designee.

(6) "Department" means the Economic and Community Development Department created under ORS 285A.070.

(7) "Deputy Director" means any deputy director or any assistant director appointed by the director under ORS 285A.070.

(8) "Destination activities or facilities other than retail or food service" means a qualified business which has a significant impact on the regional recreational or tourism economy. Incidental food service or retail facilities necessary to the operation of a destination activity or facility are eligible. Sleeping accommodations without unique attraction capabilities are not qualified businesses.

(9) "Director" means the director of the department appointed under ORS 285A.070.

(10) "Distressed area" means any area as defined by the department under ORS 285A.010.

(11) "Environmental Action" means activities undertaken to:

(a) Determine if a release has occurred or may occur, if the release or potential release, poses a significant threat to human health or the environment, or if additional remedial actions may be required at the site;

(b) Conduct a remedial investigation and a feasibility study;

(c) Plan for remedial action or removal action; or

(d) Conduct a remedial action or removal action at a site.

(12) "Financial institution" means a financial institution defined in ORS 706.005.

(13) "Fund" means the Credit Enhancement Fund created by ORS 285B.215.

(14) "Loan authorization" means a letter from the director or deputy director or their designees to a financial institution agreeing to insure a loan to a borrower on the terms and conditions and subject to the requirements stated therein.

(15) "Loan insurance agreement" means the agreement between the financial institution and the department required by OAR 123-021-0100.

(16) "Program(s)" means the loan insurance and other credit guarantee programs governed by this division of the rules.

(17) "Working capital loan" means any loan the proceeds of which are to be used for operating, maintenance and other costs and expenses or for purposes other than acquiring real or personal property.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.200 - 285B.218

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 12-1997(Temp), f. & cert. ef. 10-7-97; EDD 11-1998, f. & cert. ef. 5-22-98; EDD 8-1999, f. & cert. ef. 10-1-99; EDD 4-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 5-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0015

Qualified Business

A Qualified business is defined as any existing or proposed business that, except when located in a distressed area, sells goods or services in markets for which national and international competition exists. In a distressed area, any existing or proposed business is a qualified business. Any company that owns, occupies, operates, or has entered into an agreement to own, occupy or operate real property containing a Brownfield is a qualified business. Outside of a distressed area, any existing or prospective business entity that will result in or will aid, promote or facilitate, development of one or more of the following activities shall be a qualified business:

(1) Manufacturing or other industrial production;

(2) Food processing;

(3) Aquaculture development or seafood processing;

(4) Convention facilities or trade centers;

(5) Destination facilities other than retail or food service;

(6) Transportation or freight facilities;

(7) Distribution facilities; or

(8) Other activities, as approved by the department, that represent new technology or diversifying activity but not including:

(a) Construction of office buildings;

(b) Retail businesses, shopping centers and food service facilities;

(c) Motels or bed and breakfast hotels without unique attraction facilities;

(d) Professional services for medicine, law, dentistry or finance;

(e) Athletic, racquetball, handball clubs, private membership clubs, and golf courses;

(f) Sand and gravel facilities; or

(g) Newspapers.

(9) For the Evergreen Entrants Program, a Qualified business includes persons or enterprises without, or about to be without, existing line of credit Working capital loans. For the Evergreen Plus Program, a Qualified business includes persons or enterprises with existing line of credit Working capital loans.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.200 - 285B.218

Hist.: EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0020

Eligibility

(1) In order for a qualified business to be eligible its project must meet one of the following purposes; Eligible purposes means the acquisition, improvement, rehabilitation, or construction of real or personal property, working capital for operations, export transactions, maintenance and other costs and expenses which are used for purposes other than acquiring real or personal property, but not including:

(a) An insured loan used for any personal, family, or household expenses of the borrower or any guarantor;

(b) An insured loan used for construction financing;

(c) An insured loan for the construction of residential housing;

(d) An insured loan made primarily to pay off or refinance an existing debt to a creditor whose loan is inadequately secured or who is in danger of sustaining a loss. The department will consider refinancing requests on a case by case basis, except in the case of loans where refinancing constitutes a portion of an application and is necessary to improve a collateral position. In evaluating such requests the department will consider the requirements of this section and the financial benefits to the borrower, the prospects for success, public benefits such as jobs created or retained, the extent to which financial institutions agree to extend terms or provide other favorable financing to a borrower, and the extent to which collateral securing an insured loan is improved.

(e) An insured loan used to purchase an existing qualified business, except for:

(A) Acquisition/expansions where the majority of loan proceeds are used to support expansion improvements;

(B) Restructured enterprises, including Employee Stock Ownership Plans, where jobs might otherwise be lost.

ADMINISTRATIVE RULES

(2) The maximum term for an eligible loan guaranty is the lesser of fifteen (15) years or the useful life of the assets being financed, or one year plus four annual renewals for the Evergreen Entrants or Evergreen Plus Programs.

(3) Eligible borrowers are defined in OAR 123-021-0010(19).

(4) Eligible financial institutions are defined in OAR 123-021-0010(13).

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.200 - 285B.218 & SB 402 & SB 128

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 8-1999, f. & cert. ef. 10-1-99; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0040

Application Contents

(1) Required Contents. Unless waived by the department, the financial institution shall submit to the department an application containing the following:

(a) A completed General Information Sheet provided by the department;

(b) A written narrative by the Financial institution analyzing the borrower's application (i.e. credit analysis), including an identification of the proposed amount of the loan, the requested percentage of insurance and department insurance program, the purpose, terms and conditions of the loan, a description of the collateral and basis for its valuation, a summary of the borrower's credit standing, and a description of other sources of financing;

(c) Complete resumes of the borrower, all partners, owners, officers and guarantors, as applicable;

(d) Historical business financial statements for the prior three years, including income statements and balance sheets (income tax returns may also be required), as applicable, if an existing borrower. Income tax returns may be sufficient if accountant prepared statements are unavailable. Interim financial statements must also be included if the most recent statements are beyond 90 days;

(e) Signed current personal financial statement(s) of owners with a minimum 20% ownership interest in the borrower. Federal tax returns may be required. This information may also be required of guarantors;

(f) Pro forma balance sheet and income statement with supporting assumptions. In some instances, monthly cash flow statements may also be required. Cash flow statements are required in cases where loan repayment is dependent on projections, and for borrowers seeking Working capital financing;

(g) Completion of the department's environmental questionnaire or a comparable one provided by the financial institution and approved by the department for loans secured in whole or part by real property and for other insured loans, if requested by the department;

(h) Other information as the department may require such as projected jobs created or jobs retained by a borrower.

(2) Supplemental Information. The department may require, at its discretion:

(a) Appraisals of collateral or the financial institution's basis for determining collateral value;

(b) A business or marketing plan, including an analysis of competition;

(c) Certificates from the Oregon Department of Environmental Quality or any other governmental or regulatory agencies with jurisdiction, if applicable;

(d) Copies of leases or purchase agreements, as applicable;

(e) Any other information or certifications from the borrower or the financial institution deemed by the department to be necessary or desirable in connection with an insured loan application.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(3)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0050

Application Procedure

(1) The department shall determine when an application is complete.

(2) It shall be the responsibility of the financial institution to submit a complete application.

(3) The department shall consider the application as expeditiously as possible after a complete application is received with the goal of processing applications within ten business days.

(4) The department will review an application based on the following criteria and considerations:

(a) An application will not be approved unless the department determines that there is a reasonable prospect that the borrower will repay a loan according to its terms.

(b) An application will only be approved to the extent, in terms of amount, percentage and period of insurance, that is necessary and prudent for the department to provide to complete the financing. In no event shall the insurance provided for a borrower exceed the maximum permitted for a particular Insurance Program.

(c) No application will be approved unless the department determines that the insured loan will be serviced by a financial institution as required by the department.

(d) No application will be approved unless the department determines that the borrower is eligible and the insured loan proceeds will be used for an eligible purpose.

(e) No application will be approved unless the department determines that the application is complete and that information sufficient to make an informed decision on the application has been received.

(f) In reviewing applications, the department will consider the following, as applicable:

(A) The extent to which the borrower demonstrates a need for an insured loan.

(B) The economic feasibility of the business endeavor as evidenced by the borrower's present and past financial situation and business experience and the general reasonableness of the business proposal and financial projections for the future.

(C) Whether the borrower and any guarantors have satisfactory credit histories.

(D) Whether the borrower has sufficient capital and other resources to conduct the business as planned, and the amount and source of equity contributed.

(E) The adequacy of the security offered for the loan.

(F) The extent to which the risk of financial loss is shared by others.

(G) The viability of the industry of which the borrower is a part and the contribution of the borrower to that industry.

(H) The extent to which the borrower contributes to local economic development, market development and employment opportunities.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.200 - 285B.218

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 12-1997(Temp), f. & cert. ef. 10-7-97; EDD 11-1998, f. & cert. ef. 5-22-98; EDD 4-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 5-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0060

Application Approval or Rejection

(1) Upon approval of an application by the director, deputy director or their designees or members of the commission, a loan authorization will be issued setting forth the terms and conditions upon which the loan will be insured.

(2) No loan authorization shall become effective until the financial institution has paid the initial insurance premium required by OAR 123-021-0110. Such payment, along with an executed loan authorization, shall indicate the financial institution's acceptance of the terms of the loan authorization.

(3) No loan authorization shall be effective unless a loan insurance has been executed by the financial institution and the department and remains in effect.

(4) In the event the director or deputy director or their designees reject an application, they will promptly send the financial institution and borrower a notice, including reasons for the rejection. The notice shall include a statement of the borrower's right to appeal the director's or deputy director's or their designees' decision to the commission.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(3)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0070

Appeal to the Commission

In the event that an application is rejected, the borrower or the financial institution shall have the right to appeal the decision to the commission. Notice of the appeal must be submitted in writing, within twenty days of receiving the mailed notice of rejection, to the department. The notice of appeal must include the departmental rejection statement(s) together with a statement of why the decision should be reversed or modified. The department shall inform the financial institution of any such appeals. The appeal shall be heard at the next meeting of the Commission at which there is room on the agenda, and the borrower must be present to support the appeal. The

ADMINISTRATIVE RULES

commission may, at its discretion, direct the appeal to a Finance Committee for the commission for final review and disposition.

Stat. Auth.: ORS 285B.200
Stats. Implemented: ORS 285B.200 - 285B.218 & OL 1997, Ch. 148
Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 12-1997(Temp), f. & cert. ef. 10-7-97; EDD 11-1998, f. & cert. ef. 5-22-98; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0080

Loan and Insurance Terms and Conditions

(1) Interest rate and term. The rate of interest on the insured loan and the term of the loan shall be agreed between the financial institution and a borrower provided that no term may exceed the lesser of fifteen years or the useful life of the assets being financed or one year plus four annual renewals for the Evergreen Entrants or Evergreen Plus Programs.

(2) Collateral. Repayment of an insured loan shall be secured by such collateral as the department deems prudent.

(a) Insured loans may, at the discretion of the department, be secured by collateral valued for collateral purposes at less than the amount of the insured loan, provided the borrower, its principals, and any guarantors are of good character and have good credit histories;

(b) Real estate or unmovable machinery or equipment constituting a significant portion of collateral for repayment of an insured loan shall be located within the state. Mobile machinery or equipment, including vessels, constituting a significant portion of collateral for repayment of an insured loan shall be registered with and taxed by the state or municipal authorities, if the State or municipal authorities register or tax machinery or equipment of a type similar to the collateral, and shall be stored or berthed in the state when not in use.

(3) Covenants. The covenants and requirements of the loan shall be established by the financial institution in accordance with prudent lending practices. The department may require such additional covenants and requirements as may be necessary, prudent or desirable. At a minimum, the loan documents should require the borrower to:

(a) Make periodic payments of principal and interest, with the exception of short term working capital loans or evergreen working capital loans or lines of credit where periodic interest payments with a balloon principal payment and/or term options may be acceptable, as determined by the department;

(b) Make any lease payments;

(c) Maintain adequate insurance on collateral, and maintain books and records on the business;

(d) Pay any taxes or governmental charges assessed against the collateral and comply with all applicable laws and regulations;

(e) Keep the collateral free of liens and encumbrances except for as may be expressly accepted by the financial institution and department;

(f) Provide for periodic financial reports to the financial institution;

(g) Pay advances necessary to protect the collateral and all expenses of protecting or enforcing the rights of the financial institution and department.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(4)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0090

Loan Insurance Programs

The department shall offer the following insurance programs:

(1) Conventional Insurance, under which the department may insure up to 90 percent of a loan to a maximum of \$700,000. Should a borrower which receives an insured loan default or otherwise be unable to make loan payments, the department would pay the financial institution up to 90 percent of the deficiency. The balance of any loss is absorbed by the financial institution. Loan payments and the proceeds of collateral are applied pro rata to the insured and uninsured portion of a loan. The department's obligation would be limited to a payment of the insured percentage of a loan times the amount of principal, accrued interest and the financial institution's reasonable costs of collection, exclusive of costs attributed to environmental problems, remaining unpaid after liquidation of collateral, up to the lesser of \$700,000 or an amount equal to the insured percentage of the original loan amount authorized in the loan authorization.

(2) Evergreen Entrants Insurance, under which the department may insure up to 75 percent, on a pro rata basis, of a line of credit working capital loan, not to exceed the lesser of \$500,000 or an amount equal to the insured percentage of the original loan amount authorized in the loan Authorization. Eligible borrowers include persons or enterprises without or about to be without existing line of credit Working capital loans. To participate in the Evergreen Entrants Program, the department must be satisfied

the financial institution has the capacity to service the loan effectively, including monitoring compliance with any audit and control procedures prescribed by the department or comparable procedures of the financial institution approved by the department.

(3) First Loss Insurance, under which the department may insure 100 percent of any loss to a financial institution up to the lesser of 25 percent of the original loan amount or \$300,000. If a financial institution makes a payment request, the department's obligation would be limited to 100 percent of the amount of principal, accrued interest and the financial institution's reasonable costs of collecting the loan, exclusive of costs attributable to environmental problems, remaining unpaid after liquidation of collateral, up to the lesser of: 25 percent of the outstanding balance of the loan, including accrued interest and reasonable costs and expenses of collection and liquidation of collateral, but not taking into account the proceeds of liquidation and payments by guarantors, or an amount equal to the insured percentage of the original loan, or \$300,000.

(4)(a) Evergreen Plus Insurance, under which the department may insure up to 90 percent of a new increment of a line of credit working capital loan, with maximum insurance of \$500,000. If a financial institution makes a payment request for any deficiency remaining after liquidation of collateral and payment by any guarantors, the department's obligation would be limited to the lesser of:

(A) A ratable share of the total default charges; or

(B) 90 percent of the deficiency.

(b) The formula for calculating the department's ratable share of total default charges is:

Guaranteed Loan Amount
(as set out in Authorization)
Total credit facility made available
X

(Principal outstanding upon default plus accrued interest and liquidation charges)

(c) Qualified businesses include persons or enterprises with existing line of credit Working capital loans. To participate in the Evergreen Plus program, a financial institution must have in place and operating a lending program specializing in loans secured by accounts receivable and inventory, as determined by the department. The department must be satisfied that the financial institution is sufficiently experienced and capable of operating an effective Evergreen Plus Program.

(5) The Conventional and First Loss Insurance Programs are available for all types of loans for eligible purposes, including Working capital loans that are secured by fixed assets.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(4)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 13-2002(Temp), f. & cert. ef. 6-18-02 thru 12-13-02; Administrative correction 4-15-03; EDD 6-2005(Temp), f. & cert. ef. 8-5-05 thru 1-31-06; EDD 1-2006, f. & cert. ef. 2-10-06; EDD 5-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0100

Loan Insurance Agreement

No loan authorization shall be effective unless the financial institution and the department have executed a loan insurance agreement in a form acceptable to the department setting forth the relative rights and responsibilities of the financial institution and the department for all insured loans. The loan insurance agreement shall include without limitation the following:

(1) General conditions and provisions incorporating the requirements of this division of the rules and ORS 285.466 to 285.481.

(2) Provisions setting forth the responsibilities of the financial institution to prudently underwrite and service insured loans in such a manner as would be the normal and customary practice of a prudent lender making or servicing a loan without relying on loan insurance.

(3) A requirement that the financial institution notify the department in writing within 5 business days after a borrower's payment is 30 days late and within fifteen business days of any other default or event or condition which indicates the loan may be difficult to collect in full. Upon default, the financial institution and/or department shall take such action as may be prudent, including without limitation foreclosing on and liquidating collateral.

(4) A description of the department's insurance programs and the method for paying insurance claims.

(5) The department shall be entitled at its discretion to cancel or reduce its insurance obligation if the financial institution breaches its responsibilities under the loan insurance agreement.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(4)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

ADMINISTRATIVE RULES

123-021-0110

Insurance Premiums

(1) The department shall charge a one-time (up-front) insurance premium. Premiums are due at the time financial institution's originate loans and execute loan authorizations with the department. The department's insurance is not effective until premiums are paid. It is expected that financial institutions will pass along the cost of premiums to borrowers. Premiums, expressed as a percentage of the insured loan amount, shall be charged in accordance with the following schedule for the programs indicated: [Schedule not included. See ED. NOTE.]

(2) The fee for the Evergreen Entrants Program is 1.25 percent annually; the fee for Evergreen Plus Program is 2.5 percent annually.

(3) For revolving lines of credit or evergreen facilities, the premium will be based on the total amount of the credit facility made available to a borrower, regardless of whether it is fully drawn down. Examples:

(a) The premium due on a \$200,000, five year loan with 85% Conventional insurance would be \$3,400 ($\$200,000 \times .85 \times .02$);

(b) The premium on a Evergreen Entrants 75% insured loan for \$200,000 would be \$1,875 ($\$200,000 \times .75 \times .0125$); this amount would be due every year thereafter for up to four additional years, assuming the loan and amount is renewed each year for the maximum term permitted under the Evergreen Entrants program (5 years);

(c) The premium due on a \$200,000, eight year, 25% First Loss insured loan would be \$2,500 ($\$200,000 \times .25 \times .05$);

(d) The premium due on a \$700,000, 25% insured Evergreen Plus loan would be \$4,375 ($\$700,000 \times .25 \times .025$); this amount would be due every year thereafter for up to four additional years, assuming the loan and amount is renewed each year for the maximum term permitted under the program (5 years).

[ED. NOTE: Schedules referenced are available from the agency.]

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(4)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0120

Administrative Costs of the Program

The department may charge the fund actual and necessary administrative expenses in operating the fund and its programs.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.476(2), 285.476(5) & 285.471(1)(b)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0130

Delegation

With the exception of appeals, the department may authorize and approve loan authorizations and to execute any document necessary or convenient to make effective such guarantees.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(4)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

123-021-0140

Confidential Records

(1) The director or his designee shall provide nonexempt program records for inspection in accordance with ORS Chapter 192.

(2) The person requesting inspection of the records may be charged in advance the department's cost for locating, compiling, copying, and mailing the records. Such costs shall include but not be limited to costs incurred in locating records, separating exempt and nonexempt records, having a custodian present during the inspection, preparing lists of data, making photocopies, and telefaxing materials. Fees to be collected shall be set forth in the department's schedule of fees and may be amended from time to time as the department in its sole discretion may determine.

(3) Except as otherwise provided in ORS Chapter 192, records exempt from disclosure include but are not limited to:

(a) Reports and analyses of reports obtained in confidence from creditors, employers, customers, suppliers, and others which bear on the borrower's character, finances, management ability, and reliability and which were obtained from persons or firms not required by law to submit them;

(b) Financial statements, tax returns, business records, employment history and other personal data submitted by or for borrowers, or analysis of such data;

(c) Interdepartmental advisory memoranda developed prior to a loan insurance decision;

(d) Formulas, plans, designs and related information which constitute trade secrets under ORS Chapter 192;

(e) Personal financial statements;

(f) Financial statements of borrower's;

(g) Customer lists;

(h) Information of a borrower pertaining to litigation to which the borrower is a party if the complaint has been filed, or if the complaint has not been filed, if the borrower shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded and nothing in this section shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(i) Production, sales or cost data; and

(j) Marketing strategy information that relates to a borrower's plan to address specific markets and borrower's strategy regarding specific competitors.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 192.430 & 285.035(5)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08

Rule Caption: Strategic Investment Program (SIP) Amendments and Elimination of Inoperative Tax Incentive Program Rules.

Adm. Order No.: EDD 25-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 8-1-08

Notice Publication Date: 7-1-2008

Rules Adopted: 123-023-1250, 123-023-1525, 123-023-1550, 123-023-1950, 123-023-3000, 123-023-3100, 123-023-3200, 123-023-3300, 123-023-3400, 123-023-4000, 123-023-4100

Rules Amended: 123-023-1000, 123-023-1100, 123-023-1200, 123-023-1300, 123-023-1400, 123-023-1500, 123-023-1600, 123-023-1700, 123-023-1800, 123-023-1900, 123-023-2000

Rules Repealed: 123-105-0000, 123-105-0010, 123-105-0020, 123-105-0030, 123-105-0040, 123-105-0050, 123-105-0060, 123-105-0070, 123-105-0080, 123-105-0090, 123-145-0100, 123-145-0200, 123-145-0300, 123-145-0400, 123-145-0500, 123-145-0600, 123-145-0700, 123-145-1000, 123-145-1100, 123-145-1200, 123-145-1300

Subject: In addition to repealing administrative rule divisions (due to the operational sunset of Advanced Telecommunications Facilities Tax Credit and transfer of Vertical Housing Development Zone program to another state agency), as well as various enhancements to the strategic Investment Program (SIP) division, this rulemaking would for SIP: (1) Permanently clear up issues related to a business firm's state application and the effect on the timing of new investments for tax treatment; (2) Fulfill request of Oregon Economic & Community Development Commission in 2006 for applicant business firms proposing an eligible project to divulge any near-term potentially affecting any (other) in-state operations; (3) Reverse historic delegation of SIP to Commission's Finance Committee — consistent with practice and rulemaking EDD 11-1008(Temp); (4) Establish parameters, processes and assorted guidelines for the designation and use of Strategic Investment Zones, pursuant to Ch. 237, OL 2005; and (5) Describe elements for how participating businesses will report employment and other data to OECD after the '09-'10 tax year for eventual use in the distribution of state funds to local communities, under Ch. 905, OL 2007.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-023-1000

Purpose

The purpose of this division of administrative rules is to clarify and establish procedures, standards and criteria for operation of the Strategic Investment Program (SIP) under ORS 285C.600 to 285C.626, whether inside or outside of a Strategic Investment Zone (SIZ).

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.600 - 285C.626 & 307.123

Hist.: EDD 7-1999, f. & cert. ef. 9-30-99; EDD 10-2004, f. & cert. ef. 5-24-04, Renumbered from 123-023-0201; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1100

Definitions

As used in this division of administrative rules, unless otherwise indicated:

ADMINISTRATIVE RULES

(1) Abatement means the taxation and assessment of property comprising an eligible project under ORS 307.123.

(2) Applicant means a business firm, including but not limited to a publicly or privately held corporation seeking approval from the Commission for Abatement.

(3) Application means the form, prescribed by the Department, and all supplemental attachments, exhibits and so forth that the Applicant completes or furnishes to the Department for the Strategic Investment Program.

(4) Approved Project means an investment or investments in taxable property that:

- (a) Is not Existing Property;
- (b) The Applicant owns or leases;
- (c) The Commission has determined shall receive Abatement;
- (d) Conforms with the project definition established with the determination of the Commission; and

(e) Complies with all requirements and conditions set forth in the Application or its approval, as well as applicable laws, administrative rules and local agreements.

(5) Commission means the State of Oregon Economic and Community Development Commission appointed under ORS 285A.040.

(6) County means the government of the county in which the Approved Project is located (Except for SIZs, "County" would also refer to the tribe/tribal government if the Approved Project is inside the reservation of a federally recognized Indian Tribe).

(7) Department means the State of Oregon Economic and Community Development Department created under ORS 285A.070.

(8) Existing Property means any property:

(a) Comprising all or part of a prior Approved Project, unless the property was never actually subject to Abatement;

(b) Owned or leased, including but not limited to land or other property newly acquired, by the Applicant (regardless of location) before the Department's effective receipt of the Application; or

(c) Already located in an SIZ, or for which any construction or installation began there, before the effective date of the SIZ's designation and the Department's receipt of the Application.

(9) Finance Committee means the Finance Committee for the Commission described in OAR 123-001-0520.

(10) SIZ means a strategic investment zone designated by the Commission at the request of the County.

(11) Urban Project means an Approved Project located entirely outside a "rural area," as defined under ORS 285C.600, and hence, at least partially inside the urban growth boundary, as acknowledged and in effect on December 1, 2002, for:

- (a) The Portland metropolitan region; or
- (b) Any city, for which the most recently available population figure at the time of Application equals or exceeds 30,000.

Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.600 - 285C.626 & 307.123
Hist.: EDD 7-1999, f. & cert. ef. 9-30-99; EDD 10-2004, f. & cert. ef. 5-24-04, Renumbered from 123-023-0351; EDD 3-2006(Temp), f. & cert. ef. 5-26-06 thru 11-22-06; Administrative correction 12-16-06; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1200

Commission Powers and Delegation to Finance Committee

For purposes of this division of administrative rules:

(1) The Commission may delegate to the Finance Committee the authority and obligation to take certain actions, including but not limited to the determination of eligibility for Abatement.

(2) Such delegation may serve particular exigencies, including but not limited to ensuring timely consideration and approval of one or more Applications in cases where a meeting of Commission members is logistically or otherwise infeasible.

(3) The Chairs of the Commission and Finance Committee shall effect such delegation, as they see fit, though communications involving the Department and other members of the Commission and Finance Committee.

(4) The Commission retains final authority at all times over policies and procedures governing operation of the Strategic Investment Program.

(5) If at any time the Commission elects to take any action or make any decision in accordance with ORS 285C.600 to 285C.626, it may do so at any regular or special meeting or through any telephone conference call at its sole discretion. Such action may include confirmation or revocation of a decision by the Finance Committee taken in accordance with this rule.

Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.600 - 285C.626 & 307.123
Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1250

Eligibility Criteria of the Commission

Under the definition of "eligible project" as used in ORS 285C.600:

(1) The Commission may establish criteria in order for property to receive Abatement either by resolution or as described in this division of administrative rules.

(2) The Commission may reject or revoke an Application, if the Approved Project will or does take place in conjunction with what the Commission deems to be substantial curtailment of operations, employment or the like that is under the control of the Applicant any where in this state. Mitigating factors include but are not limited to:

(a) Applicant's candor and cooperation in addressing such conjunction;

(b) Such curtailment's being unrelated and only coincidental to proposed investments; or

(c) Compensating actions by the Applicant.

Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.600 - 285C.626 & 307.123
Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1300

Local Hiring

For purposes of ORS 285C.603:

(1) Prospective Applicants and County/local governments shall consider creative and cooperative means to promote gainful work for persons already residing in the proximate area or region of the Approved Project for:

(a) Jobs associated with the applicable facility or operations; and

(b) Persons employed in the construction or installation of property or by other types of contractors, vendors or suppliers related to the project or its operation.

(2) County/local governments shall incorporate such means in a policy and standards for the designation of an SIZ, as otherwise permissible and administrable, in relation to OAR 123-023-3100.

(3) Such means shall not create any:

(a) Undue burden on the Applicant, relative to the nature, needs or competitiveness of the Approved Project; or

(b) Explicit bias against anyone's rights or access to the privilege of employment, such as specifying residency-based hiring criteria proscribed by OP-8236, Oregon Attorney General (April 20, 1995).

Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.603, 285C.609 & 285C.623
Hist.: EDD 10-2004, f. & cert. ef. 5-24-04; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1400

Making Application

(1) An Applicant desiring approval for Abatement must submit an Application to the Department.

(2) In addition to what is required by the Application or in this division of administrative rules, the Applicant shall submit any information requested by the Department for purposes of evaluating the Application.

(3) Not less than 21 days after having received a complete Application, as described in OAR 123-023-1500, the Department shall arrange for the Commission to initially consider it at a regular or special meeting. Under extenuating circumstances, the Department may waive this minimum period.

(4) The application form is available from and submitted to the Department: Attn Business Incentives, Oregon Economic & Community Development, State Lands Building Suite 200, 775 Summer Street NE, Salem OR 97301-1280.

(5) An Applicant may submit an incomplete Application, which the Department may accept and hold pending completion if it includes:

(a) The fee described in OAR 123-023-1800(1); and

(b) All required information or documentation currently available to the Applicant.

(6) For subsequently acquired, constructed or installed property to avoid classification as Existing Property, in the case where the Application is incomplete for lack of local agreement/approval:

(a) The Department's receipt of the Application is effective once the Applicant furnishes evidence that it has contacted the County to initiate steps under ORS 285C.609, including but not limited to local submission of a formal application if the County has previously established such procedures; and

(b) The Department must find the evidence sufficient in addition to satisfaction of section (5) of this rule.

(7) Sections (5) and (6) of this rule are not generally applicable to proposed investments in an SIZ, but the Department may exercise them in the

ADMINISTRATIVE RULES

case where an Applicant has encountered what the Department considers significant and undue delays in executing the standardized agreement for the SIZ under the local program in OAR 123-023-3100.

Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.600 - 285C.626
Hist.: EDD 7-1999, f. & cert. ef. 9-30-99; EDD 10-2004, f. & cert. ef. 5-24-04, Renumbered from 123-023-0401; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1500

Contents of Application, Generally

A complete Application must include all of the following in addition to items in OAR 123-023-1525 and 123-023-1550:

(1) A copy of a first-source hiring agreement, according to division 70 of this chapter of administrative rules, that is in effect beginning no later than when any hiring for the Approved Project commences, and ending no sooner than June 30 of the final tax year of Abatement.

(2) Any other information required with the Application as stated in the form, including but not limited to full company identification, relevant financial information, hiring/payroll projections, detailed description of proposed investment(s) and estimated impacts on public services.

(3) Full disclosure for purposes of OAR 123-023-1250, including but not limited to any probable reduction in the operations, employment or the like at any other facility in this state that is owned or operated by the Applicant or a commonly controlled business firm, within three years after making application, regardless of proximity or relation to the proposed investment(s).

(4) Commitment to provide timely notification or evidence to the county assessor or the Department of Revenue, as requested or otherwise necessary under ORS 307.123 or other applicable laws, including but not limited to the date when any taxable property is initially occupied, used or operated commercially.

(5) Commitment that any ultimate lessee is responsible for the payment of property taxes levied on leased property that comprises any part of the Approved Project.

(6) As described in OAR 123-023-1800:

(a) Full amount of the nonrefundable application fee; and

(b) Commitment to pay additional fee, if approved.

Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.600, 285C.606, 285C.609, 285C.626, 307.123
Hist.: EDD 10-2004, f. & cert. ef. 5-24-04; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1525

Application within a Strategic Investment Zone

If the proposed investment is subject to approval based on its location inside an SIZ:

(1) A complete Application must also include a locally endorsed and fully executed copy of the SIZ's standardized agreement that unambiguously identifies the Applicant and the proposed investment.

(2) The County may neither negotiate a project-specific agreement nor subject the proposal to approval under discretionary provisions, including but not limited to those under ORS 285C.609.

(3) Material variance between additional requirements established with designation of the SIZ and those found in the agreement for the community service fee shall render such requirements unenforceable.

Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.600, 285C.606 & 285C.626
Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1550

Application outside a Strategic Investment Zone

A complete Application must also include all of the following, if the proposed investment is not using an SIZ:

(1) Evidence that the County held a public hearing concerning the Applicant's proposal, before executing the agreement in section (2) of this rule.

(2) A copy of the agreement:

(a) Between the Applicant and the County in partnership with any city in which the investment site is located;

(b) Executed before the official action in section (3) of this rule;

(c) Addressing the community service fee consistent with OAR 123-023-0900; and

(d) Specifying requirements, if any, under ORS 285C.609(5).

(3) With respect to the local official action requesting a Commission determination for Abatement on the Applicant's proposed investment(s):

(a) A copy of the official action by the governing body of the County; and

(b) Evidence that an affirmative vote by a majority of the County governing body (not merely the members present) at a regular or duly called special meeting effected the action.

(4) The latest version of any document submitted to County/local governments in relation to sections (1) to (3) of this rule.

Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.600, 285C.606 & 285C.609
Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1600

Consideration and Approval

(1) The Department shall review each Application.

(2) After deeming the Application complete, potentially pending materials or information for which the Department is reasonably assured of receipt, the Department shall make a recommendation to the Commission to either approve or deny the Application, subject to actual receipt of any pending material or information.

(3) In evaluating an Application, the Commission shall hold one or more meetings open to the public, at which the matter is an agenda item for discussion, and for which the Department has made appropriate and customary public notice.

(4) At the meeting the Commission may:

(a) Invite oral statements or written comments from the public; and

(b) Have the Applicant appear in order to give a statement and to answer questions submitted in advance or posed by Department staff or by members of the Commission, exclusively.

(5) The Commission may dispense with some or all of the elements in sections (3) and (4) of this rule, as otherwise permitted under ORS Chapter 192, in light of extenuating circumstances.

(6) Pursuant to evaluation of the Application, the Applicant's investment(s) qualifies for the Abatement if the Commission finds that:

(a) The project will satisfy the criteria for eligibility as established by prior resolution of the Commission or in this division of administrative rules;

(b) The project will directly benefit a traded sector industry under ORS 285B.280;

(c) The total cost of the project will equal or exceed \$25 million or \$100 million in the case of any proposed Urban Project;

(d) The project will not consist of any property formerly or currently exempt under ORS 285C.175 and the Applicant is not an authorized business firm for any investment at the same location in an enterprise zone;

(e) Information described in OAR 123-023-1500 and either 123-023-1525 or 123-023-1550 is completely and accurately provided; and

(f) The Applicant has agreed to comply with any additional reasonable conditions imposed by the Commission related to the Strategic Investment Program, including requirements that continue for the term of the Abatement.

(7) Once the Commission has taken formal action to authorize the Abatement, that determination is final, and the Commission may reverse, revoke or withdraw it only by a formal finding that there was a material error or omission among submitted Application information, or that there is effectively a noncompliance.

Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.600 - 285C.626, 307.123
Hist.: EDD 7-1999, f. & cert. ef. 9-30-99; EDD 12-2002(Temp), f. & cert. ef. 6-5-02 thru 11-29-02; Administrative correction 4-15-03; EDD 10-2004, f. & cert. ef. 5-24-04, Renumbered from 123-023-0451; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1700

Establishment of Exempt Property

(1) The Commission's determination pursuant to OAR 123-023-1600 needs to define the Approved Project for purposes of the Abatement, consistent with the Application (and the County agreement with the Applicant if outside an SIZ).

(2) Such a definition shall employ one or more of the following examples or a comparable method that:

(a) Stipulates the site(s) or overall facility at which applicable property must be located, used and occupied for commercial purposes;

(b) Delimits what the Abatement covers in terms of investment cost or property value, or the specific period, in which construction/installation needs to commence, or in which property must be placed in service; or

(c) Identifies applicable real and personal property, including but not limited to:

(A) Referencing the description of investment(s) in the Application or further information from the Applicant (whether requested or not by the Department or Commission); or

ADMINISTRATIVE RULES

(B) Delineating details for improvements, buildings or property items (or representative examples thereof) that the Applicant will acquire, construct or install, or for which the assessed value might increase as a result of additions, reconstruction, modifications, remodeling, renovation, refurbishment, retrofitting or upgrading.

(3) Property of an Approved Project qualifies for Abatement even if built on, installed in or associated with Existing Property:

(a) Outside an SIZ, a (positive) change in the assessed value of already owned or leased property is also subject to Abatement if resulting from modifications, remodeling, renovation, refurbishment, retrofitting or upgrading as part of the Approved Project.

(b) The Abatement excludes, however, the change in value of any property inside any SIZ (except for newly constructed addition to an existing structure), as well as all land or any other property in existence or in the process of construction or installation, before the Department's effective receipt of the Application. This subsection applies regardless if the project is approved based on location in the SIZ.

(4) As otherwise allowed under the project definition described in this rule, the Abatement shall cover any property comprising the Approved Project, for which construction, installation, modification or the like occurs during or after the first year of Abatement, but only for the remainder of the 15-year period.

(5) If another business firm acquires the Applicant or the Approved Project, the ongoing Abatement shall continue as authorized, such that continuously exempt property is not Existing Property, provided that:

(a) The acquiring firm complies with all terms and conditions under the Application, its approval or the local agreement included with it (per OAR 123-023-1525 or 123-023-1550), as well as applicable requirements of law and this division of administrative rules, as if the acquiring firm were the Applicant; and

(b) The owner or chief executive officer of the acquiring firm furnishes and authorizes a formal statement to the Department and the parties to the agreement, attesting to the firm's full assumption of relevant obligations and requirements formerly incumbent on the Applicant.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.600, 285C.606 & 285C.626, 307.123

Hist.: EDD 10-2004, f. & cert. ef. 5-24-04; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1800

State Application and Approval Fees

With respect to ORS 285C.612 and the fees payable to and collected by the Department:

(1) Irrespective of subsequent approval, the following amount must accompany the Application:

- (a) \$5,000; or
- (b) \$10,000 for a proposed Urban Project.

(2) After the Commission decides to approve the Application, but pending formal authorization, the Applicant must pay the following amount (of which the Department shall transfer 50 percent to the Department of Revenue to administer ORS 307.123):

- (a) \$10,000; or
- (b) \$50,000 for a proposed Urban Project.

(3) The Commission will allocate payments collected and retained by the Department, consistent with relevant provisions in division 9 of this chapter of administrative rules.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.612

Hist.: EDD 7-1999, f. & cert. ef. 9-30-99; EDD 10-2004, f. & cert. ef. 5-24-04, Renumbered from 123-023-0501; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1900

Community Service Fee

(1) The local agreement included with the Application and described in OAR 123-023-1525 or 123-023-1550 shall specify:

(a) The community service fee under ORS 285C.609(4)(b) and (c) or 285C.623(4)(b) and (c); and

(b) How the Applicant annually makes payment of the fee to the County government, beginning not earlier than December 1 of each of the 15 tax years for which the Applicant claims and receives the Abatement, including arrangements for invoicing or issuance of a receipt to the Applicant.

(2) Depositing of community service fee moneys (under ORS Chapter 294) and their allocation, distribution and transfer do not affect the Approved Project's eligibility.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.609 & 285C.623

Hist.: EDD 10-2004, f. & cert. ef. 5-24-04; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-1950

Local Distribution of Community Service Fee

(1) The County shall see to the entire annual distribution of funds comprising the community service fee among some or all of the following:

- (a) The County;
- (b) City government(s) if any part of Approved Project is located within incorporated territory;

(c) Any (other) local taxing district that levies taxes on property located in a tax code area containing any part of the Approved Project; or

(d) Potentially, other local organizations or programs recognized as providing a relevant and significant community service, even without direct tax levy authority.

(2) A distribution formula shall determine the exact percentage of the community service fee received or retained by an entity listed in section (1) of this rule. A schedule of distribution formulae that varies from year to year is allowable.

(3) Establishment of the annual formula may occur in one of only the following two ways:

(a) By official action of the Commission, if an agreement consistent with subsection (b) of this section is not executed on or before the same date of the third month following the Commission's formal action authorizing the Approved Project; or

(b) By an agreement to which at least all of the following are parties:

- (A) County government;
- (B) City government described in subsection (1)(b) of this rule; and
- (C) Local taxing districts listed in ORS 198.010 or 198.180 and described in subsection (1)(c) of this rule, to the extent that the sum of property tax authority for such participating districts equals or exceeds 75 percent of the total for all such districts (prorated by the proportion of the Approved Project among tax code areas). Property tax authority consists of the sum of a district's permanent and local option (levy) rate authority, both used and unused, but it excludes the levy/tax rates for bonded indebtedness and urban renewal special levies.

(4) If local parties timely execute the agreement described in subsection (3)(b), the County shall formally report the annual distribution formula to the Department, in order to:

- (a) Verify that the Commission need not determine such formula; and
- (b) Facilitate its availability for use in distributing appropriated amounts from the Shared Service Fund under ORS 285C.639(3)(b).

(5) In the event that the agreement described in subsection (3)(b) of this rule remains unexecuted after the requisite three-month period, the Commission:

(a) Shall take necessary steps as soon as reasonably possible for purposes of subsection (3)(a), as described in section (6), of this rule; or

(b) May delay official action, at its sole discretion, if informed that a sufficient set of the parties described in subsection (3)(b) of this rule are having productive negotiations, with which they wish to continue. (Under such circumstances, the Commission may officially sanction an agreement reached when negotiations successfully conclude)

(6) In determining a distribution formula the Commission shall:

(a) Rely primarily on the relative proportions of prevailing property tax rates among affected local taxing districts;

(b) Consider adjusting such proportions according to the Approved Project's demand or direct impact on the public service(s) provided by each entity, taking account of expected new property tax revenues even with the Abatement, as well as consideration of the goals and purposes of applicable state policies;

(c) Set an annual distribution percentage for each included entity; and

(d) In the process of issuing the distribution formula to the County government, notify all entities of this official, final action.

(7) In an SIZ, each Approved Project will entail a separate agreement or Commission action for the distribution of the community service fee arising from it, consistent with this rule. Nevertheless, the County and affected local parties may agree to a distribution formula and standard agreement for use with multiple future SIZ fees.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.609, 285C.623 & 285C.639

Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-2000

Confidential Records

As provided under ORS 192.501, 192.502 and 285C.620:

(1) The Department shall not release any information identifying or pertaining to an expected Applicant, or to discussions among it, local governments, or the Department and members of the Commission, before:

ADMINISTRATIVE RULES

(a) Finalization of local approval for the proposed investment inside an SIZ; or

(b) The County governing body holds the public hearing under ORS 285C.609(4) (or a public notice for the hearing naming an expected Applicant) for the proposed investment outside of an SIZ.

(2) The Department shall not release any Application materials, preliminarily submitted by an expected Applicant that specifically describe investment plans, before the Department's deems the received Application to be complete.

(3) The department shall seek to keep confidential certain sensitive records or communications obtained in association with an Application, as otherwise allowable under ORS 192.410 to 192.505, including but not limited to the following:

(a) Reports and analyses of reports bearing on the Applicant's character, finances, management ability and reliability, as obtained in confidence from persons or firms not required by law to submit them, including but not limited to the Applicant, and for which the Department obliged itself in good faith to not disclose;

(b) Financial statements, tax returns, business records, employment history, personnel files and comparable data submitted by or for an Applicant, or analysis of such data;

(c) Intra-departmental advisory memoranda preliminary to a decision and draft Application information;

(d) Formulas, plans, designs and related information that constitute trade secrets under ORS Chapter 192;

(e) Personal financial statements;

(f) Information of an Applicant pertaining to litigation that has not concluded, to which the Applicant is a party if the complaint has been filed, or if not, that the Applicant shows is reasonably likely to occur (Nothing in this section shall limit any right or opportunity granted by discovery or deposition statutes to a litigant or defendant);

(g) Production, sales or cost data, customer lists, or detailed descriptions or identifications of business property; or

(h) Marketing strategy information that relates to an Applicant's plan to address specific markets and the Applicant's strategy regarding specific competitors.

(4) Subject to sections (1), (2) and (3) of this rule, the Department shall provide records pertaining to the Strategic Investment Program upon written request, as described in division 5 of this chapter of administrative rules.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.620

Hist.: EDD 7-1999, f. & cert. ef. 9-30-99; EDD 10-2004, f. & cert. ef. 5-24-04, Renumbered from 123-023-0551; EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-3000

Physical, Temporal and Jurisdictional Existence

(1) There is no limit to the number of SIZs under ORS 285C.623, for which a County may seek designation on one or multiple occasions.

(2) The Commission may designate an SIZ that is entirely or partially inside one or more cities that also seek its designation as parties with the County to a joint request. The County and any such city do thereby "co/sponsor" the SIZ and are its "sponsor" or "cosponsors."

(3) An SIZ may cover the entire (unincorporated) territory of the County, or it may be as small as a single site or tax lot, on which development of an eligible project can feasibly take place within the boundary of the SIZ, but any SIZ must:

(a) Be entirely contiguous;

(b) Consist of area only in the territory of a single County;

(c) Encompass land exclusive of land inside of any other existing SIZ; and

(d) Contain only rural area if including any rural area under ORS 285C.600.

(4) Once designated, an SIZ does not expire and may not be terminated.

(5) In determining the area to include in a proposed SIZ, local governments shall consider plans and potentialities for city annexations and projections for city population growth, in order to minimize the likelihood of the following occurrences, which would nevertheless not interrupt the existence or operation of the SIZ:

(a) A city that does not sponsor the SIZ annexes territory inside of it; or

(b) A city, for which its urban growth boundary (as acknowledged on December 1, 2002) crosses the area of the SIZ, experiences an increase in population to 30,000 or more. (An Approved Project inside such an urban growth boundary is an Urban Project only if the Department effectively

receives the Application on or after official release date of the increased population estimate or enumeration)

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.623 & 285C.626

Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-3100

Local Request for Designation

In seeking designation of any SIZ:

(1) The County shall conduct a public hearing on the matter.

(2) Following the hearing, the County and any city, for which any part of the SIZ will be inside its corporate limits, shall execute an intergovernmental agreement to jointly sponsor and operate the proposed SIZ.

(3) The County, or the County and the city/cities as part of the intergovernmental agreement, shall articulate objectives for the proposed SIZ and shall develop a program for business firms to use it for Abatement of eligible projects. This local program may differ from the program adopted for any other SIZ sponsored by the County or city, but the sponsor of the SIZ shall establish it through official documentation of the following:

(a) Any and all criteria for receiving local approval or requirements for qualification under ORS 285C.623(5), such that the sponsor has clearly delineated administrative procedures, methods of verification and consequences of a firm's failure respective to these criteria or requirements;

(b) Policy and standards to improve the likelihood of local hiring per OAR 123-023-1300, which may consist of a firm's formally accepting to undertake "good faith" efforts;

(c) Ministerial steps and processes setting forth a straightforward path for a firm to request and to receive local approval for the SIZ, in order to subsequently submit a complete Application to the Department; and

(d) Standardized agreement language, which may be a detailed form, that:

(A) Will give the location of the proposed project in the SIZ and general information about the newly constructed or newly installed property that will comprise it;

(B) Stipulates the community service fee in accordance with OAR 123-023-1900;

(C) Spells out all local criteria, requirements and standards intended to obligate a firm's benefiting from the Abatement in some way;

(D) Will identify the particular firm in detail and provide for it to expressively acknowledge and commit to such criteria, requirements and so forth by signature of an authorized representative of the firm; and

(E) The sponsor (either the County or a city) will officially endorse in approving a proposed project and the firm to use the SIZ.

(4) The sponsor of the proposed SIZ shall prepare information defining the SIZ's boundary including a map clearly showing its entire area in relation to other demarcations, as well as tax lot numbers, metes & bounds, or other data or descriptions, as necessary in order for one to ascertain the area of designation.

(5) Pursuant to and in reference to materials arising from sections (1) to (4) of this rule, the County governing body shall take official action to request designation of the SIZ and shall forward that request to the Department.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.623

Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-3200

Department's Receipt of Forwarded Request

The Department shall report to the Commission on any complete request that it receives from a County for designation of a proposed SIZ that satisfies OAR 123-023-3000 and 123-023-3100, after concluding that the request contains the following:

(1) Identification of any requisite city that also sponsors the SIZ;

(2) The map and other geographic data establishing the SIZ area and boundary;

(3) An explanation about how the SIZ area will conform to all of the elements described in OAR 123-023-3000(3);

(4) Information pertaining to the SIZ's inclusion, adjacency and proximity to any current city limit or urban growth boundary and to any urban growth boundary as acknowledged on December 1, 2002, of a city with a population that equals or exceeds 30,000 (or that probably will, within 10 years);

(5) The agenda, minutes and so forth demonstrating that the County held a public hearing concerning the SIZ;

(6) A copy of the intergovernmental agreement between the County and any and all city cosponsors, as executed on or after the date of the public hearing;

ADMINISTRATIVE RULES

(7) A summary of the locally established objectives for the SIZ;

(8) Documentation of the local program described in OAR 123-023-3100(3), including but not limited copies of policies, rules, procedural guidelines, administrative plans and especially a sample standardized agreement; and

(9) Evidence that the County governing body took the official action requesting designation of the SIZ with an affirmative vote by a majority of its members (not merely those present) at a regular or duly called special meeting that occurred after the execution or conclusion of material work respective to sections (1) to (8) of this rule.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.623

Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-3300

Designation by the Commission

In response to a request for designation of an SIZ:

(1) The Commission shall initially consider it by receiving a report from the Department as an agenda item at a regular or special meeting, for which the Department has made appropriate and customary public notice. The Commission shall determine the process by which it will complete its review of the proposed SIZ.

(2) The Commission shall designate the SIZ if finding that:

(a) With a reasonable degree of confidence, the SIZ will contribute to fulfilling the intent of ORS 285C.603 and will generally accomplish the objectives established by the sponsor;

(b) The sponsor has defined its processes to allow for efficient implementation and operation of the SIZ, such that a business firm could expect to have its local request for approval handled expeditiously; and

(c) The SIZ's criteria, requirements, policies, standards and so forth, and the sponsor's plans to administer them are sufficiently clear and straightforward to provide reasonable certainty with respect to any conceivably eligible project, such that a business firm can correctly discern:

(A) The probability of qualifying in that SIZ;

(B) What it must do to comply;

(C) Whether the firm/project actually does qualify at any given point; and

(D) The consequence of noncompliance or disqualification.

(3) When taking action to approve the request, the Commission's shall set the effective date of designation. On or after this date, property may be newly constructed or installed for purposes of Abatement in that SIZ.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.623

Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-3400

Operational Changes to Existing Designations

The sponsor of an existing SIZ may revise any of its documentation and procedures, including but not limited to a different standardized agreement, by repeating OAR 123-023-3100(1) to (3) and (5) and submitting the revisions to the Department for approval by the Commission consistent with applicable elements of OAR 123-023-3200 and 123-023-3300. Any such revision does not affect Abatement in the SIZ, for which the Department effectively received the Application on or before the latter of the date, when it received the official request from the County or the effective date of approved changes, as determined by the Commission.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.623 & 285C.626

Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-4000

Submissions to Department

For purposes of ORS 285C.615(1) to (3), and a business firm benefiting from Abatement in the prior property tax year:

(1) The firm shall complete the prescribed form available from the Department and furnish it to: Attn Business Incentives, Oregon Economic & Community Development, State Lands Building Suite 200, 775 Summer Street NE, Salem OR 97301-1280.

(2) The firm may send the form on or after January 1 next following the tax year, but the Department must receive it no later than the immediately subsequent April-1 date. The first such mandatory submission period is from January 1 to April 1, 2011, and it pertains to Abatements in effect during the 2009-2010 tax year.

(3) The reporting requirement applies to all Approved Projects, of which some property is actually exempt from taxes during that or a subsequently mandatory tax year, regardless of its being subject to distributions under ORS 285C.635 and 285C.639. These distributions pertain only to

Approved Projects for which 2008-2009 or a later tax year is the first such year of the Abatement.

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.615; OL 2007 Ch. 905 §6

Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

123-023-4100

Reporting Elements

Respective or in addition to items stipulated under ORS 285C.615(2), for the report submitted to the Department by a benefiting business firm:

(1) The report shall state the real market value of the entire Approved Project for the applicable tax year, and which one it is out of the 15, that is subject to the Abatement as confirmed by the county assessor.

(2) The report may also provide the location and assessed value of taxable property distinct from the Approved Project but improved or used in direct association with it;

(3) The report shall breakdown the amounts and recipients of fees or other (non-tax) payments made by or on behalf of the firm that arose from requirements under ORS 285C.609(5) or 285C.623(5), as well as the statutory community service fee;

(4) The report shall tabulate fees, payments, wages and compensation disbursed during the calendar year beginning midway through the applicable tax year;

(5) Relevant hires or employees are persons for whom the firm is their employer under ORS Chapter 316, regardless of the person's residency in this state;

(6) Relevant employees or jobs may consist only of those working at a site containing property of the Approved Project, or the firm may also include persons working at locations within the same county or comparable proximity in adjacent counties in this state, as the firm deems appropriate;

(7) Irrespective of location, all relevant employees or jobs must engage in or directly support business operations of the Approved Project, such that other operations represent not more than 25 percent of the person's time spent performing work;

(8) The amount of hours assigned to salaried positions is 2,080, or a lower amount as prorated to account for less than full-time or year-round employment;

(9) Taxable income equates to the wages that the employer used in calculating amounts withheld under ORS Chapter 316 for Oregon personal income taxes;

(10) Compensation includes all remuneration in the form of wages (whether taxable or not for withholdings), salary, overtime pay, shift differential, profit-sharing, bonuses, paid vacation or financial benefits such as life insurance, medical coverage and retirement plans, but it does not include sales commissions, free meals, club membership, workplace amenities, payroll costs mandated by federal, state or local law, etc.; and

(11) The report shall address currently retained employees and their taxable income and compensation separately from newly created jobs or positions but consistent with the parameters described in this rule. Based on the assessment of the firm, the report shall classify such preexisting jobs or positions in terms of active or passive retention, as follows, ... 'such that absent the investments comprising the Approved Project:

(a) The firm would have certainly eliminated them before July 1 of the Abatement's first tax year' (active retention); or

(b) There is significant probability that they would not have existed by June 30 at the end of the applicable tax year because of general shifting or shrinkage that in all likelihood would have ensued at directly related business operations' (passive retention).

Stat. Auth.: ORS 285A.075 & 285C.615(7)

Stats. Implemented: ORS 285C.615

Hist.: EDD 25-2008, f. 7-31-08, cert. ef. 8-1-08

**Employment Department,
Child Care Division
Chapter 414**

Rule Caption: Clarifies rules regarding allowable animals in Registered Family Child Care facilities and specifies that notification to parents of presence of animals is required.

Adm. Order No.: CCD 1-2008(Temp)

Filed with Sec. of State: 8-6-2008

Certified to be Effective: 8-6-08 thru 2-2-09

Notice Publication Date:

Rules Amended: 414-205-0100

Subject: Prohibits reptiles, frogs, monkeys, hooked beaked birds, baby chicks and ferrets from being present in a Registered Family

ADMINISTRATIVE RULES

Child Care facility unless they are housed in and remain in a container/tank which precludes direct contact by children. Allows prohibited animals if handled by zoos, museums and other professional animal handlers. Requires notice of presence of animals in a Registered Family Child Care facility be provided to parents.

Rules Coordinator: Janet Orton—(503) 947-1724

414-205-0100

Health

- (1) The home must be a healthy environment for children.
- (a) No person shall smoke or use smokeless tobacco in the family child care home during the hours the child care business is conducted. No person shall smoke or use smokeless tobacco in motor vehicles while child care children are passengers.
- (b) No one shall consume alcohol or use non-prescription controlled substances in the presence of children. No one under the influence of alcohol or non-prescription controlled substances shall be in the home when child care children are present.
- (c) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance.
- (d) The room temperature must be at least 68°F during the hours the child care business is conducted.
- (e) Rooms occupied by children must have a combination of natural and artificial lighting.
- (f) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.
- (2) The provider must have a basic first aid kit available for use. The kit must be kept out of the reach of children.
- (3) Infants must be put to sleep on their backs.
- (4) Except for mild cold symptoms that do not impair a child's function, children who are ill shall not be in care.
- (5) If a child becomes ill in child care, the provider must separate the child from other children, to the extent possible, and contact the child's parent(s) to remove the child from care as soon as possible.
- (6) Parents must be notified if their child is exposed to a communicable disease.
- (7) Prescription and non-prescription medication may be given to a child only if the provider has written authorization from the parent, as required in OAR 414-205-0130(2).
- (8) Prescription and non-prescription medications must be properly labeled and stored.
 - (a) Non-prescription medications or topical substances must be labeled with the child's name.
 - (b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.
 - (c) Medication requiring refrigeration must be kept in a separate, covered container, marked "medication," in the refrigerator.
- (9) Parents must be informed daily of any medications given to their child or any injuries their child has had.
- (10) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.
 - (a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.
 - (b) Foods must be stored and maintained at the proper temperature.
 - (c) Foods must be prepared and served according to the minimum standards for food handler certification.
 - (d) Infants must either be held or be fed sitting up for bottle feeding. Propping bottles is prohibited.
 - (11) Any animal at the family child care home must be in good health and be a friendly companion for the children in care.
 - (a) Potentially aggressive animals must not be in the same physical space as the children.
 - (b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.
 - (12) Animal litter boxes shall not be located in areas accessible to children.
 - (13) Caregivers must be physically present when children are interacting with animals.
 - (14) Reptiles (e.g. lizards, turtles, snakes iguanas) frogs, monkeys, hooked beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited

animals and are run by zoos, museums and other professional animal handlers are permitted.

(15) Parents must be made aware of the presence of any animals in the child care home.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 1-2008(Temp), f. & cert. ef. 8-6-08 thru 2-2-09

Rule Caption: Requires that parents be notified of the presence of animals in the Certified Family Child Care Home.

Adm. Order No.: CCD 2-2008(Temp)

Filed with Sec. of State: 8-6-2008

Certified to be Effective: 8-6-08 thru 2-2-09

Notice Publication Date:

Rules Amended: 414-350-0190

Subject: Requires Certified Family Child Care Homes to notify parents of the presence of animals within the home.

Rules Coordinator: Janet Orton—(503) 947-1724

414-350-0190

Animals in the Certified Family Child Care Home

- (1) Any animal at the certified family child care home must be in good health and show no evidence of carrying a disease.
 - (a) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations. Proof of current compliance with immunizations shall be kept on file in the home.
 - (b) Animals shall be cared for as recommended by a veterinarian. The provider shall have and follow written procedures for the care and maintenance of the animals.
 - (2) Potentially aggressive animals must not be in the same physical space as the children.
 - (3) Reptiles (e.g., lizards, turtles, snakes, iguanas), frogs, monkeys, hook-beaked birds, baby chicks, and ferrets are prohibited, unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.
 - (4) Any animals other than cats and dogs shall be kept in an approved cage for the type of animal. Cages shall have removable bottoms and shall be kept clean and sanitary.
 - (5) All animals shall be kept away from food preparation surfaces. If animals have access to food preparation surfaces, the surfaces shall be cleaned and sanitized prior to meal preparation.
 - (6) Litter boxes shall not be located in any part of the home used by children or for food storage, preparation, or eating.
 - (7) Caregivers must be physically present when children are interacting with animals.
 - (8) Handwashing, as specified in OAR 414-350-0160(2)(d) and (e), shall be practiced.
 - (9) Parents must be made aware of the presence of any animals in the child care home.
- Stat. Auth.: ORS 657A.260
Stats. Implemented: ORS 657A.260 & 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 412-010-0752; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 2-2008(Temp), f. & cert. ef. 8-6-08 thru 2-2-09

Landscape Contractors Board Chapter 808

Rule Caption: Updates the use of lay representatives in contested case hearings conducted by the agency.

Adm. Order No.: LCB 7-2008(Temp)

Filed with Sec. of State: 8-8-2008

Certified to be Effective: 8-8-08 thru 9-30-08

Notice Publication Date:

Rules Amended: 808-009-0340

Subject: This rule must be effective immediately in order to allow the agency to use its employees to represent the agency at specific types of contested case hearings. On August 4, 2008 the Attorney General revoked all prior authorization for lay representation from the Landscape Contractors Board and approved proposed rule amendments and a new authorization for lay representation. That new

ADMINISTRATIVE RULES

authorization is effective upon the adoption of the rule amendments. Due to the revocation of the previous approval and the approval based upon the adoption of the proposed rule amendments, the Landscape Contractors Board no longer has the Attorney General's approval for lay representation. If these rules are not in effect the agency will not have the Attorney General's approval for lay representation and this will create the need for the agency's assigned assistant attorney general to represent the agency at all hearings, which would be a significant, unbudgeted cost to the agency.

Rules Coordinator: Kim Gladwill-Rowley — (503) 378-5909

808-009-0340

Agency Representation by Officer or Employee

(1) Subject to the approval of the Attorney General as provided in ORS 183.452, agency officers and employees may appear, but not make legal argument, on behalf of the agency in the following types of hearings conducted by the agency:

(a) Hearings involving the possible imposition of civil penalties for violations of statutes or regulations;

(b) Hearings involving refusal to issue, refusal to renew or suspension, where the license would be issued or renewed or the suspension lifted upon correction of the deficiency or payment of the penalty;

(c) Hearings involving a refusal to issue, refusal to renew or suspension of a license for failure to pay a civil penalty, failure to pay a claim or for violations of employer status regulations, including ORS Chapters 656, 657 and 316, where the license would be issued or renewed or the suspension lifted upon correction of the deficiency or payment of the penalty;

(d) Hearings involving the placement of a licensee on probation and for hearings involving suspension, revoking or refusal to renew for failing to fulfill the terms of the probation per ORS 671.614;

(e) Hearings involving suspensions without prior hearing as stated in ORS 671.610(2), where the suspension would be lifted upon correction of the deficiency or payment of the penalty; and

(f) In other compliance hearings as approved in writing by the Attorney General on an individual case basis.

(2) The agency representative may not make legal argument on behalf of the agency.

(a) "Legal argument" includes argument on:

(A) The jurisdiction of the agency to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses or presentation of factual argument or arguments on:

(A) The application of the statutes or rules to the facts in the contested case;

(B) Comparison of prior actions of the agency in handling similar situations;

(C) The literal meaning of the statute or rules directly applicable to the issues in the contested case;

(D) The admissibility of evidence;

(E) The correctness of procedures being followed in the contested case hearing.

(3) When an agency officer or employee represents the agency in a hearing, the presiding officer shall advise the representative of the manner in which objections may be made and matters preserved for appeal. This advice is of a procedural nature and does not change applicable law on waiver on the duty to make timely objection. Where an objection may involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit the legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

Stat. Auth.: ORS 183, 670.310 & 671.670

Stats. Implemented: ORS 183.452

Hist.: LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; LCB 4-1988, f. 11-23-88, cert. ef. 12-1-88; LCB 1-1990(Temp), f. & cert. ef. 3-28-90; LCB 2-1990, f. 7-27-90, cert. ef. 8-1-90; LCB 1-2000, f. & cert. ef. 2-1-00; Renumbered from 808-001-0035; LCB 7-2008(Temp), f. & cert. ef. 8-8-08 thru 9-30-08

Oregon Medical Board Chapter 847

Rule Caption: Increase assessment for Oregon Health Professionals Program.

Adm. Order No.: BME 15-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 6-1-2008

Rules Amended: 847-005-0005

Subject: Proposed rule amendment increases the amount of the assessment for the Oregon Health Professionals Program, which is a proportion of the active registration fee.

Rules Coordinator: Diana M. Dolstra — (971) 673-2713

847-005-0005

Fees

(1) Fees to be effective upon adoption:

(a) Doctor of Medicine/Doctor of Osteopathy (MD/DO) Initial License Application — \$375;

(b) MD/DO Registration: Active, Active — Military/Public Health; and Active — Teleradiology, Inactive, Locum Tenens; and Telemedicine — \$219/year**

(c) MD/DO Emeritus Registration — \$50/year;

(d) Limited License, Institutional Practice, Public Health, SPEX/COMVEX, Visiting Professor, Fellow, Medical Faculty, Postgraduate, Special — \$185;

(e) Acupuncture Initial License Application — \$245

(f) Acupuncture Registration: Active, Inactive, and Locum Tenens — \$140/year**

(g) Acupuncture Limited License, Special, Visiting Professor, Postgraduate — \$75;

(h) Physician Assistant Initial License Application — \$245;

(i) Physician Assistant Registration: Active, Inactive, and Locum Tenens — \$165/year**

(j) Physician Assistant Limited License, Special, Postgraduate — \$75;

(k) Podiatrist Initial Application — \$340;

(l) Podiatrist Registration: Active, Inactive, and Locum Tenens — \$219/year**

(m) Podiatrist Emeritus Registration — \$50/year;

(n) Podiatrist Limited License, Special, Postgraduate — \$185;

(o) Miscellaneous: All Fines and Late Fees:

(A) MD/DO Registration Renewal Late Fee — \$150;

(B) Acupuncture Registration Renewal Late Fee — \$75;

(C) Physician Assistant Registration Renewal Late Fee —

\$75;

(D) Podiatrist Registration Renewal Late Fee — \$150;

(p) Dispensing MD/DO/DPM Failure to Register — \$150;

(q) Oral Specialty or Competency Examination (\$1,000 deposit required) Actual costs;

(r) Affidavit Processing Fee for Reactivation — \$50;

(s) Licensee Information Requests:

(A) Verification of Licensure-Individual Requests (1-4 Licenses) — \$10 per license;

(B) Verification of Licensure-Multiple (5 or more) — \$7.50 per license;

(C) Verification of MD/DO License Renewal — \$150 Biennially;

(D) Malpractice Report — Individual Requests — \$10 per license;

(E) Malpractice Report - Multiple (monthly report) — \$15 per report;

(F) Disciplinary — Individual Requests — \$10 per license;

(G) Disciplinary Report — Multiple (quarterly report) — \$15 per report.

(t) Base Service Charge for Copying — \$5 + .20/page;

(u) Record Search Fee (+ copy charges see section (z) of this rule):

(A) Clerical — \$20 per hour*

(B) Administrative — \$40 per hour*

(C) Executive — \$50 per hour*

(D) Medical — \$75 per hour*

(v) Data Order:

(A) Standard Data License Order — \$150 each;

(B) Custom Data License Order \$150.00 + \$40.00 per hour

Administrative time;

(C) Address Label Disk — \$100 each;

(D) Active and Locum Tenens MD/DO list — \$75 each;

(E) DPM, PA, or AC list — \$10 each;

(F) Quarterly new MD/DO, DPM, PA, or AC list — \$10 each;

(2) All Board fees and fines are non-refundable, and non-transferable.

*Plus photocopying charge above, if applicable.

**Collected biennially except where noted in the Administrative Rules. All active reg-

ADMINISTRATIVE RULES

istration fees include annual assessments of \$ 45.00 for the Oregon Health Professionals Program and all active MD/DO registration fees include \$10.00 for the Oregon Health and Science University Library, and are collected biennially.
Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist.: ME 7-1984, f. & ef. 1-26-84; ME 17-1984, f. & ef. 11-5-84; ME 6-1985, f. & ef. 7-30-85; ME 3-1986(Temp), f. & ef. 4-23-86; ME 4-1986, f. & ef. 4-23-86; ME 9-1986, f. & ef. 7-31-86; ME 2-1987, f. & ef. 1-10-87; ME 7-1987(Temp), f. & ef. 1-26-87; ME 9-1987, f. & ef. 4-28-87; ME 25-1987, f. & ef. 11-5-87; ME 9-1988, f. & cert. ef. 8-5-88; ME 14-1988, f. & cert. ef. 10-20-88; ME 1-1989, f. & cert. ef. 1-25-89; ME 5-1989 (Temp), f. & cert. ef. 2-16-89; ME 6-1989, f. & cert. ef. 4-27-89; ME 9-1989(Temp), f. & cert. ef. 8-1-89; ME 17-1989, f. & cert. ef. 10-20-89; ME 4-1990, f. & cert. ef. 4-25-90; ME 9-1990, f. & cert. ef. 8-2-90; ME 5-1991, f. & cert. ef. 7-24-91; ME 11-1991(Temp), f. & cert. ef. 10-21-91; ME 6-1992, f. & cert. ef. 5-26-92; ME 1-1993, f. & cert. ef. 1-29-93; ME 13-1993, f. & cert. ef. 11-1-93; ME 14-1993(Temp), f. & cert. ef. 11-1-93; ME 1-1994, f. & cert. ef. 1-24-94; ME 6-1995, f. & cert. ef. 7-28-95; ME 7-1996, f. & cert. ef. 10-29-96; ME 3-1997, f. & cert. ef. 11-3-97; BME 7-1998, f. & cert. ef. 7-22-98; BME 7-1999, f. & cert. ef. 4-22-99; BME 10-1999, f. & cert. ef. 8-3-99; BME 14-1999, f. & cert. ef. 10-28-99; BME 4-2000, f. & cert. ef. 2-22-00; BME 6-2001(Temp), f. & cert. ef. 7-18-01 thru 11-30-01; BME 10-2001, f. & cert. ef. 10-30-01; BME 8-2003, f. & cert. ef. 4-24-03; BME 16-2003, f. & cert. ef. 10-23-03; BME 17-2004, f. & cert. ef. 9-9-04; BME 6-2005, f. & cert. ef. 7-20-05; BME 15-2006, f. & cert. ef. 7-25-06; BME 1-2007, f. & cert. ef. 1-24-07; BME 1-2008, f. & cert. ef. 1-22-08; BME 15-2008, f. & cert. ef. 7-21-08

Rule Caption: Require complete renewal form by deadline and establish reasons to revoke or suspend license.

Adm. Order No.: BME 16-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 6-1-2008

Rules Adopted: 847-008-0036

Rules Amended: 847-008-0005, 847-008-0040

Subject: Proposed rule amendments clarify and update language on annual biennial renewal of license and add requirement to have form and fee in Board office and satisfactorily complete by last day of renewal period. Proposed rule adoption describes how the Board may Suspend or Revoke the license of a licensee of the Board. The license status will reflect the disciplinary action.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-008-0005

Registration Periods

Every licensee of the Board shall renew their registration prior to the last day of each renewal period as follows:

(1) The registration renewal form and fee for Doctors of Medicine, Doctors of Osteopathy, Doctors of Podiatric Medicine and Physician Assistants must be received in the Board office during regular business hours and must be satisfactorily complete on or before December 31 of each odd-numbered year.

(2) The registration renewal form and fee for Doctors of Medicine, Doctors of Osteopathy, Doctors of Podiatric Medicine and Physician Assistants with Emeritus status must be received in the Board office during regular business hours and must be satisfactorily complete on or before December 31 of every year.

(3) Doctors of Medicine, Doctors of Osteopathy and Doctors of Podiatric Medicine in a qualified postgraduate training program may elect to register on an annual basis.

(4) The registration renewal form and fee for Licensed Acupuncturists must be received in the Board office during regular business hours and must be satisfactorily complete on or before June 30 of each even-numbered year.

(5) If the registration renewal form and fee are not received in the Board office during regular business hours and are not satisfactorily complete on or before the last day of the renewal period, the license will lapse.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.172

Hist.: ME 5-1990, f. & cert. ef. 4-25-90; ME 5-1991, f. & cert. ef. 7-24-91; ME 11-1992, f. & cert. ef. 10-22-92; BME 7-1998, f. & cert. ef. 7-22-98; BME 3-2003, f. & cert. ef. 1-27-03; BME 14-2004, f. & cert. ef. 7-13-04; BME 16-2008, f. & cert. ef. 7-21-08

847-008-0036

Revoked or Suspended Status

The Board may suspend or revoke the license to practice of a licensee of the Board:

(1) For one or more reasons listed in ORS 677.190;

(2) For reasons involving controlled substances as stated in ORS 677.480;

(3) Upon notification by the Department of Justice that a child support case is being maintained and enforced and that the licensee is under judgment or order to pay monthly child support and is in arrears in an

amount equal to three months of support or \$2,500, whichever occurs later, as stated in ORS 25.750 and .780;

(4) For mental illness or imprisonment as stated in ORS 677.225; and

(5) If the Board finds that evidence in its possession indicates that a continuation in practice of the licensee constitutes an immediate danger to the public as stated in ORS 677.205.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist.: BME 16-2008, f. & cert. ef. 7-21-08

847-008-0040

Process of Registration

(1) The application for registration shall be made on a form provided by the Board.

(2) Except as provided in OAR 847-008-0015 and 847-008-0025, the application shall be accompanied by the appropriate fee as listed in OAR 847-005-0005.

(3) The satisfactorily complete application for registration shall be filed with the Board by the first day of the month in which the license or certification is due to expire.

(4) At its discretion, the Board may waive the fee for good and sufficient reason.

(5) The Board shall mail to all licensees who have complied with this section a certificate of registration which shall remain in effect until the end of the last business day of the registration period.

(6) Such certificate shall be displayed in a prominent place in the holder's primary place of practice.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist.: ME 5-1990, f. & cert. ef. 4-25-90; BME 14-2004, f. & cert. ef. 7-13-04; BME 14-2004, f. & cert. ef. 7-13-04; BME 16-2008, f. & cert. ef. 7-21-08

Rule Caption: Increases fees charged to copy and mail patient records.

Adm. Order No.: BME 17-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 6-1-2008

Rules Amended: 847-012-0000

Subject: Amendment to the administrative rule conforms to Senate Bill 591 (2007), which increases the fees that can be charged to copy and mail patient records to a requestor.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-012-0000

Patient's Access to Physician Medical Records

(1) Licensees of the Oregon Medical Board shall make protected health information in the medical record available to the patient or the patient's authorized representative upon their request, to inspect and obtain a copy of protected health information about the individual, except as provided by law and this rule. The patient may request all or part of the record. A summary may substitute for the actual record only if the patient agrees to the substitution. Board licensees are encouraged to use the written authorization form provided by ORS 192.522.

(2) For the purpose of this rule, "health information in the medical record" means any oral or written information in any form or medium that is created or received and relates to:

(a) The past, present, or future physical or mental health of the patient.

(b) The provision of health care to the patient.

(c) The past, present, or future payment for the provision of healthcare to the patient.

(3) Upon request, the entire health information record in the possession of the Board licensee will be provided to the patient. This includes records from other healthcare providers. Information which may be withheld includes:

(a) Information which was obtained from someone other than a healthcare provider under a promise of confidentiality and access to the information would likely reveal the source of the information.

(b) Psychotherapy notes.

(c) Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; and

(d) Other reasons specified by federal regulation.

(4) A reasonable cost may be imposed for the costs incurred in complying with the patient's request for health information. These costs may include:

ADMINISTRATIVE RULES

(a) No more than \$ 30 for copying 10 or fewer pages of written material and no more than 50 cents per page for pages 11 through 50, and no more than 25 cents for each additional page.

(b) A bonus charge of \$5 if the request for records is processed and the records are mailed by first class mail to the requester within seven business days after the date of the request.

(c) Postage costs to mail copies of the requested records.

(d) Actual costs of preparing an explanation or summary of the health information, if such information is requested by the patient

(e) Actual costs of reproducing films, x-rays, or other reports maintained in a non written form.

(5) A patient may not be denied summaries or copies of his/her medical records because of inability to pay.

(6) Requests for medical records shall be complied with within a reasonable amount of time not to exceed thirty (30) days from the receipt of the request.

(7) Violation of this rule may be cause for disciplinary action under ORS 677.190.

Stat. Auth.: ORS 677.265, 192.521

Stats. Implemented: ORS 677.265, 192.521

Hist.: ME 7-1988, f. & cert. ef. 4-20-88; BME 1-2004, f. & cert. ef. 1-27-04; BME 18-2004, f. & cert. ef. 10-20-04; BME 17-2008, f. & cert. ef. 7-21-08

Rule Caption: LLMF applicant must have practiced medicine and PG training must be approved for exam waiver.

Adm. Order No.: BME 18-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 6-1-2008

Rules Amended: 847-020-0140, 847-020-0160, 847-020-0170

Subject: Amendments to the rules clarify (1) that an applicant for a Limited License, Medical Faculty must have practiced medicine for at least four years, and (2) that continuous postgraduate training which would qualify an applicant for a waiver of the 7-year requirement to pass all Steps of the USMLE examination or all Levels of the NBOME examination must be approved by the Board.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-020-0140

Limited License, Medical Faculty, and Limited License, Visiting Professor

(1)(a) Any physician who does not qualify for a medical license under any of the provisions of this chapter and who is offered by the Dean of an approved medical school in this state a full-time faculty position may, after application to and approval by the Board at a quarterly meeting of the Board, be granted a Limited License, Medical Faculty to engage in the practice of medicine only to the extent that such practice is incident to and a necessary part of the applicant's duties as approved by the Board in connection with such faculty position.

(b) To qualify for a Limited License, Medical Faculty an applicant shall meet all the following requirements:

(A) Furnish documentary evidence satisfactory to the Board that the applicant is a United States citizen or is legally admitted to the United States.

(B) Furnish documentary evidence satisfactory to the Board that the applicant has been licensed to practice and has practiced medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the Board, or has been engaged in the practice of medicine in the United States for at least four years in approved hospitals, or has completed a combination of such licensed practice and training.

(C) The dean of the medical school shall certify in writing to the Board that the applicant has been appointed to a full-time faculty position; that a position is available; and that because the applicant has unique expertise in a specific field of medicine, the medical school considers the applicant to be a valuable member of the faculty.

(D) The head of the department in which the applicant is to be appointed shall certify in writing to the Board that the applicant will be under the direction of the head of the department and will not be permitted to practice medicine unless as a necessary part of the applicant's duties as approved by the Board in subsection (a) of this section.

(E) The applicant may be required to take and pass an examination by the Board.

(c) A Limited License, Medical Faculty is valid for one year after issuance and may be renewed as frequently as needed for a total period not

to exceed four years during which time the applicant must pass USMLE Steps 1, 2 and 3, or have previously passed the FLEX, or National Board of Medical Examiners Examination or a combination of all three per OAR 847-020-0170(1)-(4). Having completed four years of practice under a Limited License, Medical Faculty and successfully passed either the FLEX examination, the National Board of Medical Examiners Examination, or USMLE Steps 1, 2 and 3, the applicant is eligible for licensure regardless of any other requirements of this Chapter.

(2)(a) Any physician who does not qualify for a medical license under any of the provisions of this Chapter and who is offered a teaching fellowship at an approved medical school or affiliated teaching institution in this state may, after application to and approval by the Board, be granted a Limited License, Visiting Professor for two years to practice medicine only to the extent that such practice is incident to and a necessary part of the duties as approved by the Board in connection with such faculty position.

(b) To qualify for a Limited License, Visiting Professor, an applicant shall furnish documentary evidence satisfactory to the Board of graduation from a school of medicine, and a curriculum vitae;

(c) The head of the department in which the applicant is to be appointed shall certify in writing to the Board that the applicant has been offered a teaching position which will be under the direction of the head of the department and will not be permitted to practice medicine unless as a necessary part of the applicant's duties as approved by the Board in subsection (a) of this section.

(d) The Limited License, Visiting Professor shall be granted for a period of one year, and upon written request, may be renewed for one additional year. The two years must be consecutive, and any unused portion of time can not be requested at a later date.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist. BME 9-2001, f. & cert. ef. 7-24-01; BME 2-2002, f. & cert. ef. 1-28-02; BME 5-2002, f. & cert. ef. 4-23-02; BME 3-2006, f. & cert. ef. 2-8-06; BME 4-2007, f. & cert. ef. 1-24-07; BME 18-2008, f. & cert. ef. 7-21-08

847-020-0160

Letters and Official Grade Certifications to be Submitted for Licensure

The applicant, a graduate of an approved school of medicine or foreign medical graduate, must request official letters sent to the Board directly from:

(1) The Dean of the Medical/Osteopathic School: This letter is required in addition to the certification on the application form. A copy of the Dean's Letter of Recommendation which shall include a statement concerning the applicant's moral and ethical character and overall performance as a medical student.

(2) The Program Director, Chairman or other official of the Fifth Pathway Hospital, if such applies: A currently dated original letter (a copy is not acceptable), sent directly from the hospital in which such training was served, which shall include an evaluation of overall performance and specific beginning and ending dates of training.

(3) The Director of Medical Education, Chairman or other official of the internship, residency and fellowship hospitals in U.S. and foreign countries sent directly from the hospitals in which the postgraduate training was served, which shall include an evaluation of overall performance and specific beginning and ending dates of training.

(4) The Director or other official for practice and employment in hospitals, clinics, etc. in the U.S. and foreign countries: A currently dated original letter (a copy is not acceptable), sent directly from the hospital/clinic which shall include an evaluation of overall performance and specific beginning and ending dates of practice and employment, for the past five (5) years only. If the applicant has not practiced for more than two years, employment verifications will be required for the past ten (10) years. For physicians who have been or are in solo practice without hospital privileges at the time of solo practice, provide three reference letters from physicians in the local medical community who are familiar with the applicant's practice and who have known the applicant for more than six months.

(5) The Executive Secretary of all State Boards in the United States or Canada where the applicant has ever been licensed; regardless of status, i.e., current, lapsed, never practiced there: The currently dated original letter (a copy is not acceptable), sent directly from the boards, shall show license number, date issued, grades if applicable and status.

(6) Official Grade Certifications: If such applies, an official grade certification is required directly from the National Board of Medical/Osteopathic Examiners, the Medical Council of Canada or the Federation of State Medical Boards.

ADMINISTRATIVE RULES

(7) The Federation of State Medical Boards: A Board Action Databank Inquiry form sent directly from the Federation of State Medical Boards to the Board.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265
Hist. BME 9-2001, f. & cert. ef. 7-24-01; BME 8-2005, f. & cert. ef. 7-20-05; BME 15-2007, f. & cert. ef. 7-23-07; BME 18-2008, f. & cert. ef. 7-21-08

847-020-0170

Written Examination

(1) After complying with OAR 847-020-0110 through 847-020-0200 the applicant applying for licensure must have passed one of the following examinations or combinations of examinations:

(a) Federation Licensing Examination (FLEX) Component I and FLEX Component 2.

(b) National Board of Medical Examiners (NBME) Part I and Part II and Part III.

(c) National Board of Medical Examiners (NBME) Part I or United States Medical Licensing Examination (USMLE) Step 1, and NBME Part II or USMLE Step 2 and NBME Part III or USMLE Step 3.

(d) NBME Part I or USMLE Step 1, and NBME Part II or USMLE Step 2, and FLEX Component 2.

(e) FLEX Component 1 and USMLE Step 3. A score of 75 or above must be achieved on FLEX Component 1 and the score achieved on USMLE Step 3 must be equal to or exceed the figure established by the Federation as a recommended passing score.

(f) The score achieved on each Step, Part or Component must equal or exceed the figure established by the USMLE Program, the National Board of Medical Examiners or the Federation of State Medical Boards as a passing score. All Steps, Parts or Components listed in OAR 847-020-0170 (1) (a)-(f) must be administered prior to January 2000, except for applicants who participated in and completed a combined MD/DO/PhD program; or

(g) The National Board of Osteopathic Medical Examiners (NBOME) examination or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) or any combination of their parts; or

(h) USMLE Steps 1, 2, and 3. All three Steps of USMLE, or all three Levels of the NBOME examination or COMLEX or any combination of the two, must be passed within a seven-year period which begins when the first Step or Level, either Step 1 or Step 2 or Level 1 or Level 2, is passed. The score achieved on each Step must equal or exceed the figure established by the Federation as a recommended passing score, and the score achieved on each Level must equal or exceed the figure established by the National Board of Osteopathic Medical Examiners.

(A) An applicant who has not passed all three Steps or Levels within the seven-year period may request an exception to the seven-year requirement if he/she:

(I) Has current certification by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists; or

(II) Suffered from a documented significant health condition which by its severity would necessarily cause a delay to the applicant's medical or osteopathic study; or

(III) Participated in a combined MD/DO/PhD program; or

(IV) Completed continuous approved post-graduate training with the equivalent number of years to an MD/DO/PhD program.

(B) Except as noted in section (1)(h)(C) of this rule, effective April 23, 2004, to be eligible for licensure, an applicant must have passed USMLE Step 3 or NBOME's COMLEX Level 3 within four attempts whether for Oregon or any other state. After the third failed attempt, the applicant must have completed one additional year of postgraduate training in the United States or Canada prior to readmission to the examination. The Board must approve the additional year of training to determine whether the applicant is eligible for licensure. The applicant, after completion of the required year of training, must have passed USMLE Step 3 or COMLEX Level 3 on their fourth and final attempt. If the fourth attempt of USMLE Step 3 is failed, the applicant is not eligible for Oregon licensure. If the applicant did not complete a year of training approved by the Board between the third and fourth attempt to pass USMLE Step 3 or COMLEX Level 3, the applicant is not eligible for licensure.

(C) An applicant who has passed USMLE Step 3 or COMLEX Level 3, but not within the four attempts required by OAR 847-020-0170 (1)(h)(B), may request a waiver of this requirement if he/she has current certification by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists.

(2) USMLE Step 3 may be taken during the first year of postgraduate training, or after the first year of postgraduate training has been completed. A Limited License, Postgraduate will be required for training beyond the postgraduate 1 level if the USMLE is not yet passed.

(3) The applicant will not be allowed to take the USMLE for this state nor apply for licensure in this state if the FLEX has been previously failed four or more times.

(4) The applicant must have passed the written examination (FLEX) under the following conditions:

(a) The applicant who has taken the FLEX examination (Day I, II, and III) administered between June 1968 and December 1984 must have taken the entire examination at one sitting. The applicant who has taken the FLEX examination (Component 1 and Component 2), first administered in June 1985, was not required to take both Components 1 and 2 of the FLEX examination at one sitting. Both must have been passed within seven years of the first attempt.

(b) The applicant may not have taken the FLEX examination more than a total of four times, whether in Oregon or other states, whether the components were taken together or separately. After the third failed attempt, the applicant must have satisfactorily completed one year of approved training in the United States or Canada prior to having taken the entire FLEX examination at one sitting on the fourth and final attempt.

(c) Only the applicant's scores on the most recently taken FLEX examination will be considered to determine eligibility.

(5) If the applicant has ceased the practice of medicine for a period of 12 or more consecutive months, the applicant may be required to further demonstrate clinical competency.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265
Hist. BME 9-2001, f. & cert. ef. 7-24-01; BME 5-2003, f. & cert. ef. 1-27-03; BME 10-2003, f. & cert. ef. 5-2-03; BME 14-2003(Temp), f. & cert. ef. 9-9-03 thru 3-1-04; BME 3-2004, f. & cert. ef. 1-27-04; BME 7-2004, f. & cert. ef. 4-22-04; BME 15-2004, f. & cert. ef. 7-13-04; BME 8-2005, f. & cert. ef. 7-20-05; BME 3-2006, f. & cert. ef. 2-8-06; BME 4-2006(Temp), f. & cert. ef. 2-8-06 thru 7-7-06; BME 10-2006, f. & cert. ef. 5-8-06; BME 20-2007, f. & cert. ef. 10-24-07; BME 18-2008, f. & cert. ef. 7-21-08

.....

Rule Caption: Add Lidocaine as intraosseous infusion anesthetic under EMT-1 scope of practice.

Adm. Order No.: BME 19-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 6-1-2008

Rules Amended: 847-035-0030

Subject: Proposed rule amendment adds the administration of Lidocaine as an intraosseous infusion anesthetic under the EMT Intermediate (EMT-1) scope of practice.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-035-0030

Scope of Practice

(1) The Oregon Medical Board has established a scope of practice for emergency and nonemergency care for First Responders and EMTs. First Responders and EMTs may provide emergency and nonemergency care in the course of providing prehospital care as an incident of the operation of ambulance and as incidents of other public or private safety duties, but is not limited to "emergency care" as defined in OAR 847-035-0001(5).

(2) The scope of practice for First Responders and EMTs is not intended as statewide standing orders or protocols. The scope of practice is the maximum functions which may be assigned to a First Responder or EMT by a Board-approved supervising physician.

(3) Supervising physicians may not assign functions exceeding the scope of practice; however, they may limit the functions within the scope at their discretion.

(4) Standing orders for an individual EMT may be requested by the Board or Section and shall be furnished upon request.

(5) No EMT may function without assigned standing orders issued by Board-approved supervising physician.

(6) An Oregon-certified First Responder or EMT, acting through standing orders, shall respect the patient's wishes including life-sustaining treatments. Physician supervised First Responders and EMTs shall request and honor life-sustaining treatment orders executed by a physician, nurse practitioner or physician assistant if available. A patient with life-sustaining treatment orders always requires respect, comfort and hygienic care.

(7) The scope of practice for emergency and nonemergency care established by the Board for First Responders is intended as authorization for performance of procedures by First Responders without direction from

ADMINISTRATIVE RULES

a Board-approved supervising physician, except as limited by subsection (2) of this rule. A First Responder may perform the following emergency care procedures without having signed standing orders from a supervising physician:

- (a) Conduct primary and secondary patient examinations;
- (b) Take and record vital signs;
- (c) Utilize noninvasive diagnostic devices in accordance with manufacturer's recommendation;
- (d) Open and maintain an airway by positioning the patient's head;
- (e) Provide external cardiopulmonary resuscitation and obstructed airway care for infants, children, and adults;
- (f) Provide care for soft tissue injuries;
- (g) Provide care for suspected fractures;
- (h) Assist with prehospital childbirth; and
- (i) Complete a clear and accurate prehospital emergency care report form on all patient contacts and provide a copy of that report to the senior EMT with the transporting ambulance.

(8) A First Responder may perform the following procedures only when the First Responder is providing emergency care as part of an agency which has a Board-approved supervising physician who has issued written standing orders to that First Responder authorizing the following:

- (a) Administration of medical oxygen;
- (b) Open and maintain an airway through the use of a nasopharyngeal and a noncuffed oropharyngeal and pharyngeal suctioning devices;
- (c) Operate a bag mask ventilation device with reservoir;
- (d) Provision of care for suspected medical emergencies, including administering liquid oral glucose for hypoglycemia; and
- (e) Administer epinephrine by automatic injection device for anaphylaxis;
- (f) Perform cardiac defibrillation with an automatic or semi-automatic defibrillator, only when the First Responder:

(A) Has successfully completed a Section-approved course of instruction in the use of the automatic or semi-automatic defibrillator; and

(B) Complies with the periodic requalification requirements for automatic or semi-automatic defibrillator as established by the Section.

(9) An Oregon-certified EMT-Basic may perform emergency and nonemergency procedures. Emergency care procedures shall be limited to the following basic life support procedures:

(a) Perform all procedures that an Oregon-certified First Responder can perform;

(b) Ventilate with a non-invasive positive pressure delivery device;

(c) Insert a cuffed pharyngeal airway device in the practice of airway maintenance. A cuffed pharyngeal airway device is:

(A) A single lumen airway device designed for blind insertion into the esophagus providing airway protection where the cuffed tube prevents gastric contents from entering the pharyngeal space; or

(B) A multi-lumen airway device designed to function either as the single lumen device when placed in the esophagus, or by insertion into the trachea where the distal cuff creates an endotracheal seal around the ventilatory tube preventing aspiration of gastric contents.

(d) Provide external cardiopulmonary resuscitation and obstructed airway care for infants, children, and adults;

(e) Provide care for suspected shock, including the use of the pneumatic anti-shock garment;

(f) Provide care for suspected medical emergencies, including:

(A) Obtaining a capillary blood specimen for blood glucose monitoring;

(B) Administer epinephrine by subcutaneous injection or automatic injection device for anaphylaxis;

(C) Administer activated charcoal for poisonings; and

(D) Administer aspirin for suspected myocardial infarction.

(g) Perform cardiac defibrillation with an automatic or semi-automatic defibrillator;

(h) Transport stable patients with saline locks, heparin locks, foley catheters, or in-dwelling vascular devices;

(i) Perform other emergency tasks as requested if under the direct visual supervision of a physician and then only under the order of that physician;

(j) Complete a clear and accurate prehospital emergency care report form on all patient contacts;

(k) Assist a patient with administration of sublingual nitroglycerine tablets or spray and with metered dose inhalers that have been previously prescribed by that patient's personal physician and that are in the possession of the patient at the time the EMT-Basic is summoned to assist that patient; and

(l) In the event of a release of military chemical warfare agents from the Umatilla Army Depot, the EMT-Basic who is a member or employee of an EMS agency serving the DOD-designated Immediate Response Zone who has completed a Section-approved training program may administer atropine sulfate and pralidoxime chloride from a Section-approved pre-loaded auto-injector device, and perform endotracheal intubation, using protocols promulgated by the Section and adopted by the supervising physician. 100% of EMT-Basic actions taken pursuant to this section shall be reported to the Section via a copy of the prehospital emergency care report and shall be reviewed for appropriateness by Section staff and the Subcommittee on EMT Certification, Education and Discipline.

(m) In the event of a release of organophosphate agents the EMT-Basic, who has completed Section-approved training, may administer atropine sulfate and pralidoxime chloride by autoinjector, using protocols approved by the Section and adopted by the supervising physician.

(10) An Oregon-certified EMT-Intermediate may perform emergency and nonemergency care procedures. The emergency care procedures shall be limited to the following:

(a) Perform all procedures that an Oregon-certified EMT-Basic can perform;

(b) Initiate and maintain peripheral intravenous (I.V.) lines;

(c) Initiate and maintain an intraosseous infusion;

(d) Initiate saline or similar locks;

(e) Draw peripheral blood specimens;

(f) Administer the following medications under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician:

(A) Physiologic isotonic crystalloid solution.

(B) Vasoconstrictors:

(i) Epinephrine

(ii) Vasopressin;

(C) Antiarrhythmics:

(i) Atropine sulfate,

(ii) Lidocaine,

(iii) Amiodarone;

(D) Antidotes:

(i) Naloxone hydrochloride;

(E) Antihypoglycemics:

(i) Hypertonic glucose,

(ii) Glucagon;

(F) Vasodilators:

(i) Nitroglycerine;

(G) Nebulized bronchodilators:

(i) Albuterol,

(ii) Ipratropium bromide;

(H) Analgesics for acute pain:

(i) Morphine,

(ii) Nalbuphine Hydrochloride,

(iii) Ketorolac tromethamine,

(iv) Fentanyl;

(I) Antihistamine:

(i) Diphenhydramine;

(J) Diuretic:

(i) Furosemide;

(K) Intraosseous infusion anesthetic:

(i) Lidocaine;

(g) Administer immunizations in the event of an outbreak or epidemic as declared by the Governor of the state of Oregon, the State Public Health Officer or a county health officer, as part of an emergency immunization program, under the agency's supervising physician's standing order;

(h) Administer routine or emergency immunizations, as part of an EMS Agency's occupational health program, to the EMT's EMS agency personnel, under the supervising physician's standing order.

(i) Insert an orogastric tube;

(j) Maintain during transport any intravenous medication infusions or other procedures which were initiated in a medical facility, and if clear and understandable written and verbal instructions for such maintenance have been provided by the physician, nurse practitioner or physician assistant at the sending medical facility;

(k) Initiate electrocardiographic monitoring and interpret presenting rhythm;

(l) Perform cardiac defibrillation with a manual defibrillator.

ADMINISTRATIVE RULES

(11) An Oregon-certified EMT-Paramedic may perform emergency and nonemergency care procedures. The emergency care procedures shall be limited to:

- (a) Perform all procedures that an Oregon-certified EMT-Intermediate can perform;
- (b) Initiate the following airway management techniques:
 - (A) Endotracheal intubation;
 - (B) Tracheal suctioning techniques;
 - (C) Cricothyrotomy; and
 - (D) Transtracheal jet insufflation which may be used when no other mechanism is available for establishing an airway.
- (c) Initiate a nasogastric tube;
- (d) Provide advanced life support in the resuscitation of patients in cardiac arrest;
- (e) Perform emergency cardioversion in the compromised patient;
- (f) Attempt external transcutaneous pacing of bradycardia that is causing hemodynamic compromise;
- (g) Initiate needle thoracentesis for tension pneumothorax in a pre-hospital setting;
- (h) Initiate placement of a femoral intravenous line when a peripheral line cannot be placed;
- (i) Initiate placement of a urinary catheter for trauma patients in a pre-hospital setting who have received diuretics and where the transport time is greater than thirty minutes; and
- (j) Initiate or administer any medications or blood products under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician.

(12) The Board has delegated to the Section the following responsibilities for ensuring that these rules are adhered to:

- (a) Designing the supervising physician and agent application;
 - (b) Approving a supervising physician or agent; and
 - (c) Investigating and disciplining any EMT or First Responder who violates their scope of practice.
- (d) The Section shall provide copies of any supervising physician or agent applications and any EMT or First Responder disciplinary action reports to the Board upon their request.

(13) The Section shall immediately notify the Board when questions arise regarding the qualifications or responsibilities of the supervising physician or agent of the supervising physician.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Hist.: ME 2-1983, f. & ef. 7-21-83; ME 3-1984, f. & ef. 1-20-84; ME 12-1984, f. & ef. 8-2-84; ME 7-1985, f. & ef. 8-5-85; ME 12-1987, f. & ef. 4-28-87; ME 27-1987(Temp), f. & ef. 11-5-87; ME 5-1988, f. & cert. ef. 1-29-88; ME 12-1988, f. & cert. ef. 8-5-88; ME 15-1988, f. & cert. ef. 10-20-88; ME 2-1989, f. & cert. ef. 1-25-89; ME 15-1989, f. & cert. ef. 9-5-89, & corrected 9-22-89; ME 6-1991, f. & cert. ef. 7-24-91; ME 10-1993, f. & cert. ef. 7-27-93; ME 3-1995, f. & cert. ef. 2-1-95; ME 1-1996, f. & cert. ef. 2-15-96; ME 3-1996, f. & cert. ef. 7-25-96; BME 6-1998, f. & cert. ef. 4-27-98; BME 13-1998(Temp), f. & cert. ef. 8-6-98 thru 2-2-99; BME 14-1998, f. & cert. ef. 10-26-98; BME 16-1998, f. & cert. ef. 11-24-98; BME 13-1999, f. & cert. ef. 7-23-99; BME 14-2000, f. & cert. ef. 10-30-00; BME 11-2001, f. & cert. ef. 10-30-01; BME 9-2002, f. & cert. ef. 7-17-02; BME 10-2002, f. & cert. ef. 7-22-02; BME 1-2003, f. & cert. ef. 1-27-03; BME 12-2003, f. & cert. ef. 7-15-03; BME 4-2004, f. & cert. ef. 1-27-04; BME 11-2004(Temp), f. & cert. ef. 4-22-04 thru 10-15-04; BME 12-2004(Temp), f. & cert. ef. 6-11-04 thru 12-8-04; BME 21-2004(Temp), f. & cert. ef. 11-15-04 thru 4-15-05; BME 2-2005, f. & cert. ef. 1-27-05; BME 5-2005, f. & cert. ef. 4-21-05; BME 9-2005, f. & cert. ef. 7-20-05; BME 18-2006, f. & cert. ef. 7-25-06; BME 22-2006, f. & cert. ef. 10-23-06; BME 7-2007, f. & cert. ef. 1-24-07; BME 11-2007, f. & cert. ef. 4-26-07; BME 24-2007, f. & cert. ef. 10-24-07; BME 11-2008, f. & cert. ef. 4-24-08; BME 19-2008, f. & cert. ef. 7-21-08

Rule Caption: Denial or investigation of physician requesting approval as supervising physician.

Adm. Order No.: BME 20-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 6-1-2008

Rules Amended: 847-050-0037

Subject: Amendment to the administrative rules specifies that physicians who have restrictions upon or actions against their license may be investigated prior to approval or may be denied approval as a supervising physician, and that the Board may defer taking action upon a request for approval as a supervising physician pending the outcome of the investigation of the physician.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-050-0037

Supervision

(1) The supervising physician is responsible for the direction and regular review of the medical services provided by the physician assistant.

(2) The type of supervision and maintenance of supervision provided for each physician assistant shall be described in the practice description and approved by the Board. The supervising physician shall provide for maintenance of verbal communication with the physician assistant at all times, whether the supervising physician and physician assistant practice in the same practice location or a practice location separate from each other, as described in the following:

(a) The practice is listed in the practice description of the physician assistant and is pre-approved by the Board.

(b) Practice locations, other than primary or secondary practice locations, such as schools, sporting events, health fairs and long term care facilities, are not required to be listed in the practice description of the physician assistant if the duties are the same as those listed in the practice description. The medical records for the patients seen at these additional practice locations will be held either at the supervising physician's primary practice location or the additional practice locations. The supervision of the physician assistant at locations other than the primary or secondary practice location shall be the same as for the primary or secondary practice location.

(c) In any instance where the supervising physician or designated agent is not providing direct or personal supervision of the physician assistant as defined in OAR 847-050-0010(8)(a) and (c), the supervising physician or designated agent shall provide for the maintenance of direct, verbal communication by telephone, radio, radio telephone, television or similar means but is not required to be physically present at the practice site.

(d) The supervising physician or designated agent will provide a minimum of four hours of on-site supervision every two weeks.

(e) The supervising physician or designated agent will provide chart review of a number or a percentage of the patients the physician assistant has seen during each month as stated in the practice description as approved by the Board.

(3) The degree of independent judgment that the physician assistant may exercise shall be in accordance with the Board approved practice description and supervision. The supervising physician may limit the degree of independent judgment that the physician assistant uses but may not extend it beyond the limits of the practice description.

(4) A physician who has restrictions upon or actions against their license may be subject to Board investigation prior to approval or may be denied approval as a supervising physician.

(5) The Board may defer taking action upon a request for approval as a supervising physician pending the outcome of the investigation of the physician for violations of ORS 677.010-990.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265, 677.510

Hist.: ME 4-1981(Temp), f. & ef. 10-20-81; ME 2-1982, f. & ef. 1-28-82; ME 8-1985, f. & ef. 8-5-85; ME 2-1990, f. & cert. ef. 1-29-90; BME 1-1998, f. & cert. ef. 1-30-98; BME 9-1999, f. & cert. ef. 4-22-99; BME 2-2000, f. & cert. ef. 2-7-00; BME 4-2002, f. & cert. ef. 4-23-02; BME 4-2005, f. & cert. ef. 4-21-05; BME 20-2008, f. & cert. ef. 7-21-08

Rule Caption: Establish acupuncture exam limits and change time-frame requirements for alternative pathway applicants.

Adm. Order No.: BME 21-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 6-1-2008

Rules Amended: 847-070-0005, 847-070-0016

Subject: Proposed rule changes (1) establish attempt limits for the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) acupuncture certification exams and (2) delete reference to the date July 1, 1998 in the requirement that applicants for licensure by the alternate pathway must (a) document five years of practice prior to July 1, 1998 and (b) meet the curriculum's western medicine standards in place on July 1, 1998. Proposed language change is to require applicants to meet western medicine standards in place at the time of their graduation.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-070-0005

Definitions

As used in the rules regulating the practice of acupuncture:

(1) "Acupuncture" means an Oriental health care practice used to promote health and to treat neurological, organic or functional disorders by the

ADMINISTRATIVE RULES

stimulation of specific points on the surface of the body by the insertion of needles. "Acupuncture" includes the treatment method of moxibustion, as well as the use of electrical, thermal, mechanical or magnetic devices, with or without needles, to stimulate acupuncture points and acupuncture meridians and to induce acupuncture anesthesia or analgesia.

(a) The practice of acupuncture also includes the following modalities as authorized by the Oregon Medical Board for the State of Oregon:

(A) Traditional and modern Oriental Medical and acupuncture techniques of diagnosis and evaluation;

(B) Oriental massage, exercise and related therapeutic methods; and

(C) The use of Oriental pharmacopoeia, vitamins, minerals and dietary advice.

(2) "Licensed Acupuncturist" means an individual authorized by the Board to practice acupuncture pursuant to ORS Chapter 677.

(3) "Board" means the Oregon Medical Board for the State of Oregon.

(4) "Committee" means the Acupuncture Advisory Committee.

(5) "Physician" means an individual licensed to practice medicine pursuant to ORS Chapter 677.

(6) "Clinical training" means supervised clinical training which consists of diagnosis and actual patient treatment which includes insertion of acupuncture needles.

Stat. Auth.: ORS 677.265, 677.759

Stats. Implemented: ORS 677.265, 677.759, 677.780

Hist.: ME 31, f. 9-9-75, ef. 10-11-75; ME 4-1979, f. & ef. 5-1-79; ME 2-1981, f. & ef. 2-3-81; ME 9-1982, f. & ef. 10-27-82; ME 6-1984, f. & ef. 1-20-84; ME 6-1993, f. & cert. ef. 4-22-93; ME 4-1995, f. & cert. ef. 5-3-95; BME 21-2008, f. & cert. ef. 7-21-08

847-070-0016

Qualifications

An applicant for licensure as an acupuncturist in the State of Oregon must have the following qualifications:

(1) Have graduated from an acupuncture program that satisfies the standards of the Accreditation Commission for Acupuncture and Oriental Medicine (A.C.A.O.M.), or its successor organization, or an equivalent accreditation body that are in effect at the time of the applicant's graduation. An acupuncture program may be established as having satisfied those standards by demonstration of one of the following:

(a) Accreditation, or candidacy for accreditation by ACAOM at the time of graduation from the acupuncture program; or

(b) Approval by a foreign government's Ministry of Education, or Ministry of Health, or equivalent foreign government agency at the time of graduation from the acupuncture program. Each applicant must submit their documents to a foreign credential equivalency service, which is approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) for the purpose of establishing equivalency to the ACAOM accreditation standard. Acupuncture programs that wish to be considered equivalent to an ACAOM accredited program must also meet the curricular requirements of ACAOM in effect at the time of graduation.

(2) Current certification in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine (N.C.C.A.O.M.). An applicant shall be deemed certified by the N.C.C.A.O.M. in Acupuncture if the applicant has passed the N.C.C.A.O.M. Acupuncture Certification Examinations, or has been certified through the N.C.C.A.O.M. Credentials Documentation Examination. The applicant has no more than four attempts to pass the NCCAOM Acupuncture Certification Examinations. If the applicant does not pass the NCCAOM Certification Examinations within four attempts, the applicant is not eligible for licensure.

(3) An applicant who does not meet the criteria in OAR 847-070-0016(1) and (2) must have the following qualifications:

(a) Five years of licensed clinical acupuncture practice in the United States. This practice must include a minimum of 500 acupuncture patient visits per year. Documentation shall include:

(A) Two affidavits from office partners, clinic supervisors, accountants, or others approved by the Board, who have personal knowledge of the years of practice and number of patient visits per year; and

(B) Notarized copies of samples of appointment books, patient charts and financial records, or other documentation as required by the Board; and

(b) An applicant must have practiced as a licensed acupuncturist in the U.S. during five of the last seven years prior to application for Oregon licensure. Licensed practice includes clinical practice, clinical supervision, teaching, research, and other work as approved by the Board within the field of acupuncture and oriental medicine. Documentation of this practice will be required and is subject to Board approval; and

(c) Successful completion of the A.C.A.O.M. western medicine requirements in effect at the time of graduation from the acupuncture program; and

(d) Current certification in acupuncture by the N.C.C.A.O.M. An applicant shall be deemed certified in Acupuncture by the N.C.C.A.O.M. if the applicant has passed the N.C.C.A.O.M. Acupuncture Certification Examinations, or has been certified through the N.C.C.A.O.M. Credentials Documentation Examination. The applicant has no more than four attempts to pass the NCCAOM Acupuncture Certification Examinations. If the applicant does not pass the NCCAOM Certification Examinations within four attempts, the applicant is not eligible for licensure.

(4) An individual whose acupuncture training and diploma were obtained in a foreign country and who cannot document the requirements of subsections (1) through (3) of this rule because the required documentation is now unobtainable, may be considered eligible for licensure if it is established to the satisfaction of the Board that the applicant has equivalent skills and training and can document one year of training or supervised practice under a licensed acupuncturist in the United States.

(5) In addition to meeting the requirements in (1) and (2), or (3), or (4) of this rule, all applicants for licensure must have the following qualifications:

(a) Licensure in good standing from the state or states of all prior and current health related licensure; and

(b) Have good moral character as those traits would relate to the applicant's ability of properly engaging in the practice of acupuncture; and

(c) Have the ability to communicate in the English language well enough to be understood by patients and physicians. This requirement is met if the applicant passes the N.C.C.A.O.M. written acupuncture examination in English, or if in a foreign language, must also have passed an English language proficiency examination, such as TOEFL (Test of English as a Foreign Language), or TSE (Test of Spoken English). An applicant must obtain a TOEFL score of 500 or more for the written TOEFL exam and 173 or more for the computer based TOEFL exam, or a TSE score of 200 or more prior to July 1995, and a score of 50 or more after July 1995. An applicant who is certified through the N.C.C.A.O.M. Credentials Documentation Examination must also have passed an English proficiency examination.

Stat. Auth.: ORS 677.265, 677.759

Stats. Implemented: ORS 677.265, 677.759, 677.780

Hist.: ME 5-1997, f. & cert. ef. 11-3-97; BME 5-1998, f. & cert. ef. 4-22-98; BME 15-1998, f. & cert. ef. 10-26-98; BME 15-1998, f. & cert. ef. 10-26-98; BME 16-1999, f. & cert. ef. 10-28-99; BME 13-2001, f. & cert. ef. 10-30-01; BME 6-2002, f. & cert. ef. 4-23-02; BME 12-2005, f. & cert. ef. 10-12-05; BME 21-2006, f. & cert. ef. 10-23-06; BME 10-2007, f. & cert. ef. 4-26-07; BME 7-2008(Temp), f. & cert. ef. 4-24-08 thru 10-6-08; BME 21-2008, f. & cert. ef. 7-21-08

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Modifies effective date of ORP election and provides for transfer of all accounts to ORP.

Adm. Order No.: PERS 10-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 7-31-08

Notice Publication Date: 7-1-2008

Rules Amended: 459-005-0310

Subject: The rule modifications clarify the effective date of an employee's election to participate in the Oregon University System's Optional Retirement Plan (ORP) is the first of the month following six months of employment. They also clarify the definitions of the accounts subject to transfer to the ORP. The modifications establish that a member's request to transfer an account to the ORP pursuant to ORS 243.800(6) will be considered a request to transfer all accounts the member has in PERS to the ORP and administered as such by PERS unless the member limits the request to a specific account.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-005-0310

Date of Participation and Transfer of Employee Funds to the Oregon University System Optional Retirement Plan

(1) Definitions. For the purposes of this rule:

(a) "IAP account" means the member's employee, rollover, and employer accounts in the Individual Account Program, to the extent the member is vested in those accounts under ORS 238A.320.

(b) "OPSRP Pension account" means the member's transferable interest in the pension program under ORS 243.800(6)(d).

ADMINISTRATIVE RULES

(c) "PERS member account" includes a "member account" as defined in ORS 238.005, an account established under ORS 238.440, and an account subject to ORS 238.095(4).

(2) The effective date of an election by an administrative or academic employee of the Oregon University System (OUS) to participate in the Optional Retirement Plan (ORP) authorized under ORS 243.800 is the first day of the month following a period of six full calendar months of employment in an administrative or academic position.

(a) Unless otherwise agreed upon, notice of the effective date of the election will be provided to PERS by OUS within 30 days of the date of the election.

(b) If the employee is a member of PERS and elects to transfer funds from PERS to the Optional Retirement Plan pursuant to ORS 243.800(6), OUS will forward to PERS a copy of the ORP election form and a written transfer request from the employee at the time of the notification required in subsection (a) of this section.

(3) If an employee who is a member of PERS requests a transfer of funds pursuant to ORS 243.800(6):

(a) PERS must transfer the funds to the ORP within the 60-day period following the later of:

(A) The effective date of the employee's election to participate in the ORP; or

(B) The effective date of the transfer.

(b) The effective date of a transfer is the first of the month in which PERS completes reconciliation of the account to be transferred.

(c) PERS may not transfer funds to the ORP if the member is concurrently employed by a participating employer other than an institution of the Oregon University System.

Stat. Auth.: ORS 238A.450, 238.650

Stats. Implemented: ORS 243.800

Hist.: PERS 3-1996, f. & cert. ef. 6-11-96; PERS 4-2005, f. & cert. ef. 1-31-05; PERS 10-2008, f. & cert. ef. 7-31-08

Rule Caption: Modifications conform direct rollover rules to federal requirements.

Adm. Order No.: PERS 11-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 7-31-08

Notice Publication Date: 5-1-2008

Rules Amended: 459-005-0591, 459-005-0595, 459-050-0090

Subject: The Pension Protection Act of 2006 (PPA) allows plan sponsors to permit participants receiving eligible rollover distributions to roll the distribution to a Roth IRA. The IRS has recently indicated that it is mandatory for plan sponsors to off this option to plan participants. Accordingly, PERS must amend these administrative rules to reflect this ability, retroactive to January 1, 2008.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-005-0591

Definitions — Direct Rollovers

As used in OAR 459-005-0590 to 459-005-0599 the following words and phrases shall have the following meanings:

(1) "Code" means the Internal Revenue Code of 1986, as amended.

(2) A "direct rollover" means the payment of an eligible rollover distribution by PERS to an eligible retirement plan specified by the distributee.

(3) A "distributee" includes a PERS member, the surviving spouse of a deceased PERS member, a non-spouse beneficiary of the member that is a designated beneficiary under Code Section 402(c)(11), and the current or former spouse of a PERS member who is the alternate payee under a domestic relations order that satisfies the requirements of ORS 238.465 and the rules adopted thereunder.

(4) An "eligible retirement plan" means any one of the following:

(a) An individual retirement account or annuity described in Code Section 408(a) or (b), including a Roth IRA as described in Code Section 408A;

(b) An annuity plan described in Code Section 403(a) that accepts the distributee's eligible rollover distribution;

(c) A qualified trust described in Code Section 401(a) that accepts the distributee's eligible rollover distribution;

(d) An eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A) and accepts the distributee's eligible rollover distribution.

(e) An annuity contract described in Code Section 403(b) that accepts the distributee's eligible rollover distribution.

(f) For the purposes of ORS 237.650(3), the individual employee account maintained for a member under the Individual Account Program as set forth under ORS 238A.350(2); and

(g) For the purposes of ORS 237.655(2), the state deferred compensation program.

(5) An "eligible rollover distribution" means any distribution of all or any portion of a distributee's PERS benefit, except that an eligible rollover distribution shall not include:

(a) Any distribution that is one of a series of substantially equal periodic payment 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) Any distribution to the extent that it is a required or minimum distribution under Code Section 401(a)(9).

(6) A "recipient plan" means an eligible retirement plan that is designated by a distributee to receive a direct rollover.

(7) The provisions of this rule are effective on January 1, 2008.

Stat. Auth.: ORS 238.650 & 238A.450

Stats. Implemented: ORS 238 & 238A

Hist.: PERS 11-1998, f. & cert. ef. 12-17-98; PERS 1-2002(Temp), f. & cert. ef. 1-11-02 thru 6-28-02; PERS 3-2002, f. & cert. ef. 3-26-02; PERS 31-2004(Temp), f. & cert. ef. 12-15-04 thru 6-1-05; PERS 3-2005, f. & cert. ef. 1-31-05; PERS 8-2005, f. & cert. ef. 2-22-05; 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

459-005-0595

Limitations — Direct Rollovers

(1) Notwithstanding any provision to the contrary in OAR 459-005-0590 to 459-005-0599, 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 in a direct rollover to only one eligible retirement plan.

(b) A distributee may elect a direct rollover only when his or her eligible rollover distribution(s) during a calendar year is reasonably expected to total \$200 or more.

(c) 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 member elects to have at least \$500 transferred to the eligible retirement plan.

(2)(a) The provisions of subsection (1)(a) apply to any portion of a distribution, including after-tax employee contributions that are not includible in gross income.

(b) Any portion of a distribution that consists of after-tax employee contributions that are not includible in gross income may be transferred only to:

(A) An individual retirement account or annuity described in Code Section 408(a) or (b), including a Roth IRA; or

(B) An annuity contract described in Code Section 403(b) or a qualified defined contribution or defined benefit plan that agrees to separately account for the amounts transferred, including separate accounting for the pre-tax and post-tax amounts.

(c) The amount transferred shall be treated as consisting first of the portion of the distribution that is includible in gross income, determined without regard to Code Section 402(c)(1).

(3) The provisions of this rule are effective on January 1, 2008.

Stat. Auth.: ORS 238.650 & 238A.450

Stats. Implemented: ORS 238 & 238A

Hist.: PERS 11-1998, f. & cert. ef. 12-17-98; PERS 31-2004(Temp), f. & cert. ef. 12-15-04 thru 6-1-05; PERS 8-2005, f. & cert. ef. 2-22-05; 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

459-050-0090

Direct Rollover

The purpose of this rule is to establish the criteria and process for a direct rollover (a transfer made from trustee to trustee) by the Deferred Compensation Program to an eligible retirement plan and to establish the criteria and process for the Deferred Compensation Program to accept an eligible rollover distribution from another eligible retirement plan. This rule shall apply to any direct rollover distribution received by the Deferred Compensation Program on behalf of a participant and any request for distribution from a Deferred Compensation Program account processed on or after January 1, 2008.

(1) Definitions. The following definitions apply for the purpose of this rule:

(a) "Code" means the Internal Revenue Code of 1986, as amended.

ADMINISTRATIVE RULES

(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:

(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).

(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.

(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) Direct rollover from an eligible retirement plan. On or after January 1, 2002, the Deferred Compensation Program shall only accept rollover contributions from participants and direct rollovers of distributions from an eligible retirement plan on behalf of a participant. Section (3) of this rule 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.

(A) The Deferred Compensation Program may require that a direct rollover from an eligible deferred compensation plan described in Code Section 457(b) plan include or be accompanied by a statement by the participant's previous employer or the plan administrator that the distribution is eligible for rollover treatment.

(B) A direct rollover from an eligible retirement plan other than a Deferred Compensation Plan described in Code Section 457(b) 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 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 distributee.

(b) Subject to the requirements of subsections (3)(b)(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 deferred compensation plan account described in Code Section 457(b) will be aggregated with the participant's accumulated Deferred Compensation Plan account.

(B) 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.

(c) 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.

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

Rule Caption: Modifications conform public records rules to Senate Bill 554 requirements.

Adm. Order No.: PERS 12-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 7-31-08

Notice Publication Date: 5-1-2008

Rules Amended: 459-060-0001, 459-060-0010

Rules Repealed: 459-060-0000

Subject: The 2007 Oregon Legislature enacted SB 554, which amends ORS 192.440 to impose two new requirements on public agencies, one pertaining to the manner in which such agencies respond to public records requests and the other requiring those agencies to make certain information available regarding the public records request process. The proposed rule modifications set forth how to request public records, including content in the request and

ADMINISTRATIVE RULES

associated fees and costs, as well as the possible staff responses to public records requests.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-060-0001

Definitions

The words and phrases used in this Division have the same meaning given them in ORS Chapters 192, 238, 238A and OAR 459-005-0001. Specific and additional terms used in this Division are defined as follows unless context requires otherwise:

(1) "Medical records" means any reports, letters, or notes containing information regarding a member's health condition (mental or physical), or ability to perform any work.

(2) "Member" means an employee of a PERS participating employer, a PERS member as defined in ORS 238.005(12) or 238A.005(10), a former PERS member, the beneficiary of a PERS member, an alternate payee as defined in ORS 238.465, or the beneficiary of an alternate payee.

(3) "Public disclosure" means disclosure of information to any individual other than the member or an individual who is legally authorized to act on behalf of the member as to PERS matters.

(4) "Requestor" means a person requesting disclosure of public records.

Stat. Auth.: ORS 192.430, 192.502, 238.650 & 238A.450

Stats. Implemented: ORS 192.410 - 192.505

Hist.: PERS 8-1996, f. & cert. ef. 11-12-96; PERS 16-2003, f. & cert. ef. 12-15-03; PERS 12-2008, f. & cert. ef. 7-31-08

459-060-0010

Requests and Fees for Public Records

(1) Requesting public records. Anyone may request disclosure of a public record for which the Public Employees Retirement System is the custodian by submitting a written request in person, via mail, email, or fax. PERS will provide for disclosure of any public record which an individual has a right to inspect, subject to any exemptions that may apply under ORS 192.410 to 192.505. PERS may determine the time and manner of inspection or copying to protect the records and to prevent interference with the regular activities of PERS and its employees. A request for public records must include:

(a) The name, address, and telephone number, if any, of the requestor;

(b) A sufficiently detailed description of the record(s) requested, including the identification, description, type, and format of the public record, if known to the requestor;

(c) The number of copies requested of the public record, if copies are requested; and

(d) The signature of the requestor, unless sent via email, and date of request.

(2) PERS response to public record requests. Upon receiving a public record request, PERS will provide a prompt response acknowledging receipt of the request, following the guidelines set forth in ORS 192.440(2).

(3) Time period for response. A reasonable period of time, as determined by PERS, must be allowed for staff to locate and assemble the requested record(s), and consult with the Attorney General's office, if needed. If the record requested is exempt from public disclosure under ORS 192.410 to 192.505, PERS will provide a response explaining why the record may not be released.

(4) Fees for public records. In accordance with ORS 192.440, PERS may charge a reasonable fee for public record requests. Fees are calculated to reimburse PERS for the actual costs of locating, producing, and providing copies of public records. A fee schedule is available upon request.

(a) A cost estimate will be provided to the requestor before the production of any records, other than those records that will be provided at no cost under section (5) below.

(b) All fees must be paid in advance of releasing the requested public records for inspection or before photocopies are provided, unless otherwise directed by the Director or the records will be provided at no cost under section (5) below. Payments must be made by check or money order and made payable to the Public Employees Retirement System.

(5) Records available at no cost. No fee will be charged to a member for one copy of the following public records:

(a) Approved Board minutes or Board orders for the past 12 months;

(b) Current PERS administrative rules;

(c) Current Oregon Revised Statutes pertaining to PERS;

(d) Current PERS publications;

(e) A PERS member's record to the extent permitted under OAR 459-060-0030 and 459-060-0020, excluding paragraph (3)(a)(D); and

(f) No fee will be charged for providing such records:

(A) In an alternative format when required under the Americans with Disabilities Act; or

(B) If the records can be provided at nominal expense where collection of the fee would be more than the cost to provide the records.

(6) Except as provided under section (5) of this rule, PERS may not reduce or waive fees for making public records available and must charge the actual costs for services provided.

Stat. Auth.: ORS 192.430, 192.440, 238.650, 238A.450 & 243.470

Stats. Implemented: ORS 192.410 - 192.505

Hist.: PERS 11-2000, f. 12-15-00 cert. ef. 1-1-01; PERS 7-2002, f. & cert. ef. 5-24-02; PERS 16-2003, f. & cert. ef. 12-15-03; PERS 12-2008, f. & cert. ef. 7-31-08

Rule Caption: Establishes that an employer applying for participation in OPSRP must participate in all PERS programs.

Adm. Order No.: PERS 13-2008

Filed with Sec. of State: 7-31-2008

Certified to be Effective: 7-31-08

Notice Publication Date: 5-1-2008

Rules Amended: 459-070-0050, 459-075-0010

Subject: Modifications to OAR 459-070-0050 establish that an employer that applies to participate in the Oregon Public Services Retirement Plan (OPSRP) must participate in the OPSRP Pension Program, the Individual Account Program, and the PERS Chapter 238 Program. Modifications to OAR 459-075-0010 eliminate provisions regarding concurrent membership in OPSRP and the PERS Chapter 238 Program.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-070-0050

Participation of Public Employers

(1) Any public employer that does not already provide benefits under the Oregon Public Service Retirement Plan (OPSRP) may apply to participate in OPSRP for service by eligible employees performed on or after the date the employer's participation becomes effective. An employer that applies to participate in OPSRP must also apply to participate in the PERS Chapter 238 Program for members of that program that it employs on or after the employer's participation begins.

(2) The application to participate must contain the following:

(a) A true copy of the resolution, motion or other official action by which the employer's governing board or equivalent decided to apply to participate;

(b) A designated person or position authorized to represent the employer on PERS matters;

(c) Whether the employer will participate for one or more designated classes of employees or for all employees. If the employer already provides coverage for some but not all employees, the application must designate which additional class(es) will be added;

(d) A statement that the employer will participate in the OPSRP Pension Program and the OPSRP IAP;

(e) A statement that the employer will participate in the PERS Chapter 238 Program for members of that program that it currently employs or may hire in the future in the class(es) designated for coverage pursuant to subsection (c) of this section;

(f) Whether the employer will participate in the unused sick leave program pursuant to ORS 238.350; and

(g) The date on which the employer proposes to commence participation.

(3) If the employer elects to participate in the State and Local Government Rate Pool (SLGRP) for the PERS Chapter 238 Program, the employer shall provide PERS with a resolution electing to participate in the SLGRP before the coverage agreement is signed by the parties.

(4) Upon receipt of the properly completed application, PERS will prepare a coverage agreement, which will be forwarded to the person designated by the employer under (2)(b) above. In no event will coverage commence before the agreement has been executed on behalf of the employer's governing body (or equivalent), the PERS Executive Director, and the PERS Board.

(5) The employer will provide any and all information requested by PERS to ensure that the employer is eligible to participate, including whatever information PERS deems necessary to determine that the employer qualifies as a public employer. Factors to be addressed in that determination include but are not limited to:

(a) If the employer is a public corporation, whether a governmental entity retains essential control over the employer's activities, with delegated powers for administration or discharge of public duties;

ADMINISTRATIVE RULES

(b) Whether a state or local governmental body controls management of the employer;

(c) If the employer is a public corporation, whether it generates profits for private investors or stockholders;

(d) Where the employer derives its funding for operations;

(e) Whether the employer performs a governmental function; and

(f) Any information deemed necessary to determine that the employer's coverage will not adversely affect PERS' status as a qualified governmental retirement plan under the Internal Revenue Code.

(6) Unless the coverage agreement specifically provides otherwise, no retirement or service credit will be provided under the PERS Chapter 238 Program for the service performed with that employer prior to the employer becoming a participating employer.

Stat. Auth.: ORS 238A.450, 238.650

Stats. Implemented: ORS 238A.025, 238A.070

Hist.: PERS 1-2005, f. & cert. ef. 1-31-05; PERS 13-2008, f. & cert. ef. 7-31-08

459-075-0010

Eligibility and Membership

(1) Eligibility. An employee who is employed in a qualifying position on or after August 29, 2003 by an employer participating in the OPSRP Pension Program is eligible to become a member of that program unless the employee:

(a) Has established membership in the PERS Chapter 238 Program before August 29, 2003 under the terms of ORS 238A.025 and has not terminated membership in that program under ORS 238.095;

(b) Is a judge member as defined in ORS 238.500;

(c) Elects to participate in an optional or alternative retirement plan as provided in ORS Chapters 243, 341, or 353; or

(d) Is otherwise ineligible for membership.

(2) Membership:

(a) An employee who meets the requirements in section (1) of this rule becomes a member of the OPSRP Pension Program on the first day of the calendar month following the employee's completion of a waiting period of six full calendar months of service in a qualifying position with the same participating public employer. The six full calendar months of service may not be interrupted by more than 30 consecutive working days. For the purposes of this rule, a working day is defined as a day that the employer is open for business.

(b) The waiting period begins:

(A) On the date the employee is hired, and includes the month of hire as a full calendar month, if the date of hire is the first business day of the month. For the purposes of this rule, a business day is defined as Monday through Friday when PERS is open for business;

(B) On the first day of the month following the date of hire; or

(C) On the first day of the month following the end date of an interruption of service of more than 30 consecutive working days.

(c) In the event an employee is on an official leave of absence as described in OAR 459-010-0010, the period of absence shall not constitute an interruption of the waiting period under subsection (a) of this section. The waiting period shall be extended by the length of the leave of absence.

(d) Absence from service by an educational employee during periods that the employing educational institution is not in session shall not constitute an interruption of the waiting period under subsection (a) of this section.

(3) The provisions of this rule are retroactive to November 23, 2007.

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.025, 238A.100 & OL 2007 Ch. 769

Hist.: PERS 4-2004, f. & cert. ef. 2-18-04; PERS 8-2006, f. & cert. ef. 4-5-06; PERS 17-2007, f. & cert. ef. 11-23-07; PERS 13-2008, f. & cert. ef. 7-31-08

Oregon State Marine Board Chapter 250

Rule Caption: Eliminates emergency communication EPIRB exemption.

Adm. Order No.: OSMB 7-2008(Temp)

Filed with Sec. of State: 7-17-2008

Certified to be Effective: 7-17-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 250-015-0011

Subject: This rule action eliminates the satellite 406 MHz EPIRB exemption for vessels carrying six or fewer passengers.

Rules Coordinator: June LeTarte—(503) 378-2617

250-015-0011

Exemptions

Open construction, dory-styled craft of less than 23 feet in length, departing from and returning to beach sites shall be exempt from requirement to carry an Anchor, Anchor Chain or Anchor Line as specified in 250-015-0020.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05; OSMB 7-2008(Temp), f. & cert. ef. 7-17-08 thru 12-31-08

Oregon University System Chapter 580

Rule Caption: Rules for procurement, contracting, construction, purchase, and sale of real property.

Adm. Order No.: OSSHE 9-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 4-1-2008

Rules Adopted: 580-060-0000, 580-060-0005, 580-060-0010, 580-060-0015, 580-060-0020, 580-060-0025, 580-060-0030, 580-060-0035, 580-060-0040, 580-060-0045, 580-060-0050, 580-060-0055, 580-060-0060, 580-061-0000, 580-061-0005, 580-061-0010, 580-061-0015, 580-061-0020, 580-061-0025, 580-061-0030, 580-061-0035, 580-061-0040, 580-061-0045, 580-061-0050, 580-061-0055, 580-061-0060, 580-061-0065, 580-061-0070, 580-061-0075, 580-061-0080, 580-061-0085, 580-061-0090, 580-061-0095, 580-061-0100, 580-061-0105, 580-061-0110, 580-061-0115, 580-061-0120, 580-061-0125, 580-061-0130, 580-061-0135, 580-061-0140, 580-061-0145, 580-061-0150, 580-061-0155, 580-061-0160, 580-062-0000, 580-062-0005, 580-062-0010, 580-062-0015, 580-062-0020, 580-063-0000, 580-063-0005, 580-063-0010, 580-063-0015, 580-063-0020, 580-063-0025, 580-063-0030, 580-063-0035, 580-063-0040, 580-063-0045

Rules Amended: 580-042-0010

Rules Repealed: 580-040-0100, 580-040-0200, 580-040-0205, 580-040-0210, 580-040-0215, 580-040-0220, 580-040-0223, 580-040-0225, 580-040-0230, 580-040-0235, 580-040-0240, 580-040-0245, 580-040-0255, 580-040-0260, 580-040-0275, 580-040-0277, 580-040-0280, 580-040-0285, 580-040-0290, 580-040-0292, 580-040-0295, 580-050-0001, 580-050-0005, 580-050-0010, 580-050-0015, 580-050-0020, 580-050-0025, 580-050-0032, 580-050-0033, 580-050-0040, 580-050-0041, 580-050-0042, 580-050-0100, 580-050-0105

Subject: The administrative rules governing procurements of professional services, goods and services, construction services, purchase and sale of real property, and the use of university property.

Rules Coordinator: Marcia M. Stuart—(541) 346-5749

580-042-0010

Delegation

(1) Institutions are authorized to apply for and accept, on behalf of the Board, gifts or grants and to negotiate contracts that will not result in:

(a) Enrollments in excess of those on which budgets have been based;

(b) Commitment of funds beyond those available in budgets approved by the Board, or the normal continuation thereof;

(c) Creating a commitment for the institution or the state to continue support of a program funded through gifts, grants or contracts, in the event such funds are discontinued;

(d) Development or support of activities inconsistent with the approved mission of the department and/or institution;

(e) Launching of new curricular programs that have not received prior Board approval;

(f) Establishing or significantly expanding a clientele for services of an essentially nonresearch or noninstructional nature.

(2) The Vice Chancellor for Finance and Administration or a designee is authorized to approve applications for and acceptance of other gifts, grants or contracts.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 2-1986, f. & ef. 1-17-86; HEB 10-1990, f. & cert. ef. 7-26-90; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96; OSSHE 4-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

ADMINISTRATIVE RULES

580-060-0000

Authority

These rules establish the procedures that will be followed by Institutions of the Oregon University System to acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, improve, and develop all real property given to any of the Institutions under the control of the Board by private donors or acquired by any other method or from any source, except for any structure, or asset encumbered by a certificate of participation.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0005

Definitions

All capitalized terms in chapter 580, division 60 have the meanings set forth in OAR 580-061-0010 unless the context requires otherwise or except as stated.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0010

Comprehensive Plan Coordination

Each of the Institutions will maintain a long-range campus development plan covering approved campus boundaries, including real property that is not contiguous to the main campus. The combined Institutional plans will be known as the Oregon University System Comprehensive Plan. Institutional plans will conform to OAR chapter 660, division 30 of the Land Conservation and Development Commission, which includes, but is not limited to, conforming the Institutional plans to regulations of the applicable local jurisdiction. Institutional plans will be approved by the Institution President and by the Chancellor or designee. The Chancellor or designee will approve revisions to the campus boundaries.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0015

Records

The Office of Capital Construction, Planning, and Budget of the Chancellor's Office will be the official record keeper for all documents that affect real property under the control of the Board. Documents affecting real property include, but are not limited to, all instruments that acquire, transfer, sell, or alter the character of land. All documents will be provided by Institutions to the Office of Capital Construction, Planning, and Budget in a timely manner.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0020

Purchase of Real Property

All purchases will be in the name of the State of Oregon. All instruments acquiring title to real property must be executed by the Board President and Board Secretary in accordance with ORS 351.150. All purchases will be for the present or future development of the Institution.

(1) The Institution President has the authority to approve purchases of real property after obtaining at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value if the consideration is less than \$1,000,000. The Institution President must ensure that an environmental assessment has been completed and that any risk associated with the real property is reasonable under the circumstances and OUS Systemwide legislative expenditure limitation has been obtained prior to approving the purchase of real property.

(2) For the purchase of real property where the consideration exceeds \$1,000,000, the Institution President or designee must:

(a) Obtain at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value, and

(b) Obtain prior approval of the acquisition by the Chancellor or designee, and

(c) Complete an environmental assessment and confirm that any risk associated with the real property is reasonable under the circumstances, and

(d) Obtain Legislative limitation, if required.

(3) All purchases of real property will comply with the applicable requirements of ORS Chapter 270.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0025

Gifts of Real Property

The Institution President may accept gifts of real property on behalf of the Board. The Institution President must ensure that an environmental assessment has been completed prior to accepting the gift of real property and that any risk associated with the real property is reasonable under the circumstances. Legal title to all real property gifted to the Institution must be taken and held in the name of the State of Oregon and executed by the Board President and Board Secretary.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0030

Condemnation

Acquisition of real property by condemnation will be conducted in accordance with ORS Chapter 35 and must be approved by the Board.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0035

Sale of Real Property

(1) All instruments transferring title to real property must be executed by the Board President and Board Secretary.

(2) The Institution President has the authority to approve the sale of real property after obtaining at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value if the consideration is less than \$1,000,000.

(3) For the sale of real property where the consideration exceeds \$1,000,000, the Institution President must obtain at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value and must obtain prior approval of the sale by the Chancellor, or designee.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0040

Easements

(1) All instruments granting or acquiring an easement must be executed by the Board President and Board Secretary.

(2) The Institution President or designee has the authority to approve acquisition or grant of an easement reasonably related to the operation of the Institution if the consideration does not exceed \$1,000,000.

(3) The Institution President or designee must obtain Chancellor, or designee approval for all other easement grants or acquisitions.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0045

Use of Facilities for Other than Institutional Purposes

Institutions normally will not make available Institutional buildings and other facilities to individuals for essentially private use or to outside organizations, unless approved in Institutional policy or required by law. Exceptions will be made only if the proposed use is consistent with Institutional policies and missions and the individual or organization fully reimburses the Institution for all appropriate costs. The Institutional President or designee will confer with the OUS Controller's Division to determine compliance with bond restrictions.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0050

Transfers of Interests in Real Property

(1) Private Activity Limitations: If an Institution intends to execute any transfer of an interest in real property owned by the Board or the right to use Board real property, including a lease or license, and either (a) the term of the transfer exceeds 50 days in total or (b) the arrangement was not set at fair market value, then prior to the execution of that transfer of inter-

ADMINISTRATIVE RULES

est in real property, the Institution President or designee will confer with the OUS Controller's Division to determine compliance with bond restrictions.

(2) Authority to Execute Agreements: The Institution President or designee is authorized to execute documents transferring such interests for real property owned or controlled by the Board or real property for the use of the Institution if the term of the agreement and all extensions do not exceed ten years or the consideration for the transfer of an interest does not exceed \$5 million over the term of the agreement. The Chancellor or designee may approve transfers of interest if the term of the agreement and all extensions do not exceed 15 years or the consideration for the transfer of an interest does not exceed \$15 million over the term of the agreement. All other transfers of interests for real property will be approved by the Board.

(3) Improvements to Board-Owned Property: The Institution President or designee will obtain prior approval of the Board for agreements permitting the construction on or renovation to Board-owned property if such improvements exceed \$5 million during the term of the agreement. To obtain approval from the Board, the Institution must specify where funding for operations and maintenance will come from. If the Institution permits construction on or renovation to Board-owned property, the Institution must approve all plans and specifications prior to the commencement of work and obtain record drawings upon termination of the agreement or completion of the work, whichever first occurs.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0055

Naming Buildings

An Institution President is authorized to name buildings. No building or structure of the Oregon University System will be named after a living person. However, the Chancellor, or designee may make exceptions to this rule if a donor contributes a substantial share of the cost of construction or if other unusually meritorious reasons exist.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0060

Board of Higher Education-Provided Housing

(1) Consistent with ORS 182.415 to 182.435, the Board will collect rent for housing provided to officers and employees. Each Institution will:

(a) Examine periodically, but not less frequently than once every five years, each rental unit's fair rental value. Fair rental value will be determined by a qualified appraiser certified under ORS 308.010 or licensed or certified under ORS 674.310. The rental rate will be adjusted annually to reflect changes in community real estate values, if any.

(b) Collect rent for such housing based on the fair rental value, subject to any rental rate reductions authorized in subsection (2).

(c) Deposit such rental income in an appropriate Institution account.

(d) Provide no furnishings except as authorized by ORS 182.415(1)

(e) Determine whether to provide or to what extent the Institution will provide utilities and services for each housing unit.

(2) Each Institution providing housing for officers or employees may reduce the rent charged, by up to 100 percent from the fair rental value based on the following factors:

(a) Rental reduction for Institution need provided.

(A) If residence in the housing unit is a job requirement, as evidenced by contract or position description and not offered as an incentive or a fringe benefit to the resident state employee — 50 percent reduction; or

(B) If residence in the housing unit is not a job-related requirement but it is a distinct advantage to the Institution to have the officer or employee live near the job in case of an emergency or for general protection of Board property in the area — 20 percent reduction; or

(C) If residence in the housing unit is not a job requirement and the only advantage to the Institution is to reduce the chance of vandalism and deterioration to a Board-owned or controlled residence — 10 percent reduction; or

(D) If residence in the housing unit is not a job requirement nor is it for the benefit of the Institution, but is solely for the benefit of the occupant — No reduction.

(b) Rental reduction for invasion of privacy.

(A) If the housing unit or a significant part of it is used for a public office or public business or is so located that invasion of privacy by the

public or by guests invited for Institution-related activities is expected or usual — 30 percent reduction; or

(B) If the public is not invited and invasion of privacy is not the usual occurrence, but the residence location or architecture plainly indicates state ownership and there is little or no restriction of public or Institution client traffic — 20 percent reduction; or

(C) Invasion of privacy is an occasional or seasonal occurrence and there is some restriction to public traffic — 10 percent reduction; or

(D) Invasion of privacy is no more than would be expected for an average privately owned residence — No reduction.

(c) Rental reduction for isolation.

(A) If the housing unit is located in an isolated area, defined as being more than 50 miles distance or 90 minutes travel by automobile from the nearest full service community, or the travel conditions are usually severe or hazardous — 20 percent reduction. A full-service community is one with a supermarket, department store, medical doctor, dentist, church, school, etc; or

(B) If the housing unit is located 30 to 50 miles distance or 60 to 90 minutes travel by automobile from the nearest full-service community or the travel conditions are seasonally severe or hazardous — 15 percent reduction; or

(C) If the housing unit is located 10 to 30 miles distance or 30 to 60 minutes travel time by automobile from the nearest full-service community, the travel conditions are only occasionally severe or hazardous — 10 percent reduction; or

(D) The housing unit is located within 10 miles and not over 30 minutes travel time by automobile from the nearest full-service community and the travel conditions are rarely severe or hazardous — No reduction.

(d) Rental reduction for unique conditions. Certain unique conditions may arise or exist in addition to those in subsections (a)–(c) above. Rent may be reduced as follows:

(A) To correct inequities between the fair rental value as determined in subsection (1) and the salary of the officer or employee occupying the residence — reduction to the extent necessary and reasonable;

(B) Because of unique conditions in the Board's title to the property (e.g., the Board's ownership is conditioned upon residence by a specified employee) — up to 100 percent of the fair rental value; and

(C) Other factors necessary for effective program management (cannot include factors reflecting only the convenience or comfort of an employee) — a reduction of up to 20 percent.

(3) At least once every five years, Institutions will prepare a report indicating the fair rental value of each housing unit, the date of the most recent appraisal, and the amount of any reductions from the fair rental value and the reasons for the reductions. This report will be available for public inspection.

Stat. Auth.: ORS 351, 182.415, 182.425 & 351.070

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0000

Code of Ethics

(1) The following Code of Ethics will apply to Oregon University System employees in relation to chapter 580, divisions 60, 61, 62, and 63. Employees will:

(a) Give first consideration to the objectives and policies of the Board, OUS, and the Institution;

(b) Strive to obtain the best value for expenditures;

(c) Fairly consider prospective Contractors insofar as state or federal statutes and institutional rules and policies require;

(d) Conduct business in an atmosphere of good faith;

(e) Demand honesty in representations made by prospective Contractors;

(f) Promote competition by encouraging the participation of Oregon businesses, emerging small and minority-owned and women-owned businesses, and Qualified Rehabilitation Facilities;

(g) Comply with the applicable provisions of ORS Chapter 244 and other applicable rules and policies on conflict of interest that may be more restrictive;

(h) Refrain from having financial interests incompatible with the impartial, objective, and effective performance of duties. Activities that may create a conflict of interest must be addressed in accordance with the procedures outlined in the Oregon University System's Internal Management Directives and other applicable rules and policies;

(i) Receive the written consent of the originator of proprietary ideas and designs before using them; and

ADMINISTRATIVE RULES

(j) Foster fair, ethical, and legal trade practices.

(k) Execute the OUS Conflict of Interest Statement before any person may participate in the evaluation or selection of a Contractor or vendor under a Formal Procurement process.

(L) On an annual basis, sign a statement that the employee has reviewed and will comply with the OUS Code of Ethics.

(2) This code is for the Oregon University System's internal use only and creates no obligations enforceable by Contractors, Proposers, Bidders, or other parties doing business with an Institution, nor may it be used by Contractors, Proposers, Bidders, or other parties doing business with an Institution who are challenging actions taken by an Institution or its officers, employees, or agents. This code may not be the only statement on ethics applicable to an employee.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0005

Applicable Model Public Contract Rules

The Attorney General's Model Public Contract Rules adopted by the Oregon Attorney General pursuant to ORS 279A.065 are generally inapplicable to the contracting activities of Institutions unless specifically referenced and adopted herein.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0010

Definitions

The following Definitions will apply to chapter 580, divisions 60, 61, 62, and 63, unless the context requires otherwise:

(1) "Addendum" or "Addenda" means an addition to, deletion from, a material change in, or general interest explanation of the Solicitation Document. Addenda will be labeled as such and distributed to all interested Bidders or Proposers.

(2) "Award" means, as the context requires, identifying the Entity with whom the Institution intends to enter into a Contract following the resolution of any protest of the selection of that Entity and the completion of all Contract negotiations.

(3) "Bid" means an offer, binding on the Bidder and submitted in response to a Solicitation Document.

(4) "Bidder" means an Entity that submits a Bid in response to a Solicitation Document.

(5) "Board" means the Oregon State Board of Higher Education.

(6) "Change Order" or "Contract Amendment" means a written order issued by an Institution to the Contractor requiring a change in the Work within the general scope of the original Contract.

(7) "Closing" means the date and time specified in a Solicitation Document as the deadline for submitting Bids or Proposals.

(8) "Competitive Process" means the process of procuring goods and services and construction related services by fair and open competition, under varying market conditions, with the intent of minimizing opportunities for favoritism and assuring that Contracts are awarded equitably and economically using various factors in determining such equitability and economy.

(9) "Contract" means a contract for sale or other disposal, or a purchase, lease, rental, or other acquisition, by an Institution of personal property, services, including personal or professional services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement. "Contract" does not include grants. "Contract" may also mean a purchase order, Price Agreement, or other Contract document in addition to an Institution's Solicitation Document and the accepted portions of a Bid or Proposal.

(10) "Contract Officer" means the Vice President for Finance and Administration or his or her designee at an Institution or the Vice Chancellor for Finance and Administration or his or her designee with the authority to negotiate and execute Contracts.

(11) "Contract Price" means, as the context requires, the maximum monetary obligation that an Institution either will or may incur under a Contract, including bonuses, incentives and contingency amounts, Addenda, Change Orders, or approved alternates, if the Contractor fully performs under the Contract.

(12) "Contractor" means the Entity awarded a Contract to furnish an Institution goods, services, or Work.

(13) "Days" means calendar days, including weekdays, weekends, and holidays, unless otherwise specified.

(14) "Disadvantaged Business Enterprise" means a small business concern as defined in ORS 200.005.

(15) "Disqualification or Disqualify" means the preclusion of an Entity from contracting with an agency of the State of Oregon in accordance with OAR 580-061-0160.

(16) "Electronic Bid or Proposal" means a response to a Solicitation Document submitted to an Institution via the World Wide Web or some other internet protocol.

(17) "Emergency" means an unexpected, serious situation that creates a significant risk of loss, damage, interruption of service, or threat to the public health or safety that requires prompt action to remedy the condition.

(18) "Emerging Small Business" means an Emerging Small Business as defined in ORS 200.005 and that maintains a current certification issued by the Oregon Department of Consumer and Business Services.

(19) "Entity" means a natural person capable of being legally bound, sole proprietorship, corporation, partnership, limited liability company or partnership, limited partnership, profit or nonprofit unincorporated association, business trust, two or more persons having a joint or common economic interest, or any other person with legal capacity to Contract, or a government or governmental subdivision.

(20) "Facsimile" means a document that has been transmitted to and received by an Institution in a format that is capable of being received via a device commonly known as a facsimile machine.

(21) "Grant" means:

(a) An agreement under which an Institution receives money, property, or other assistance, including, but not limited to, federal assistance that is characterized as a Grant by federal law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, from a grantor for the purpose of supporting or stimulating a program or activity of the Institution and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the Grant conditions; or

(b) An agreement under which an Institution provides money, property, or other assistance, including, but not limited to, federal assistance that is characterized as a Grant by federal law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the Institution is anticipated in the program or activity other than involvement associated with monitoring compliance with the Grant conditions.

(c) "Grant" does not include a Public Improvement Contract or a Contract for Emergency work.

(22) "Institution" means a university under the authority of the Board, including the Chancellor's Office.

(23) "Invitation to Bid" (ITB) means a Solicitation Document for the solicitation of competitive, written, signed, and sealed Bids in which Specifications, price, and delivery (or project completion) are the predominant award criteria.

(24) "Minority Business Enterprise" means a Minority Business Enterprise as defined in ORS 200.005 and that maintains a current certification issued by the Oregon Department of Consumer and Business Services.

(25) "Opening" means the date, time, and place specified in the Solicitation Document for the public opening of written sealed Bids or Proposals.

(26) "Owner" means the State of Oregon acting by and through the Board, in its own right or on behalf of one if its Institutions as identified in the Solicitation Document, also known as the Oregon University System (OUS).

(27) "President" means the president of one of the Institutions and, in the case of the Chancellor's Office, the Chancellor. Where the term "Institution President" is used, it refers to the president of the Institution at issue.

(28) "Personal or Professional Services Contract" means a Contract with an Entity whose primary purpose is to acquire specialized skills, knowledge, and resources in the application of technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgment, including, without limitation, a Contract for the services of an accountant, physician or dentist, educator, consultant, broadcaster or artist (including a photographer, filmmaker, painter, weaver, or sculptor). "Personal or Professional Services Contract" under this definition does not include an architect, engineer, planners, land surveyors, appraisers, con-

ADMINISTRATIVE RULES

struction managers, and similar professional consultants for construction work.

(29) "Price Agreement" means a binding nonexclusive agreement in which the Contractor agrees to provide specific items or services to an Institution at a set price during a specified period of time.

(30) "Proposal" means a binding competitive offer submitted in response to a Request for Proposals.

(31) "Proposer" means an Entity that submits a Proposal in response to a Request for Proposals.

(32) "Public Improvement" means a project for construction, reconstruction, or major renovation on real property by or for an Institution. "Public Improvement" does not include:

(a) Projects for which no funds of an Institution are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or

(b) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a Public Improvement.

(33) "Public Improvement Contract" means a Contract for a Public Improvement. "Public Improvement Contract" does not include a Contract for Emergency work, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement.

(34) "Public Work" as defined by the Bureau of Labor and Industries (BOLI) includes, but is not limited to, roads, highways, buildings, structures, and improvements of all types, the construction, reconstruction, major renovation or painting of which is carried on or contracted for by an Institution or the Board to serve the public interest but does not include the reconstruction or renovation of privately owned property that is leased by the Board or an Institution.

(35) "Qualified Rehabilitation Facility" means a nonprofit activity center or rehabilitation facility authorized by the Oregon Department of Administrative Services to provide goods or services in accordance with ORS 279.835 et seq.

(36) "Request for Information (RFI)" means a Solicitation Document seeking information regarding products or services that an Institution is interested in procuring.

(37) "Request for Proposals (RFP)" means a Solicitation Document to obtain written, competitive Proposals to be used as a basis for making an acquisition or entering into a Contract when price will not necessarily be the predominant award criteria.

(38) "Request for Qualifications (RFQ)" means a Solicitation Document issued by an Institution to which interested Contractors respond in writing by describing their experience with and qualifications to provide the services, personal services or architectural, engineering or land surveying services, or related services described in the Solicitation Document.

(39) "Responsible Bidder or Proposer" means an Entity that demonstrates their ability to perform satisfactorily under a Contract by meeting the applicable standards of responsibility outlined in OAR 580-061-0130.

(40) "Responsive Bid or Proposal" means a Bid or Proposal that has substantially complied in all material respects with the criteria outlined in a Solicitation Document.

(41) "Retainer Contract" means a Contract by which, pursuant to a Request for Proposals or Invitation to Bid, multiple Contractors are authorized to provide specific supplies or equipment to or perform specific services for an Institution(s). Contractors on a Retainer Contract may provide goods or services on a non-exclusive and as-needed basis.

(42) "Signed or Signature" mean any Written mark, word, or symbol that is made or adopted by an Entity with the intent to be bound and that is attached to or logically associated with a Written document to which the Entity intends to be bound.

(43) "Single Seller" means the only Contractor of a particular product or service reasonably available.

(44) "Solicitation Document" means an Invitation to Bid, Request for Proposals, Request for Qualifications or any other written document issued or posted on the OUS procurement website by an Institution that outlines the required Specifications necessary to submit a Bid, Proposal, or other response.

(45) "Specifications" means a description of the physical or functional characteristics, or of the nature of the goods or services, including any requirement for inspecting, testing, or preparing the goods or services for delivery and the quantities or qualities of the goods or services to be furnished under a Contract. Specifications generally will state the result to be obtained and may describe the method and manner of performance.

(46) "Women Business Enterprise" means a Women Business Enterprise as defined in ORS 200.005 and that maintains a current certifi-

cation issued by the Oregon Department of Consumer and Business Services.

(47) "Work" means the furnishing of all materials, equipment, labor, transportation, services, and incidentals necessary to successfully complete any individual item or the entire Contract and carrying out and completion of all duties and obligations imposed by the Contract.

(48) "Written or Writing" means letters, characters, and symbols inscribed on paper by hand, print, type, or other method of impression intended to represent or convey particular ideas or means. "Writing," when required or permitted by law, or required or permitted in a Solicitation Document, also means letters, characters, and symbols made in electronic form and intended to represent or convey particular ideas or meanings.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0015

Purchasing and Contract Records

(1) Institutions will maintain records relating to all Institutional purchasing and contracting transactions in accordance with the requirements of the Secretary of State and OUS administrative rule.

(2) Documentation of all purchasing and contracting transactions will be made available for inspection by the public as outlined in applicable public records laws.

(3) Institutions will maintain records relating to all Institutional purchasing and contracting transactions that may include:

(a) An executed Contract and any amendments or Change Orders;

(b) The record of the actions used to develop the Contract;

(c) A copy of the Solicitation Document, if any;

(d) Any required findings or statement of justification for the selection of the Contractor or the procurement method used;

(e) The record of any negotiation of the Specifications and results;

(f) All information describing how the Contractor was selected, including the basis for awarding the Contract;

(g) The names of Entities and cost estimates considered.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0020

Designation of Contract Officers

Each Institutional Vice President for Finance and Administration or the Vice Chancellor for Finance and Administration will designate staff authorized to enter into Contracts and Public Improvement Contracts for the Institution.

(1) Institutions will maintain a list identifying Contract Officers and describing the types and Contract Price of Contracts and Public Improvement Contracts they are authorized to enter into. Institutions will provide an updated list annually to the Chancellor's Office. The Vice Chancellor for Finance and Administration may designate staff authorized to enter into Contracts and Public Improvement Contracts on behalf of all Institutions.

(2) Contracts or Public Improvement Contracts entered into by individuals not designated as authorized Contract Officers will be voidable at the sole discretion of the Institution. Institutions may take appropriate action in response to execution of Contracts contrary to this rule. Such actions include, but are not limited to, providing educational guidance, imposing disciplinary measures, and holding individuals personally liable for such Contracts.

(3) Authorized Contract Officers will be responsible for ensuring that the proper procedures are followed as outlined in chapter 580, divisions 60, 61, 62, and 63.

(4) Unless otherwise specified in chapter 580, divisions 60, 61, 62, and 63, the Contracting Officer will perform all the duties of the Owner on behalf of the Board.

(5) The Institution President may, by Written agreement with the President of another Institution or the Chancellor, and after notice to the Chancellor, transfer such delegation to a person at another Institution.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

ADMINISTRATIVE RULES

580-061-0025

Policy Governing the Acquisition of Goods and Services available from Qualified Rehabilitation Facilities

Institutions will purchase goods and services from Qualified Rehabilitation Facilities in accordance with the provisions of ORS 279.835 to 279.855 and applicable administrative rules.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0030

Affirmative Action; General Policy

(1) The general policy of OUS Institutions will be to expand economic opportunities for Minority Business Enterprises, Women Business Enterprises, and Emerging Small Businesses by offering them the contracting and subcontracting opportunities available through Institution Contracts. Notice of all Contracts over \$25,000 procured through a Competitive Process will be provided to the Advocate for Minority, Women, and Emerging Small Business, unless otherwise provided, by fully completing the information set out on the OUS procurement website. Institutions are encouraged to unbundle contracts, when appropriate, to expand contract opportunities for Minority, Women, and Emerging Small Businesses and Oregon based businesses.

(2) OUS will not knowingly contract with or procure goods or services from any Entity that discriminates on the basis of age, disability, national origin, race, marital status, religion, sex, or sexual orientation.

(3) Bidders and Proposers will certify, as part of the Bids or Proposals that such Bidder or Proposer has not discriminated against Minority, Women or Emerging Small Business Enterprises in obtaining any required subcontracts.

(4) On an annual basis, Institution Presidents will report to the Board statistical information regarding the number of Contracts awarded and the cumulative dollar amount of Contracts awarded to Minority Business Enterprises, Women Business Enterprises, Emerging Small Businesses, and Oregon-based businesses. The report will include information describing Institutional programs or initiatives to expand contracting opportunities to Minority, Women, Emerging Small Businesses, and Oregon based businesses.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0035

Emerging Small Business Program

(1) The Board encourages participation of Emerging Small Businesses by creating an Emerging Small Business Program. The Emerging Small Business Program is limited to businesses that meet the definition in ORS 200.005(3) and that maintain a current certification issued by the Oregon Department of Consumer and Business Services. When conducting procurements, Institutions may implement the Emerging Small Business Program by methods including, but not limited to:

(a) Priority of Contract Award. In the event of a tie low Bid, when price is the sole determinative factor, give priority to a certified Emerging Small Business;

(b) Exclusive Emerging Small Business Opportunities. Institutions have the authority to create opportunities that are only open to certified Emerging Small Businesses. When an Institution issues a Solicitation Document, the Institution may determine that it is in the Institution's interest to limit the opportunity to only qualified and certified Emerging Small Businesses.

(c) Evaluation Criteria. An Institution may identify in a Solicitation Document that it will award additional evaluation points based on certified Emerging Small Business status.

(2) For Construction Related Services where price is the determinative factor, if a Responsible Emerging Small Business' Responsive Bid is within one percent of the lowest Responsible Responsive Bid, the Institution will award the Contract to the Emerging Small Business.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0040

Sexual Harassment Policy

All Contractors will be notified that the Board has adopted policies applicable to Contractors that prohibit sexual harassment and that the

Contractor's company and employees are required to adhere to the Institution's policy prohibiting sexual harassment in their interactions with members of the Institution's community.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0045

Insurance or Bond Requirements

All Contractors will provide and maintain insurance or bonding as may be required by the Institution. Such insurance or bonding will remain in force throughout the term of the Contract, including any extensions.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0050

Interest on Overdue Charges

The policy of the Board is that an Institution pay any overdue account charge, in accordance with ORS 293.462, incurred by an Institution when payment for goods and services have not been reasonably made.

(1) Overdue claims will be those that have not been paid within 45 days from the latest of the following dates: The date of the receipt of the accurate invoice, the date of the initial billing statement if no invoice is received, the date all goods have been received, or the date the claim is made certain by agreement of the parties or by operation of law. However, overdue account charges will not accrue on any purchases made by an Institution during time of civil emergency or in the event of a natural disaster that prevents the timely payment of accounts. In such instances, accounts will be paid in as timely a manner as possible.

(2) The maximum overdue charge incidental to procurement of the goods or services will be at a rate of two-thirds of one percent per month, but not more than eight percent per annum.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 293.462

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0055

Invitation to Bid Required Provision

If an Invitation to Bid is issued for a Contract for goods or services, the Institution will ensure that the following statement is contained in the Invitation to Bid: "Contractors will use recyclable products to the maximum extent economically feasible in the performance of the Contract."

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0060

Basis for Awarding Contracts

Institutions will select Contractors and award Contracts based on such factors as are identified in the Solicitation Document and such other factors as are reasonable under the circumstances.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0065

Contract Amendments (Including Change Orders and Extra Work) and Expired Contracts

An amendment for additional Work or goods that is reasonably related to the scope of Work under the original Contract, including Change Orders, extra work, field orders, or other change in the original Specifications that increases the original Contract Price or length of time, may be made with the Contractor without using a Competitive Process provided that the amendment does not materially alter such a Contract. An amendment that extends the Contract past the period set out in the Solicitation Document for anything other than completion of the Work contemplated in the original Contract as extended, will require a new Competitive Process, unless approved by the Vice President for Finance and Administration or Vice Chancellor for Finance and Administration for good cause. Expired Contracts may be revived and reinstated upon the approval of the Vice President for Finance and Administration or Vice Chancellor for Finance and Administration or their designees, subject to receiving all required approvals.

Stat. Auth.: ORS 351

Stats. Implemented:

ADMINISTRATIVE RULES

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0070

Bids or Proposals are Offers

(1) Offer and Acceptance. The Bid or Proposal is the Bidder's or Proposer's offer to enter into a Contract that will be binding upon the Bidder or Proposer for thirty (30) days, unless a different time frame is specified in the Solicitation Document. An Institution's award of the Contract constitutes acceptance of the offer and binds the Bidder or Proposer.

(2) The Bid or Proposal will be a complete offer and fully responsive to the Solicitation Document, unless Bidders or Proposers are specifically authorized by the Solicitation Document to take exceptions or to leave terms open to negotiation.

(3) Unless expressly authorized by the Solicitation Document, Bidders or Proposers will not make their Bids or Proposals contingent upon the Institution's acceptance of Specifications or contract terms that conflict with or are in addition to those in the Solicitation Document.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0075

Facsimile and Electronic Bids and Proposals

(1) Institutions may authorize submission of Bids or Proposals through facsimile or electronic methods if:

(a) The Solicitation Document permits submission via facsimile or electronic means; and

(b) The Institution establishes methods of receiving, identifying, recording, and preserving the "sealed" requirement of the Competitive Process.

(c) Bids or Proposals submitted through facsimile and electronic methods must contain Written signatures indicating intent to be bound by the offer.

(2) Institutions may execute or open electronic submissions to verify receipt of documents prior to the Closing, but will not verify responsiveness.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0080

Bid or Proposal Submissions

(1) Identification of Bids or Proposals. To ensure proper identification and special handling, Bids or Proposals will be submitted in a sealed envelope appropriately marked or in the envelope provided by the Institution, whichever is applicable. The Institution will not be responsible for the proper identification and handling of Bids or Proposals not submitted in the designated manner or format as required in the Solicitation Document.

(2) Receipt of Bids or Proposals. It is the Bidder's or Proposer's responsibility to ensure that Bids or Proposals are received by the Institution at the required delivery point, prior to the Closing as indicated in the Solicitation Document, regardless of the method used to submit or transmit the Bid or Proposal.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0085

Pre-Bid and Pre-Proposal Conferences

(1) Pre-Bid or pre-Proposal conferences may be scheduled. Each pre-Bid or pre-Proposal conference will be described in the Solicitation Document as "voluntary" or "mandatory." If such a conference is designated as "mandatory," a Bidder or Proposer must attend in order to submit a Bid or Proposal.

(2) If the Bidder or Proposer is an individual, the Bidder or Proposer may authorize a representative other than himself/herself to attend the pre-Bid or pre-Proposal conference.

(3) Statements made by Institutional representatives at the pre-Bid or pre-Proposal conference will not be binding unless a Written Addendum to the Solicitation Document is issued.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0090

Bid or Proposal Security

(1) The Institution may require in the Solicitation Document submission of a Bid or Proposal security. Security includes, but is not limited to, a surety bond from a surety company authorized to do business in the state of Oregon, cashier's check, certified check, or savings and loan secured check.

(2) The Bid or Proposal security of all unsuccessful Bidders or Proposers will be returned or released after a Contract has been executed and a performance bond provided (if such a bond is required), or after all Bids or Proposals have been rejected.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0095

Addenda to Solicitation Document

(1) The Institution may change a Solicitation Document by Written Addenda. Institutions will make reasonable efforts to notify potential Bidders or Proposers of such Written Addenda by methods that may include, but are not limited to, publication of the Written Addenda on the OUS procurement website or requiring submission of a notice of interest by potential Bidders or Proposers to receive Addenda.

(2) The Institution will issue the Written Addenda within a reasonable time prior to Closing to allow prospective Bidders or Proposers to consider the Addenda in preparing their Bids or Proposals. The Institution may extend the Closing if it determines prospective Bidders or Proposers need additional time to review and respond to Addenda.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0100

Clarification of Solicitation Document and Requests for Change

Unless a different deadline is specified in the Solicitation Document, requests for clarification or change of the Solicitation Document must be received by the Institution in writing at least ten (10) days prior to the Closing.

(1) Such request for clarification or change will include the reasons for the clarification or change, and any proposed changes to Specifications or provisions.

(2) The Institution will consider all requests for clarification or change and, if appropriate, amend the Solicitation Document by issuing Addenda.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0105

Pre-Closing Modifications or Withdrawal of Bids or Proposals

(1) Modifications. A Bidder or Proposer may modify its Bid or Proposal in Writing prior to the Closing. Any modification must include a statement that the modification amends and supersedes the prior Bid or Proposal.

(2) Withdrawals. A Bidder or Proposer may withdraw its Bid or Proposal by Written notice submitted on the Bidder or Proposer's letterhead, signed by an authorized representative of the Bidder or Proposer, delivered to the individual and location specified in the Solicitation Document (or the place of Closing if no location is specified), and received by the Institution prior to the Closing. The Bidder or Proposer, or authorized representative of the Bidder or Proposer, may also withdraw its Bid or Proposal in person prior to the Closing, upon presentation of appropriate identification and evidence of authority satisfactory to the Institution.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0110

Receipt, Opening, and Recording of Bids and Proposals

(1) Receipt. An Institution will electronically or mechanically time-stamp or hand-mark each Bid or Proposal and any modification upon receipt. Except as provided in OAR 580-061-00075(2) the Institution will not open the Bid or Proposal or modification, but will store it in a secure place until Opening. If the Institution inadvertently opens a Bid or Proposal or a modification prior to the Opening, the Institution will reseal and store

ADMINISTRATIVE RULES

the opened Bid or Proposal or modification until the Opening. The Institution will document the resealing for the solicitation file (e.g., "Institution inadvertently opened the Bid/Proposal due to improper identification of the Bid/Proposal.").

(2) Opening and Recording. An Institution will publicly open Bids or Proposals including any modifications made to the Bid or Proposal. Unless otherwise specified in the Solicitation Document, the name of the Entity submitting a Bid or Proposal will be the only information that may be made public until notice of the intent to Award or an Award has been issued.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0115

Late Bids and Proposals, Late Withdrawals, and Late Modifications

Any Bid or Proposal, modification, or withdrawal received after the Closing is late. An Institution will not consider late Bids, Proposals, modifications, or withdrawals except as permitted in OAR 580-061-0120.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0120

Mistakes

(1) Generally. To protect the integrity of the Competitive Process and to assure fair treatment of Bidders and Proposers, an Institution should carefully consider whether to permit waiver, correction, or withdrawal for certain mistakes.

(2) Institution Treatment of Mistakes. An Institution will not allow a Bidder or Proposer to correct or withdraw a Bid or Proposal for an error in judgment. If the Institution discovers certain mistakes in a Bid or Proposal after Opening, but before award of the Contract, the Institution may take the following action:

(a) An Institution, in its sole discretion, may waive or permit a Bidder or Proposer to correct a minor informality. A minor informality is a matter of form rather than substance that is evident on the face of the Bid or Proposal or an insignificant mistake that can be waived or corrected without prejudice to other Bidders or Proposers. Examples of minor informalities include a Bidder or Proposer's failure to:

(A) Return the correct number of Signed Bids or Proposals or the correct number of other documents required by the Solicitation Document; or

(B) Sign the Bid or Proposal in the designated block, provided a Signature appears elsewhere in the Bid or Proposal, evidencing an intent to be bound; or

(C) Acknowledge receipt of an Addendum to the Solicitation Document, provided it is clear on the face of the Bid or Proposal that the Bidder or Proposer received the Addendum and intended to be bound by its terms, or the Addendum involved did not affect price, quality, or delivery.

(b) An Institution may correct a clerical error if the error is evident on the face of the Bid or Proposal or other documents submitted with the Bid or Proposal and the Bidder's or Proposer confirms the Institution's correction in Writing. A clerical error is a Bidder or Proposer's error in transcribing its Bid or Proposal. Examples include, but are not limited to, typographical mistakes, errors in extending unit prices, transposition errors, and arithmetical errors, instances in which the intended correct unit or amount is evident by simple arithmetic calculations. In the event of a discrepancy, unit prices will prevail over extended prices.

(c) An Institution may permit a Bidder or Proposer to withdraw a Bid or Proposal after Closing based on one or more clerical errors in the Bid or Proposal only if the Bidder or Proposer shows with objective proof and by clear and convincing evidence:

(A) The nature of the error;

(B) That the error is not a minor informality under this subsection or an error in judgment;

(C) That the error cannot be corrected under subsection (b) of this subsection;

(D) That the Bidder or Proposer acted in good faith in submitting a Bid or Proposal that contained the claimed error and in claiming that the alleged error in the Bid or Proposal exists;

(E) That the Bidder or Proposer acted without gross negligence in submitting a Bid or Proposal that contained a claimed error;

(F) That the Bidder or Proposer will suffer substantial detriment if the Institution does not grant it permission to withdraw the Bid or Proposal;

(G) That the Institution's or the public's status has not changed so significantly that withdrawal of the Bid or Proposal will work a substantial hardship on the Institution or the public it represents; and

(H) That the Bidder or Proposer promptly gave notice of the claimed error to the Institution.

(d) The criteria in subsection (2)(a) of this rule will determine whether an Institution will permit a Bidder or Proposer to withdraw its Bid or Proposal after Closing. These criteria also will apply to the question whether an Institution will permit a Bidder or Proposer to withdraw its Bid or Proposal without forfeiture of its Bid bond (or other Bid security) or without liability to the Institution based on the difference between the amount of the Bidder's or Proposer's Bid or Proposal and the amount of the Contract actually awarded by the Institution, whether by Award to the next lowest Responsive and Responsible Bidder or the best Responsive and Responsible Proposer or by resort to a new solicitation.

(3) Rejection for Mistakes. The Institution will reject any Bidder or Proposer in which a mistake is evident on the face of the Bid or Proposal and the intended correct Bid or Proposal is not evident or cannot be substantiated from documents submitted with the Bid or Proposal.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0125

Low Tie Bids

(1) Definition. Low Tie Bids are low tie Responsive Responsible Bidders that are identical in price, fitness, availability, and quality and that meet all the requirements and criteria set forth in the Solicitation Document.

(2) Award. In the event of a Low Tie Bid, the Institution will award the Contract based on the following order of precedence:

(a) An Emerging Small Business that meets the definition in ORS 200.005(3) and that maintains a current certification issued by the Oregon Department of Consumer and Business Services;

(b) An Entity whose principal offices or headquarters are located in Oregon;

(c) If neither subsection (a) or (b) apply, award of the Contract will be made by drawing lots.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0130

Rejection of Individual Bids or Proposals and Bidders or Proposers

(1) An Institution may reject, in whole or in part, any Bid or Proposal not in compliance with all prescribed Bid or Proposal procedures, Contract provisions, and Specifications contained in the Solicitation Document or if upon written finding by the Institution that it is in the public interest to do so.

(2) Reasons for rejection. An Institution may reject a Bid or Proposal upon the Institution's findings that include, but are not limited to, the Bid or Proposal:

(a) Is contingent upon the Institution's acceptance of terms and conditions that differ from the Solicitation Document; or

(b) Takes exception to the terms and conditions (including Specifications) set forth in the Solicitation Document; or

(c) Attempts to prevent public disclosure of matters in contravention of the terms and conditions of the Solicitation Document or in contravention of applicable law; or

(d) Offers goods or services that fail to meet the Specifications of the Solicitation Document; or

(e) Is late; or

(f) Is not in substantial compliance with the Solicitation Document; or

(g) Is not in substantial compliance with all prescribed solicitation procedures; or

(h) Does not include the Bid or Proposal security as required by the Solicitation Document; or

(i) Does not include an executed certification of non-discrimination in compliance with 580-061-0035 and compliance with Oregon tax laws.

(3) An Institution may reject a Bidder or Proposer upon the Institution's findings that include, but are not limited to, the Bidder or Proposer:

(a) Has not met any required mandatory prequalification;

(b) Has been disqualified pursuant to OAR 137-046-0210(3) (Disadvantaged Business Enterprise Disqualification);

ADMINISTRATIVE RULES

(c) Has not met the requirements of the Emerging Small Business Program created in OAR 580-061-0035, if required in the Solicitation Document.

(d) Being submitted by an Entity that has been debarred in accordance with ORS 279B.130 or 279C.440;

(e) Has been declared ineligible by the Commissioner of Bureau of Labor and Industries under ORS 279C.860;

(f) Has within the last five years been found, in a civil, criminal, or administrative proceeding, to have committed or engaged in fraud, misrepresentation, price-rigging, unlawful anti-competitive conduct, or similar behavior;

(g) Is non-Responsible. Bidders or Proposers are required to demonstrate their ability to perform satisfactorily under a Contract. Before Awarding a Contract, the Institution must have information that indicates that the Bidder or Proposer meets the applicable standards of Responsibility. To be a Responsible Bidder or Proposer, the Institution may consider:

(A) If the Bidder or Proposer has appropriate financial, material, equipment, facility, and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the Bidder or Proposer to meet all contractual responsibilities;

(B) If the Bidder or Proposer has a satisfactory record of contract performance. The Institution may consider both private and public contracts in determining responsible performance under a contract;

(C) If the Bidder or Proposer has a satisfactory record of integrity. A Bidder or Proposer may lack integrity if an Institution determines the Bidder or Proposer demonstrates a lack of business ethics such as violation of state environmental laws or false certifications made to a state agency. An Institution may find a Bidder or Proposer non-Responsible based on the lack of integrity of any person having influence or control over the Bidder or Proposer (such as a key employee of the Bidder or Proposer that has the authority to significantly influence the Bidder's or Proposer's performance of the Contract or a parent company, predecessor or successor person);

(D) If the Bidder or Proposer is qualified legally to Contract with the Institution;

(E) If the Bidder or Proposer has supplied all necessary information in connection with the inquiry concerning Responsibility. If the Bidder or Proposer fails to promptly supply information requested by the Institution concerning responsibility, the Institution may base the determination of responsibility upon any available information or may find the Bidder or Proposer non-Responsible.

(4) Form of Business Entity. For purposes of this rule, the Institution may investigate any Entity submitting a Bid or Proposal. The investigation may include the Entity's officers, directors, owners, affiliates, or any other person acquiring ownership of the Entity to determine application of this rule.

(5) Notice. If a Bidder or Proposer or a Bid or Proposal is rejected in accordance with this rule, the Institution will provide written notice of such rejection to the Bidder or Proposer. The notice will include the grounds for rejection and a statement of the Bidder's or Proposer's appeal rights and applicable appeal deadlines. If a Bidder or Proposer wishes to appeal the decision to reject the Bidder or Proposer or Bid or Proposal, the Bidder or Proposer must notify the Institution, in Writing, within three Days after receipt of the notification.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0135

Rejection of All Bids or Proposals

(1) Rejection. An Institution may reject all Bids or Proposals for good cause upon a Written finding that it is in the public interest to do so. Notification of rejection of all Bids or Proposals, along with the good cause justification and finding of public interest, will be sent to all who submitted a Bid or Proposal.

(2) Criteria. The Institution may reject all Bids or Proposals based upon the following criteria:

(a) The content of or an error in the Solicitation Document or the procurement process unnecessarily restricted competition for the Contract;

(b) The price, quality, or performance presented by the Bidders or Proposers are too costly or of insufficient quality to justify acceptance of any Bid or Proposal;

(c) Misconduct, error, or ambiguous or misleading provisions in the Solicitation Document threaten the fairness and integrity of the Competitive Process;

(d) Causes other than legitimate market forces threaten the integrity of the Competitive Process. These causes may include, without limitation, those that tend to limit competition, such as restrictions on competition, collusion, corruption, unlawful anti-competitive conduct, and inadvertent or intentional errors in the Solicitation Document;

(e) Any other circumstance indicating that Awarding the Contract would not be in the public interest.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0140

Disposition of Bids or Proposals if Solicitation Cancelled

(1) Prior to Bid or Proposal Opening. When a solicitation is cancelled prior to Opening, all Bids or Proposals received will be returned to Bidders or Proposers unopened if submitted in a hard copy format with a clearly visible return address. If there is no return address on the envelope, the Bid or Proposal will be opened to determine the source and then returned to the sender.

(2) After Bid or Proposal Opening. When all Bids or Proposals are rejected, the Bids or Proposals received will be retained and become part of the Institution's permanent solicitation file.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0145

Protest of Contractor Selection, Contract Award

(1) The purpose of this rule is to require adversely affected or aggrieved Bidders or Proposers on an Institution solicitation to exhaust all avenues of administrative review and relief before seeking judicial review of the Institution's selection or Award decision.

(2) Types of Protests. The following matters may be protested:

(a) A determination of responsibility or lack thereof;

(b) A determination of responsiveness or lack thereof;

(c) The rejection of a Bid or Proposal;

(d) The content of a Solicitation Document;

(e) The selection of one or more Contractors. A protest may be submitted only by an Entity that can demonstrate that it has been or is being adversely affected by an Institution decision or the content of a Solicitation Document.

(3) Delivery. Unless otherwise specified in the Solicitation Document, a Bidder or Proposer must deliver a Written protest to the Institution within seven (7) Days after the Award of a Contract or issuance of the notice of intent to Award the Contract, whichever occurs first. Protests must be clearly marked on the outside of the envelope with the title or the number of the Bid or Proposal and that it is a protest to ensure that it is recognized and recorded.

(4) Content of Protest. A Bidder's or Proposer's protest must fully specify the grounds for the protest and include all evidence that the protestor wishes the Vice Chancellor for Finance and Administration, Institution Vice President for Finance and Administration, or designee to consider. Failure to include any ground for the protest or any evidence in support of it will constitute a final, knowing, and voluntary waiver of the right to assert such ground or evidence. A protest must include a conspicuous marking identifying the type and nature of the protest.

(5) A protest of a Solicitation Document may be made only if a term or condition of the Solicitation Document, including, but not limited to, Specifications or Contract terms violates applicable law. The Institution will (upon altering the Solicitation Document in response to a protest) promptly transmit the revised Solicitation Document to all Bidders and Proposers and extend the Closing where appropriate. The Institution may choose, in its sole discretion, to close the procurement process without making an Award and begin a new procurement process.

(6) A protest of the selection of one or more Contractors requires the protestor to demonstrate, as applicable;

(a) That all higher-ranked Bidders or Proposers were ineligible for selection or that the protestor would have been "next in line" to receive the Award and was eligible for selection; and

(b) That the Bidder or Proposer selected was ineligible;

(c) In the case of a sole source procurement, that the Single Seller selected is not the only Contractor or consultant reasonably available to provide the personal or professional services, goods, services, services performed by a Professional Consultant as defined in OAR 580-063-0010,

ADMINISTRATIVE RULES

Construction-Related Services as defined in 580-063-0010, or combination of Professional Consultant services and Construction-Related Services.

(7) A protest of the rejection of a Bid or Proposal must demonstrate that the Institution's decision was materially in error or that the Institution committed a material procedural error and that any such error, alone or in combination with other errors, was a "but for" cause of the rejection.

(8) Response. The Vice Chancellor for Finance and Administration or the Institution Vice President for Finance and Administration, or their designee, will have the authority to settle or resolve a Written protest. A protest received after the time set out in the Solicitation Document will not be considered. The Vice Chancellor for Finance and Administration, or Vice President for Finance and Administration, or designee will issue a Written final agency order of the protest in a timely manner. If the protest is upheld, in whole or in part, the Institution may, in its sole discretion, either Award the Contract to the successful protestor or cancel the procurement or solicitation. Contract Award may be made prior to issuance of the final agency order if authorized by the Vice Chancellor for Finance and Administration, Vice President for Finance and Administration, or their designee.

(9) Judicial Review. Judicial review of the Institution's decision relating to a Contract Award protest will be available pursuant to the provisions of ORS 183.480 et seq.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 7-2008(Temp), f. & cert. ef. 6-5-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0150

Right to Inspect Plant

The Institution may, at reasonable times, inspect the part of the plant or place of business of a Contractor or any subcontractor that is related to the performance of any prospective Contract or Awarded Contract.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0155

Negotiations

(1) The Institution may negotiate in accordance with sections (4) and (5) of this rule with the highest-ranked Bidders or Proposers after determining that all Responsible Responsive Bids or Proposals exceed the Institution's cost estimate.

(2) The Institution may also commence negotiations with Proposers in the competitive range following the:

(a) Initial determination of the competitive range based on evaluating all Responsive Proposals in accordance with the evaluation criteria set forth in the Solicitation Document. After evaluation of all Proposals in accordance with the criteria set forth in the Solicitation Document, the Institution will determine Proposers in the competitive range.

(b) The Institution may increase the number of Proposers in the competitive range if the Institution's evaluation of Proposals establishes a natural break in the scores of Proposers indicating a number of Proposers greater than the initial competitive range are closely competitive or have a reasonable chance of being determined the best Proposer. The Institution may decrease the number of Proposers in the initial competitive range only if the excluded Proposers have no reasonable chance to be the best Proposer.

(c) The Institution will provide Written notice to all Proposers identifying Proposers in the competitive range.

(d) After determination of the competitive range, the Institution may either:

(A) Provide Written notice to all Proposers in the competitive range of its intent to Award the Contract to the highest-ranked Proposer in the competitive range; or

(B) Engage in discussions with Proposers in the competitive range and accept revised Proposals from them as set forth in section (3) of this rule and following such discussions and receipt and evaluation of revised Proposals, conduct negotiations as set forth in sections (3) and (4) of this rule with the Proposers in the competitive range.

(3) If the Institution chooses to enter into discussions with and receive best and final Proposals, the Institution will proceed as follows:

(a) The Institution will initiate oral or written discussions with all Proposers submitting Responsive Proposals or all Proposers in the competitive range regarding their Proposals with respect to the provisions of the Solicitation Document that the Institution identified in the Solicitation

Document as the subject of discussions. The Institution may conduct discussions for the following purposes:

(A) Informing eligible Proposers of deficiencies in their initial Proposals;

(B) Notifying eligible Proposers of parts of their Proposals for which the Institution would like additional information; or

(C) Otherwise allowing eligible Proposers to develop revised Proposals that will allow the Institution to obtain the best Proposal based on the requirements and evaluation criteria set forth in the Solicitation Document.

(b) The Institution may conduct discussions with each eligible Proposer necessary to fulfill the purposes of this section (3), but need not conduct the same amount of discussions with each eligible Proposer. The Institution may terminate discussions with any eligible Proposer at any time. However, the Institution will offer all eligible Proposers the same opportunity to discuss their Proposals with the Institution before the Institution notifies eligible Proposers of the date and time pursuant to section (6) that best and final Proposals will be due. At any time during the time allowed for discussions, the Institution may:

(A) Continue discussions with a particular eligible Proposer;

(B) Terminate discussions with a particular eligible Proposer and continue discussions with other eligible Proposers; or

(C) Conclude discussions with all remaining eligible Proposers and provide notice pursuant to section (6) of this rule to the eligible Proposers requesting best and final Proposals.

(c) The Institution may adjust the evaluation of a Proposal as a result of a discussion under this section. The conditions, terms, or price of the Proposal may be altered or otherwise changed during the course of the discussions provided the changes are within the scope of the Solicitation Document.

(4) Negotiations.

(a) The Institution may commence serial negotiations with the highest-ranked eligible Bidder or Proposer or commence simultaneous negotiations with all eligible Bidders or Proposers.

(b) The Institution may negotiate:

(A) The statement of Work;

(B) The Contract Price as it is affected by negotiating the statement of Work; and

(C) Any other terms and conditions reasonably related to those expressly authorized for negotiation in the Solicitation Document. Accordingly, Bidders or Proposers will not submit and the Institution will not accept for negotiation, any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the Solicitation Document.

(5) At any time during discussions or negotiations that the Institution conducts in accordance with this rule, the Institution may terminate discussions or negotiations with the highest-ranked Bidder or Proposer or the Bidder or Proposer with whom it is currently discussing or negotiating, if the Institution reasonably believes that:

(a) The Bidder or Proposer is not discussing or negotiating in good faith; or

(b) Further discussions or negotiations with the Bidder or Proposer will not result in the parties agreeing to the terms and conditions of a final Contract in a timely manner.

(c) If the Institution is conducting serial negotiations and the Institution terminates negotiations with a Proposer in accordance with section (3)(b)(B) of this rule, the Institution may then commence negotiations with the next highest scoring Proposer in the competitive range and continue the process described in section (3) of this rule until the Institution has either:

(A) Determined to Award the Contract to the Proposer with whom it is currently discussing or negotiating; or

(B) Completed one round of discussions or negotiations with all Proposers in the competitive range, unless the Institution provided for more than one round of discussions or negotiations in the Solicitation Document.

(d) If the Institution chooses to conduct competitive negotiations, the Institution may negotiate simultaneously with competing Proposers. The Institution:

(A) Will treat all Proposers fairly and will not favor any Proposer over another;

(B) May disclose other Proposer's Proposals or the substance of negotiations with other Proposers only if the Institution notifies all of the Proposers with whom the Institution will engage in negotiations of the Institution's intent to disclose before engaging in negotiations with any Proposer.

ADMINISTRATIVE RULES

(e) Any oral modification of a Proposal resulting from negotiations under sections (4) and (5) will be reduced to Writing by the Proposer.

(6) If best and final Proposals are required, the Institution will establish a common date and time by which Proposers must submit best and final Proposals. Best and final Proposals will be submitted only once, provided, however, the Institution may make a written determination that it is in the Institution's best interest to conduct additional discussions, negotiations, or change the Institution's requirements and require another submission of best and final Proposals. The Institution will evaluate Proposals as modified.

Stat. Auth.: ORS 351
Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-061-0160

Disqualification from Consideration for Award of Contracts

(1) An Institution may disqualify an Entity from consideration for award of Institution Contracts for the reasons listed in subsection (2) of this section after providing the Entity with notice and a reasonable opportunity to be heard.

(a) All OUS Institutions may rely upon a disqualification of an Entity by another Institution. The Chancellor's Office will maintain a current roster for Entities that have been disqualified.

(b) In lieu of the disqualification process described in this rule, an Institution contracting for a Public Improvement may petition the Construction Contractors Board to disqualify an Entity from consideration for award of the Institution's Public Improvement Contracts for the reasons listed in subsection 2 of this rule.

(2) An Entity may be disqualified from consideration for Award of a Contract for any of the following reasons:

(a) A primary employee of the Entity has been convicted of a criminal offense as an incident of obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract;

(b) A primary employee of the Entity has been convicted under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty that currently, seriously, and directly affects the person's responsibility for the Entity;

(c) A primary employee of the Entity has been convicted under state or federal antitrust statutes;

(d) A primary employee of the Entity has committed a violation of a contract provision that is regarded by an Institution or the Construction Contractors Board to be so serious as to justify disqualification. A violation may include, but is not limited to, a failure to perform the terms of a contract or an unsatisfactory performance in accordance with the terms of the contract. However, a failure to perform or an unsatisfactory performance caused by acts beyond the control of the Entity may not be considered to be a basis for disqualification;

(e) The Entity does not carry workers' compensation or unemployment insurance as required by statute.

(3) An Institution will issue a Written decision to disqualify an Entity under this section. The decision will:

(a) State the reasons for the action taken; and

(b) Inform the disqualified Entity of the appeal rights of the Entity under ORS 279C.445 and 279C.450.

(4) A copy of the decision issued under subsection (3) of this section must be mailed or otherwise furnished immediately to the disqualified Entity.

(5) Appeal of Disqualification. An Entity who wishes to appeal disqualification will, within three (3) business days after receipt of notice of disqualification, notify the Institution in Writing that the Entity appeals the disqualification. Immediately upon receipt of the notice of appeal, the Institution will notify the Director of the Oregon Department of Administrative Services, or designee.

(6) The Oregon Department of Administrative Services will conduct the appeal in accordance with ORS 279C.450.

Stat. Auth.: ORS 351
Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-062-0000

Definitions

All capitalized terms in chapter 580, division 62 have the meanings set forth in OAR 580-061-0010 unless the context requires otherwise or except as stated.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-062-0005

Procurement and Contracting Procedures

The procedures set out in OAR 580-061-0000 through 580-061-0160 will be used for the procurement of personal or professional services or goods and services.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-062-0010

Procurement Card

The Chancellor's Office may maintain procurement card services for the benefit of the Institutions. The Controller's Office of the Chancellor's Office will publish policies governing use of the procurement card.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-062-0015

Personal/Professional Services, Goods, and Services Contract Procurement Thresholds

(1) When procuring personal or professional services, goods, or services, not including Professional Consultants as defined in chapter 580, division 63, Institutions will conduct the procurement in accordance with the Direct Procurement, Informal Procurement, or Formal Procurement method, unless another method is applicable, based on the anticipated contract price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties. Multiple Contracts, purchase orders, or purchasing requisitions will not be issued separately with the intent to circumvent these rules.

(a) \$25,000 or less — Direct Procurement or other method of procurement that the Institution deems beneficial to the procurement.

(b) \$25,000.01 to \$100,000 — Informal Procurement, Formal Procurement, or other method of procurement, except the Direct Procurement method, that the Institution deems beneficial to the procurement.

(c) Greater than \$100,000 — Formal Procurement or other method of procurement, except the Direct Procurement or Informal Procurement methods, that the Institution deems beneficial to the procurement.

(2) Notwithstanding subsection (1), if the source of the funding for the procurement requires a different procurement method, the Institution will comply with the procurement method required by the funding source.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-062-0020

Methods of Procurement

Institutions will use the following methods of procurement when procuring personal or professional services or goods and services.

(1) Direct Procurement. A process where the Institution negotiates directly with a single Entity to provide personal or professional services or goods and services.

(2) Informal Procurement. A Competitive Process where the Institution posts an advertisement of the opportunity on the OUS procurement website for a reasonable time necessary to obtain at least three Bids or Proposals. The Institution may also directly contact prospective Bidders or Proposers. If the notice has been posted for a reasonable time period and fewer than three Bids or Proposals have been submitted, the Institution may enter into a Contract with a Responsible Bidder or Proposer based on the Specifications contained in the Solicitation Document.

(3) Formal Procurement. A Competitive Process where the Institution:

(a) Creates a Solicitation Document that contains the procurement procedures and necessary Specifications.

(b) Publishes a notice of the procurement on the OUS procurement website and, if beneficial to the procurement, in a trade periodical, newspaper of general circulation, or other minority, women, and emerging small business targeted periodicals, Institution website, or other medium for advertising. The notice must specify when and where the Solicitation Document may be obtained and the Closing Date/Time. The notice must be

ADMINISTRATIVE RULES

published for a duration reasonable under the circumstances for the procurement.

(c) Conducts the procurement in accordance with chapter 580, division 61, section 0000 through 0160.

(4) Emergency Procurement. The Institution President, Chancellor, or designee may declare an Emergency when such a declaration is deemed appropriate. The reasons for the declaration will be documented and will include justifications for the procedure used to select the Entity for a Contract within the scope of the Emergency declaration. After the Institution President, Chancellor, or designee has declared an Emergency, the Institution may negotiate a Contract with any qualified Entity for services included in the scope of the Emergency. The Institution will maintain appropriate records of negotiations carried out as part of the contracting process.

(5) Retainer. Institutions may conduct a Formal Procurement to enter into Retainer Contracts with multiple Entities to provide personal or professional services or goods and services at contracted rates of compensation or based on pre-qualifications.

(6) Alternative Processes. Notwithstanding the foregoing procedures, the Institution Contract Officer may authorize alternative procurement methods that provide a Competitive Process to two or more Entities to Contract with the Institution and meet the following objectives:

(a) Responds to innovative business and market methods; or

(b) Contributes to Institution productivity improvement and process redesign; or

(c) Results in comprehensive cost-effectiveness and productivity for the Institution.

(7) Exempt. Institutions need not follow, regardless of value, a Competitive Process when seeking or acquiring or paying for the following goods and services:

(a) Educational services.

(b) Brand-name goods and services or product prequalification. Institutions may specify brand names in the procurement of goods and services if that particular product or service has attributes not found in other goods or services. In addition, when specific design or performance specifications must be met for a good or service to be purchased, an Institution may specify a list of qualified goods or services by reference to the qualified goods or services of a particular contractor or potential contractor.

(c) Advertising and media services, excluding consulting services.

(d) Price-regulated goods and services, including utilities, where the rate or price for the goods or services being purchased is established by federal, state, or local regulatory authority.

(e) Goods or services under federal contracts. When the price of goods and services has been established by a contract with an agency of the federal government pursuant to a federal contract award, Institutions may purchase the goods and services in accordance with the federal contract. In addition, Institutions may purchase specific equipment that is only available from one source or use specific Entities that are expressly required under the terms of the contract.

(f) Copyrighted materials. Copyrighted materials covered by this exemption may include, but are not limited to, textbooks, workbooks, curriculum kits, reference materials, software, periodicals, library books, library materials, and audio, visual, and electronic media.

(g) Investment contracts and retirement plan services, excluding consulting services.

(h) Food and food-related products.

(i) Maintenance services directly from the contractor providing the goods.

(j) Used personal property.

(k) Goods purchased for resale to outside entities.

(L) Goods or services related to intercollegiate athletic programs.

(m) Cadavers or Cadaveric organs.

(n) Hotel sites for large conferences and workshops.

(o) Dues, registrations, and membership fees.

(p) Gasoline, diesel fuel, heating oil, lubricants, natural gas, electricity, and similar commodities and products and the transportation thereof.

(q) Supplies, maintenance, and services for ocean-going vessels when they are in other than home port.

(r) Repair and overhaul of goods or equipment.

(s) Goods or services purchased in foreign countries.

(t) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135, and 414.145 for purposes of source selection.

(u) Grants.

(v) Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which an Institution is or may become interested.

(w) Contracts entered into, issued, or established in connection with:

(A) The incurring of debt by an Institution, including but not limited to the issuance of bonds, certificates of participation, and other debt repayment obligations, and any associated Contracts, regardless of whether the obligations that the Contracts establish are general, special, or limited;

(B) The making of program loans and similar extensions or advances of funds, aid, or assistance by an Institution to a public or private body for the purpose of carrying out, promoting, or sustaining activities or programs authorized by law; or

(C) The investment of funds by an Institution as authorized by law and other financial transactions of an Institution that by their character cannot practically be established under the Competitive Process.

(x) Contracts for employee benefit plans as authorized by law.

(y) Services provided by those in the medical community including, but not limited to, doctors, physicians, psychologists, nurses, veterinarians, and those with specific license to administer treatments for the health and well-being of people or animals.

(z) Artists, performers, photographers, graphic designers, website design, and speakers.

(aa) Sponsorship agreements for Institution events or facilities.

(8) Sole Source. A process where the Institutional President, the Chancellor or designee has made a Written determination that due to special needs or qualifications, only a Single Seller is reasonably available to provide such personal or professional services or goods or services. Sole source procurement will be avoided except when no reasonably available alternative source exists.

(a) Each Institution will provide public notice of its determination that the person or professional services or goods or services are only available from a Single Seller. Public notice may be provided on the OUS procurement website. The public notice will describe the personal or professional services or goods or services to be acquired from the Single Seller, identify the prospective Contractor, and include the date, time and place that protests are due. The Institution shall give Entities at least seven (7) Days from the date of notice publication to protest the sole source determination.

(b) An Entity may protest the Institution's determination that the personal or professional services or goods or services are available from a Single Seller in accordance with OAR 580-061-0145.

(c) On an annual basis, Institution Presidents, or their designees will submit a report to the Board summarizing approved sole source procurements for the Institution for the prior fiscal year. The report will be made available for public inspection.

(9) Special Entity. Institutions may enter into Contracts without using a Competitive Process when the contracting Entity is a federal, state, or local governmental agency, or a state Qualified Rehabilitation Facility certified by the Oregon Department of Human Services or the Oregon State Procurement Office. Institutions may participate in cooperative procurements with other contracting agencies if it is determined, in Writing, that the solicitation and award process for the Contract is substantially equivalent to the respective process established in these rules.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0000

Authority

These rules establish the procedures that will be followed by the Institutions of the Oregon University System (OUS) to erect, improve, repair, maintain, equip, and furnish buildings and structures under the control of the Board.

Stat. Auth.: ORS 351.060

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0005

Authorization to Undertake Capital Construction Projects

Capital construction is defined as any construction or facility improvement that costs \$500,000 or more and is not considered maintenance or repair. Before an Institution contracts for capital construction on land owned or controlled by the Board, or prepares other than conceptual plans or preconstruction design, the Institution will obtain approval, regardless of the source of funds or method by which the project is to be financed. To obtain approval, the Institution will describe the project, the financing

ADMINISTRATIVE RULES

plan for design and construction, and the operation and maintenance cost of the proposed project.

(1) If appropriate Systemwide limitation exists for a capital construction project that totals \$500,000 or more but less than \$5 million, inclusive of all fund sources, the Chancellor or designee may approve the allocation of the existing expenditure authority to the Institution.

(2) Any capital construction project that does not meet the criteria in subsection (1) of this section shall be approved by the Board and submitted to the Legislature.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0010

Definitions

All capitalized terms in chapter 580, division 63, have the meanings set forth in OAR 580-061-0010 unless set forth below, or unless the context requires otherwise or except as stated.

(1) "Construction-Related Services" means one or more related services, which includes, but is not limited to: finance, design, preconstruction, and construction services. The project delivery methods that use Construction-Related Services include, but are not limited to: conventional construction services, design-build, construction manager at risk, agency construction management, and performance contracting.

(2) "Professional Consultant" means architects, engineers, planners, land surveyors, appraisers, construction managers, and similar professional consultants.

(3) "Capital Construction" means any construction or facility improvement that costs \$500,000 or more and is not considered maintenance or repair.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 7-2008(Temp), f. & cert. ef. 6-5-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0015

Procurement and Contracting Procedures

The procedures set out in OAR 580-061-0000 through 580-061-0160 will be used for the procurement of Construction-Related Services and Professional Consultants.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0020

Methods of Procurement

Institutions will use the following methods of procurement when procuring Professional Consultant services, Construction-Related Services, or a combination of Professional Consultant services and Construction-Related Services.

(1) Direct Procurement. A process where the Institution negotiates directly with a single Entity to provide Professional Consultant services, Construction-Related Services, or a combination of Professional Consultant services and Construction-Related Services.

(2) Informal Procurement. A competitive process where the Institution posts an advertisement of the opportunity on the OUS procurement website for a reasonable time necessary to obtain at least three Bids or Proposals. The Institution may also directly contact prospective Bidders or Proposers. If the notice has been posted for a reasonable time period and fewer than three Bids or Proposals have been submitted, the Institution may enter into a Contract with a Responsible Bidder or Proposer based on the Specifications contained in the Solicitation Document.

(3) Formal Procurement. A Competitive Process where the Institution:

(a) Creates a Solicitation Document that contains the procurement procedures and necessary Specifications.

(b) Publishes a notice of the procurement on the OUS procurement website and, if beneficial to the procurement, in a trade periodical, newspaper of general circulation, or other minority, women, and emerging small business targeted periodicals, institutional website, or other medium for advertising. The notice must specify when and where the Solicitation Document may be obtained and the Closing Date/Time. The notice must be published for a duration reasonable under the circumstances for the procurement.

(c) Conducts the procurement in accordance with chapter 580, division 61, section 0000 through 0160.

(4) Emergency Procurement. The Institution President, Chancellor, or designee may declare an Emergency when such a declaration is deemed appropriate. The reasons for the declaration will be documented and will include justifications for the procedure used to select the Contractor or Professional Consultant for a Contract or Public Improvement Contract within the scope of the Emergency declaration. After the Institution President, Chancellor, or designee has declared an Emergency, the Institution may negotiate a Contract or Public Improvement Contract with any qualified Entity or Professional Consultant for services included in the scope of the Emergency declaration. The Institution will maintain appropriate records of negotiations carried out as part of the contracting process.

(5) OUS Retainer Contract Program:

(a) The OUS Capital Construction and Planning Office will maintain Retainer Contracts for Professional Consultants, Construction-Related Services, and any other service that may from time to time benefit Institutions. The Retainer Contracts will be established in accordance with this subsection.

(A) Periodically, but no less often than every two years, the OUS Capital Construction and Planning Office will invite interested Contractors to submit business information that meets minimum qualifications as described in a Solicitation Document. Contractors that meet the minimum qualifications and have not been disbarred or disqualified by an agency of the State of Oregon as outlined in OAR 580-061-0160, may be offered a Retainer Contract to be listed on the respective retainer program to provide services in a non-exclusive and on an as-needed basis.

(B) Notice of the procurement will be published on the OUS procurement website and, if beneficial to the procurement, in a trade periodical, newspaper of general circulation, or other minority, women, and emerging small business targeted periodicals, Institution website, or other medium for advertisement.

(b) The OUS Capital Construction and Planning Office may enter into interagency agreements to permit other public agencies to utilize the services offered by Entities that have entered into Retainer Contracts if the public agency agrees to conditions, including but not limited to:

(A) Follow the procurement processes established in these rules.

(B) Use the contract templates associated with each retainer program.

(C) Any service procured will be the sole financial responsibility of the public agency.

(D) The public agency will be solely liable to resolve all disputes that may arise from breach of contract.

(E) The OUS Capital Construction, Planning, and Budget Office may impose a reasonable administrative fee on the public agency using the Retainer Contracts based on the compensation for services procured to recover administrative costs, legal review fees, and to improve or expand retainer programs.

(c) The OUS Capital Construction, Planning, and Budget Office will maintain an electronic roster of all Professional Consultants and Contractors who have entered into Retainer Contracts. Institutions that utilize retainer programs will follow the procedures established in these rules and will only execute contracts from templates that have been approved for each respective retainer program.

(6) Sole Source. A process where the Institution President, the Chancellor or designee has made a Written determination that due to special needs, experience, or qualifications, only a Single Seller is reasonably available to provide certain Professional Consultant services, Construction-Related Services, or a combination of Professional Consultant services and Construction-Related Services. Sole source procurement will be avoided except when no reasonably available alternative source exists.

(a) Authority. Institutions may authorize sole source procurements up to \$1,000,000 cumulative for all Institution projects throughout a fiscal year. The Chancellor or designee may authorize sole source procurements up to \$5,000,000 cumulative for each Institution's projects throughout a fiscal year. The Board will approve all other sole source procurements.

(b) Each Institution will provide public notice of its determination that the Professional Consultant services, Construction-Related Services, or combination of Professional Consultant services and Construction-Related Services are only available from a Single Seller. Public notice may be provided on the OUS procurement website. The public notice will describe the Professional Consultant services, Construction-Related Services, or combination of Professional Consultant services and Construction-Related Services to be acquired from the Single Seller, identify the prospective Professional Consultant or Contractor, and include the date, time and place that protests are due. The Institution shall give Entities at least seven (7) Days from the date of notice publication to protest the sole source determination.

ADMINISTRATIVE RULES

(c) On an annual basis, Institution Presidents, or their designees will submit a report to the Board summarizing approved sole source procurements for the Institution for the prior fiscal year. The report will be made available for public inspection.

(7) Special Procurement. A special procurement is an exemption from competitive procedures that the Board determines is appropriate because it:

(a) Is reasonably expected to result in substantial cost savings to the Institution or to the public; or

(b) Otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with others processes described in this rule.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 7-2008(Temp), f. & cert. ef. 6-5-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0025

Contracts for Professional Consultants

Institutions will use one of the following two procedures when contracting for Professional Consultant services:

(1) OUS Capital Construction Retainer Program for Professional Consultants.

(a) For Professional Consultant service contracts where the anticipated Contract Price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties is \$100,000 or less, the Institution may select a Professional Consultant that has entered into a Retainer Contract.

(b) For Professional Consultant service contracts where the anticipated Contract Price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties is \$100,000.01 to \$250,000, the Institution must select at least three Professional Consultants who have entered into Retainer Contracts to provide proposals for the service. Selection of a Professional Consultant from submitted proposals will be based on the criteria set forth in the Solicitation Document.

(c) For Professional Consultant service contracts where the anticipated Contract Price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties is \$250,000.01 to \$1,000,000, the Institution will post an advertisement of the opportunity on the OUS procurement website. All eligible Professional Consultants that have entered into Retainer Contracts will have an opportunity to submit a proposal in response to the opportunity. Selection of a Professional Consultant from submitted proposals will be based on the criteria set forth in the Solicitation Document.

(2) Standard Procurement. When procuring Professional Consultant services, Institutions will conduct the procurement in accordance with the Direct Procurement, Informal Procurement, or Formal Procurement method, unless another method is applicable, based on the anticipated Contract Price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties. Multiple Contracts, purchase orders, or purchasing requisitions will not be issued separately with the intent to circumvent these rules.

(a) \$25,000 or less — Direct Procurement or other method of procurement that the Institution deems beneficial to the procurement.

(b) \$25,000.01 to \$100,000 — Informal Procurement, Formal Procurement, or other method of procurement, except the Direct Procurement method, that the Institution deems beneficial to the procurement.

(c) Greater than \$100,000 — Formal Procurement or other method of procurement, except the Direct Procurement or Informal Procurement methods, that the Institution deems beneficial to the procurement.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0030

Contracts for Construction Services

Institutions will use one of the following policies and procedures when procuring Construction-Related Services for a Contract or Public Improvement Contract:

(1) OUS Capital Construction Retainer Program for Construction Related Services.

(a) For Construction-Related Services Contracts or Public Improvement Contracts where the anticipated Contract Price, including reimbursable expenses and all Change Orders contemplated by the parties is \$50,000 or less, the Institution may select a Contractor that has entered into a Retainer Contract.

(b) For Construction-Related Services Contracts or Public Improvement Contracts where the anticipated Contract Price, including reimbursable expenses and all Change Orders contemplated by the parties is \$50,000.01 to \$500,000, the Institution must select at least three Contractors that have entered into Retainer Contracts to provide Bids or Proposals for the service. Selection of a Contractor from submitted Bids or Proposals will be based on the criteria set forth in the opportunity.

(c) For Construction-Related Services Contracts or Public Improvement Contracts where the anticipated Contract Price, including reimbursable expenses and all Change Orders contemplated by the parties is \$500,000.01 to \$1,000,000, the Institution will post an advertisement of the opportunity on the OUS procurement website. All eligible Contractors that have entered into Retainer Contracts will have an opportunity to submit a Bid or Proposal in response to the opportunity. Selection of a Contractor from submitted Bids or Proposals will be based on the criteria set forth in the opportunity.

(2) Standard Procurement. When procuring Construction Related Services, Institutions will conduct the procurement in accordance with the Direct Procurement, Informal Procurement, or Formal Procurement method, unless another method is applicable, based on the anticipated Contract Price, including reimbursable expenses and all Change Orders contemplated by the parties. Multiple Contracts, purchase orders, or purchasing requisitions will not be issued separately with the intent to circumvent these rules.

(a) \$25,000 or less — Direct Procurement or other method of procurement that the Institution deems beneficial to the procurement.

(b) \$25,000.01 to \$100,000 — Informal Procurement, Formal Procurement, or other method of procurement, except the Direct Procurement method, that the Institution deems beneficial to the procurement.

(c) Greater than \$100,000 — Formal Procurement or other method of procurement, except the Direct Procurement or Informal Procurement methods, that the Institution deems beneficial to the procurement.

(3) In accordance with ORS 279C.800 et seq, projects having a total Contract Price of \$50,000 or more, or on a project where the combined Contract Price of all contracts awarded on the project is more than \$50,000, will be subject to the Bureau of Labor and Industries Prevailing Wage Laws. Projects may not be divided into more than one Contract to avoid the application of this subsection. Projects funded in part or wholly by federal funds will comply with the higher of the state or federal prevailing rate of wage.

(4) No Contract will be awarded to any construction firm that is not licensed to do business in the State of Oregon, registered or licensed by the appropriate state licensing boards, or listed as ineligible to enter into Contracts or Public Improvement Contracts by the Bureau of Labor and Industries.

(5) Contractors will post and maintain performance and payment bonds as required in the Solicitation Document. For Public Improvement Contracts with a total Contract Price in excess of \$100,000, one hundred percent performance and payment bonds will be required.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0035

Oregon's Percent for Art

The "Percent for Art" legislation governed by ORS 276.073 through 276.090, guides the acquisition of Oregon's state art collection. For acquisition of art work in applicable state buildings, this program sets aside no less than 1 percent of the construction funds of buildings with a construction budget of \$100,000 or more. The Institution will be responsible to ensure compliance with the "Percent for Art" for applicable projects.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0040

Design Standards

All major facility projects will be planned, designed, constructed, and renovated to meet high performance building standards for energy efficiency and environmental sustainability as defined by the Department of Energy and the State of Oregon.

(1) State Energy Efficiency Design is the policy of the State of Oregon that facilities to be constructed or purchased by authorized state agencies be designed, constructed, renovated, and operated so as to mini-

ADMINISTRATIVE RULES

mize the use of nonrenewable energy resources and to serve as models of energy efficiency per ORS 276.900 through 276.915.

(2) Green building design and construction is an integral part of OUS Capital Construction. Institution projects should consider design standards that incorporate the 'Leadership in Energy & Environmental Design' (LEED) Silver standards, which promote buildings that significantly reduce or eliminate the negative impact of buildings on the environment and occupants.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-063-0045

Retainage Processing Charges

(1) The Institution may require a retainage for Construction Related Services under \$1,000,000. For Construction Related Services over \$1,000,000, the Institution will withhold a retainage.

(2) An Institution will not retain an amount in excess of five percent (5%) of the Contract Price for Work completed. If the Contractor has performed at least fifty percent (50%) of the Work and is progressing satisfactorily, upon the Contractor's submission of Written application containing the surety's written approval, the Institution may, in its discretion, reduce or eliminate retainage on any remaining progress payments. The Institution will respond in Writing to all such applications within a reasonable time. When the Work is ninety-seven and a half percent (97.5%) completed, the Institution may, at its discretion and without application by the Contractor, reduce the retained amount to one hundred percent (100%) of the value of the remaining unperformed Work. An Institution may at any time reinstate retainage. Retainage will be included in the final payment of the Contract Price.

(3) For Construction Related Services over \$1,000,000 the Contractor may request that the retainage be deposited in an interest-bearing account at a financial institution. Title to such funds will remain with the Board until the Work is complete and accepted by the Institution. Interest on deposited retainage accrues to the benefit of the Contractor and will remain in the retainage account until the Work is accepted. The Institution may deduct fees necessary to open and maintain an interest-bearing account.

(4) Alternatives to cash retainage. In lieu of cash retainage to be held by the Institution or financial institution, the Contractor may substitute one of the following:

(a) Deposit of securities:

(A) The Contractor may deposit bonds or securities with the Institution or in any bank or trust company to be held for the benefit of the Institution. In such event, the Institution will reduce the retainage by an amount equal to the value of the bonds and securities, and reimburse the excess to the Contractor.

(B) Bonds and securities deposited or acquired in lieu of retainage will be of a character approved by the Controller's Office, including but not limited to:

(i) Bills, certificates, notes, or bonds of the United States.

(ii) Other obligations of the United States or its agencies.

(iii) Obligations of any corporation wholly owned by the federal government.

(iv) Indebtedness of the Federal National Mortgage Association.

(C) Upon the Institution determination that all requirements for the protection of the Institution's interests have been fulfilled, it will release to the Contractor all bonds and securities deposited in lieu of retainage.

(b) Deposit of surety bond. An Institution, at its discretion, may allow the Contractor to deposit a surety bond in a form acceptable to the Institution in lieu of all or a portion of funds retained or to be retained. A Contractor depositing such a bond will accept surety bonds from its subcontractors and suppliers in lieu of retainage. In such cases, retainage will be reduced by an amount equal to the value of the bond and the excess will be reimbursed to the Contractor.

(5) An Institution will recover from the Contractor all costs incurred in the proper handling of cash retainage and securities, by reduction of the final Contract payment.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

Oregon University System, Eastern Oregon University Chapter 579

Rule Caption: Amend revolving charge account plan.

Adm. Order No.: EOU 4-2008(Temp)

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 8-15-08 thru 1-31-09

Notice Publication Date:

Rules Amended: 579-015-0000, 579-015-0005

Subject: Amend terms and conditions regarding revolving charge accounts at Eastern Oregon University.

Rules Coordinator: Lara Moore—(541) 962-3368

579-015-0000

Revolving Charge Account Plan Terms and Conditions

A Revolving Charge Account Plan is available to all Eastern students under the following terms and conditions: (This account will only be opened after the student requests that it be opened and has agreed to the terms and conditions.)

(1) Payment: Students must pay all past due amounts, including tuition, fines, and fees incurred during any prior term and One third of the current term's charges prior to or within 8 calendar days of the start of the current term.

(Note: Special terms below for students on a full room and board plan*.)

Any unpaid balance is part of the Revolving Charge Account Plan. Any subsequent payments will be applied to the unpaid balance on a first in, first out basis. Financial aid, refunds, and any other amounts due to the student from this institution will be applied toward any amount due this institution before any monies are released to the student. The option to pay the unpaid balance in full always exists.

(2) Interest: Interest will be charged each month on any unpaid balance at the rate of one percent per month, or fraction thereof (12% APR). This is subject to change as mandated by the Oregon Administrative Rules.

(3) Due Date: Students must submit all past due accounts plus one-third of the total amount due for the current term prior to or within 8 calendar days of the start of the current term. Irrespective of the fact that only a payment of one third of the amount due (plus full payment of any past due balance) is required to validate the current term's registration, the balance of the amount due will incur interest charges each month until paid. The remainder of the account balance must be paid as follows; half of the remaining balance is due before the sixth week of the term and the final balance on account is due before the 10th week of the term.

(4) Past Due Accounts: It is the student's responsibility to make the scheduled payments by the due dates regardless of the circumstances. Failure to receive a billing prior to the first of the month is *not* an acceptable excuse for late payment. Interest charges and applicable late fees will be assessed on all past due accounts. The following penalties will apply:

A1. A late payment fee of \$50 will be assessed if a student has not paid their past due amounts and one-third of the current term charges by the end of the 8th day of the term.

A2. A late payment fee of \$50.00 will be assessed if a student has not paid 2/3 of their current term charges (and any past due amounts) by the sixth week of the term.

(a) An institution collection fee of \$25 will be assessed to any account not paid in full by the 10th week of the term.

(b) Registration may be denied to any student whose account has a past due balance;

(c) The extension of credit, provision of services, grade reports, diplomas, and transcripts may be withheld from any student with a past due balance;

(d) Eviction from student housing may result when past due amounts relate to room and board charges. Telephone services may be disconnected or denied when past due accounts relate to telecommunication charges;

(e) Delinquent accounts referred to outside collection agencies will be assessed all costs and charges incurred, including, but not limited to, collection costs, attorney's fees and court filing fees. The status of this account may be reported to credit bureaus.

*Combined Room and Board Plan Students

If a student is on a room and board and the financial aid received for the term is not enough to pay the account in full, then we will defer 10% of the room and board charges for Fall term until Winter term. If the student is still on a combined room and board for Winter, then we will defer 10% of the Winter room and board charges to the Spring. All other dates apply as stated above. If a student withdraws or ceases to participate in the combined room and board plan all outstanding charges will be due at that time.

ADMINISTRATIVE RULES

(5) Address Information: The student is responsible for informing this institution's Business Office of any name and/or address change occurring during the life of this contract.

(6) Billing Rights: A student may challenge a charge within 60 days of the origination of the charge by directing his/her inquiry to: Eastern Oregon University, Accounts Receivable, 1410 One University Blvd, La Grande, OR 97850 (503) 962-3306. Any questions regarding this agreement can also be directed to the above address.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: EOSC 3-1994, f. & cert. ef. 7-25-94; EOU 4-2008(Temp), f. & cert. ef. 8-15-08 thru 1-31-09

579-015-0005

Collecting Accounts and Notes Receivables

(1) As directed by Oregon State Board of Higher Education OAR 580-041-0010(1), the Business Office at Eastern Oregon University exercises diligence in collecting accounts and notes receivables due it by following, as appropriate, these remedies:

(a) Withholds student's diploma, transcripts, or other instruments of degree confirmation/verification; (see section (2) of this rule);

- (b) Denies or cancels registration;
- (c) Withholds further accounts receivable privileges;
- (d) Withholds employee's wages after written notification;
- (e) Applies any non-exempt credits in favor of debtor to debt;
- (f) Adds penalties and interest as allowed by statutes and regulations;
- (g) Utilizes offset procedures with other state agencies;
- (h) Sends letter of demand;
- (i) Uses "skip trace" information as allowed by statutes;
- (j) Utilizes Department of Revenue and/or other collection agent;
- (k) Institutes legal action as permitted by statutes.

(2) The office of the Registrar, at the request of the Bursar, may withhold a student's diploma, transcript, or other instruments of degree confirmation/verification, when:

- (a) The student has an outstanding account receivable or notes receivable balance;
- (b) The student has failed to complete a required exit interview (exit interviews are necessary to have students sign repayment agreements, obtain forwarding addresses and to gather other data needed when a student leaves an institution);
- (c) The student has not made arrangements to pay the balance due or complete an exit interview; and
- (d) The student has notice that an account balance is due, or an exit interview is required; and that the student's diploma, transcript or other instrument of degree confirmation/verification may be withheld.

(3) The Bursar, Eastern Oregon University, or his designee, may waive any of the above remedies only in those circumstances which serve the best interests of the institution, the state, or the federal government, or where required by state or federal statutes. (The discharge of debt through bankruptcy prevents the taking of any further action to collect.)

(4) The procedures are in conformity with the requirements of federal and state laws and regulations and were formally adopted as a rule after public hearing under the Administrative Procedures Act.

(5) The Eastern Oregon University Business Office will grant hearings to any individual requesting information or expressing concern about the amount owed or circumstances related thereto. The written procedures to be followed in requesting a hearing are available at http://chinook.eou.edu/eouforms/appeals_login.cfm

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: EOSC 5-1979, f. & ef. 6-27-79; EOSC 7-1979, f. & ef. 10-12-79; EOSC 1-1989, f. & cert. ef. 3-31-89; EOSC 1-1993, f. & cert. ef. 2-25-93; EOU 4-2008(Temp), f. & cert. ef. 8-15-08 thru 1-31-09

Rule Caption: Amend special student and course fees.

Adm. Order No.: EOU 5-2008

Filed with Sec. of State: 8-15-2008

Certified to be Effective: 8-15-08

Notice Publication Date: 6-1-2008

Rules Amended: 579-020-0006

Subject: Amend fees charged to students for special use of facilities, services or supplies at Eastern Oregon University.

Rules Coordinator: Lara Moore—(541) 962-3368

579-020-0006

Special Student Fees

Eastern Oregon University intends to adopt by reference Special Student Fees for the 2008–09 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

Oregon University System, Oregon State University Chapter 576

Rule Caption: Competitive Procedures for the Purchasing, Procurement, and Contracting of Goods and Services (OSU).

Adm. Order No.: OSU 8-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 4-1-2008

Rules Repealed: 576-008-0200, 576-008-0205, 576-008-0210, 576-008-0215, 576-008-0220, 576-008-0223, 576-008-0225, 576-008-0228, 576-008-0230, 576-008-0235, 576-008-0240, 576-008-0245, 576-008-0255, 576-008-0260, 576-008-0275, 576-008-0277, 576-008-0280, 576-008-0282, 576-008-0285, 576-008-0287, 576-008-0290, 576-008-0292, 576-008-0295

Subject: The Oregon University System has adopted administrative rules for procurement, contracting, construction, purchase and sale of real property (division 60, 61, 62, and 63). Under these rules, individual institutions no longer have the authority to adopt their own rules pertaining to these topics.

Rules Coordinator: Marcia Stuart—(541) 346-5749

Oregon University System, University of Oregon Chapter 571

Rule Caption: Contracting and Purchasing Procedures (UO).

Adm. Order No.: UO 5-2008

Filed with Sec. of State: 7-21-2008

Certified to be Effective: 7-21-08

Notice Publication Date: 4-1-2008

Rules Repealed: 571-040-0010, 571-040-0015, 571-040-0020, 571-040-0030, 571-040-0040, 571-040-0050, 571-040-0060, 571-040-0070, 571-040-0080, 571-040-0100, 571-040-0201, 571-040-0251, 571-040-0261, 571-040-0380, 571-040-0382, 571-040-0390, 571-040-0400, 571-040-0410, 571-040-0420, 571-040-0430, 571-040-0440, 571-040-0450, 571-040-0460

Subject: The Oregon University System has adopted administrative rules for procurement, contracting, construction, purchase and sale of real property (division 60, 61, 62, and 63). Under these rules, individual institutions no longer have the authority to adopt their own rules pertaining to these topics.

Rules Coordinator: Marcia Stuart—(541) 346-5749

Rule Caption: Simplify and clarify articles and activities prohibited at athletic facilities.

Adm. Order No.: UO 6-2008

Filed with Sec. of State: 8-14-2008

Certified to be Effective: 8-18-08

Notice Publication Date: 6-1-2008

Rules Amended: 571-050-0011

ADMINISTRATIVE RULES

Subject: Simplify and clarify articles and activities prohibited at athletic facilities and bring rules into accord with Oregon University System administrative rules.

Rules Coordinator: Deb Eldredge—(541) 346-3082

571-050-0011

Articles and Activities Prohibited at Athletic Facilities

(1) The following items are not allowed inside (or on the rampways, stairways, or tunnels leading into) any University facility which serves as a site for intercollegiate athletic competition whether or not such competition is actually occurring:

- (a) Glass containers of any kind;
- (b) Metal cans;
- (c) Weapons;
- (d) Fireworks, explosives, or munitions;
- (e) Alcohol or alcoholic beverages or freezes;
- (f) Vacuum bottles and other similar insulated containers (thermos-type containers);

(g) Open plastic beverage containers, unless empty.

(2) Exceptions to the above prohibition are limited to:

(a) Alcoholic beverages and alcoholic beverage containers belonging to the University of Oregon, or to licensed concessionaires or catering services contracting with the University for its officially sponsored social functions, e.g., receptions, meetings, promotional activities, etc.;

(b) Weapons of on duty law enforcement officials;

(c) Fireworks in the custody of any group or person operating or presenting a fireworks display as expressly authorized by the University.

(3) University employees, contractors, or agents may request, as a condition of the license to enter the University's athletic facilities, that persons about to enter allow inspections of all backpacks, briefcases, suitcases, athletic bags, packages, duffle bags, coolers, ice chests, picnic baskets, and other containers capable of concealing prohibited articles:

(a) Inspections under this section shall occur outside the facility's ticket gate or entrance. Persons possessing containers subject to inspection shall be informed that they are free to decline the inspection and may receive a refund of the price of the ticket upon surrender of their ticket, if any. In the alternative, the person may discard the container or prohibited items in the container or return them to a vehicle without inspection and then enter the facility without such items;

(b) Personnel making inspection requests are not obliged to cause entering spectators to wait in line while other inspections are occurring. Such personnel must, however, request to inspect the containers of the next person who appears to possess containers subject to inspection as soon as they have completed any given inspection;

(c) Signs with lettering no smaller than two inches high shall be prominently displayed at each entrance to University facilities that serves as a site for intercollegiate athletic competition. The signs shall generally describe prohibited articles, explain the potential request for inspection and the right-to-decline options, including refund, if there is a cost for admission. Similar explanations shall be printed on season ticket order forms and shall be displayed at ticket windows on University property where tickets for events at University athletic facilities are regularly sold.

(4) A person discovered during an inspection to possess a prohibited article(s) shall be offered the choice of discarding the article(s) in a public trash receptacle or of returning the prohibited article(s) to a vehicle or otherwise legally disposing of it.

(5) If a person already inside the facility possesses a prohibited article, that person shall be considered to have violated the license to enter and view the event. The person's license is automatically revoked and the person shall be requested to leave immediately. A person who does not leave following such a request may be treated as a trespasser.

(6) If a person requests a refund under the provisions of subsection (3)(a) of this rule, University officials shall sign a bearer coupon and shall deliver it within a reasonable time to the person requesting the refund. Such a coupon shall not name the person possessing the prohibited articles, but it shall specify the location, price and date. This bearer coupon along with the unused ticket must be turned in at (or mailed to) the University Athletic Department's ticket office for a refund within 30 days. Service and other charges in excess of the admission price are non-refundable.

(7) Persons entering a facility, as a condition of the license to enter, may be subject to search by electronic wand regardless of whether they are carrying any of the above-mentioned containers.

(8) A person entering the facility who is observed without inspection possessing a prohibited article shall be treated as specified in section (4) of this rule.

(9) Open umbrellas are prohibited in all Autzen Stadium, Hayward Field and Howe Field seating areas, seating area aisles, and standing room only locations. Signs on sticks or poles and signs larger than 24 inches wide by 18 inches high are prohibited in all athletic facilities. Complaints about violations of this section shall be made to Athletic Department officials or their designated agents. Violators failing to respond to a request to close their umbrellas by Athletic Department officials or their agents may be required to leave the event. Any one who violates the restrictions on signs in this rule may be required to leave the event by Athletic Department officials or their agents.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.065 & 352.010

Hist.: UOO 7-1983(Temp), f. & cert. ef. 8-15-83; UOO 4-1984, f. & cert. ef. 7-31-84; UOO 5-1990, f. & cert. ef. 5-18-90; UO 3-2000(Temp), f. 9-20-00, cert. ef. 9-20-00 thru 3-18-01; Administrative correction 6-21-01; UO 17-2007, f. & cert. ef. 8-31-07; UO 3-2008(Temp), f. & cert. ef. 6-18-08 thru 12-10-08; UO 6-2008, f. 8-14-08, cert. ef. 8-18-08

Secretary of State, Business Services Division Chapter 167

Rule Caption: Establish rules to conduct criminal background checks of employees, contractors or volunteers.

Adm. Order No.: BSD 1-2008

Filed with Sec. of State: 7-16-2008

Certified to be Effective: 7-16-08

Notice Publication Date: 6-1-2008

Rules Adopted: 167-050-0100, 167-050-0110, 167-050-0120, 167-050-0130, 167-050-0140, 167-050-0150, 167-050-0160, 167-050-0170, 167-050-0180, 167-050-0190, 167-050-0200, 167-050-0210, 167-050-0220

Subject: Define rules and processes to control the Agencies acquisition of information about an individual's criminal history and its use of such information to determine whether an individual is fit to provide services to the Agency as an employee, contractor, or volunteer in a capacity that is designated as "critical" or "security sensitive" pursuant to ORS 177.075.

Rules Coordinator: Robin Rickard—(503) 986-2357

167-050-0100

Statement of Purpose

Purpose. These rules control the Secretary of State's acquisition of information about a subject individual's criminal history through criminal records checks and its use of that information to determine whether the subject individual is fit to provide services to the Secretary of State as an employee or contractor in a position covered by OAR 167-050-0120(2)(a)–(e). The fact that the Secretary of State approves a subject individual as fit does not guarantee the individual a position as a Secretary of State employee or contractor.

Stat. Auth.: ORS 181.534 & 177.075

Stats. Implemented: ORS 181.534(9)

Hist.: BSD 1-2008, f. & cert. ef. 7-16-08

167-050-0110

Definitions

As used in OAR chapter 167, division 050, unless the context of the rule requires otherwise, the following definitions apply:

(1) "Approved" means that a criminal records check and any required fitness determination has been completed on a subject individual and the subject individual is eligible to be an employee or contractor in a position covered by OAR 167-050-0120(2)(a)–(e).

(2) "Conviction" means that a court of law has entered a final judgment on a verdict or finding of guilt on a plea of guilty, or a plea of nolo contendere (no contest), or any determination of guilt, against a subject individual, unless that judgment has been reversed or dismissed by a subsequent court decision.

(3) "Criminal Offender Information" includes records and related data as to physical description and vital statistics, fingerprints received and compiled by the Oregon Department of State Police Bureau of Criminal Identification for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release

(4) "Criminal Records Check" or "CRC" means one of three processes undertaken to check the criminal history of a subject individual:

ADMINISTRATIVE RULES

(a) "Oregon Criminal Records Check" means obtaining and reviewing information from the Oregon State Police's Law Enforcement Data System (LEDS); or

(b) "National Criminal Records Check" means a national check of criminal offender information conducted by the Oregon Department of State Police through the Federal Bureau of Investigation at the Secretary of State's request.

(5) "Denied" means that a criminal records check and subsequent fitness determination has been completed on a subject individual and the authorized designee has found the subject individual to be not eligible to be an employee or contractor in a position covered by OAR 167-050-0120(2)(a)-(e).

(6) "False Statement" means that, in association with an activity governed by these rules, a subject individual either:

(a) Provided the Secretary of State with materially false information about his or her criminal history, such as, but not limited to, materially false information about his or her identity or conviction record; or

(b) Failed to provide to the Secretary of State information material to determining his or her criminal history.

(7) "Fitness Determination" means a determination made by the Secretary of State pursuant to the process established in OAR 167-050-0150 (preliminary fitness determination) or 167-050-0170 (final fitness determination) that a subject individual is or is not fit to be a Secretary of State employee or contractor in a position covered by 167-050-0120(2)(a)-(e).

(8) "Subject Individual" means an individual identified in OAR 167-050-0120.

Stat. Auth.: ORS 181.534 & 177.075
Stats. Implemented: ORS 181.534(9)
Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

167-050-0120

Subject Individuals

"Subject Individual" means a person who is required to complete a criminal records check pursuant to these rules and from whom the Secretary of State may require fingerprints for the purpose of conducting a criminal history check because the person:

(1) Is employed by or applying for employment with the Secretary of State, or provides services or seeks to provide services to the Secretary of State as a contractor; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(b) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(c) That has fiscal, payroll, or purchasing responsibilities as one of the position's primary responsibilities;

(d) In which the person has responsibility for conducting audits; or

(e) In which the person has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, personal financial information or criminal background information.

Stat. Auth.: ORS 181.534 & 177.075
Stats. Implemented: ORS 181.534(9)
Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

167-050-0130

Criminal Records Check Process

(1) Disclosure of Information by Subject Individual.

(a) Preliminary to a criminal records check, the Secretary of State may require a subject individual to complete and sign the Secretary of State's Criminal Records Request form and, if requested by the Secretary of State, a fingerprint card. The Criminal Records Request form shall require the following information: name, birth date, Social Security Number, physical characteristics, driver's license or identification card number, current address, and prior residences. The Secretary of State Criminal Records Request form may also require details concerning any circumstance listed in OAR 167-050-0170(2).

(b) A subject individual shall complete and submit to the Secretary of State the Criminal Records Request form and, if requested, a fingerprint card, within five (5) business days of receiving the forms.

(c) The Secretary of State shall not request a fingerprint card from a subject individual under the age of 18 years unless the subject individual is

emancipated pursuant to ORS 419B.550 et seq., or unless the Secretary of State also requests the written consent of a parent or guardian. In such case, such parent or guardian and youth must be informed that they are not required to consent. Notwithstanding, failure to consent may be construed as a refusal to consent under OAR 167-050-0170(3)(d)(B).

(d) A subject individual shall disclose additional information as requested by the Secretary of State in order to resolve any issue(s) hindering the completion of a criminal records check within five (5) business days of the request.

(2) When Check is Required. The Secretary of State may conduct, or request that the Oregon Department of State Police conduct, a criminal records check when:

(a) A person meets the definition of a subject individual; or

(b) Required by federal or state laws or regulations, other rules adopted by the Secretary of State, or by contract or written agreement with the Secretary of State;

(3) Which Criminal Records Check(s) Is Conducted. When the Secretary of State determines under subsection (2) of this rule that a criminal records check is needed, the Secretary of State may request or conduct an Oregon Criminal Records Check, or a Nationwide Criminal Records Check, or both.

Stat. Auth.: ORS 181.534 & 177.075
Stats. Implemented: ORS 181.534(9)
Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

167-050-0140

Potentially Disqualifying Crimes

(1) Crimes Relevant to a Fitness Determination.

(a) All felonies;

(b) All Class A misdemeanors;

(c) Any United States Military or international crime that is equivalent to any crime listed in this section;

(d) Any crime of attempt, solicitation, or conspiracy to commit a crime listed in this section (1) pursuant to ORS 161.405, 161.435, or 161.450;

(e) Any crime based on criminal liability for conduct of another pursuant to ORS 161.555, when the underlying crime is listed in this subsection (1).

(f) Any crime which, if convicted, would require the individual to register as a sex offender.

(2) Evaluation Based on Oregon Laws. The Secretary of State shall evaluate a crime on the basis of Oregon laws and, if applicable, federal laws or the laws of any other jurisdiction in which a criminal records check indicates a subject individual may have committed a crime, as those laws are in effect at the time of the fitness determination.

(3) Expunged Juvenile Record. Under no circumstances shall a subject individual be denied under these rules because of the existence or contents of a juvenile record that has been expunged pursuant to ORS 419A.260 through 419A.262.

Stat. Auth.: ORS 181.534 & 177.075
Stats. Implemented: ORS 181.534(9)
Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

167-050-0150

Preliminary Fitness Determination

(1) The Secretary of State may conduct a preliminary fitness determination if the Secretary of State is interested in hiring or appointing a subject individual on a preliminary basis, pending a final fitness determination.

(2) If the Secretary of State elects to make a preliminary fitness determination about a subject individual, pending a final fitness determination, the Secretary of State shall make that determination of the basis of any information disclosed by the subject individual and on an Oregon Criminal Records Check.

(3) The Secretary of State shall approve a subject individual as fit on a preliminary basis if the Secretary of State has no reason to believe that the subject individual has made a false statement and the information available to the Secretary of State does not disclose that the subject individual:

(a) Has pled nolo contendere (or no contest) to, been convicted of, found guilty except for insanity (or comparable disposition) of, or has a pending indictment for a crime listed under OAR 167-050-0140;

(b) Has been arrested for or charged with a crime listed under OAR 167-050-0140;

(c) Is being investigated for, or has an outstanding warrant for a crime listed under OAR 167-050-0140;

(d) Is currently on probation, parole, or any form of post-prison supervision for a crime listed under OAR 167-050-0140;

ADMINISTRATIVE RULES

(e) Has a deferred sentence or conditional discharge in connection with a crime listed under OAR 167-050-0140;

(f) Has been adjudicated in a juvenile court and found to be within the court's jurisdiction for an offense that would have constituted a crime listed in OAR 167-050-0140 if committed by an adult; or

(g) Has made a false statement.

(4) If the information available to the Secretary of State discloses one or more of the circumstances identified in subsection (3), the Secretary of State may nonetheless approve a subject individual as fit on a preliminary basis if the Secretary of State concludes, after evaluating all available information, that hiring or appointing the subject individual on a preliminary basis does not pose any risk of harm to the Secretary of State, its client entities, the State, or members of the public.

(5) If a subject individual is either approved or denied on the basis of a preliminary fitness determination, the Secretary of State thereafter shall conduct a fitness determination under OAR 167-050-0170.

Stat. Auth.: ORS 181.534 & 177.075
Stats. Implemented: ORS 181.534(9)
Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

167-050-0160

Hiring or Appointing on a Preliminary Basis

(1) The Secretary of State may hire or appoint a subject individual on a preliminary basis if the Secretary of State has approved the subject individual on the basis of a preliminary fitness determination under OAR 167-050-0150.

(2) A subject individual hired or appointed on a preliminary basis under this rule may participate in training, orientation, or work activities as assigned by the Secretary of State.

(3) A subject individual hired or appointed on a preliminary basis is deemed to be on trial service and, if terminated before completion of a final fitness determination under OAR 167-050-0170, may not appeal the termination under the processes provided under 167-050-0190.

(4) If a subject individual hired or appointed on a preliminary basis is denied upon completion of a final fitness determination, as provided under OAR 167-050-0170, then the Secretary of State shall immediately terminate the subject individual's employment or appointment.

Stat. Auth.: ORS 181.534 & 177.075
Stats. Implemented: ORS 181.534(9)
Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

167-050-0170

Final Fitness Determination

(1) If the Secretary of State elects to conduct a criminal records check, the Secretary of State shall make a fitness determination about a subject individual based on information provided by the subject individual under OAR 167-050-0130, the criminal records check(s) conducted, if any, and any false statements made by the subject individual.

(2) In making a fitness determination about a subject individual, an authorized designee shall consider the factors in this subsection (2)(a)–(f) in relation to information provided by the subject individual under OAR 167-050-0130, any LEDS report or criminal offender information obtained through a criminal records check, and any false statement made by the subject individual. To assist in considering these factors, the Secretary of State may obtain any other information deemed relevant from the subject individual or any other source, including law enforcement and criminal justice agencies or courts within or outside of Oregon. To acquire other relevant information from the subject individual, the Secretary of State may request to meet with the subject individual, to receive written materials from him, or both. The subject individual shall meet with the Secretary of State if requested and provide additional information within a reasonable period of time, as established by the Secretary of State. The Secretary of State will use all collected information in considering:

(a) Whether the subject individual has been arrested, pled nolo contendere (or no contest) to, been convicted of, found guilty except for insanity (or a comparable disposition) of, or has a pending indictment for a crime listed in OAR 167-050-0140;

(b) The nature of any crime identified under subsection (a);

(c) The facts that support the arrest, conviction, finding of guilty except for insanity (or comparable disposition), or pending indictment;

(d) The facts that indicate the subject individual made a false statement;

(e) The relevance, if any, of a crime identified under subsection (a) or of a false statement made by the subject individual to the specific requirements of the subject individual's present or proposed position, services or employment; and

(f) Intervening circumstances, to the extent that they are relevant to the responsibilities and circumstances of the services or employment for which the fitness determination is being made, including, but not limited to, the following:

(A) The passage of time since the commission or alleged commission of a crime identified under subsection (a);

(B) The age of the subject individual at the time of the commission or alleged commission of a crime identified under subsection (a);

(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another crime listed in OAR 167-050-0140;

(E) Whether a conviction identified under subsection (a) has been set aside or pardoned, and the legal effect of setting aside the conviction or of a pardon; and

(F) A recommendation of an employer.

(3) Potential Outcomes.

(a) Automatic Approval. The Secretary of State may approve as fit a subject individual if the information described in sections (1) and (2) shows none of the following:

(A) Evidence that the subject individual has pled nolo contendere (or no contest) to, been convicted of, or found guilty except for insanity (or comparable disposition) of a crime listed in OAR 167-050-0140;

(B) Evidence that the subject individual has a pending indictment or warrant for a crime listed in OAR 167-050-0140;

(C) Evidence that the subject individual has been arrested for a crime listed in OAR 167-050-0140;

(D) Evidence of the subject individual having made a false statement; or

(E) Any discrepancy between the criminal offender information and other information obtained from the subject individual.

(b) Evaluative Approval.

(A) If a fitness determination under this rule shows evidence of any of the factors identified in subsection (3)(a)(A)–(F) of this rule, the Secretary of State may approve the subject individual only if, in evaluating the information described in subsections (1) and (2), the Secretary of State determines:

(i) That the evidence is not credible; or

(ii) If the evidence is credible, that the subject individual acting in the position for which the fitness determination is being conducted would not pose any risk of harm to the Secretary of State, its client entities, the State, or members of the public.

(c) Restricted Approval.

(A) If the Secretary of State approves a subject individual under subsection (3)(b) of this rule, the Secretary of State may restrict the approval to specific job duties, activities, or locations.

(B) The Secretary of State must complete a new criminal records check and fitness determination on the subject individual before removing a restriction.

(d) Denial.

(A) If a fitness determination under this rule shows credible evidence of any of the factors identified in subsection (3)(a)(A)–(F) of this rule and, after evaluating the information described in subsections (1) and (2) of this rule, the Secretary of State concludes that the subject individual acting in the position for which the fitness determination is being conducted would pose any risk of harm to the Secretary of State, its client entities, the State, or members of the public, the Secretary of State shall deny the subject individual as not fit for the position.

(B) Refusal to Consent. If a subject individual refuses to submit or consent to a criminal records check, the Secretary of State shall deny the employment of the individual. A person may not appeal any determination made based on a refusal to consent.

(C) If a subject individual is denied as not fit, the subject individual may not be employed by or provide services as a contractor to the Secretary of State in a position covered by OAR 167-050-0120(2)(a)–(e).

(4) Final Order. A completed final fitness determination is final unless the affected subject individual appeals by requesting either a contested case hearing as provided by OAR 167-050-0190(2), or an alternative appeals process as provided by 167-050-190(8).

Stat. Auth.: ORS 181.534 & 177.075
Stats. Implemented: ORS 181.534(9)
Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

ADMINISTRATIVE RULES

167-050-0180

Incomplete Fitness Determination

(1) The Secretary of State will close a preliminary or final fitness determination as incomplete when:

(a) Circumstances change so that a person no longer meets the definition of a subject individual;

(b) The subject individual does not respond within a stated period of time to a request from the Secretary of State for corrections to the application, fingerprints, any other information necessary to conduct a criminal records check under these rules, or any information described in OAR 167-050-0175;

(c) The subject individual withdraws the application, leaves the position prior to completion of the check or cannot be located or contacted by the authorized designee;

(d) The subject individual is determined to be ineligible for the position or is not chosen for the position for reasons other than the criminal records check;

(e) The position is no longer open.

(2) A subject individual does not have a right to a contested case hearing to challenge the closing of an incomplete fitness determination.

Stat. Auth.: ORS 181.534 & 177.075

Stats. Implemented: ORS 181.534(9)

Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

167-050-0190

Appealing a Fitness Determination

(1) Model Rules of Procedure. In addition to the Model Rules of Procedure adopted by the Attorney General, OAR 137-003-0001 through 137-003-0092, the procedures set forth in this rule shall apply.

(2) Process.

(a) A subject individual may appeal a final fitness determination by submitting a request in writing to the Secretary of State Human Resources Division. Any such request for a hearing must be received by the Secretary of State within 10 calendar days of the date of the notice.

(b) When a timely request is received by the Secretary of State under subsection (a), a contested case hearing shall be conducted by a hearing officer appointed by the Secretary of State.

(c) The Secretary of State may extend the time to appeal if the Secretary of State determines the delay was caused by factors beyond the reasonable control of the subject individual.

(3) Time and Place of Hearings. The time and place of hearing will be set by the hearing officer. Notice of the hearing shall be served on the Director of Human Resources and interested parties at least ten days in advance of the hearing date.

(4) Discovery. The Secretary of State or the hearing officer may protect information made confidential by ORS 181.534(15) or other applicable laws and rules.

(5) Disclosure of LEDS Information. Information obtained through LEDS shall be disclosed only in a manner consistent with Oregon State Police rules and regulations.

(6) No Public Attendance. Contested case hearings on fitness determinations are closed to non-participants.

(7) Proposed Order, Exceptions and Default.

(a) Proposed Order. After a hearing, the hearings officer appointed by the Secretary of State shall issue a proposed order.

(b) Exceptions. Exceptions, if any, shall be filed within 14 calendar days after service of the proposed order. The proposed order shall provide an address to which exceptions must be sent.

(c) Default. A completed final fitness determination made under OAR 167-050-0170 becomes final:

(A) Unless the subject individual makes a timely request for hearing; or

(B) When a party withdraws a hearing request, notifies the Secretary of State or the hearing officer that the party will not appear, or fails to appear for the hearing.

(8) Other Options. A subject individual may appeal a fitness determination through applicable personnel rules and policies. The individual's decision to do so is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process.

(9) History Disputed:

(a) Correcting Disputed History. If a subject individual wishes to challenge the accuracy or completeness of information provided by the Oregon State Police, the Federal Bureau of Investigation or other agencies reporting information to the Secretary of State, the subject individual may

appeal to the entity providing the information. Such challenges are not subject to the Secretary of State's appeal process described in this rule.

(10) Remedy. The only remedy that may be awarded is a determination that the subject individual is fit, or fit with restrictions pursuant to OAR 167-050-0170(3)(c). The Secretary of State shall not be required to place a subject individual in any position or to enter into a contract or otherwise accept services.

Stat. Auth.: ORS 181.534 & 177.075

Stats. Implemented: ORS 181.534

Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

167-050-0200

Representation at Hearing

(1) Secretary of State Representation. Subject to the approval of the Attorney General, an officer or employee of the Secretary of State is authorized to appear on behalf of the Secretary of State in contested case hearings involving criminal background checks conducted pursuant to these rules. The Secretary of State retains the right to be represented by the Attorney General.

(2) The agency representative may not make legal arguments on behalf of the Secretary of State.

(a) "Legal argument" includes arguments on:

(A) The jurisdiction of the Secretary of State to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to the agency; and

(C) The application of court precedent to the facts of the particular contested case proceeding;

(b) "Legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(A) The application of the statutes or rules to the facts in the contested case;

(B) Comparison of prior actions of the agency in handling similar situations;

(C) The literal meaning of the statute or rules directly applicable to the issues in the contested case;

(D) The admissibility of evidence; or

(E) The correctness of procedures being followed in the contested case hearing.

Stat. Auth.: ORS 183.452

Stats. Implemented: ORS 181.534(9) & (11)

Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

167-050-0210

Recordkeeping and Confidentiality

(1)(a) Records the Secretary of State receives from the Oregon Department of State Police resulting from a criminal records check, including, but not limited to, LEDS reports and state or federal criminal offender information originating with the Oregon Department of State Police or the Federal Bureau of Investigation, are confidential pursuant to ORS 181.534(15).

(b) Only those persons, as identified by the Secretary of State, with a demonstrated and legitimate need to know the information, may have access to criminal records check records.

(2)(a) If a fingerprint-based criminal records check was conducted with regard to a subject individual, the Secretary of State shall permit that subject individual to inspect his or her own state and federal criminal offender information, unless prohibited by federal law.

(b) If a subject individual with a right to inspect criminal offender information under subsection (2)(a) of this rule requests to do so, the Secretary of State shall provide the subject individual with a copy of the individual's own state and federal criminal offender information, unless prohibited by federal law.

(3) Other Records.

(a) The Secretary of State shall treat all records received or created under these rules that concern the criminal history of a subject individual, other than records covered under section (1)(a) of this rule, including Secretary of State Criminal Records Request forms and fingerprint cards, as confidential pursuant to ORS 181.534(15).

(b) A subject individual shall have access to records identified under subsections (3)(a) of this rule and pursuant to and only to the extent required by the terms of the Public Records Law.

Stat. Auth.: ORS 181.534

Stats. Implemented: ORS 181.534(9)

Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

ADMINISTRATIVE RULES

167-050-0220

Fees

(1) The Secretary of State may charge a fee for acquiring criminal offender information for use in making a fitness determination. In any particular instance, the fee shall not exceed the fee(s) charged the Secretary of State by the Oregon Department of State Police and the Federal Bureau of Investigation to obtain criminal offender information on the subject individual.

(2) The Secretary of State may charge the fee to the subject individual on whom criminal offender information is sought, or, if the subject individual is an employee of a Secretary of State contractor and is undergoing a fitness determination in that capacity, the Secretary of State may charge the fee to the subject individual's employer.

Stat. Auth.: ORS 181.534
Stats. Implemented: ORS 181.534
Hist.: BSD 1-2008. f. & cert. ef. 7-16-08

Rule Caption: Establish recruitment and selection rules.

Adm. Order No.: BSD 2-2008

Filed with Sec. of State: 7-16-2008

Certified to be Effective: 7-16-08

Notice Publication Date: 6-1-2008

Rules Adopted: 167-055-0100

Subject: Prescribe recruitment rules for submission of application and related materials for consideration of employment for open recruitments. This rule was modeled after HRSD OAR 105-040-0010.

Rules Coordinator: Robin Rickard—(503) 986-2357

167-055-0100

Recruitment Process

(1) Applicants for a vacant and available position must complete and submit a Secretary of State application form within the designated time period. All documents requested as a part of the application must be attached and submitted with the completed application form. These may include, but are not limited to, resumes, writing samples, and references.

(2) An applicant claiming veteran's preference points must submit a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) with the employment application. Disabled Veterans must also submit a copy of their Veteran's disability preference letter from the Department of Veteran Affairs, unless the information is included in the DD Form 214 or 215.

Stat. Auth.: ORS 177.050.
Stats. Implemented: ORS 177.050.
Hist.: BSD 2-2008. f. & cert. ef. 7-16-08

Rule Caption: Define requirements and fees associated with a Human Resources related public records request.

Adm. Order No.: BSD 3-2008

Filed with Sec. of State: 7-16-2008

Certified to be Effective: 7-16-08

Notice Publication Date: 6-1-2008

Rules Adopted: 167-060-0100, 167-060-0110, 167-060-0120

Subject: The purpose of this rule is to prescribe procedures for requesting Human Resources related public records and the applicable fees associated with such a request. This rule was modeled after HRSD public records rules of procedures.

Rules Coordinator: Robin Rickard—(503) 986-2357

167-060-0100

Policy on Public Records

It is the policy of the Secretary of State that public records will be available to all persons, consistent with all laws governing the disclosure of such records and consistent with the need to protect such records, to prevent interference with the regular discharge of duties and to recover fees reasonably calculated to reimburse the Agency for its actual cost in making such records available.

Stat. Auth.: ORS 192.430
Stats. Implemented: ORS 192.502
Hist.: BSD 3-2008. f. & cert. ef. 7-16-08

167-060-0110

Requests for Disclosure

(1) Any person may apply for release of public record information.

(2) The request must be in writing, addressed to the Business Services Division Director, 255 Capitol Street NE, Salem, OR 97310 or faxed to (503) 378-4991, and must specify the record(s) from which information is requested, if known. Where applicable, the request must be accompanied by a signed release of information.

(3) The request must include:

(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; and

(c) A sufficiently detailed description of the record(s) requested to allow the agency to search for and identify responsive records.

(4) The request should be dated and signed by the person requesting the public record.

Stat. Auth.: ORS 192.430
Stats. Implemented: ORS 192.502
Hist.: BSD 3-2008. f. & cert. ef. 7-16-08

167-060-0120

Costs for Complying with Request

(1)(a) The Secretary of State may charge a fee reasonably calculated to reimburse its costs of providing and conveying copies of public records. The agency shall charge 25¢ per page for the first 20 pages and 15¢ per page thereafter to recover the costs of photocopying and normal and reasonable staff time to locate, separate, photocopy and return document(s) to file and to prepare/mail public record(s) to requestors. If, for operational or other reasons, the Secretary of State uses the services of an outside facility or contractor to photocopy requested records, it shall charge the actual costs incurred.

(b) "Normal and reasonable" staff time is 10 minutes or less per request.

(2) Additional charges for staff time may be made when responding to record requests that require more than the "normal and reasonable" time for responding to routine record requests. Staff time shall be charged at the hourly billing rate, by position.

(3) In addition to any costs identified under subsections (1) and (2), the Secretary of State may also recoup the cost of time spent by an attorney in reviewing the public records, redacting material from the public records, or segregating the public records into exempt and nonexempt records.

(4) No inspection and/or duplication of record(s) is authorized until payment has been received.

Stat. Auth.: ORS 192
Stats. Implemented: ORS 192.430 & 192.440
Hist.: BSD 3-2008. f. & cert. ef. 7-16-08

Secretary of State, Elections Division Chapter 165

Rule Caption: Clarifies Deadline for Filing Vacancy in Nomination to Nonpartisan Office or Vacancy in Nonpartisan Office.

Adm. Order No.: ELECT 7-2008

Filed with Sec. of State: 8-12-2008

Certified to be Effective: 8-12-08

Notice Publication Date: 6-1-2008

Rules Amended: 165-010-0110

Subject: This rule amendment sets a standard deadline for candidates to file to fill a vacancy in nonpartisan nomination or for a vacancy in nonpartisan office that occurs between the 70th day before the nominating election and on or before the 80th day before the general election. The deadline is amended to not sooner than 5 business days after the vacancy occurs and not later than the 70th day before the general election.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-010-0110

Filling Vacancy in Nomination to Nonpartisan Office or Vacancy in Nonpartisan Office

(1) The purpose of this rule is to specify the period within which a candidate for a nonpartisan office may file a declaration of candidacy or nominating petition. This rule applies when the only candidate nominated to a nonpartisan office dies, withdraws or becomes ineligible, or if a vacancy occurs in the nonpartisan office after the 70th day before the nominating election and on or before the 62nd day before the general election.

(2) If the vacancy in nomination or vacancy in nonpartisan office occurs between the 70th day before the nominating election and the 80th day before the general election, a declaration of candidacy or nominating

ADMINISTRATIVE RULES

petition, for nonpartisan office, may be filed no sooner than 5 business days after the vacancy occurs and no later than the 70th day before the general election.

(3) If the vacancy in nomination or vacancy in nonpartisan office occurs after the 80th day before the general election, but on or before the 62nd day before the election the deadline for filing nominating petitions or declarations of candidacy will be specified in a separate rule for that vacancy.

Stat. Auth.: ORS 246.150 & 249.205
Stats. Implemented: ORS 249.205
Hist.: ELECT 5-2004, f. & cert. ef. 6-11-04; ELECT 7-2008, f. & cert. ef. 8-12-08

Rule Caption: Amends Method for Submitting Required Accounts to Elections Division.

Adm. Order No.: ELECT 8-2008
Filed with Sec. of State: 8-12-2008
Certified to be Effective: 8-12-08
Notice Publication Date: 6-1-2008
Rules Amended: 165-014-0100

Subject: Each chief petitioner of an initiative or referendum petition who pays any person money or other valuable consideration to obtain signatures on the petition shall keep detailed accounts in accordance with ORS 260.262. This rule is proposed for amendment to require chief petitioners who submit copies of signatures sheets in accordance with ORS 260.262(1)(e) to directly associate those sheets with the payroll records for the individuals who were paid to gather them.
Rules Coordinator: Brenda Bayes—(503) 986-1518

165-014-0100

Review of Specified Chief Petitioner Accounts

(1) Each chief petitioner of an initiative or referendum petition who pays any person money or other valuable consideration to obtain signatures on the petition shall keep detailed accounts in accordance with ORS 260.262. The Elections Division will review these accounts in the manner and in accordance with the schedule set out in paragraphs (2) and (3) of this rule.

(2) Not later than six months after approval to circulate the Elections Division will notify each chief petitioner by certified mail of the deadline to submit copies of their accounts.

(a) The Elections Division may request original documentation of chief petitioner accounts, in addition to or in lieu of copies.

(b) The Elections Division may choose to conduct on-site reviews of chief petitioner accounts.

(3) When a chief petitioner has been notified of the requirement to provide detailed copies of their accounts, they shall have 10 days from the delivery date indicated on the certified letter's postal confirmation. If the certified letter is refused or left unclaimed at the post office, the time shall be calculated from the date the post office indicates it has given first notice of a certified letter.

(a) If original signature sheets are submitted for verification prior to accounts being requested, chief petitioners are required to retain copies of the signature sheets in order to comply with ORS 260.262(1)(e).

(b) Copies of signature sheets provided under ORS 260.262(1)(e) must be submitted together with the payroll records of the circulator who was paid to gather the signatures on those signature sheets, in a manner that separates these associated records from all other records submitted with the accounts. This can be accomplished by paper clip, binder clip, separate folder, or any other manner (other than stapling) that joins the signature sheets and associated payroll records, separate from the rest of the accounts. For example, if circulator John Doe is paid \$430, the chief petitioner must submit, in a separate, distinct grouping, payroll records for that payment and a copy of any signature sheet associated with that payment. This requirement is effective for any signature sheet gathered, in whole or in part, after the effective date of this rule.

(4) If the petition has multiple chief petitioners, only one set of copies of the detailed accounts for each petition need to be produced by the deadline.

(5) Accounts must be kept current as of not later than the 7th calendar day after the date a payment is made to a person for obtaining signatures on a petition.

(6) The Elections Division reserves the right to conduct a review of chief petitioner accounts in accordance with ORS 260.262(4).

Stat. Auth.: ORS 246.150, 260.262
Stats. Implemented: ORS 260.262

Hist.: ELECT 21-2007, f. & cert. ef. 12-31-07; ELECT 3-2008(Temp), f. & cert. ef. 3-14-08 thru 5-2-08; ELECT 6-2008(Temp), f. & cert. ef. 5-2-08 thru 9-10-08; ELECT 8-2008, f. & cert. ef. 8-12-08

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Adopts changes to rule to eliminate building and classroom level restrictions.

Adm. Order No.: TSPC 6-2008
Filed with Sec. of State: 8-12-2008
Certified to be Effective: 8-12-08
Notice Publication Date: 7-1-2008
Rules Amended: 584-060-0051
Subject: 1. 584-060-0051 Teaching Authorization Levels: Eliminates the language related to buildings and classrooms (self-contained and departmentalized) from the Elementary Authorization for Initial and Continuing Teaching Licenses.
Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-060-0051

Teaching Authorization Levels

(1) Teachers must qualify for one or more grade authorizations at the early childhood, elementary, middle or high school developmental levels.

(2) Teaching authorization levels will apply to all teaching licenses within division 60.

(3) Early Childhood Education (ECE) Authorization: The early childhood education (ECE) authorization level requires completion of an approved program including passing the commission-approved multiple subjects examination (MSE) together with completion of a practicum experience with students in grades prekindergarten (pre k) through four (4).

(a) The ECE authorization level is valid for any multiple subjects teaching assignment, except assignments in subsection (b) below, in prekindergarten (pre k) through grade four (4).

(b) The ECE authorization level with a multiple subjects endorsement is not valid for assignments requiring a specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or special education under OAR 584-060-0071 without the accompanying specialty endorsement on the license.

(4) Elementary ELE Authorization: The elementary ELE authorization level requires completion of an approved program including passing the commission-approved multiple subjects examination (MSE) together with completion of a practicum experience with students in one or more grades between grades three (3) through eight (8). (See, OAR 584-017-0120 for ELEM authorization competencies and OAR 584-017-0175 for adding an authorization level to a license.)

(a) The ELE authorization level is valid for any multiple subjects teaching assignment, except assignments in subsection (b) below, in grades three (3) through eight (8).

(b) The ELE authorization level with a multiple subjects endorsement is not valid for assignments requiring specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or special education under OAR 584-060-0071 without the accompanying specialty endorsement on the license.

(5) The Middle-Level (ML) Authorization: The middle-level (ML) authorization level requires completion of an approved program including passing the commission-approved multiple subjects examination (MSE) together with completion of a practicum experience with students in one or more grades between grades five (5) through nine (9). The placement may only be in the nine (9) grade if it is located in a middle school or junior high school. Additionally, the ML authorization requires in-depth knowledge of one subject-matter or specialty endorsement appropriate to middle-level teaching assignments. (See, OAR 584-017-0130 for further ML authorization requirements; 584-060-0062 for ML endorsements; and 584-017-0175 for adding an authorization level to a license.)

(a) The ML authorization is valid for any multiple subjects teaching assignment, except assignments in subsection (b) below, in grades five (5) through nine (9) of a school designated as an elementary, middle, or junior high school.

(b) The ML authorization level with a multiple subjects endorsement is not valid for assignments requiring specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or special education under OAR 584-060-0071 without the accompanying specialty endorsement on the license.

ADMINISTRATIVE RULES

(6) The high school (HS) authorization level requires completion of an approved program and qualification for at least one subject-matter endorsement appropriate to secondary schools by passing the required Commission-approved test or tests of subject mastery in the endorsement area, together with completion of a practicum experience with students in one or more grades between grades nine (9) through twelve (12). The high school (HS) authorization is valid for teaching one or more integrated or departmentalized subjects, with which the license must be endorsed, in grades nine (9) through twelve (12) of a school designated as a high school.

(7) The Early Childhood Education/Elementary (ECE/ELE) authorization represents the merger of two grade authorization levels and requires completion of an approved program including passing the commission-approved multiple subjects examination (MSE) together with completion of a practicum experience with students in one or more grades between grades prekindergarten (pre-k) through eight (8).

(a) The ECE/ELE authorization level is valid for any multiple subjects teaching assignment, except assignments in subsection (b) below, in grades prekindergarten (pre k) through eight (8).

(b) The ECE/ELE authorization level with a multiple subjects endorsement is not valid for assignments requiring a specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or special education under OAR 584-060-0071 without the accompanying specialty endorsement on the license.

(8) The Elementary/Middle Level (ELE/ML) authorization represents the merger of two grade authorization levels and requires completion of an approved program including passing the commission-approved multiple subjects examination (MSE) together with completion of a practicum experience with students in one or more grades between grades three (3) through nine (9). The placement may only be in the nine (9) grade if it is located in a middle school or junior high school.

(a) The ELE/ML authorization level is valid for any multiple subjects teaching assignment, except assignments in subsection (b) below, in grades (3) through grade eight (8).

(b) The ELE/ML authorization level with a multiple subjects endorsement is not valid for assignments requiring a specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or special education under OAR 584-060-0071 without the accompanying specialty endorsement on the license.

(9) The Middle Level/High School (ML/HS) authorization represents the merger of two grade authorization levels and requires completion of an approved program including passing the commission-approved multiple subjects examination (MSE) and qualification for at least one subject-matter endorsement appropriate to secondary schools by passing the required Commission-approved test or tests of subject mastery in the endorsement area, together with completion of a practicum experience with students in one or more grades between grades five (5) through twelve (12).

(a) The ML/HS authorization is valid for any multiple subjects teaching assignment, except assignments in subsection (c) below, in grades five (5) through nine (9) of a school designated as an elementary, middle, or junior high school.

(b) The ML/HS authorization is valid for teaching one or more integrated or departmentalized subjects, with which the license must be endorsed, in grades nine (9) through twelve (12) of a school designated as a high school.

(c) The ML/HS authorization level with a multiple subjects endorsement is not valid for assignments requiring specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or special education under OAR 584-060-0071 without the accompanying specialty endorsement on the license.

(10) The Prekindergarten-12 (prek-12) authorization level represents qualification to teach in all four grade levels. The prek-12 authorization level requires completion of an approved program including passing the commission-approved test or tests for specialty area endorsements (see OAR 584-060-0071) together with completion of two practica experiences with students in grades between pre-kindergarten through twelve (12).

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120-143, 342.153, 342.165 & 342.223-232

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 4-2002, f. & cert. ef. 5-21-02; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 2-2005, f. & cert. ef. 4-15-05; TSPC 4-2005(Temp), f. & cert. ef. 5-6-05 thru 9-30-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 1-2008(Temp), f. & cert. ef. 2-15-08 thru 8-13-08; TSPC 6-2008, f. & cert. ef. 8-12-08

Veterinary Medical Examining Board Chapter 875

Rule Caption: Defines 'veterinary technician' as a person licensed by the Board.

Adm. Order No.: VMEB 7-2008

Filed with Sec. of State: 7-22-2008

Certified to be Effective: 7-22-08

Notice Publication Date: 6-1-2008

Rules Amended: 875-005-0005

Subject: Clarifies that a 'veterinary technician' is an individual licensed by the Board as a Certified Veterinary Technician.

Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-005-0005

Definitions

(1) "Agency": Any animal control department, humane society, or facility which contracts with a public agency or arranges to provide animal sheltering services and is certified by the Euthanasia Task Force and registered by the State Board of Pharmacy.

(2) "Board": The Oregon State Veterinary Medical Examining Board.

(3) "Board of Pharmacy": The Oregon State Board of Pharmacy.

(4) "Certified Euthanasia Technician or "CET". A person who is recognized by an agency as a paid or volunteer staff member and is instructed and certified by the Euthanasia Task Force pursuant to ORS 475.190(4). Any person who was trained prior to October 15, 1983 in euthanasia methods, in the course provided by Multnomah County Animal Control and the Oregon Humane Society, and who has been subsequently certified by the Euthanasia Task Force.

(5) "Comprehensive": Pertaining to all animal species.

(6) "Conviction of Cruelty to Animals": for purposes of ORS 686.130(11) is defined to include but not limited to animal abuse in the first or second degree, aggravated animal abuse in the first degree, and animal neglect in the first degree.

(7) "Client": An entity, person, group or corporation that has entered into an agreement with a veterinarian for the purpose of obtaining veterinary medical services.

(8) "Designated Agent": A CET who is responsible for the withdrawal and return of sodium pentobarbital from the drug storage cabinet.

(9) "Good Standing and Repute": As used in ORS 686.045(1), means: (a) A university accredited by the American Veterinary Medical Association (AVMA); or

(b) A foreign school listed by the AVMA whose graduates are eligible to apply for a certificate through the Educational Commission for Foreign Veterinary Graduates (ECFVG) committee of the AVMA, or other programs approved by the Board.

(10) "Herd or Flock Animal": Animals managed as a group only for economic gain including but not limited to breeding, sale, show, food production, or racing.

(11) "Lethal Drug": Sodium pentobarbital or any other drug approved by the Task Force, the Board and the Board of Pharmacy, and used for the purpose of humanely euthanizing injured, sick, homeless or unwanted domestic pets and other animals.

(12) "Mobile Clinic": A vehicle, including but not limited to a camper, motor home, trailer, or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(13) Surgery Procedure:

(a) "Aseptic Surgery": Aseptic surgical technique exists when everything that comes in contact with the surgical field is sterile and precautions are taken to ensure sterility during the procedure.

(b) "Antiseptic Surgery": Antiseptic surgical technique exists when care is taken to avoid bacterial contamination.

(c) Any injection or implant of a small permanent identification device is considered surgery.

(14) "Supervision" means that each act shall be performed by any employee or volunteer in the practice only after receiving specific directions from a licensed veterinarian.

(a) "Direct" supervision under this provision means both the certified veterinary technician and the licensed veterinarian are on the premises at the same time;

(b) "Immediate" supervision under this provision means that the supervising veterinarian is in the immediate vicinity of where the work is being performed and is actively engaged in supervising this work throughout the entire period it is being performed;

ADMINISTRATIVE RULES

(15) "Task Force": The Euthanasia Task Force appointed by the Board pursuant to ORS 686.510 consisting of no fewer than five members, and who are either certified euthanasia technicians or licensed veterinarians.

(16) "Veterinary Client Patient Relationship (VCPR)": Except where the patient is a wild or feral animal or its owner is unknown; a VCPR shall exist when the following conditions exist: The veterinarian must have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has seen the animal within the last year and is personally acquainted with the care of the animal by virtue of a physical examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept.

(17) "Veterinary Medical Facility": Any premise, unit, structure or vehicle where any animal is received and/or confined and veterinary medicine is practiced, except when used for the practice of veterinary medicine pursuant to an exemption under ORS 686.040.

(18) "Veterinary Technician": a person licensed by the Board as a Certified Veterinary Technician.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 475.190, 609.405, 686.130, 686.255 & 686.510

Hist.: VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 2-2006, f. & cert. ef. 5-11-06; VMEB 1-2008, f. & cert. ef. 2-11-08; VMEB 6-2008, f. & cert. ef. 5-21-08; VMEB 7-2008, f. & cert. ef. 7-22-08

Rule Caption: Adds controlled drug provisions to unprofessional or dishonorable conduct.

Adm. Order No.: VMEB 8-2008

Filed with Sec. of State: 7-22-2008

Certified to be Effective: 7-22-08

Notice Publication Date: 6-1-2008

Rules Amended: 875-011-0010

Subject: Adds non-veterinary prescribing, use, theft or diversion of controlled drugs to conduct subject to Board discipline.

Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-011-0010

Unprofessional or Dishonorable Conduct

The Board interprets "unprofessional or dishonorable conduct" to include, but is not limited, to the following:

(1) Gross negligence in the practice of veterinary medicine.

(2) A pattern, practice or continuous course of negligence, ignorance, incompetence or inefficiency in the practice of veterinary medicine. The incidents may be dissimilar.

(3) Performing surgery, taking a radiograph or attempting a treatment without first obtaining the client's permission, except in emergency circumstances. Permission may be reasonably implied under some circumstances.

(4) Failure without good cause to perform a specific surgery or treatment in a timely manner, after agreeing to perform the surgery or treatment.

(5) Failure to properly prepare an animal for surgery or treatment.

(6) Failure to use sterile instruments and equipment when performing surgery, when the circumstances require the use of sterile instruments and equipment.

(7) Failure to use generally accepted diagnostic procedures and treatments, without good cause.

(8) Failure to obtain the client's written permission before using unorthodox or non-standard methods of diagnosis or treatment. Acupuncture, chiropractic or herbal medicine is not considered unorthodox or non-standard.

(9) Failure to advise a client of home care or follow-up treatment required after a particular diagnosis or treatment.

(10) Handling animals in an inhumane manner or, except when the veterinarian reasonably believes it to be necessary, handling animals with great force.

(11) Charging for services not rendered.

(12) Failure to maintain records which show, at a minimum, the name of the client, identification of the patient, its condition upon presentation, the tentative diagnosis, treatment performed, drug administered, amount of drug, any prescription, and the date of treatment. For companion animals, identification of the patient should include species, breed, name, age, sex, color, and distinctive markings, where practical.

(13) Failure to provide to a client in a timely manner, upon request, an accurate copy or synopsis of the patient's medical records including a copy of radiographs, if requested. A reasonable copying fee may be charged.

(14) Failure to provide records or radiographs in a timely manner to another veterinarian retained by the client, upon request of the client or client's veterinarian.

(15) Failure to mark or label a container of prescription or legend drugs with the date, name of drug, dosage frequency, identification of animal (if appropriate), and withdrawal time (if appropriate). Excludes legend drugs dispensed or ordered in original, unopened manufacturer's packaging for herd use.

(16) Failure to comply with federal law concerning packaging and labeling of prescription or legend drugs.

(17) Violation of any state or federal law relating to controlled substances, as defined in ORS 475.005(6), which the veterinarian obtained under the authority of the veterinary license.

(18) Non-veterinary prescribing, use, theft or diversion of controlled drugs.

(19) Failure to respond in writing to a written request from the Board within the time indicated in the request letter, without good cause; or failure to appear in person before the Board upon written request, without good cause.

(20) Failure to comply with any rule or Order of the Board or as required by OAR 875-005-0010.

(21) Making false or misleading representations to the Board or its representative or altering or providing altered medical records.

(22) Making a misrepresentation or omission on a license renewal application.

(23) Violations of veterinary laws in other states that would constitute violations of Oregon law.

(24) Violations of other laws that relate to the practice of veterinary medicine, including violations of the Oregon Racing Commission statutes and administrative rules.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.130

Hist.: VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 3-2008, f. & cert. ef. 3-19-08; VMEB 8-2008, f. & cert. ef. 7-22-08

Rule Caption: Requires posting of Veterinarian and Certified Veterinary Technician licenses.

Adm. Order No.: VMEB 9-2008

Filed with Sec. of State: 7-22-2008

Certified to be Effective: 7-22-08

Notice Publication Date: 6-1-2008

Rules Amended: 875-015-0020

Subject: Requires veterinary facilities to publicly display licenses of veterinarians and certified veterinary technicians, including copies of relief or temporary employees' licenses. Requires mobile practice licensees to provide legible proof of licensure upon request.

Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-015-0020

Minimum Requirements for All Veterinary Medical Facilities

Each veterinary medical facility shall comply with the following:

(1) Air Quality: Adequate heating and cooling must be provided for the comfort and well-being of the animals, and the facility must have sufficient ventilation in all areas to prevent mildew and condensation, and to exhaust toxic and/or nauseous fumes and/or odors.

(2) Lighting: Sufficient lighting must be provided in all areas sufficient for the safety of personnel and the intended use of this area.

(3) Water: Potable water must be provided.

(4) Waste Disposal: Waste disposal equipment shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions. The veterinary medical facility shall have sanitary and aesthetic disposal of dead animals and other wastes which complies with all applicable federal, state, county and municipal laws, rules, ordinances and regulations.

(5) Storage: All supplies, including food and bedding, shall be stored in a manner that adequately protects such supplies against infestation, contamination or deterioration. Adequate refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(6) Examination Area: Examination and surgery tables shall have impervious surfaces.

(7) Laboratory: May be either in the veterinary medical facility or through consultative services, adequate to render diagnostic information. An in-house laboratory shall meet the following minimum standards:

ADMINISTRATIVE RULES

(a) The laboratory shall be clean and orderly with provision for ample storage;

(b) Adequate refrigeration shall be provided;

(c) Any tests performed shall be properly conducted by currently recognized methods to assure reasonable accuracy and reliability of results.

(d) Laboratory equipment must provide results of diagnostic quality. Protocols must be in place and followed regularly to assure the quality and reproducibility of the diagnostic information produced.

(8) Radiology: Equipment for diagnostic radiography must be available either on or off the veterinary medical facility. Such equipment must be on the premises if orthopedic or open thoracic procedures are performed. The equipment must meet federal and state protective requirements and be capable of producing, reading and labeling good quality diagnostic radiographs, including imaging diagnosis and findings. Equipment for providing diagnostic oral radiography must be available to the veterinary medical facility whenever surgical dental services are offered.

(9) Animal Housing Areas: Each veterinary medical facility confining animals must have individual cages, pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner. Animals that are hospitalized for treatment of contagious diseases must be isolated physically and procedurally so as to prevent the spread of disease.

(10) Licenses: Licenses of every veterinarian or veterinary technician practicing in the veterinary medical facility shall be displayed in a place conspicuous to the public. Relief or temporary licensees may post legible photocopies of licenses. Mobile practice licensees shall have their license or a legible copy available for verification upon client request.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.130

Hist.: VME 5-1992, f. & cert. ef. 12-10-92; VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 9-2008, f. & cert. ef. 7-22-08

Rule Caption: Requires on-the-job applicants for the VTNE to provide proof of veterinary experience.

Adm. Order No.: VMEB 10-2008

Filed with Sec. of State: 7-22-2008

Certified to be Effective: 7-22-08

Notice Publication Date: 6-1-2008

Rules Amended: 875-030-0010

Subject: Requires Veterinary Technician National Exam applicants claiming on-the-job experience to provide proof of experience, such as W-2 forms, or other proof approved by the Board.

Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-030-0010

Criteria for Becoming a Certified Veterinary Technician

In order to become a certified veterinary technician, an individual must:

(1) Pass the examinations referred to in OAR 875-030-0020; and

(2)(a) Hold a certificate in veterinary technology (or a comparable certificate) from a college accredited by the American Veterinary Medical Association, or other program approved by the Board; or

(b) Have received at least 6,000 hours of on-the-job training in the following technical procedures as verified by a veterinarian or veterinarians with valid Oregon veterinary licensure:

(A) Medical Terminology

(B) Basic Comparative Animal Anatomy and Physiology;

(C) Veterinary Office Procedures;

(D) Basic Pharmacology;

(E) Practical Animal Nutrition;

(F) Nursing Care and Handling of Animals;

(G) Animal Behavior;

(H) Applied Radiography;

(I) Applied Anesthesiology;

(J) Applied Clinical Laboratory Procedures;

(K) Principles and Practices of Medical and Surgical Assistance;

(L) Animal Diseases.

(3)(a) Have at a minimum a Bachelor's degree in a field approved by the Board, e.g., Veterinary Technology, Animal Technology, Animal Husbandry, Zoology, etc., and a minimum of 1,500 hours of on-the-job training that meets the requirements of (2)(b); or

(b) Have at a minimum an Associate's degree in a field approved by the Board, e.g., Veterinary Technology, Animal Husbandry, Zoology, etc., and a minimum of 3,000 hours of on-the-job training and that meets the requirements of (2)(b); or

(c) Have acquired a minimum of 30 credit hours of training from a school or program approved by the Board in a field approved by the Board, e.g., Veterinary Technology, Animal Husbandry, Zoology, etc., and a minimum of 4,500 hours of on-the-job training that meets the requirements of (2)(b);

(d) Any other combination of Board-approved education and experience.

(e) On-the-job applicants shall provide proof of on-the-job experience such as W2 forms or other proof approved by the Board. A form, available from the Board, with a notarized signature of an Oregon-licensed veterinarian(s), describing period(s) of employment and total hours worked, is acceptable in lieu of other proof.

(4) The Board may waive the requirement of passing the VTNE (875-030-0020(1)) for applicants who:

(a) Graduated from an accredited veterinary technology college program prior to 1990;

(b) Hold an active certified veterinary technician license or animal health technician license in another state, province or territory of the United States; and

(c) Have a minimum of 7,500 hours of on-the-job training and experience as specified in subsection (b) of this section.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.350 - 686.370

Hist.: VE 5, f. & ef. 8-3-76; VME 3-1983, f. & ef. 1-21-83; VME 2-1989, f. 8-29-89, cert. ef. 10-1-89; VME 1-1991, f. & cert. ef. 1-24-91; VME 3-1991, f. & cert. ef. 12-9-91; VME 3-1992, f. & cert. ef. 10-9-92; Renumbered from 875-010-0025; VMEB 2-2000, f. & cert. ef. 6-21-00; VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 2-2006, f. & cert. ef. 5-11-06; VMEB 10-2008, f. & cert. ef. 7-22-08

Rule Caption: Adds provision relating to induction of anesthesia to duties of Certified Veterinary Technicians.

Adm. Order No.: VMEB 11-2008

Filed with Sec. of State: 7-22-2008

Certified to be Effective: 7-22-08

Notice Publication Date: 6-1-2008

Rules Amended: 875-030-0040

Subject: Allows Certified Veterinary Technicians to place an endotracheal tube for delivery of oxygen and anesthetic gas to patient.

Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-030-0040

Supervision of Certified Veterinary Technicians

(1) All duties of certified veterinary technicians must be performed under the supervision of a licensed veterinarian. At minimum, 'supervision' means that each act shall be performed by the certified veterinary technician only after receiving specific directions from a licensed veterinarian.

(2) Certified veterinary technicians may perform the following acts:

(a) Obtain and record information:

(A) Complete admission records, including recording the statements made by the client concerning the patient's problems and history. The certified veterinary technician may also record the technician's own observations of the patient. However, the certified veterinary technician cannot state or record his or her opinion concerning diagnosis of the patient;

(B) Maintain daily progress records, surgery logs, X-ray logs, Drug Enforcement Administration (DEA) logs, and all other routine records as directed by the supervising veterinarian.

(b) Prepare Patients, Instruments, Equipment and Medicant for Surgery:

(A) Prepare and sterilize surgical packs;

(B) Clip, surgically scrub, and disinfect the surgical site in preparation for surgery;

(C) Administer preanesthetic drugs as prescribed by the supervising veterinarian;

(D) Position the patient for anesthesia;

(E) Induce anesthesia as prescribed by the supervising veterinarian;

(F) Operate anesthetic machines, oxygen equipment, and monitoring equipment.

(G) Place an endotracheal tube for the purpose of delivering oxygen and anesthetic gas to the patient requiring inhalant anesthesia.

(c) Collect specimens and perform laboratory procedures:

(A) Collect urine, feces, sputum, and all other excretions and secretions for laboratory analysis;

(B) Collect blood samples for laboratory analysis;

(C) Collect skin scrapings;

(D) Perform routine laboratory procedures including urinalysis, fecal analyses, hematological and serological examinations.

ADMINISTRATIVE RULES

(d) Apply and remove wound and surgical dressings, casts, and splints;

(e) Assist the veterinarian in diagnostic, medical, and surgical proceedings:

(A) Monitor and record the patient's vital signs;

(B) Medically bathe the patient;

(C) Administer topical, oral hypodermic, and intravenous medication as directed by the supervising veterinarian;

(D) Operate X-ray equipment and other diagnostic imaging equipment;

(E) Take electrocardiograms, electroencephalograms, and tracings;

(F) Perform dental prophylaxis, including operating ultrasonic dental instruments pursuant to OAR 875-015-0050.

(G) Perform extractions under the immediate supervision of a licensed veterinarian.

(H) Administer rabies vaccine under the direct supervision of a licensed veterinarian.

(I) Under direct supervision of a veterinarian, inject or implant a permanent identification device.

(3) Certified veterinary technicians may perform other acts not specifically enumerated herein under the supervision of a veterinarian licensed to practice veterinary medicine in the State of Oregon. However, nothing in this section shall be construed to permit a veterinarian technician to do the following:

(a) Make any diagnosis;

(b) Prescribe any treatments;

(c) Perform surgery, except as an assistant to the veterinarian;

(d) Sign a rabies vaccination or any other animal health certificate.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.350 - 686.370

Hist.: VE 5, f. & ef. 8-3-76; VME 3-1983, f. & ef. 1-21-83; VME 2-1989, f. 8-29-89, cert. ef. 10-1-89; VME 1-1991, f. & cert. ef. 1-24-91; VME 3-1991, f. & cert. ef. 12-9-91; VME 3-1992, f. & cert. ef. 10-9-92; Renumbered from 875-010-0025; VMEB 1-2002(Temp), f. & cert. ef. 4-23-02 thru 10-20-02; Administrative correction 12-2-02; VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 2-2006, f. & cert. ef. 5-11-06; VMEB 1-2008, f. & cert. ef. 2-11-08; VMEB 11-2008, f. & cert. ef. 7-22-08

Rule Caption: Adds to duties that may not be performed by persons not licensed as Certified Veterinary Technicians.

Adm. Order No.: VMEB 12-2008

Filed with Sec. of State: 7-22-2008

Certified to be Effective: 7-22-08

Notice Publication Date: 6-1-2008

Rules Amended: 875-030-0050

Subject: Requires veterinary facilities to publicly display licenses of veterinarians and certified veterinary technicians, including copies of relief or temporary employees' licenses. Requires mobile practice licensees to provide legible proof of licensure upon request.

Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-030-0050

Practice Limitations for Individuals not Certified as Veterinary Technicians

Persons who are not certified by this Board as veterinary technicians may perform under the supervision of a licensed veterinarian all acts that a certified veterinary technician may perform except for OAR 875-030-0040(2)(b)(E), (induce anesthesia), (2)(b)(G) (place an endotracheal tube), (2)(e)(D) (operate X-ray equipment) unless the person has completed 20 hours training in radiograph safety as required by the Oregon State Health Division (OAR 333-106-0055), (2)(e)(G) (perform dental extractions), (2)(e)(H) (administer rabies vaccine) and (875-030-0040(I)) (inject or implant a permanent identification device).

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.350 - 686.370

Hist.: VE 5, f. & ef. 8-3-76; VME 3-1983, f. & ef. 1-21-83; VME 2-1989, f. 8-29-89, cert. ef. 10-1-89; VME 1-1991, f. & cert. ef. 1-24-91; VME 3-1991, f. & cert. ef. 12-9-91; VME 3-1992, f. & cert. ef. 10-9-92; Renumbered from 875-010-0025; VMEB 1-2002(Temp), f. & cert. ef. 4-23-02 thru 10-20-02; Administrative correction 12-2-02; VMEB 1-2008, f. & cert. ef. 2-11-08; VMEB 5-2008, f. & cert. ef. 5-12-08; VMEB 12-2008, f. & cert. ef. 7-22-08

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
101-010-0005	2-4-2008	Amend(T)	3-1-2008	111-005-0048	1-4-2008	Adopt	2-1-2008
101-010-0005	8-1-2008	Amend	9-1-2008	111-005-0050	1-4-2008	Adopt	2-1-2008
101-015-0005	8-1-2008	Amend	9-1-2008	111-005-0060	1-4-2008	Adopt	2-1-2008
101-015-0015	8-1-2008	Amend	9-1-2008	111-005-0070	1-4-2008	Adopt	2-1-2008
101-015-0025	2-4-2008	Amend(T)	3-1-2008	111-010-0015	1-4-2008	Adopt	2-1-2008
101-015-0025	8-1-2008	Amend	9-1-2008	111-010-0015	8-13-2008	Amend(T)	9-1-2008
101-020-0002	8-1-2008	Amend	9-1-2008	111-015-0001	2-19-2008	Adopt	4-1-2008
101-020-0020	8-1-2008	Amend	9-1-2008	111-020-0001	4-1-2008	Adopt	5-1-2008
101-020-0025	8-1-2008	Amend	9-1-2008	111-020-0001	8-15-2008	Amend(T)	9-1-2008
101-020-0037	8-1-2008	Amend	9-1-2008	111-020-0005	1-4-2008	Adopt	2-1-2008
101-020-0040	8-1-2008	Amend	9-1-2008	111-030-0001	6-26-2008	Adopt	8-1-2008
101-020-0045	8-1-2008	Amend	9-1-2008	111-030-0005	6-26-2008	Adopt	8-1-2008
101-030-0015	8-1-2008	Amend	9-1-2008	111-040-0001	8-15-2008	Adopt	9-1-2008
101-030-0022	8-1-2008	Amend	9-1-2008	111-040-0005	8-15-2008	Adopt	9-1-2008
105-040-0015	3-1-2008	Adopt	4-1-2008	111-040-0010	8-15-2008	Adopt	9-1-2008
105-040-0015(T)	3-1-2008	Repeal	4-1-2008	111-040-0015	8-15-2008	Adopt	9-1-2008
110-010-0030	4-15-2008	Amend(T)	5-1-2008	111-040-0020	8-15-2008	Adopt	9-1-2008
110-010-0030	6-17-2008	Amend	8-1-2008	111-040-0025	8-15-2008	Adopt	9-1-2008
110-010-0034	4-15-2008	Adopt(T)	5-1-2008	111-040-0030	8-15-2008	Adopt	9-1-2008
110-010-0034	6-17-2008	Adopt	8-1-2008	111-040-0035	8-15-2008	Adopt	9-1-2008
110-010-0035	4-15-2008	Suspend	5-1-2008	111-040-0040	8-15-2008	Adopt	9-1-2008
110-010-0035	6-17-2008	Repeal	8-1-2008	111-040-0050	6-26-2008	Adopt	8-1-2008
110-010-0039	4-15-2008	Adopt(T)	5-1-2008	111-050-0001	4-15-2008	Adopt	5-1-2008
110-010-0039	6-17-2008	Adopt	8-1-2008	111-050-0001	8-15-2008	Amend(T)	9-1-2008
110-010-0040	4-15-2008	Suspend	5-1-2008	111-050-0010	4-15-2008	Adopt	5-1-2008
110-010-0040	6-17-2008	Repeal	8-1-2008	111-050-0010	8-15-2008	Amend(T)	9-1-2008
110-010-0045	4-15-2008	Suspend	5-1-2008	111-050-0015	4-15-2008	Adopt	5-1-2008
110-010-0045	6-17-2008	Repeal	8-1-2008	111-050-0020	8-15-2008	Adopt(T)	9-1-2008
110-010-0050	4-15-2008	Suspend	5-1-2008	111-050-0025	8-15-2008	Adopt(T)	9-1-2008
110-010-0050	6-17-2008	Repeal	8-1-2008	111-050-0030	8-15-2008	Adopt(T)	9-1-2008
110-010-0055	4-15-2008	Suspend	5-1-2008	111-050-0035	8-15-2008	Adopt(T)	9-1-2008
110-010-0055	6-17-2008	Repeal	8-1-2008	111-050-0040	8-15-2008	Adopt(T)	9-1-2008
110-010-0060	4-15-2008	Suspend	5-1-2008	111-050-0050	8-15-2008	Adopt(T)	9-1-2008
110-010-0060	6-17-2008	Repeal	8-1-2008	111-060-0001	4-1-2008	Adopt(T)	5-1-2008
110-040-0012	4-15-2008	Amend(T)	5-1-2008	111-080-0001	8-13-2008	Adopt(T)	9-1-2008
110-040-0012	6-17-2008	Amend	8-1-2008	111-080-0005	8-13-2008	Adopt(T)	9-1-2008
110-040-0014	4-15-2008	Amend(T)	5-1-2008	115-010-0032	12-26-2007	Amend	2-1-2008
110-040-0014	6-17-2008	Amend	8-1-2008	115-010-0115	12-26-2007	Amend	2-1-2008
110-040-0015	4-15-2008	Suspend	5-1-2008	115-025-0000	1-1-2008	Amend	2-1-2008
110-040-0015	6-17-2008	Repeal	8-1-2008	115-025-0010	1-1-2008	Amend	2-1-2008
110-040-0020	4-15-2008	Suspend	5-1-2008	115-025-0015	1-1-2008	Amend	2-1-2008
110-040-0020	6-17-2008	Repeal	8-1-2008	115-025-0020	1-1-2008	Amend	2-1-2008
110-070-0010	7-17-2008	Amend(T)	9-1-2008	115-025-0023	1-1-2008	Amend	2-1-2008
110-070-0015	7-17-2008	Suspend	9-1-2008	115-025-0025	1-1-2008	Amend	2-1-2008
110-070-0020	7-17-2008	Suspend	9-1-2008	115-025-0025	3-17-2008	Amend	4-1-2008
111-001-0000	1-4-2008	Adopt	2-1-2008	115-025-0030	1-1-2008	Amend	2-1-2008
111-001-0005	1-4-2008	Adopt	2-1-2008	115-025-0030	3-17-2008	Amend	4-1-2008
111-002-0005	1-4-2008	Adopt	2-1-2008	115-025-0035	1-1-2008	Amend	2-1-2008
111-002-0010	1-4-2008	Adopt	2-1-2008	115-025-0065	1-1-2008	Adopt	2-1-2008
111-005-0010	1-4-2008	Adopt	2-1-2008	115-025-0065	3-17-2008	Amend	4-1-2008
111-005-0015	1-4-2008	Adopt	2-1-2008	115-025-0070	1-1-2008	Adopt	2-1-2008
111-005-0020	1-4-2008	Adopt	2-1-2008	115-025-0075	1-1-2008	Adopt	2-1-2008
111-005-0040	1-4-2008	Adopt	2-1-2008	115-035-0035	12-26-2007	Amend	2-1-2008
111-005-0042	1-4-2008	Adopt	2-1-2008	115-040-0005	12-26-2007	Amend	2-1-2008
111-005-0044	1-4-2008	Adopt	2-1-2008	115-040-0030	1-1-2008	Amend	2-1-2008
111-005-0046	1-4-2008	Adopt	2-1-2008	115-070-0000	12-26-2007	Amend	2-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
115-070-0035	12-26-2007	Amend	2-1-2008	123-017-0008	2-26-2008	Amend(T)	4-1-2008
123-001-0050	1-2-2008	Amend	2-1-2008	123-017-0008	8-1-2008	Amend	9-1-2008
123-001-0050	3-28-2008	Amend(T)	5-1-2008	123-017-0010	2-26-2008	Amend(T)	4-1-2008
123-001-0050	6-4-2008	Amend	7-1-2008	123-017-0010	8-1-2008	Amend	9-1-2008
123-001-0300	1-2-2008	Amend	2-1-2008	123-017-0015	2-26-2008	Amend(T)	4-1-2008
123-001-0300	3-28-2008	Amend(T)	5-1-2008	123-017-0015	8-1-2008	Amend	9-1-2008
123-001-0300	6-4-2008	Amend	7-1-2008	123-017-0020	2-26-2008	Amend(T)	4-1-2008
123-001-0500	1-2-2008	Amend	2-1-2008	123-017-0020	8-1-2008	Amend	9-1-2008
123-001-0500	3-28-2008	Amend(T)	5-1-2008	123-017-0025	2-26-2008	Amend(T)	4-1-2008
123-001-0500	6-4-2008	Amend	7-1-2008	123-017-0025	8-1-2008	Amend	9-1-2008
123-001-0520	1-2-2008	Amend	2-1-2008	123-017-0030	2-26-2008	Amend(T)	4-1-2008
123-001-0520	3-28-2008	Amend(T)	5-1-2008	123-017-0030	8-1-2008	Amend	9-1-2008
123-001-0520	6-4-2008	Amend	7-1-2008	123-017-0035	2-26-2008	Amend(T)	4-1-2008
123-001-0700	1-2-2008	Amend	2-1-2008	123-017-0035	8-1-2008	Amend	9-1-2008
123-001-0700	3-28-2008	Amend(T)	5-1-2008	123-017-0055	2-26-2008	Amend(T)	4-1-2008
123-001-0700	6-4-2008	Amend	7-1-2008	123-017-0055	8-1-2008	Amend	9-1-2008
123-001-0725	1-2-2008	Amend	2-1-2008	123-018-0010	3-4-2008	Amend(T)	4-1-2008
123-001-0725	3-28-2008	Amend(T)	5-1-2008	123-018-0010	8-1-2008	Amend	9-1-2008
123-001-0725	6-4-2008	Amend	7-1-2008	123-018-0040	3-4-2008	Amend(T)	4-1-2008
123-001-0750	1-2-2008	Amend	2-1-2008	123-018-0040	8-1-2008	Amend	9-1-2008
123-001-0750	3-28-2008	Amend(T)	5-1-2008	123-018-0060	3-4-2008	Amend(T)	4-1-2008
123-001-0750	6-4-2008	Amend	7-1-2008	123-018-0060	8-1-2008	Amend	9-1-2008
123-009-0060	1-2-2008	Amend	2-1-2008	123-018-0085	3-4-2008	Amend(T)	4-1-2008
123-009-0060	3-28-2008	Amend(T)	5-1-2008	123-018-0085	8-1-2008	Amend	9-1-2008
123-009-0060	6-4-2008	Amend	7-1-2008	123-018-0100	3-4-2008	Amend(T)	4-1-2008
123-009-0080	1-2-2008	Amend	2-1-2008	123-018-0100	8-1-2008	Amend	9-1-2008
123-009-0080	3-28-2008	Amend(T)	5-1-2008	123-018-0160	3-4-2008	Amend(T)	4-1-2008
123-009-0080	6-4-2008	Amend	7-1-2008	123-018-0160	8-1-2008	Amend	9-1-2008
123-009-0090	1-2-2008	Amend	2-1-2008	123-019-0010	8-1-2008	Amend	9-1-2008
123-009-0090	3-28-2008	Amend(T)	5-1-2008	123-019-0020	2-26-2008	Amend(T)	4-1-2008
123-009-0090	6-4-2008	Amend	7-1-2008	123-019-0020	8-1-2008	Amend	9-1-2008
123-011-0025	8-1-2008	Amend	9-1-2008	123-019-0040	2-26-2008	Amend(T)	4-1-2008
123-011-0027	8-1-2008	Amend	9-1-2008	123-019-0040	8-1-2008	Amend	9-1-2008
123-011-0030	3-4-2008	Amend(T)	4-1-2008	123-019-0040	8-1-2008	Amend	9-1-2008
123-011-0030	8-1-2008	Amend	9-1-2008	123-021-0010	2-26-2008	Amend(T)	4-1-2008
123-011-0035	3-4-2008	Amend(T)	4-1-2008	123-021-0010	8-1-2008	Amend	9-1-2008
123-011-0035	8-1-2008	Amend	9-1-2008	123-021-0015	8-1-2008	Adopt	9-1-2008
123-011-0037	3-4-2008	Adopt(T)	4-1-2008	123-021-0020	8-1-2008	Amend	9-1-2008
123-011-0037	8-1-2008	Adopt	9-1-2008	123-021-0030	2-26-2008	Suspend	4-1-2008
123-011-0040	3-4-2008	Amend(T)	4-1-2008	123-021-0040	8-1-2008	Amend	9-1-2008
123-011-0040	8-1-2008	Amend	9-1-2008	123-021-0050	2-26-2008	Amend(T)	4-1-2008
123-011-0045	3-4-2008	Amend(T)	4-1-2008	123-021-0050	8-1-2008	Amend	9-1-2008
123-011-0045	8-1-2008	Amend	9-1-2008	123-021-0060	8-1-2008	Amend	9-1-2008
123-016-0000	6-10-2008	Amend(T)	7-1-2008	123-021-0070	8-1-2008	Amend	9-1-2008
123-016-0010	6-10-2008	Amend(T)	7-1-2008	123-021-0080	8-1-2008	Amend	9-1-2008
123-016-0020	6-10-2008	Amend(T)	7-1-2008	123-021-0090	2-26-2008	Amend(T)	4-1-2008
123-016-0030	6-10-2008	Amend(T)	7-1-2008	123-021-0090	8-1-2008	Amend	9-1-2008
123-016-0040	6-10-2008	Amend(T)	7-1-2008	123-021-0100	8-1-2008	Amend	9-1-2008
123-016-0050	6-10-2008	Amend(T)	7-1-2008	123-021-0110	8-1-2008	Amend	9-1-2008
123-016-0060	6-10-2008	Amend(T)	7-1-2008	123-021-0120	8-1-2008	Amend	9-1-2008
123-016-0070	6-10-2008	Amend(T)	7-1-2008	123-021-0130	8-1-2008	Amend	9-1-2008
123-016-0075	6-10-2008	Adopt(T)	7-1-2008	123-021-0140	8-1-2008	Amend	9-1-2008
123-016-0076	6-10-2008	Adopt(T)	7-1-2008	123-023-1000	8-1-2008	Amend	9-1-2008
123-016-0080	6-10-2008	Amend(T)	7-1-2008	123-023-1100	8-1-2008	Amend	9-1-2008
123-016-0090	6-10-2008	Amend(T)	7-1-2008	123-023-1200	8-1-2008	Amend	9-1-2008
123-016-0100	6-10-2008	Amend(T)	7-1-2008	123-023-1250	8-1-2008	Adopt	9-1-2008
				123-023-1300	8-1-2008	Amend	9-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-023-1400	8-1-2008	Amend	9-1-2008	123-055-0460	3-4-2008	Amend(T)	4-1-2008
123-023-1500	8-1-2008	Amend	9-1-2008	123-055-0525	3-4-2008	Amend(T)	4-1-2008
123-023-1525	8-1-2008	Adopt	9-1-2008	123-055-0620	3-4-2008	Amend(T)	4-1-2008
123-023-1550	8-1-2008	Adopt	9-1-2008	123-055-0900	3-4-2008	Amend(T)	4-1-2008
123-023-1600	8-1-2008	Amend	9-1-2008	123-057-0110	3-4-2008	Amend(T)	4-1-2008
123-023-1700	8-1-2008	Amend	9-1-2008	123-057-0130	3-4-2008	Amend(T)	4-1-2008
123-023-1800	8-1-2008	Amend	9-1-2008	123-057-0150	3-4-2008	Amend(T)	4-1-2008
123-023-1900	8-1-2008	Amend	9-1-2008	123-057-0190	3-4-2008	Amend(T)	4-1-2008
123-023-1950	8-1-2008	Adopt	9-1-2008	123-057-0210	3-4-2008	Amend(T)	4-1-2008
123-023-2000	8-1-2008	Amend	9-1-2008	123-057-0230	3-4-2008	Amend(T)	4-1-2008
123-023-3000	8-1-2008	Adopt	9-1-2008	123-057-0310	3-4-2008	Suspend	4-1-2008
123-023-3100	8-1-2008	Adopt	9-1-2008	123-057-0330	3-4-2008	Amend(T)	4-1-2008
123-023-3200	8-1-2008	Adopt	9-1-2008	123-057-0350	3-4-2008	Amend(T)	4-1-2008
123-023-3300	8-1-2008	Adopt	9-1-2008	123-057-0410	3-4-2008	Amend(T)	4-1-2008
123-023-3400	8-1-2008	Adopt	9-1-2008	123-057-0430	3-4-2008	Amend(T)	4-1-2008
123-023-4000	8-1-2008	Adopt	9-1-2008	123-057-0450	3-4-2008	Amend(T)	4-1-2008
123-023-4100	8-1-2008	Adopt	9-1-2008	123-057-0470	3-4-2008	Amend(T)	4-1-2008
123-024-0001	3-20-2008	Amend(T)	5-1-2008	123-057-0510	3-4-2008	Amend(T)	4-1-2008
123-024-0011	3-20-2008	Amend(T)	5-1-2008	123-057-0530	3-4-2008	Amend(T)	4-1-2008
123-024-0031	3-20-2008	Amend(T)	5-1-2008	123-057-0710	3-4-2008	Amend(T)	4-1-2008
123-024-0041	3-20-2008	Suspend	5-1-2008	123-105-0000	8-1-2008	Repeal	9-1-2008
123-025-0010	12-7-2007	Amend(T)	1-1-2008	123-105-0010	8-1-2008	Repeal	9-1-2008
123-025-0010	6-4-2008	Amend	7-1-2008	123-105-0020	8-1-2008	Repeal	9-1-2008
123-025-0012	12-7-2007	Amend(T)	1-1-2008	123-105-0030	8-1-2008	Repeal	9-1-2008
123-025-0012	6-4-2008	Amend	7-1-2008	123-105-0040	8-1-2008	Repeal	9-1-2008
123-025-0014	12-7-2007	Adopt(T)	1-1-2008	123-105-0050	8-1-2008	Repeal	9-1-2008
123-025-0015	12-7-2007	Suspend	1-1-2008	123-105-0060	8-1-2008	Repeal	9-1-2008
123-025-0015	6-4-2008	Amend	7-1-2008	123-105-0070	8-1-2008	Repeal	9-1-2008
123-025-0017	12-7-2007	Amend(T)	1-1-2008	123-105-0080	8-1-2008	Repeal	9-1-2008
123-025-0017	6-4-2008	Amend	7-1-2008	123-105-0090	8-1-2008	Repeal	9-1-2008
123-025-0021	12-7-2007	Amend(T)	1-1-2008	123-135-0020	6-4-2008	Amend	7-1-2008
123-025-0021	6-4-2008	Amend	7-1-2008	123-135-0070	6-4-2008	Amend	7-1-2008
123-025-0023	12-7-2007	Amend(T)	1-1-2008	123-145-0100	8-1-2008	Repeal	9-1-2008
123-025-0023	6-4-2008	Amend	7-1-2008	123-145-0200	8-1-2008	Repeal	9-1-2008
123-025-0025	12-7-2007	Amend(T)	1-1-2008	123-145-0300	8-1-2008	Repeal	9-1-2008
123-025-0025	6-4-2008	Amend	7-1-2008	123-145-0400	8-1-2008	Repeal	9-1-2008
123-025-0030	12-7-2007	Amend(T)	1-1-2008	123-145-0500	8-1-2008	Repeal	9-1-2008
123-025-0030	6-4-2008	Amend	7-1-2008	123-145-0600	8-1-2008	Repeal	9-1-2008
123-042-0020	4-9-2008	Amend(T)	5-1-2008	123-145-0700	8-1-2008	Repeal	9-1-2008
123-042-0026	4-9-2008	Amend(T)	5-1-2008	123-145-1000	8-1-2008	Repeal	9-1-2008
123-042-0036	4-9-2008	Amend(T)	5-1-2008	123-145-1100	8-1-2008	Repeal	9-1-2008
123-043-0010	4-9-2008	Amend(T)	5-1-2008	123-145-1200	8-1-2008	Repeal	9-1-2008
123-043-0035	4-9-2008	Amend(T)	5-1-2008	123-145-1300	8-1-2008	Repeal	9-1-2008
123-043-0045	4-9-2008	Amend(T)	5-1-2008	125-050-0200	2-29-2008	Adopt	4-1-2008
123-043-0055	4-9-2008	Amend(T)	5-1-2008	125-125-0050	4-15-2008	Amend(T)	5-1-2008
123-043-0075	4-9-2008	Amend(T)	5-1-2008	125-125-0050	6-17-2008	Amend	8-1-2008
123-055-0100	3-4-2008	Amend(T)	4-1-2008	125-125-0100	4-15-2008	Amend(T)	5-1-2008
123-055-0120	3-4-2008	Amend(T)	4-1-2008	125-125-0100	6-17-2008	Amend	8-1-2008
123-055-0200	3-4-2008	Amend(T)	4-1-2008	125-125-0150	4-15-2008	Amend(T)	5-1-2008
123-055-0220	3-4-2008	Amend(T)	4-1-2008	125-125-0150	6-17-2008	Amend	8-1-2008
123-055-0240	3-4-2008	Amend(T)	4-1-2008	125-125-0250	4-15-2008	Amend(T)	5-1-2008
123-055-0300	3-4-2008	Amend(T)	4-1-2008	125-125-0250	6-17-2008	Amend	8-1-2008
123-055-0340	3-4-2008	Amend(T)	4-1-2008	125-125-0300	4-15-2008	Amend(T)	5-1-2008
123-055-0400	3-4-2008	Amend(T)	4-1-2008	125-125-0300	6-17-2008	Amend	8-1-2008
123-055-0420	3-4-2008	Amend(T)	4-1-2008	125-125-0350	4-15-2008	Amend(T)	5-1-2008
123-055-0440	3-4-2008	Amend(T)	4-1-2008	125-125-0350	6-17-2008	Amend	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
125-125-0400	4-15-2008	Amend(T)	5-1-2008	125-246-0730	2-29-2008	Am. & Ren.	4-1-2008
125-125-0400	6-17-2008	Amend	8-1-2008	125-246-0800	7-2-2008	Amend	8-1-2008
125-125-0500	4-15-2008	Adopt(T)	5-1-2008	125-247-0010	7-2-2008	Amend	8-1-2008
125-125-0500	6-17-2008	Adopt	8-1-2008	125-247-0100	7-2-2008	Amend	8-1-2008
125-125-0600	4-15-2008	Adopt(T)	5-1-2008	125-247-0170	7-2-2008	Amend	8-1-2008
125-125-0600	6-17-2008	Adopt	8-1-2008	125-247-0200	7-2-2008	Amend	8-1-2008
125-145-0010	12-6-2007	Suspend	1-1-2008	125-247-0255	7-2-2008	Amend	8-1-2008
125-145-0010	2-6-2008	Repeal	3-1-2008	125-247-0256	7-2-2008	Amend	8-1-2008
125-145-0020	12-6-2007	Suspend	1-1-2008	125-247-0260	7-2-2008	Amend	8-1-2008
125-145-0020	2-6-2008	Repeal	3-1-2008	125-247-0261	7-2-2008	Amend	8-1-2008
125-145-0030	12-6-2007	Suspend	1-1-2008	125-247-0265	7-2-2008	Amend	8-1-2008
125-145-0030	2-6-2008	Repeal	3-1-2008	125-247-0270	7-2-2008	Amend	8-1-2008
125-145-0040	12-6-2007	Suspend	1-1-2008	125-247-0275	7-2-2008	Amend	8-1-2008
125-145-0040	2-6-2008	Repeal	3-1-2008	125-247-0280	7-2-2008	Amend	8-1-2008
125-145-0045	12-6-2007	Suspend	1-1-2008	125-247-0286	7-2-2008	Amend	8-1-2008
125-145-0045	2-6-2008	Repeal	3-1-2008	125-247-0287	7-2-2008	Amend	8-1-2008
125-145-0060	12-6-2007	Suspend	1-1-2008	125-247-0288	7-2-2008	Amend	8-1-2008
125-145-0060	2-6-2008	Repeal	3-1-2008	125-247-0293	7-2-2008	Repeal	8-1-2008
125-145-0080	12-6-2007	Suspend	1-1-2008	125-247-0294	7-2-2008	Repeal	8-1-2008
125-145-0080	2-6-2008	Repeal	3-1-2008	125-247-0295	7-2-2008	Amend	8-1-2008
125-145-0090	12-6-2007	Suspend	1-1-2008	125-247-0296	7-2-2008	Amend	8-1-2008
125-145-0090	2-6-2008	Repeal	3-1-2008	125-247-0300	7-2-2008	Amend	8-1-2008
125-145-0100	12-6-2007	Suspend	1-1-2008	125-247-0305	7-2-2008	Amend	8-1-2008
125-145-0100	2-6-2008	Repeal	3-1-2008	125-247-0310	7-2-2008	Amend	8-1-2008
125-145-0105	12-6-2007	Suspend	1-1-2008	125-247-0330	7-2-2008	Amend	8-1-2008
125-145-0105	2-6-2008	Repeal	3-1-2008	125-247-0340	7-2-2008	Adopt	8-1-2008
125-246-0100	7-2-2008	Amend	8-1-2008	125-247-0400	7-2-2008	Amend	8-1-2008
125-246-0110	7-2-2008	Amend	8-1-2008	125-247-0410	7-2-2008	Amend	8-1-2008
125-246-0130	7-2-2008	Amend	8-1-2008	125-247-0430	7-2-2008	Amend	8-1-2008
125-246-0140	7-2-2008	Amend	8-1-2008	125-247-0525	7-2-2008	Amend	8-1-2008
125-246-0170	7-2-2008	Amend	8-1-2008	125-247-0550	7-2-2008	Amend	8-1-2008
125-246-0200	7-2-2008	Amend	8-1-2008	125-247-0575	7-2-2008	Amend	8-1-2008
125-246-0310	7-2-2008	Amend	8-1-2008	125-247-0600	7-2-2008	Amend	8-1-2008
125-246-0330	7-2-2008	Amend	8-1-2008	125-247-0610	7-2-2008	Amend	8-1-2008
125-246-0333	7-2-2008	Adopt	8-1-2008	125-247-0691	7-2-2008	Amend	8-1-2008
125-246-0335	7-2-2008	Amend	8-1-2008	125-247-0700	7-2-2008	Amend	8-1-2008
125-246-0345	7-2-2008	Amend	8-1-2008	125-247-0710	7-2-2008	Amend	8-1-2008
125-246-0350	7-2-2008	Amend	8-1-2008	125-247-0730	7-2-2008	Amend	8-1-2008
125-246-0353	7-2-2008	Amend	8-1-2008	125-247-0731	7-2-2008	Amend	8-1-2008
125-246-0355	7-2-2008	Repeal	8-1-2008	125-247-0750	7-2-2008	Amend	8-1-2008
125-246-0365	7-2-2008	Adopt	8-1-2008	125-248-0100	7-2-2008	Amend	8-1-2008
125-246-0400	7-2-2008	Amend	8-1-2008	125-248-0130	7-2-2008	Amend	8-1-2008
125-246-0410	7-2-2008	Amend	8-1-2008	125-248-0200	7-2-2008	Amend	8-1-2008
125-246-0420	7-2-2008	Amend	8-1-2008	125-248-0210	7-2-2008	Amend	8-1-2008
125-246-0430	7-2-2008	Amend	8-1-2008	125-248-0220	7-2-2008	Amend	8-1-2008
125-246-0440	7-2-2008	Amend	8-1-2008	125-248-0240	7-2-2008	Amend	8-1-2008
125-246-0450	7-2-2008	Amend	8-1-2008	125-248-0250	7-2-2008	Amend	8-1-2008
125-246-0460	7-2-2008	Amend	8-1-2008	125-248-0300	7-2-2008	Amend	8-1-2008
125-246-0555	7-2-2008	Amend	8-1-2008	125-248-0340	7-2-2008	Amend	8-1-2008
125-246-0556	7-2-2008	Adopt	8-1-2008	125-249-0100	7-2-2008	Amend	8-1-2008
125-246-0560	7-2-2008	Amend	8-1-2008	125-249-0140	7-2-2008	Amend	8-1-2008
125-246-0570	7-2-2008	Amend	8-1-2008	125-249-0150	7-2-2008	Amend	8-1-2008
125-246-0575	7-2-2008	Amend	8-1-2008	125-249-0160	7-2-2008	Amend	8-1-2008
125-246-0700	2-29-2008	Am. & Ren.	4-1-2008	125-249-0200	7-2-2008	Amend	8-1-2008
125-246-0710	2-29-2008	Am. & Ren.	4-1-2008	125-249-0210	7-2-2008	Amend	8-1-2008
125-246-0720	2-29-2008	Am. & Ren.	4-1-2008	125-249-0220	7-2-2008	Amend	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
125-249-0270	7-2-2008	Amend	8-1-2008	137-047-0575	1-1-2008	Amend	2-1-2008
125-249-0280	7-2-2008	Amend	8-1-2008	137-047-0610	1-1-2008	Amend	2-1-2008
125-249-0290	7-2-2008	Amend	8-1-2008	137-047-0730	1-1-2008	Amend	2-1-2008
125-249-0310	7-2-2008	Amend	8-1-2008	137-048-0100	1-1-2008	Amend	2-1-2008
125-249-0390	7-2-2008	Amend	8-1-2008	137-048-0130	1-1-2008	Amend	2-1-2008
125-249-0395	7-2-2008	Amend	8-1-2008	137-048-0200	1-1-2008	Amend	2-1-2008
125-249-0430	7-2-2008	Amend	8-1-2008	137-048-0210	1-1-2008	Amend	2-1-2008
125-249-0460	7-2-2008	Amend	8-1-2008	137-048-0220	1-1-2008	Amend	2-1-2008
125-249-0470	7-2-2008	Amend	8-1-2008	137-048-0240	1-1-2008	Amend	2-1-2008
125-249-0630	7-2-2008	Amend	8-1-2008	137-048-0250	1-1-2008	Amend	2-1-2008
125-249-0645	7-2-2008	Amend	8-1-2008	137-048-0300	1-1-2008	Amend	2-1-2008
125-249-0800	7-2-2008	Amend	8-1-2008	137-048-0320	1-1-2008	Amend	2-1-2008
125-249-0860	7-2-2008	Amend	8-1-2008	137-049-0100	1-1-2008	Amend	2-1-2008
125-600-7550	6-30-2008	Adopt	8-1-2008	137-049-0140	1-1-2008	Amend	2-1-2008
137-008-0000	5-1-2008	Amend	6-1-2008	137-049-0150	1-1-2008	Amend	2-1-2008
137-008-0005	5-1-2008	Amend	6-1-2008	137-049-0160	1-1-2008	Amend	2-1-2008
137-008-0010	5-1-2008	Amend	6-1-2008	137-049-0200	1-1-2008	Amend	2-1-2008
137-008-0020	5-1-2008	Amend	6-1-2008	137-049-0210	1-1-2008	Amend	2-1-2008
137-009-0130	2-1-2008	Amend	3-1-2008	137-049-0280	1-1-2008	Amend	2-1-2008
137-009-0140	2-1-2008	Amend	3-1-2008	137-049-0290	1-1-2008	Amend	2-1-2008
137-009-0145	2-1-2008	Amend	3-1-2008	137-049-0310	1-1-2008	Amend	2-1-2008
137-009-0147	2-1-2008	Adopt	3-1-2008	137-049-0390	1-1-2008	Amend	2-1-2008
137-009-0150	2-1-2008	Amend	3-1-2008	137-049-0395	1-1-2008	Amend	2-1-2008
137-009-0155	2-1-2008	Amend	3-1-2008	137-049-0630	1-1-2008	Amend	2-1-2008
137-010-0030	4-22-2008	Amend	6-1-2008	137-049-0645	1-1-2008	Amend	2-1-2008
137-010-0033	4-22-2008	Amend	6-1-2008	137-049-0860	1-1-2008	Amend	2-1-2008
137-020-0015	1-2-2008	Amend	2-1-2008	137-055-1060	7-1-2008	Amend	8-1-2008
137-020-0020	1-2-2008	Amend	2-1-2008	137-055-1070	7-1-2008	Amend	8-1-2008
137-020-0040	1-2-2008	Amend	2-1-2008	137-055-2160	7-1-2008	Amend	8-1-2008
137-020-0050	1-2-2008	Amend	2-1-2008	137-055-3020	1-2-2008	Amend(T)	2-1-2008
137-045-0010	1-1-2008	Amend	2-1-2008	137-055-3020	4-1-2008	Amend	5-1-2008
137-045-0015	1-1-2008	Amend	2-1-2008	137-055-3060	1-2-2008	Amend(T)	2-1-2008
137-045-0020	1-1-2008	Amend	2-1-2008	137-055-3060	4-1-2008	Amend	5-1-2008
137-045-0030	1-1-2008	Amend	2-1-2008	137-055-3080	1-2-2008	Amend(T)	2-1-2008
137-045-0035	1-1-2008	Amend	2-1-2008	137-055-3080	4-1-2008	Amend	5-1-2008
137-045-0050	1-1-2008	Amend	2-1-2008	137-055-3100	1-2-2008	Amend(T)	2-1-2008
137-045-0055	1-1-2008	Amend	2-1-2008	137-055-3100	4-1-2008	Amend	5-1-2008
137-045-0060	1-1-2008	Amend	2-1-2008	137-055-3140	1-2-2008	Amend(T)	2-1-2008
137-045-0070	1-1-2008	Amend	2-1-2008	137-055-3140	4-1-2008	Amend	5-1-2008
137-045-0090	1-1-2008	Amend	2-1-2008	137-055-3420	7-15-2008	Amend(T)	8-1-2008
137-046-0100	1-1-2008	Amend	2-1-2008	137-055-4560	4-1-2008	Amend	5-1-2008
137-046-0110	1-1-2008	Amend	2-1-2008	137-055-4620	1-2-2008	Amend	2-1-2008
137-046-0130	1-1-2008	Amend	2-1-2008	137-055-5110	7-1-2008	Amend	8-1-2008
137-047-0000	1-1-2008	Amend	2-1-2008	137-060-0100	1-18-2008	Amend	3-1-2008
137-047-0100	1-1-2008	Amend	2-1-2008	137-060-0110	1-18-2008	Amend	3-1-2008
137-047-0257	1-1-2008	Amend	2-1-2008	137-060-0130	1-18-2008	Amend	3-1-2008
137-047-0262	1-1-2008	Amend	2-1-2008	137-060-0140	1-18-2008	Amend	3-1-2008
137-047-0263	1-1-2008	Amend	2-1-2008	137-060-0150	1-18-2008	Amend	3-1-2008
137-047-0275	1-1-2008	Amend	2-1-2008	137-060-0150	7-24-2008	Amend	6-1-2008
137-047-0280	1-1-2008	Amend	2-1-2008	137-060-0160	1-18-2008	Amend	3-1-2008
137-047-0285	1-1-2008	Amend	2-1-2008	137-060-0160	7-24-2008	Amend	6-1-2008
137-047-0310	1-1-2008	Amend	2-1-2008	137-060-0200	1-18-2008	Amend	3-1-2008
137-047-0330	1-1-2008	Amend	2-1-2008	137-060-0210	1-18-2008	Amend	3-1-2008
137-047-0400	1-1-2008	Amend	2-1-2008	137-060-0230	1-18-2008	Amend	3-1-2008
137-047-0410	1-1-2008	Amend	2-1-2008	137-060-0240	1-18-2008	Amend	3-1-2008
137-047-0430	1-1-2008	Amend	2-1-2008	137-060-0250	1-18-2008	Amend	3-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-060-0260	1-18-2008	Amend	3-1-2008	141-085-0176	1-1-2008	Amend	1-1-2008
137-060-0300	1-18-2008	Amend	3-1-2008	141-085-0256	1-1-2008	Amend	1-1-2008
137-060-0310	1-18-2008	Amend	3-1-2008	141-085-0257	1-1-2008	Amend	1-1-2008
137-060-0330	1-18-2008	Amend	3-1-2008	141-085-0421	1-1-2008	Amend	1-1-2008
137-060-0340	1-18-2008	Amend	3-1-2008	141-085-0425	1-1-2008	Amend	1-1-2008
137-060-0350	1-18-2008	Amend	3-1-2008	141-085-0430	1-1-2008	Amend	1-1-2008
137-060-0350	7-24-2008	Amend	6-1-2008	141-089-0100	1-1-2008	Amend	1-1-2008
137-060-0360	1-18-2008	Amend	3-1-2008	141-089-0105	1-1-2008	Amend	1-1-2008
137-060-0360	7-24-2008	Amend	6-1-2008	141-089-0110	1-1-2008	Amend	1-1-2008
137-060-0400	1-18-2008	Amend	3-1-2008	141-089-0115	1-1-2008	Amend	1-1-2008
137-060-0410	1-18-2008	Amend	3-1-2008	141-089-0120	1-1-2008	Amend	1-1-2008
137-060-0430	1-18-2008	Amend	3-1-2008	141-089-0135	1-1-2008	Amend	1-1-2008
137-060-0440	1-18-2008	Amend	3-1-2008	141-089-0140	1-1-2008	Amend	1-1-2008
137-060-0450	1-18-2008	Amend	3-1-2008	141-089-0150	1-1-2008	Amend	1-1-2008
137-079-0170	4-1-2008	Amend	5-1-2008	141-089-0155	1-1-2008	Amend	1-1-2008
137-079-0200	4-1-2008	Amend	5-1-2008	141-089-0157	1-1-2008	Adopt	1-1-2008
137-084-0001	12-11-2007	Amend	1-1-2008	141-089-0170	1-1-2008	Amend	1-1-2008
137-084-0005	12-11-2007	Amend	1-1-2008	141-089-0175	1-1-2008	Amend	1-1-2008
137-084-0010	12-11-2007	Amend	1-1-2008	141-089-0180	1-1-2008	Amend	1-1-2008
137-084-0020	12-11-2007	Amend	1-1-2008	141-089-0185	1-1-2008	Amend	1-1-2008
137-084-0500	12-11-2007	Amend	1-1-2008	141-089-0190	1-1-2008	Amend	1-1-2008
141-085-0005	1-1-2008	Amend	1-1-2008	141-089-0192	1-1-2008	Adopt	1-1-2008
141-085-0006	1-1-2008	Amend	1-1-2008	141-089-0205	1-1-2008	Amend	1-1-2008
141-085-0010	1-1-2008	Amend	1-1-2008	141-089-0215	1-1-2008	Amend	1-1-2008
141-085-0015	1-1-2008	Amend	1-1-2008	141-089-0225	1-1-2008	Amend	1-1-2008
141-085-0018	1-1-2008	Amend	1-1-2008	141-089-0230	1-1-2008	Amend	1-1-2008
141-085-0020	1-1-2008	Amend	1-1-2008	141-089-0245	1-1-2008	Amend	1-1-2008
141-085-0021	1-1-2008	Repeal	1-1-2008	141-089-0260	1-1-2008	Amend	1-1-2008
141-085-0022	1-1-2008	Amend	1-1-2008	141-089-0265	1-1-2008	Amend	1-1-2008
141-085-0023	1-1-2008	Amend	1-1-2008	141-089-0280	1-1-2008	Amend	1-1-2008
141-085-0025	1-1-2008	Amend	1-1-2008	141-089-0285	1-1-2008	Amend	1-1-2008
141-085-0028	1-1-2008	Amend	1-1-2008	141-089-0290	1-1-2008	Amend	1-1-2008
141-085-0029	1-1-2008	Amend	1-1-2008	141-089-0295	1-1-2008	Amend	1-1-2008
141-085-0034	1-1-2008	Amend	1-1-2008	141-089-0300	1-1-2008	Amend	1-1-2008
141-085-0036	1-1-2008	Amend	1-1-2008	141-089-0302	1-1-2008	Adopt	1-1-2008
141-085-0064	1-1-2008	Amend	1-1-2008	141-089-0350	5-1-2008	Adopt	5-1-2008
141-085-0066	1-1-2008	Amend	1-1-2008	141-089-0355	5-1-2008	Adopt	5-1-2008
141-085-0068	1-1-2008	Adopt	1-1-2008	141-089-0360	5-1-2008	Adopt	5-1-2008
141-085-0070	1-1-2008	Amend	1-1-2008	141-089-0365	5-1-2008	Adopt	5-1-2008
141-085-0075	1-1-2008	Amend	1-1-2008	141-089-0370	5-1-2008	Adopt	5-1-2008
141-085-0079	1-1-2008	Amend	1-1-2008	141-089-0375	5-1-2008	Adopt	5-1-2008
141-085-0085	1-1-2008	Amend	1-1-2008	141-089-0380	5-1-2008	Adopt	5-1-2008
141-085-0090	1-1-2008	Amend	1-1-2008	141-089-0385	5-1-2008	Adopt	5-1-2008
141-085-0095	1-1-2008	Amend	1-1-2008	141-089-0390	5-1-2008	Adopt	5-1-2008
141-085-0096	1-1-2008	Amend	1-1-2008	141-089-0400	1-1-2008	Amend	1-1-2008
141-085-0115	1-1-2008	Amend	1-1-2008	141-089-0405	1-1-2008	Amend	1-1-2008
141-085-0121	1-1-2008	Amend	1-1-2008	141-089-0415	1-1-2008	Amend	1-1-2008
141-085-0126	1-1-2008	Amend	1-1-2008	141-089-0420	1-1-2008	Amend	1-1-2008
141-085-0131	1-1-2008	Amend	1-1-2008	141-089-0423	1-1-2008	Adopt	1-1-2008
141-085-0136	1-1-2008	Amend	1-1-2008	141-089-0500	1-1-2008	Amend	1-1-2008
141-085-0141	1-1-2008	Amend	1-1-2008	141-089-0505	1-1-2008	Amend	1-1-2008
141-085-0146	1-1-2008	Amend	1-1-2008	141-089-0515	1-1-2008	Amend	1-1-2008
141-085-0156	1-1-2008	Amend	1-1-2008	141-089-0520	1-1-2008	Amend	1-1-2008
141-085-0161	1-1-2008	Amend	1-1-2008	141-089-0550	1-1-2008	Amend	1-1-2008
141-085-0166	1-1-2008	Amend	1-1-2008	141-089-0555	1-1-2008	Amend	1-1-2008
141-085-0171	1-1-2008	Amend	1-1-2008	141-089-0560	1-1-2008	Amend	1-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
141-089-0565	1-1-2008	Amend	1-1-2008	150-314.280-(K)	1-1-2008	Amend	2-1-2008
141-089-0570	1-1-2008	Amend	1-1-2008	150-314.280-(L)	1-1-2008	Amend	2-1-2008
141-089-0572	1-1-2008	Adopt	1-1-2008	150-314.308	1-1-2008	Adopt	2-1-2008
141-089-0585	1-1-2008	Amend	1-1-2008	150-314.415.(7)	1-1-2008	Amend	2-1-2008
141-089-0595	1-1-2008	Amend	1-1-2008	150-314.425-(B)	1-1-2008	Adopt	2-1-2008
141-089-0600	1-1-2008	Amend	1-1-2008	150-314.615-(D)	1-1-2008	Amend	2-1-2008
141-089-0605	1-1-2008	Amend	1-1-2008	150-314.615-(E)	1-1-2008	Amend	2-1-2008
141-089-0607	1-1-2008	Adopt	1-1-2008	150-315.262	1-1-2008	Amend	2-1-2008
141-090-0005	1-1-2008	Amend	1-1-2008	150-315.354(5)	1-1-2008	Amend	2-1-2008
141-090-0010	1-1-2008	Amend	1-1-2008	150-315.521	1-1-2008	Adopt	2-1-2008
141-090-0015	1-1-2008	Amend	1-1-2008	150-316.127-(E)	1-1-2008	Amend	2-1-2008
141-090-0020	1-1-2008	Amend	1-1-2008	150-316.127(10)	1-1-2008	Adopt	2-1-2008
141-090-0025	1-1-2008	Amend	1-1-2008	150-317.010	5-5-2008	Adopt	6-1-2008
141-090-0030	1-1-2008	Amend	1-1-2008	150-317.092	1-1-2008	Adopt	2-1-2008
141-090-0032	1-1-2008	Adopt	1-1-2008	150-317.705(3)(a)	1-1-2008	Amend	2-1-2008
141-090-0035	1-1-2008	Amend	1-1-2008	150-317.705(3)(b)	1-1-2008	Amend	2-1-2008
141-090-0040	1-1-2008	Amend	1-1-2008	150-321.307(4)	1-1-2008	Repeal	2-1-2008
141-090-0045	1-1-2008	Amend	1-1-2008	150-321.485(4)	1-1-2008	Repeal	2-1-2008
141-090-0050	1-1-2008	Amend	1-1-2008	150-323.320(1)(b)	2-4-2008	Adopt(T)	3-1-2008
141-090-0055	1-1-2008	Amend	1-1-2008	151-001-0005	12-13-2007	Amend(T)	1-1-2008
141-102-0000	1-1-2008	Amend	1-1-2008	151-001-0005	4-14-2008	Amend	5-1-2008
141-102-0020	1-1-2008	Amend	1-1-2008	151-001-0010	12-13-2007	Amend(T)	1-1-2008
141-102-0030	1-1-2008	Amend	1-1-2008	151-001-0010	4-14-2008	Amend	5-1-2008
141-102-0045	1-1-2008	Repeal	1-1-2008	151-001-0015	4-14-2008	Amend	5-1-2008
142-010-0010	4-14-2008	Amend	5-1-2008	151-020-0045	12-13-2007	Amend(T)	1-1-2008
142-010-0020	4-14-2008	Amend	5-1-2008	151-020-0045	4-14-2008	Amend	5-1-2008
142-010-0045	4-14-2008	Amend	5-1-2008	160-005-0005	5-1-2008	Amend	5-1-2008
142-015-0000	4-14-2008	Adopt	5-1-2008	160-005-0007	5-1-2008	Adopt	5-1-2008
142-015-0010	4-14-2008	Adopt	5-1-2008	160-005-0010	5-1-2008	Amend	5-1-2008
142-015-0020	4-14-2008	Adopt	5-1-2008	160-010-0600	1-1-2008	Adopt	1-1-2008
142-015-0030	4-14-2008	Adopt	5-1-2008	160-010-0610	1-1-2008	Adopt	1-1-2008
142-015-0040	4-14-2008	Adopt	5-1-2008	160-010-0620	1-1-2008	Adopt	1-1-2008
142-015-0050	4-14-2008	Adopt	5-1-2008	160-010-0630	1-1-2008	Adopt	1-1-2008
150-118.005	1-1-2008	Repeal	2-1-2008	160-040-0100	8-1-2008	Amend	8-1-2008
150-118.140	5-23-2008	Adopt(T)	7-1-2008	160-040-0101	8-1-2008	Amend	8-1-2008
150-18.385-(A)	1-1-2008	Amend	2-1-2008	160-040-0102	8-1-2008	Amend	8-1-2008
150-293.250(2)	2-15-2008	Amend	3-1-2008	160-040-0103	8-1-2008	Amend	8-1-2008
150-305.145(3)	1-1-2008	Amend	2-1-2008	160-040-0104	8-1-2008	Amend	8-1-2008
150-305.220(2)	1-1-2008	Amend	2-1-2008	160-040-0105	8-1-2008	Amend	8-1-2008
150-305.270(10)	1-1-2008	Amend	2-1-2008	160-040-0106	8-1-2008	Amend	8-1-2008
150-305.270(4)-(A)	1-1-2008	Amend	2-1-2008	160-040-0107	8-1-2008	Amend	8-1-2008
150-305.992	1-1-2008	Amend	2-1-2008	160-040-0200	8-1-2008	Amend	8-1-2008
150-307.262(2)	1-1-2008	Repeal	2-1-2008	160-040-0201	8-1-2008	Amend	8-1-2008
150-309.115(1)-(A)	1-1-2008	Repeal	2-1-2008	160-040-0202	8-1-2008	Amend	8-1-2008
150-311.676	1-1-2008	Amend	2-1-2008	160-040-0203	8-1-2008	Amend	8-1-2008
150-311.676-(B)	1-1-2008	Repeal	2-1-2008	160-040-0204	8-1-2008	Adopt	8-1-2008
150-311.684	1-1-2008	Amend	2-1-2008	160-040-0205	8-1-2008	Adopt	8-1-2008
150-311.689	1-1-2008	Amend	2-1-2008	160-040-0300	8-1-2008	Amend	8-1-2008
150-311.806-(A)	1-1-2008	Amend	2-1-2008	160-040-0301	8-1-2008	Amend	8-1-2008
150-314.258	1-1-2008	Adopt	2-1-2008	160-040-0302	8-1-2008	Amend	8-1-2008
150-314.258	5-23-2008	Amend(T)	7-1-2008	160-040-0303	8-1-2008	Amend	8-1-2008
150-314.280-(E)	1-1-2008	Amend	2-1-2008	160-040-0304	8-1-2008	Amend	8-1-2008
150-314.280-(G)	1-1-2008	Amend	2-1-2008	160-040-0305	8-1-2008	Amend	8-1-2008
150-314.280-(H)	1-1-2008	Amend	2-1-2008	160-040-0306	8-1-2008	Amend	8-1-2008
150-314.280-(I)	1-1-2008	Amend	2-1-2008	160-040-0307	8-1-2008	Amend	8-1-2008
150-314.280-(J)	1-1-2008	Amend	2-1-2008	160-040-0308	8-1-2008	Amend	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
160-040-0309	8-1-2008	Amend	8-1-2008	161-020-0150	8-13-2008	Amend	9-1-2008
160-040-0310	8-1-2008	Amend	8-1-2008	161-025-0005	8-13-2008	Amend	9-1-2008
160-040-0311	8-1-2008	Amend	8-1-2008	161-025-0010	8-13-2008	Amend	9-1-2008
160-040-0312	8-1-2008	Amend	8-1-2008	161-025-0025	5-13-2008	Amend	6-1-2008
160-040-0400	8-1-2008	Amend	8-1-2008	161-025-0030	5-13-2008	Amend	6-1-2008
160-040-0401	8-1-2008	Amend	8-1-2008	161-025-0060	5-13-2008	Amend	6-1-2008
160-040-0402	8-1-2008	Amend	8-1-2008	161-025-0060	8-13-2008	Amend	9-1-2008
160-040-0403	8-1-2008	Amend	8-1-2008	161-050-0000	5-13-2008	Amend	6-1-2008
160-040-0404	8-1-2008	Adopt	8-1-2008	165-002-0020	12-31-2007	Amend	2-1-2008
160-040-0500	8-1-2008	Amend	8-1-2008	165-004-0005	12-31-2007	Amend	2-1-2008
160-040-0501	8-1-2008	Amend	8-1-2008	165-004-0020	12-31-2007	Amend	2-1-2008
160-040-0502	8-1-2008	Amend	8-1-2008	165-005-0130	12-31-2007	Amend	2-1-2008
160-040-0503	8-1-2008	Amend	8-1-2008	165-007-0030	12-31-2007	Amend	2-1-2008
160-040-0504	8-1-2008	Amend	8-1-2008	165-010-0005	12-31-2007	Amend	2-1-2008
160-040-0505	8-1-2008	Adopt	8-1-2008	165-010-0085	12-31-2007	Adopt	2-1-2008
160-040-0506	8-1-2008	Adopt	8-1-2008	165-010-0110	8-12-2008	Amend	9-1-2008
160-050-0180	1-15-2008	Amend	2-1-2008	165-010-1001	5-2-2008	Adopt(T)	6-1-2008
160-050-0190	1-15-2008	Amend	2-1-2008	165-012-0005	12-31-2007	Amend	2-1-2008
160-050-0200	1-15-2008	Amend	2-1-2008	165-012-1020	1-29-2008	Adopt(T)	3-1-2008
160-050-0210	1-15-2008	Amend	2-1-2008	165-013-0010	12-31-2007	Amend	2-1-2008
160-050-0215	1-15-2008	Adopt	2-1-2008	165-013-0020	12-31-2007	Amend	2-1-2008
160-050-0220	1-15-2008	Amend	2-1-2008	165-014-0005	12-31-2007	Amend	2-1-2008
160-050-0230	1-15-2008	Amend	2-1-2008	165-014-0027	12-31-2007	Repeal	2-1-2008
160-050-0240	1-15-2008	Amend	2-1-2008	165-014-0030	12-31-2007	Amend	2-1-2008
160-050-0250	1-15-2008	Amend	2-1-2008	165-014-0031	12-31-2007	Adopt	2-1-2008
160-050-0280	1-15-2008	Amend	2-1-2008	165-014-0032	12-31-2007	Adopt	2-1-2008
160-100-0200	1-15-2008	Amend	1-1-2008	165-014-0100	12-31-2007	Adopt	2-1-2008
160-100-0210	5-1-2008	Amend	5-1-2008	165-014-0100	3-14-2008	Amend(T)	4-1-2008
161-001-0005	8-13-2008	Amend	9-1-2008	165-014-0100	5-2-2008	Amend(T)	6-1-2008
161-002-0000	5-13-2008	Amend	6-1-2008	165-014-0100	8-12-2008	Amend	9-1-2008
161-002-0000	8-13-2008	Amend	9-1-2008	165-014-0110	12-31-2007	Amend	2-1-2008
161-003-0020	5-13-2008	Amend	6-1-2008	165-014-0260	12-31-2007	Amend	2-1-2008
161-006-0140	8-13-2008	Amend	9-1-2008	165-014-0270	12-31-2007	Amend	2-1-2008
161-006-0175	5-13-2008	Amend	6-1-2008	165-014-0275	12-31-2007	Adopt	2-1-2008
161-006-0175	8-13-2008	Amend	9-1-2008	165-014-0280	12-3-2007	Adopt	1-1-2008
161-008-0040	8-13-2008	Amend	9-1-2008	165-020-0005	12-31-2007	Amend	2-1-2008
161-010-0010	5-13-2008	Amend	6-1-2008	165-020-0020	12-31-2007	Amend	2-1-2008
161-010-0010	8-13-2008	Amend	9-1-2008	165-020-0021	12-31-2007	Adopt	2-1-2008
161-010-0020	8-13-2008	Amend	9-1-2008	165-020-0035	12-31-2007	Amend	2-1-2008
161-010-0025	8-13-2008	Amend	9-1-2008	165-020-0045	12-31-2007	Repeal	2-1-2008
161-010-0035	5-13-2008	Amend	6-1-2008	165-020-0050	12-31-2007	Amend	2-1-2008
161-010-0035	8-13-2008	Amend	9-1-2008	165-020-0055	12-31-2007	Amend	2-1-2008
161-010-0045	5-13-2008	Amend	6-1-2008	165-020-2021	2-21-2008	Adopt(T)	4-1-2008
161-010-0045	8-13-2008	Amend	9-1-2008	165-021-0000	12-31-2007	Repeal	2-1-2008
161-010-0055	5-13-2008	Amend	6-1-2008	165-021-0005	12-31-2007	Repeal	2-1-2008
161-010-0055	8-13-2008	Amend	9-1-2008	165-021-0010	12-31-2007	Repeal	2-1-2008
161-010-0080	5-13-2008	Amend	6-1-2008	165-100-0000	4-1-2008	Adopt(T)	5-1-2008
161-010-0080	8-6-2008	Amend(T)	9-1-2008	165-100-0005	4-1-2008	Adopt(T)	5-1-2008
161-010-0080	8-13-2008	Amend	9-1-2008	165-100-0010	4-1-2008	Adopt(T)	5-1-2008
161-010-0085	8-6-2008	Amend(T)	9-1-2008	165-100-0015	4-1-2008	Adopt(T)	5-1-2008
161-015-0025	8-13-2008	Adopt	9-1-2008	165-100-0020	4-1-2008	Adopt(T)	5-1-2008
161-015-0030	8-13-2008	Amend	9-1-2008	165-100-0025	4-1-2008	Adopt(T)	5-1-2008
161-020-0015	8-13-2008	Amend	9-1-2008	165-100-0030	4-1-2008	Adopt(T)	5-1-2008
161-020-0035	8-13-2008	Amend	9-1-2008	166-150-0205	5-30-2008	Amend	7-1-2008
161-020-0110	5-13-2008	Amend	6-1-2008	166-400-0010	1-30-2008	Amend	3-1-2008
161-020-0130	8-13-2008	Amend	9-1-2008	166-500-0015	11-29-2007	Amend	1-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
167-050-0100	7-16-2008	Adopt	9-1-2008	177-046-0050	7-1-2008	Amend	8-1-2008
167-050-0110	7-16-2008	Adopt	9-1-2008	177-046-0060	7-1-2008	Amend	8-1-2008
167-050-0120	7-16-2008	Adopt	9-1-2008	177-046-0070	7-1-2008	Amend	8-1-2008
167-050-0130	7-16-2008	Adopt	9-1-2008	177-046-0080	7-1-2008	Amend	8-1-2008
167-050-0140	7-16-2008	Adopt	9-1-2008	177-046-0090	7-1-2008	Amend	8-1-2008
167-050-0150	7-16-2008	Adopt	9-1-2008	177-046-0100	7-1-2008	Amend	8-1-2008
167-050-0160	7-16-2008	Adopt	9-1-2008	177-046-0110	3-31-2008	Amend	5-1-2008
167-050-0170	7-16-2008	Adopt	9-1-2008	177-046-0110(T)	3-31-2008	Repeal	5-1-2008
167-050-0180	7-16-2008	Adopt	9-1-2008	177-046-0120	7-1-2008	Amend	8-1-2008
167-050-0190	7-16-2008	Adopt	9-1-2008	177-046-0130	7-1-2008	Amend	8-1-2008
167-050-0200	7-16-2008	Adopt	9-1-2008	177-046-0140	7-1-2008	Amend	8-1-2008
167-050-0210	7-16-2008	Adopt	9-1-2008	177-046-0150	7-1-2008	Amend	8-1-2008
167-050-0220	7-16-2008	Adopt	9-1-2008	177-046-0160	7-1-2008	Amend	8-1-2008
167-055-0100	7-16-2008	Adopt	9-1-2008	177-046-0170	3-31-2008	Amend	5-1-2008
167-060-0100	7-16-2008	Adopt	9-1-2008	177-046-0170	7-1-2008	Amend	8-1-2008
167-060-0110	7-16-2008	Adopt	9-1-2008	177-046-0170(T)	3-31-2008	Repeal	5-1-2008
167-060-0120	7-16-2008	Adopt	9-1-2008	177-050-0002	3-31-2008	Amend	5-1-2008
170-002-0010	3-3-2008	Adopt	4-1-2008	177-050-0002(T)	3-31-2008	Repeal	5-1-2008
170-030-0005	7-1-2008	Repeal	8-1-2008	177-050-0020	3-31-2008	Amend	5-1-2008
170-030-0010	7-1-2008	Repeal	8-1-2008	177-050-0020(T)	3-31-2008	Repeal	5-1-2008
170-030-0015	7-1-2008	Repeal	8-1-2008	177-050-0024	3-31-2008	Amend	5-1-2008
170-030-0020	7-1-2008	Repeal	8-1-2008	177-050-0024(T)	3-31-2008	Repeal	5-1-2008
170-030-0025	7-1-2008	Repeal	8-1-2008	177-050-0025	3-31-2008	Amend	5-1-2008
170-030-0030	7-1-2008	Repeal	8-1-2008	177-050-0025(T)	3-31-2008	Repeal	5-1-2008
170-030-0045	7-1-2008	Repeal	8-1-2008	177-050-0027	3-31-2008	Amend	5-1-2008
170-030-0050	7-1-2008	Repeal	8-1-2008	177-050-0027(T)	3-31-2008	Repeal	5-1-2008
170-030-0055	7-1-2008	Repeal	8-1-2008	177-050-0037	3-31-2008	Amend	5-1-2008
170-040-0020	7-1-2008	Adopt	8-1-2008	177-050-0037(T)	3-31-2008	Repeal	5-1-2008
170-040-0030	7-1-2008	Adopt	8-1-2008	177-050-0070	3-31-2008	Amend	5-1-2008
170-040-0040	7-1-2008	Adopt	8-1-2008	177-050-0070(T)	3-31-2008	Repeal	5-1-2008
170-040-0050	7-1-2008	Adopt	8-1-2008	199-005-0005	3-7-2008	Adopt	4-1-2008
170-040-0060	7-1-2008	Adopt	8-1-2008	199-005-0010	3-7-2008	Adopt	4-1-2008
170-040-0070	7-1-2008	Adopt	8-1-2008	199-005-0015	3-7-2008	Adopt	4-1-2008
170-040-0080	7-1-2008	Adopt	8-1-2008	199-005-0020	3-7-2008	Adopt	4-1-2008
170-061-0200	12-27-2007	Adopt	2-1-2008	199-005-0025	3-7-2008	Adopt	4-1-2008
170-071-0005	11-20-2007	Amend(T)	1-1-2008	199-005-0030	3-7-2008	Adopt	4-1-2008
170-071-0005	7-9-2008	Amend(T)	8-1-2008	199-005-0035	3-7-2008	Adopt	4-1-2008
177-010-0003	7-1-2008	Amend	8-1-2008	199-010-0068	1-2-2008	Adopt(T)	2-1-2008
177-010-0007	7-1-2008	Amend	8-1-2008	199-010-0075	3-7-2008	Amend(T)	4-1-2008
177-010-0009	7-1-2008	Amend	8-1-2008	199-010-0095	3-7-2008	Amend(T)	4-1-2008
177-010-0011	7-1-2008	Adopt	8-1-2008	199-020-0005	3-7-2008	Suspend	4-1-2008
177-010-0025	7-1-2008	Amend	8-1-2008	199-020-0007	3-7-2008	Adopt(T)	4-1-2008
177-010-0045	7-1-2008	Amend	8-1-2008	213-001-0010	4-12-2008	Adopt	2-1-2008
177-010-0050	7-1-2008	Amend	8-1-2008	213-003-0001	1-1-2008	Amend	2-1-2008
177-010-0080	7-1-2008	Amend	8-1-2008	213-017-0002	1-1-2008	Amend	2-1-2008
177-010-0085	7-1-2008	Amend	8-1-2008	213-017-0003	1-1-2008	Amend	2-1-2008
177-010-0090	7-1-2008	Amend	8-1-2008	213-017-0004	1-1-2008	Amend	2-1-2008
177-010-0110	7-1-2008	Amend	8-1-2008	213-017-0006	1-1-2008	Amend	2-1-2008
177-010-0120	7-1-2008	Amend	8-1-2008	213-017-0007	1-1-2008	Amend	2-1-2008
177-040-0003	6-2-2008	Amend	7-1-2008	213-017-0008	1-1-2008	Amend	2-1-2008
177-040-0051	6-2-2008	Amend	7-1-2008	213-017-0009	1-1-2008	Amend	2-1-2008
177-046-0010	7-1-2008	Amend	8-1-2008	213-017-0010	1-1-2008	Amend	2-1-2008
177-046-0015	7-1-2008	Adopt	8-1-2008	213-018-0050	1-1-2008	Amend	2-1-2008
177-046-0020	7-1-2008	Amend	8-1-2008	213-018-0068	1-1-2008	Adopt	2-1-2008
177-046-0030	7-1-2008	Amend	8-1-2008	230-001-0000	7-1-2008	Amend	7-1-2008
177-046-0040	7-1-2008	Amend	8-1-2008	230-001-0005	7-1-2008	Amend	7-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
230-001-0010	7-1-2008	Amend	7-1-2008	230-130-0150	7-1-2008	Repeal	7-1-2008
230-010-0000	7-1-2008	Amend	7-1-2008	230-130-0160	7-1-2008	Repeal	7-1-2008
230-010-0005	7-1-2008	Amend	7-1-2008	230-130-0170	7-1-2008	Repeal	7-1-2008
230-010-0010	7-1-2008	Repeal	7-1-2008	230-130-0180	7-1-2008	Repeal	7-1-2008
230-010-0016	7-1-2008	Repeal	7-1-2008	230-130-0190	7-1-2008	Repeal	7-1-2008
230-010-0030	7-1-2008	Repeal	7-1-2008	230-130-0200	7-1-2008	Repeal	7-1-2008
230-010-0040	7-1-2008	Am. & Ren.	7-1-2008	230-130-0220	7-1-2008	Repeal	7-1-2008
230-010-0050	7-1-2008	Repeal	7-1-2008	230-130-0230	7-1-2008	Repeal	7-1-2008
230-020-0005	7-1-2008	Repeal	7-1-2008	230-140-0000	1-29-2008	Adopt(T)	3-1-2008
230-020-0010	7-1-2008	Amend	7-1-2008	230-140-0000	7-1-2008	Adopt	7-1-2008
230-020-0020	7-1-2008	Repeal	7-1-2008	230-140-0010	1-29-2008	Adopt(T)	3-1-2008
230-020-0030	7-1-2008	Amend	7-1-2008	230-140-0010(T)	7-1-2008	Repeal	7-1-2008
230-020-0040	7-1-2008	Amend	7-1-2008	230-140-0020	1-29-2008	Adopt(T)	3-1-2008
230-020-0050	7-1-2008	Repeal	7-1-2008	230-140-0020	7-1-2008	Adopt	7-1-2008
230-020-0060	7-1-2008	Amend	7-1-2008	230-140-0030	1-29-2008	Adopt(T)	3-1-2008
230-020-0070	7-1-2008	Amend	7-1-2008	230-140-0030	7-1-2008	Adopt	7-1-2008
230-020-0080	7-1-2008	Amend	7-1-2008	230-140-0040	1-29-2008	Adopt(T)	3-1-2008
230-020-0090	7-1-2008	Amend	7-1-2008	230-140-0040	7-1-2008	Adopt	7-1-2008
230-020-0110	7-1-2008	Amend	7-1-2008	250-010-0075	12-10-2007	Adopt(T)	1-1-2008
230-020-0170	7-1-2008	Amend	7-1-2008	250-010-0075	5-1-2008	Adopt	5-1-2008
230-020-0190	7-1-2008	Amend	7-1-2008	250-010-0075(T)	5-1-2008	Repeal	5-1-2008
230-020-0195	7-1-2008	Adopt	7-1-2008	250-015-0001	5-7-2008	Amend(T)	6-1-2008
230-020-0200	7-1-2008	Amend	7-1-2008	250-015-0003	5-7-2008	Adopt(T)	6-1-2008
230-020-0210	7-1-2008	Amend	7-1-2008	250-015-0011	7-17-2008	Amend(T)	9-1-2008
230-020-0215	7-1-2008	Adopt	7-1-2008	250-020-0032	7-11-2008	Amend	8-1-2008
230-020-0220	7-1-2008	Repeal	7-1-2008	250-020-0073	7-11-2008	Amend	8-1-2008
230-020-0230	7-1-2008	Repeal	7-1-2008	250-020-0102	4-26-2008	Amend	5-1-2008
230-020-0240	7-1-2008	Amend	7-1-2008	250-020-0221	1-15-2008	Amend	2-1-2008
230-020-0250	7-1-2008	Repeal	7-1-2008	255-060-0011	1-11-2008	Amend	2-1-2008
230-020-0300	7-1-2008	Amend	7-1-2008	255-070-0003	4-9-2008	Amend	5-1-2008
230-020-0310	7-1-2008	Amend	7-1-2008	259-008-0010	1-15-2008	Amend(T)	2-1-2008
230-020-0320	7-1-2008	Amend	7-1-2008	259-008-0010	4-15-2008	Amend	5-1-2008
230-020-0330	7-1-2008	Amend	7-1-2008	259-008-0010(T)	1-15-2008	Suspend	2-1-2008
230-020-0405	7-1-2008	Amend	7-1-2008	259-008-0010(T)	4-15-2008	Repeal	5-1-2008
230-020-0410	7-1-2008	Amend	7-1-2008	259-008-0011	4-15-2008	Amend	5-1-2008
230-020-0440	7-1-2008	Repeal	7-1-2008	259-008-0025	7-15-2008	Amend	8-1-2008
230-020-0450	7-1-2008	Amend	7-1-2008	259-008-0045	7-15-2008	Amend	8-1-2008
230-020-0470	7-1-2008	Amend	7-1-2008	259-008-0060	1-15-2008	Amend	2-1-2008
230-020-0480	7-1-2008	Amend	7-1-2008	259-008-0060	7-15-2008	Amend	8-1-2008
230-050-0000	7-1-2008	Repeal	7-1-2008	259-008-0200	8-15-2008	Adopt	9-1-2008
230-050-0005	7-1-2008	Repeal	7-1-2008	259-008-0220	8-15-2008	Adopt	9-1-2008
230-130-0000	7-1-2008	Repeal	7-1-2008	259-008-0250	8-15-2008	Adopt	9-1-2008
230-130-0005	7-1-2008	Repeal	7-1-2008	259-009-0005	7-15-2008	Amend	8-1-2008
230-130-0010	7-1-2008	Repeal	7-1-2008	259-009-0062	7-15-2008	Amend	8-1-2008
230-130-0020	7-1-2008	Repeal	7-1-2008	259-009-0070	1-15-2008	Amend	2-1-2008
230-130-0030	7-1-2008	Repeal	7-1-2008	259-060-0010	4-15-2008	Amend	5-1-2008
230-130-0040	7-1-2008	Repeal	7-1-2008	259-060-0060	4-15-2008	Amend	5-1-2008
230-130-0050	7-1-2008	Repeal	7-1-2008	259-060-0070	7-15-2008	Amend	8-1-2008
230-130-0060	7-1-2008	Repeal	7-1-2008	259-060-0120	4-15-2008	Amend	5-1-2008
230-130-0070	7-1-2008	Repeal	7-1-2008	259-060-0130	4-15-2008	Amend	5-1-2008
230-130-0080	7-1-2008	Repeal	7-1-2008	259-060-0135	4-15-2008	Amend	5-1-2008
230-130-0090	7-1-2008	Repeal	7-1-2008	259-060-0450	4-15-2008	Amend	5-1-2008
230-130-0100	7-1-2008	Repeal	7-1-2008	259-060-0500	4-15-2008	Amend	5-1-2008
230-130-0110	7-1-2008	Repeal	7-1-2008	259-061-0015	4-15-2008	Amend	5-1-2008
230-130-0120	7-1-2008	Repeal	7-1-2008	259-061-0040	5-15-2008	Amend(T)	6-1-2008
230-130-0140	7-1-2008	Repeal	7-1-2008	259-061-0040	7-15-2008	Amend	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
259-061-0040(T)	7-15-2008	Repeal	8-1-2008	274-045-0060	2-22-2008	Amend	4-1-2008
259-061-0090	5-15-2008	Amend(T)	6-1-2008	274-045-0240	2-22-2008	Amend	4-1-2008
259-061-0090	7-15-2008	Amend	8-1-2008	291-011-0010	4-1-2008	Amend(T)	5-1-2008
259-061-0090(T)	7-15-2008	Repeal	8-1-2008	291-013-0010	8-7-2008	Amend	9-1-2008
259-061-0230	5-15-2008	Amend(T)	6-1-2008	291-013-0070	8-7-2008	Amend	9-1-2008
259-061-0230	7-15-2008	Amend	8-1-2008	291-013-0100	8-7-2008	Amend	9-1-2008
259-061-0230(T)	7-15-2008	Repeal	8-1-2008	291-013-0104	8-7-2008	Amend	9-1-2008
274-001-0005	3-25-2008	Amend	5-1-2008	291-013-0110	8-7-2008	Amend	9-1-2008
274-012-0001	1-7-2008	Amend(T)	2-1-2008	291-013-0205	8-7-2008	Amend	9-1-2008
274-012-0001	2-22-2008	Amend	4-1-2008	291-013-0206	8-7-2008	Amend	9-1-2008
274-012-0100	1-7-2008	Amend(T)	2-1-2008	291-013-0215	8-7-2008	Amend	9-1-2008
274-012-0100	2-22-2008	Amend	4-1-2008	291-026-0005	3-4-2008	Amend(T)	4-1-2008
274-012-0120	1-7-2008	Amend(T)	2-1-2008	291-026-0010	3-4-2008	Amend(T)	4-1-2008
274-012-0120	2-22-2008	Amend	4-1-2008	291-026-0015	3-4-2008	Amend(T)	4-1-2008
274-015-0005	2-22-2008	Repeal	4-1-2008	291-026-0025	3-4-2008	Amend(T)	4-1-2008
274-025-0030	2-22-2008	Amend	4-1-2008	291-026-0030	3-4-2008	Suspend	4-1-2008
274-030-0500	1-1-2008	Amend	2-1-2008	291-026-0050	3-4-2008	Adopt(T)	4-1-2008
274-030-0500	2-4-2008	Amend	3-1-2008	291-026-0085	3-4-2008	Suspend	4-1-2008
274-030-0500(T)	1-1-2008	Repeal	2-1-2008	291-026-0095	3-4-2008	Suspend	4-1-2008
274-030-0505	1-1-2008	Amend	2-1-2008	291-026-0105	3-4-2008	Amend(T)	4-1-2008
274-030-0505(T)	1-1-2008	Repeal	2-1-2008	291-026-0115	3-4-2008	Amend(T)	4-1-2008
274-030-0506	1-1-2008	Amend	2-1-2008	291-026-0125	3-4-2008	Amend(T)	4-1-2008
274-030-0506(T)	1-1-2008	Repeal	2-1-2008	291-026-0140	3-4-2008	Adopt(T)	4-1-2008
274-030-0510	1-1-2008	Amend	2-1-2008	291-041-0010	2-4-2008	Amend	3-1-2008
274-030-0510(T)	1-1-2008	Repeal	2-1-2008	291-041-0015	2-4-2008	Amend	3-1-2008
274-030-0515	1-1-2008	Amend	2-1-2008	291-041-0016	2-4-2008	Amend	3-1-2008
274-030-0520	1-1-2008	Amend	2-1-2008	291-041-0017	2-4-2008	Adopt	3-1-2008
274-030-0520(T)	1-1-2008	Repeal	2-1-2008	291-041-0020	2-4-2008	Amend	3-1-2008
274-030-0535	1-1-2008	Amend	2-1-2008	291-041-0030	2-4-2008	Amend	3-1-2008
274-030-0545	1-1-2008	Amend	2-1-2008	291-041-0035	2-4-2008	Amend	3-1-2008
274-030-0545(T)	1-1-2008	Repeal	2-1-2008	291-041-0040	2-4-2008	Repeal	3-1-2008
274-030-0550	1-1-2008	Amend	2-1-2008	291-042-0005	7-1-2008	Amend(T)	8-1-2008
274-030-0550(T)	1-1-2008	Repeal	2-1-2008	291-042-0010	7-1-2008	Amend(T)	8-1-2008
274-030-0555	1-1-2008	Amend	2-1-2008	291-042-0011	7-1-2008	Amend(T)	8-1-2008
274-030-0555(T)	1-1-2008	Repeal	2-1-2008	291-042-0015	7-1-2008	Amend(T)	8-1-2008
274-030-0560	1-1-2008	Amend	2-1-2008	291-042-0025	7-1-2008	Amend(T)	8-1-2008
274-030-0560(T)	1-1-2008	Repeal	2-1-2008	291-042-0035	7-1-2008	Amend(T)	8-1-2008
274-030-0565	1-1-2008	Amend	2-1-2008	291-042-0045	7-1-2008	Suspend	8-1-2008
274-030-0565(T)	1-1-2008	Repeal	2-1-2008	291-046-0005	7-21-2008	Amend	9-1-2008
274-030-0570	1-1-2008	Amend	2-1-2008	291-046-0010	7-21-2008	Amend	9-1-2008
274-030-0570(T)	1-1-2008	Repeal	2-1-2008	291-046-0014	7-21-2008	Adopt	9-1-2008
274-030-0575	1-1-2008	Amend	2-1-2008	291-046-0020	7-21-2008	Amend	9-1-2008
274-030-0575(T)	1-1-2008	Repeal	2-1-2008	291-046-0025	7-21-2008	Amend	9-1-2008
274-030-0600	1-1-2008	Amend	2-1-2008	291-046-0030	7-21-2008	Amend	9-1-2008
274-030-0600(T)	1-1-2008	Repeal	2-1-2008	291-046-0035	7-21-2008	Amend	9-1-2008
274-030-0602	1-1-2008	Adopt	2-1-2008	291-046-0040	7-21-2008	Amend	9-1-2008
274-030-0602(T)	1-1-2008	Repeal	2-1-2008	291-046-0045	7-21-2008	Amend	9-1-2008
274-030-0605	1-1-2008	Repeal	2-1-2008	291-046-0050	7-21-2008	Amend	9-1-2008
274-030-0610	1-1-2008	Amend	2-1-2008	291-046-0055	7-21-2008	Amend	9-1-2008
274-030-0610(T)	1-1-2008	Repeal	2-1-2008	291-046-0060	7-21-2008	Amend	9-1-2008
274-030-0620	1-1-2008	Amend	2-1-2008	291-046-0065	7-21-2008	Amend	9-1-2008
274-030-0620(T)	1-1-2008	Repeal	2-1-2008	291-046-0070	7-21-2008	Amend	9-1-2008
274-030-0630	1-1-2008	Amend	2-1-2008	291-046-0075	7-21-2008	Amend	9-1-2008
274-030-0630(T)	1-1-2008	Repeal	2-1-2008	291-046-0080	7-21-2008	Amend	9-1-2008
274-030-0640	1-1-2008	Amend	2-1-2008	291-046-0085	7-21-2008	Amend	9-1-2008
274-030-0640(T)	1-1-2008	Repeal	2-1-2008	291-046-0090	7-21-2008	Amend	9-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
291-046-0100	7-21-2008	Adopt	9-1-2008	291-070-0120	4-10-2008	Adopt	5-1-2008
291-055-0010	4-1-2008	Amend(T)	5-1-2008	291-070-0125	4-10-2008	Adopt	5-1-2008
291-069-0010	12-1-2007	Suspend	1-1-2008	291-070-0130	4-10-2008	Adopt	5-1-2008
291-069-0010	5-19-2008	Repeal	7-1-2008	291-070-0135	4-10-2008	Adopt	5-1-2008
291-069-0020	12-1-2007	Suspend	1-1-2008	291-070-0140	4-10-2008	Adopt	5-1-2008
291-069-0020	5-19-2008	Repeal	7-1-2008	291-076-0020	8-14-2008	Amend	9-1-2008
291-069-0031	12-1-2007	Suspend	1-1-2008	291-076-0030	8-14-2008	Amend	9-1-2008
291-069-0031	5-19-2008	Repeal	7-1-2008	291-076-0040	8-14-2008	Adopt	9-1-2008
291-069-0040	12-1-2007	Suspend	1-1-2008	291-082-0010	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0040	5-19-2008	Repeal	7-1-2008	291-082-0020	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0050	12-1-2007	Suspend	1-1-2008	291-082-0021	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0050	5-19-2008	Repeal	7-1-2008	291-082-0025	5-13-2008	Suspend	6-1-2008
291-069-0060	12-1-2007	Suspend	1-1-2008	291-082-0026	5-13-2008	Suspend	6-1-2008
291-069-0060	5-19-2008	Repeal	7-1-2008	291-082-0027	5-13-2008	Suspend	6-1-2008
291-069-0070	12-1-2007	Suspend	1-1-2008	291-082-0035	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0070	5-19-2008	Repeal	7-1-2008	291-082-0045	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0090	12-1-2007	Suspend	1-1-2008	291-082-0110	5-13-2008	Adopt(T)	6-1-2008
291-069-0090	5-19-2008	Repeal	7-1-2008	291-082-0115	5-13-2008	Adopt(T)	6-1-2008
291-069-0100	12-1-2007	Suspend	1-1-2008	291-082-0120	5-13-2008	Adopt(T)	6-1-2008
291-069-0100	5-19-2008	Repeal	7-1-2008	291-082-0125	5-13-2008	Adopt(T)	6-1-2008
291-069-0200	12-1-2007	Adopt(T)	1-1-2008	291-082-0130	5-13-2008	Adopt(T)	6-1-2008
291-069-0200	5-19-2008	Adopt	7-1-2008	291-104-0005	5-13-2008	Am. & Ren.	6-1-2008
291-069-0210	12-1-2007	Adopt(T)	1-1-2008	291-104-0010	5-13-2008	Repeal	6-1-2008
291-069-0210	5-19-2008	Adopt	7-1-2008	291-104-0015	5-13-2008	Repeal	6-1-2008
291-069-0220	12-1-2007	Adopt(T)	1-1-2008	291-104-0025	5-13-2008	Repeal	6-1-2008
291-069-0220	5-19-2008	Adopt	7-1-2008	291-104-0030	5-13-2008	Repeal	6-1-2008
291-069-0230	12-1-2007	Adopt(T)	1-1-2008	291-104-0033	5-13-2008	Repeal	6-1-2008
291-069-0230	5-19-2008	Adopt	7-1-2008	291-104-0035	5-13-2008	Repeal	6-1-2008
291-069-0240	12-1-2007	Adopt(T)	1-1-2008	291-104-0111	5-13-2008	Amend	6-1-2008
291-069-0240	5-19-2008	Adopt	7-1-2008	291-104-0116	5-13-2008	Amend	6-1-2008
291-069-0250	12-1-2007	Adopt(T)	1-1-2008	291-104-0125	5-13-2008	Amend	6-1-2008
291-069-0250	5-19-2008	Adopt	7-1-2008	291-104-0130	5-13-2008	Repeal	6-1-2008
291-069-0260	12-1-2007	Adopt(T)	1-1-2008	291-104-0135	5-13-2008	Amend	6-1-2008
291-069-0260	5-19-2008	Adopt	7-1-2008	291-104-0140	5-13-2008	Adopt	6-1-2008
291-069-0270	12-1-2007	Adopt(T)	1-1-2008	291-105-0010	6-2-2008	Amend	7-1-2008
291-069-0270	5-19-2008	Adopt	7-1-2008	291-105-0021	6-2-2008	Amend	7-1-2008
291-069-0280	12-1-2007	Adopt(T)	1-1-2008	291-105-0026	6-2-2008	Amend	7-1-2008
291-069-0280	5-19-2008	Adopt	7-1-2008	291-105-0028	6-2-2008	Amend	7-1-2008
291-070-0005	4-10-2008	Am. & Ren.	5-1-2008	291-105-0041	6-2-2008	Amend	7-1-2008
291-070-0010	4-10-2008	Am. & Ren.	5-1-2008	291-105-0046	6-2-2008	Amend	7-1-2008
291-070-0015	4-10-2008	Repeal	5-1-2008	291-105-0056	6-2-2008	Amend	7-1-2008
291-070-0020	4-10-2008	Repeal	5-1-2008	291-105-0064	6-2-2008	Amend	7-1-2008
291-070-0025	4-10-2008	Repeal	5-1-2008	291-105-0066	6-2-2008	Amend	7-1-2008
291-070-0026	4-10-2008	Repeal	5-1-2008	291-105-0069	6-2-2008	Amend	7-1-2008
291-070-0027	4-10-2008	Repeal	5-1-2008	291-105-0071	6-2-2008	Amend	7-1-2008
291-070-0028	4-10-2008	Repeal	5-1-2008	291-105-0081	6-2-2008	Amend	7-1-2008
291-070-0030	4-10-2008	Repeal	5-1-2008	291-105-0085	6-2-2008	Amend	7-1-2008
291-070-0035	4-10-2008	Repeal	5-1-2008	291-105-0100	6-2-2008	Amend	7-1-2008
291-070-0041	4-10-2008	Repeal	5-1-2008	291-127-0210	4-1-2008	Amend(T)	5-1-2008
291-070-0043	4-10-2008	Repeal	5-1-2008	291-127-0260	4-1-2008	Amend(T)	5-1-2008
291-070-0045	4-10-2008	Repeal	5-1-2008	291-131-0010	1-25-2008	Amend	3-1-2008
291-070-0050	4-10-2008	Repeal	5-1-2008	291-131-0015	1-25-2008	Amend	3-1-2008
291-070-0055	4-10-2008	Repeal	5-1-2008	291-131-0020	1-25-2008	Amend	3-1-2008
291-070-0056	4-10-2008	Repeal	5-1-2008	291-131-0025	1-25-2008	Amend	3-1-2008
291-070-0080	4-10-2008	Repeal	5-1-2008	291-131-0025	7-21-2008	Amend	9-1-2008
291-070-0115	4-10-2008	Adopt	5-1-2008	291-131-0030	1-25-2008	Amend	3-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
291-131-0035	1-25-2008	Amend	3-1-2008	309-035-0190	6-12-2008	Amend	7-1-2008
291-131-0037	1-25-2008	Amend	3-1-2008	309-114-0000	12-1-2007	Amend(T)	1-1-2008
291-133-0005	4-1-2008	Amend(T)	5-1-2008	309-114-0000	4-7-2008	Amend(T)	5-1-2008
291-133-0010	4-1-2008	Amend(T)	5-1-2008	309-114-0000	7-25-2008	Amend	9-1-2008
291-133-0015	4-1-2008	Amend(T)	5-1-2008	309-114-0000(T)	4-7-2008	Suspend	5-1-2008
291-133-0025	4-1-2008	Amend(T)	5-1-2008	309-114-0000(T)	7-25-2008	Repeal	9-1-2008
291-133-0035	4-1-2008	Amend(T)	5-1-2008	309-114-0005	12-1-2007	Amend(T)	1-1-2008
291-133-0045	4-1-2008	Suspend	5-1-2008	309-114-0005	4-7-2008	Amend(T)	5-1-2008
291-158-0005	7-1-2008	Amend(T)	8-1-2008	309-114-0005	7-25-2008	Amend	9-1-2008
291-158-0015	7-1-2008	Amend(T)	8-1-2008	309-114-0005(T)	4-7-2008	Suspend	5-1-2008
291-158-0055	7-1-2008	Amend(T)	8-1-2008	309-114-0005(T)	7-25-2008	Repeal	9-1-2008
291-164-0005	3-4-2008	Amend(T)	4-1-2008	309-114-0010	12-1-2007	Amend(T)	1-1-2008
291-164-0010	3-4-2008	Amend(T)	4-1-2008	309-114-0010	4-7-2008	Amend(T)	5-1-2008
291-164-0015	3-4-2008	Amend(T)	4-1-2008	309-114-0010	7-25-2008	Amend	9-1-2008
291-164-0020	3-4-2008	Amend(T)	4-1-2008	309-114-0010(T)	4-7-2008	Suspend	5-1-2008
291-164-0025	3-4-2008	Amend(T)	4-1-2008	309-114-0010(T)	7-25-2008	Repeal	9-1-2008
291-164-0030	3-4-2008	Amend(T)	4-1-2008	309-114-0015	12-1-2007	Amend(T)	1-1-2008
291-164-0045	3-4-2008	Suspend	4-1-2008	309-114-0015	4-7-2008	Amend(T)	5-1-2008
291-164-0050	3-4-2008	Adopt(T)	4-1-2008	309-114-0015	7-25-2008	Amend	9-1-2008
291-205-0010	5-15-2008	Adopt(T)	6-1-2008	309-114-0015(T)	4-7-2008	Suspend	5-1-2008
291-205-0020	5-15-2008	Adopt(T)	6-1-2008	309-114-0015(T)	7-25-2008	Repeal	9-1-2008
291-205-0030	5-15-2008	Adopt(T)	6-1-2008	309-114-0020	12-1-2007	Amend(T)	1-1-2008
291-205-0040	5-15-2008	Adopt(T)	6-1-2008	309-114-0020	4-7-2008	Amend(T)	5-1-2008
291-205-0050	5-15-2008	Adopt(T)	6-1-2008	309-114-0020	7-25-2008	Amend	9-1-2008
291-205-0060	5-15-2008	Adopt(T)	6-1-2008	309-114-0020(T)	4-7-2008	Suspend	5-1-2008
291-205-0070	5-15-2008	Adopt(T)	6-1-2008	309-114-0020(T)	7-25-2008	Repeal	9-1-2008
291-205-0080	5-15-2008	Adopt(T)	6-1-2008	309-114-0025	12-1-2007	Amend(T)	1-1-2008
291-205-0090	5-15-2008	Adopt(T)	6-1-2008	309-114-0025	4-7-2008	Amend(T)	5-1-2008
291-205-0100	5-15-2008	Adopt(T)	6-1-2008	309-114-0025	7-25-2008	Amend	9-1-2008
291-205-0110	5-15-2008	Adopt(T)	6-1-2008	309-114-0025(T)	4-7-2008	Suspend	5-1-2008
309-011-0100	12-5-2007	Adopt(T)	1-1-2008	309-114-0025(T)	7-25-2008	Repeal	9-1-2008
309-011-0100	2-12-2008	Suspend	3-1-2008	309-114-0030	4-7-2008	Adopt(T)	5-1-2008
309-031-0215	12-1-2007	Amend(T)	1-1-2008	309-114-0030	7-25-2008	Adopt	9-1-2008
309-032-0455	12-11-2007	Amend	1-1-2008	309-114-0030(T)	7-25-2008	Repeal	9-1-2008
309-032-1095	4-15-2008	Adopt	5-1-2008	309-118-0015	12-1-2007	Amend(T)	1-1-2008
309-032-1190	1-1-2008	Amend(T)	2-1-2008	325-001-0000	4-14-2008	Adopt	5-1-2008
309-032-1190	6-27-2008	Amend	8-1-2008	325-001-0001	4-14-2008	Amend	5-1-2008
309-032-1190(T)	6-27-2008	Repeal	8-1-2008	330-007-0200	12-13-2007	Adopt	1-1-2008
309-033-0710	6-27-2008	Amend	8-1-2008	330-007-0210	12-13-2007	Adopt	1-1-2008
309-033-0735	1-1-2008	Adopt(T)	2-1-2008	330-007-0220	12-13-2007	Adopt	1-1-2008
309-033-0735	6-27-2008	Adopt	8-1-2008	330-007-0230	12-13-2007	Adopt	1-1-2008
309-033-0735(T)	6-27-2008	Repeal	8-1-2008	330-007-0240	12-13-2007	Adopt	1-1-2008
309-035-0100	6-12-2008	Amend	7-1-2008	330-007-0250	12-13-2007	Adopt	1-1-2008
309-035-0105	6-12-2008	Amend	7-1-2008	330-007-0260	12-13-2007	Adopt	1-1-2008
309-035-0110	6-12-2008	Amend	7-1-2008	330-007-0270	12-13-2007	Adopt	1-1-2008
309-035-0113	6-12-2008	Amend	7-1-2008	330-007-0280	12-13-2007	Adopt	1-1-2008
309-035-0117	6-12-2008	Amend	7-1-2008	330-007-0290	12-13-2007	Adopt	1-1-2008
309-035-0120	6-12-2008	Amend	7-1-2008	330-007-0300	12-13-2007	Adopt	1-1-2008
309-035-0125	6-12-2008	Amend	7-1-2008	330-007-0310	12-13-2007	Adopt	1-1-2008
309-035-0145	6-12-2008	Amend	7-1-2008	330-007-0320	12-13-2007	Adopt	1-1-2008
309-035-0150	6-12-2008	Amend	7-1-2008	330-007-0330	12-13-2007	Adopt	1-1-2008
309-035-0157	6-12-2008	Amend	7-1-2008	330-070-0010	12-1-2007	Amend	1-1-2008
309-035-0165	6-12-2008	Amend	7-1-2008	330-070-0013	12-1-2007	Amend	1-1-2008
309-035-0167	6-12-2008	Amend	7-1-2008	330-070-0014	12-1-2007	Amend	1-1-2008
309-035-0170	6-12-2008	Amend	7-1-2008	330-070-0021	12-1-2007	Amend	1-1-2008
309-035-0185	6-12-2008	Amend	7-1-2008	330-070-0022	12-1-2007	Amend	1-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
330-070-0025	12-1-2007	Amend	1-1-2008	330-135-0025	1-2-2008	Adopt	2-1-2008
330-070-0026	12-1-2007	Amend	1-1-2008	330-135-0030	1-2-2008	Adopt	2-1-2008
330-070-0048	12-1-2007	Amend	1-1-2008	330-135-0035	1-2-2008	Adopt	2-1-2008
330-070-0059	12-1-2007	Amend	1-1-2008	330-135-0040	1-2-2008	Adopt	2-1-2008
330-070-0060	12-1-2007	Amend	1-1-2008	330-135-0045	1-2-2008	Adopt	2-1-2008
330-070-0064	12-1-2007	Amend	1-1-2008	330-135-0050	1-2-2008	Adopt	2-1-2008
330-070-0073	12-1-2007	Amend	1-1-2008	330-135-0055	1-2-2008	Adopt	2-1-2008
330-070-0089	12-1-2007	Amend	1-1-2008	330-150-0005	1-30-2008	Adopt	3-1-2008
330-070-0091	12-1-2007	Amend	1-1-2008	330-150-0015	1-30-2008	Adopt	3-1-2008
330-070-0097	12-1-2007	Amend	1-1-2008	330-150-0020	1-30-2008	Adopt	3-1-2008
330-090-0105	12-1-2007	Amend	1-1-2008	330-150-0025	1-30-2008	Adopt	3-1-2008
330-090-0105	3-21-2008	Amend	5-1-2008	330-150-0030	1-30-2008	Adopt	3-1-2008
330-090-0105	6-20-2008	Amend	8-1-2008	331-800-0010	3-15-2008	Adopt(T)	4-1-2008
330-090-0110	12-1-2007	Amend	1-1-2008	331-800-0010	6-1-2008	Adopt	7-1-2008
330-090-0110	3-21-2008	Amend	5-1-2008	331-800-0010(T)	6-1-2008	Repeal	7-1-2008
330-090-0110	6-20-2008	Amend	8-1-2008	331-800-0020	3-15-2008	Adopt(T)	4-1-2008
330-090-0120	12-1-2007	Amend	1-1-2008	331-800-0020	6-1-2008	Adopt	7-1-2008
330-090-0120	3-21-2008	Amend	5-1-2008	331-800-0020(T)	6-1-2008	Repeal	7-1-2008
330-090-0120	6-20-2008	Amend	8-1-2008	331-810-0020	3-15-2008	Adopt(T)	4-1-2008
330-090-0130	12-1-2007	Amend	1-1-2008	331-810-0020	6-1-2008	Adopt	7-1-2008
330-090-0130	3-21-2008	Amend	5-1-2008	331-810-0020(T)	6-1-2008	Repeal	7-1-2008
330-090-0130	6-20-2008	Amend	8-1-2008	331-810-0030	3-15-2008	Adopt(T)	4-1-2008
330-090-0135	12-1-2007	Amend	1-1-2008	331-810-0030	6-1-2008	Adopt	7-1-2008
330-090-0140	12-1-2007	Amend	1-1-2008	331-810-0030(T)	6-1-2008	Repeal	7-1-2008
330-090-0140	3-21-2008	Amend	5-1-2008	331-810-0035	3-15-2008	Adopt(T)	4-1-2008
330-090-0150	12-1-2007	Amend	1-1-2008	331-810-0035	6-1-2008	Adopt	7-1-2008
330-090-0150	3-21-2008	Amend	5-1-2008	331-810-0035(T)	6-1-2008	Repeal	7-1-2008
330-090-0150	6-20-2008	Amend	8-1-2008	331-810-0040	3-15-2008	Adopt(T)	4-1-2008
330-092-0005	3-1-2008	Adopt	4-1-2008	331-810-0040	6-1-2008	Adopt	7-1-2008
330-092-0010	3-1-2008	Adopt	4-1-2008	331-810-0040(T)	6-1-2008	Repeal	7-1-2008
330-092-0015	3-1-2008	Adopt	4-1-2008	331-810-0050	6-1-2008	Adopt	7-1-2008
330-092-0020	3-1-2008	Adopt	4-1-2008	331-810-0055	6-1-2008	Adopt	7-1-2008
330-092-0025	3-1-2008	Adopt	4-1-2008	331-820-0010	3-15-2008	Adopt(T)	4-1-2008
330-092-0030	3-1-2008	Adopt	4-1-2008	331-820-0010	6-1-2008	Adopt	7-1-2008
330-092-0035	3-1-2008	Adopt	4-1-2008	331-820-0010(T)	6-1-2008	Repeal	7-1-2008
330-092-0040	3-1-2008	Adopt	4-1-2008	331-820-0020	3-15-2008	Adopt(T)	4-1-2008
330-092-0045	3-1-2008	Adopt	4-1-2008	331-820-0020	6-1-2008	Adopt	7-1-2008
330-092-0050	3-1-2008	Adopt	4-1-2008	331-820-0020(T)	6-1-2008	Repeal	7-1-2008
330-092-0055	3-1-2008	Adopt	4-1-2008	331-830-0005	6-1-2008	Adopt	7-1-2008
330-092-0060	3-1-2008	Adopt	4-1-2008	331-830-0010	6-1-2008	Adopt	7-1-2008
330-092-0065	3-1-2008	Adopt	4-1-2008	331-830-0020	6-1-2008	Adopt	7-1-2008
330-092-0070	3-1-2008	Adopt	4-1-2008	331-840-0010	6-1-2008	Adopt	7-1-2008
330-130-0010	8-1-2008	Amend	9-1-2008	331-840-0020	6-1-2008	Adopt	7-1-2008
330-130-0020	8-1-2008	Amend	9-1-2008	331-840-0030	6-1-2008	Adopt	7-1-2008
330-130-0030	8-1-2008	Amend	9-1-2008	331-840-0040	6-1-2008	Adopt	7-1-2008
330-130-0040	8-1-2008	Amend	9-1-2008	331-840-0050	6-1-2008	Adopt	7-1-2008
330-130-0050	8-1-2008	Amend	9-1-2008	331-840-0060	6-1-2008	Adopt	7-1-2008
330-130-0055	8-1-2008	Adopt	9-1-2008	331-850-0010	3-15-2008	Adopt(T)	4-1-2008
330-130-0060	8-1-2008	Amend	9-1-2008	331-850-0010	6-1-2008	Adopt	7-1-2008
330-130-0070	8-1-2008	Amend	9-1-2008	331-850-0010(T)	6-1-2008	Repeal	7-1-2008
330-130-0080	8-1-2008	Amend	9-1-2008	333-003-0010	5-5-2008	Amend	6-1-2008
330-130-0090	8-1-2008	Adopt	9-1-2008	333-003-0020	5-5-2008	Amend	6-1-2008
330-130-0100	8-1-2008	Adopt	9-1-2008	333-003-0030	5-5-2008	Repeal	6-1-2008
330-135-0010	1-2-2008	Adopt	2-1-2008	333-003-0040	5-5-2008	Amend	6-1-2008
330-135-0015	1-2-2008	Adopt	2-1-2008	333-003-0050	5-5-2008	Amend	6-1-2008
330-135-0020	1-2-2008	Adopt	2-1-2008	333-003-0060	5-5-2008	Repeal	6-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-003-0065	5-5-2008	Adopt	6-1-2008	333-015-0070	1-1-2009	Amend	9-1-2008
333-003-0070	5-5-2008	Amend	6-1-2008	333-015-0075	1-1-2009	Amend	9-1-2008
333-003-0080	5-5-2008	Amend	6-1-2008	333-015-0080	1-1-2009	Amend	9-1-2008
333-003-0105	5-5-2008	Amend	6-1-2008	333-015-0082	1-1-2009	Adopt	9-1-2008
333-003-0110	5-5-2008	Amend	6-1-2008	333-015-0085	1-1-2009	Amend	9-1-2008
333-003-0115	5-5-2008	Amend	6-1-2008	333-015-0090	1-1-2009	Amend	9-1-2008
333-003-0125	5-5-2008	Amend	6-1-2008	333-049-0010	3-17-2008	Amend	5-1-2008
333-003-0130	5-5-2008	Amend	6-1-2008	333-049-0020	3-17-2008	Amend	5-1-2008
333-003-0200	5-5-2008	Adopt	6-1-2008	333-049-0030	3-17-2008	Amend	5-1-2008
333-008-0000	1-1-2008	Amend	2-1-2008	333-049-0040	3-17-2008	Amend	5-1-2008
333-008-0010	1-1-2008	Amend	2-1-2008	333-049-0050	3-17-2008	Amend	5-1-2008
333-008-0020	1-1-2008	Amend	2-1-2008	333-049-0060	3-17-2008	Amend	5-1-2008
333-008-0025	1-1-2008	Amend	2-1-2008	333-049-0065	3-17-2008	Amend	5-1-2008
333-008-0030	1-1-2008	Amend	2-1-2008	333-049-0070	3-17-2008	Amend	5-1-2008
333-008-0040	1-1-2008	Amend	2-1-2008	333-049-0080	3-17-2008	Amend	5-1-2008
333-008-0050	1-1-2008	Amend	2-1-2008	333-049-0090	3-17-2008	Amend	5-1-2008
333-008-0060	1-1-2008	Amend	2-1-2008	333-049-0110	3-17-2008	Repeal	5-1-2008
333-008-0070	1-1-2008	Amend	2-1-2008	333-049-0120	3-17-2008	Amend	5-1-2008
333-008-0080	1-1-2008	Amend	2-1-2008	333-050-0010	3-17-2008	Amend	5-1-2008
333-008-0090	1-1-2008	Amend	2-1-2008	333-050-0020	1-8-2008	Amend(T)	2-1-2008
333-008-0110	1-1-2008	Amend	2-1-2008	333-050-0020	3-17-2008	Amend	5-1-2008
333-008-0120	1-1-2008	Amend	2-1-2008	333-050-0030	3-17-2008	Amend	5-1-2008
333-010-0100	6-16-2008	Adopt	8-1-2008	333-050-0040	3-17-2008	Amend	5-1-2008
333-010-0105	6-16-2008	Adopt	8-1-2008	333-050-0050	1-8-2008	Amend(T)	2-1-2008
333-010-0110	6-16-2008	Adopt	8-1-2008	333-050-0050	3-17-2008	Amend	5-1-2008
333-010-0115	6-16-2008	Adopt	8-1-2008	333-050-0060	3-17-2008	Amend	5-1-2008
333-010-0120	6-16-2008	Adopt	8-1-2008	333-050-0070	3-17-2008	Amend	5-1-2008
333-010-0125	6-16-2008	Adopt	8-1-2008	333-050-0080	3-17-2008	Amend	5-1-2008
333-010-0130	6-16-2008	Adopt	8-1-2008	333-050-0090	3-17-2008	Amend	5-1-2008
333-010-0135	6-16-2008	Adopt	8-1-2008	333-050-0095	3-17-2008	Amend	5-1-2008
333-010-0140	6-16-2008	Adopt	8-1-2008	333-050-0100	3-17-2008	Amend	5-1-2008
333-010-0145	6-16-2008	Adopt	8-1-2008	333-050-0110	3-17-2008	Amend	5-1-2008
333-010-0150	6-16-2008	Adopt	8-1-2008	333-050-0120	1-8-2008	Amend(T)	2-1-2008
333-010-0155	6-16-2008	Adopt	8-1-2008	333-050-0120	3-17-2008	Amend	5-1-2008
333-010-0160	6-16-2008	Adopt	8-1-2008	333-050-0130	3-17-2008	Amend	5-1-2008
333-010-0165	6-16-2008	Adopt	8-1-2008	333-050-0140	3-17-2008	Amend	5-1-2008
333-010-0170	6-16-2008	Adopt	8-1-2008	333-052-0030	4-3-2008	Amend	5-1-2008
333-010-0175	6-16-2008	Adopt	8-1-2008	333-052-0040	4-3-2008	Amend	5-1-2008
333-010-0180	6-16-2008	Adopt	8-1-2008	333-052-0050	4-3-2008	Amend	5-1-2008
333-010-0185	6-16-2008	Adopt	8-1-2008	333-052-0060	4-3-2008	Amend	5-1-2008
333-010-0190	6-16-2008	Adopt	8-1-2008	333-052-0065	4-3-2008	Amend	5-1-2008
333-010-0195	6-16-2008	Adopt	8-1-2008	333-052-0070	4-3-2008	Amend	5-1-2008
333-015-0025	1-1-2009	Amend	9-1-2008	333-052-0075	4-3-2008	Amend	5-1-2008
333-015-0030	1-1-2009	Amend	9-1-2008	333-052-0080	4-3-2008	Amend	5-1-2008
333-015-0034	1-1-2009	Repeal	9-1-2008	333-052-0090	4-3-2008	Amend	5-1-2008
333-015-0035	1-1-2009	Amend	9-1-2008	333-052-0100	4-3-2008	Amend	5-1-2008
333-015-0040	1-1-2009	Amend	9-1-2008	333-052-0110	4-3-2008	Amend	5-1-2008
333-015-0045	1-1-2009	Amend	9-1-2008	333-052-0120	4-3-2008	Amend	5-1-2008
333-015-0050	1-1-2009	Repeal	9-1-2008	333-052-0130	4-3-2008	Amend	5-1-2008
333-015-0060	1-1-2009	Repeal	9-1-2008	333-061-0030	2-15-2008	Amend	3-1-2008
333-015-0062	1-1-2009	Adopt	9-1-2008	333-061-0032	2-15-2008	Amend	3-1-2008
333-015-0064	1-1-2009	Adopt	9-1-2008	333-061-0034	2-15-2008	Amend	3-1-2008
333-015-0065	1-1-2009	Repeal	9-1-2008	333-061-0036	2-15-2008	Amend	3-1-2008
333-015-0066	1-1-2009	Adopt	9-1-2008	333-061-0040	2-15-2008	Amend	3-1-2008
333-015-0068	1-1-2009	Adopt	9-1-2008	333-061-0043	2-15-2008	Amend	3-1-2008
333-015-0069	1-1-2009	Adopt	9-1-2008	333-061-0045	2-15-2008	Amend	3-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-061-0050	2-15-2008	Amend	3-1-2008	333-536-0075	1-1-2008	Amend	2-1-2008
333-061-0061	2-15-2008	Amend	3-1-2008	333-536-0080	1-1-2008	Amend	2-1-2008
333-061-0070	2-15-2008	Amend	3-1-2008	333-536-0085	1-1-2008	Amend	2-1-2008
333-061-0072	2-15-2008	Amend	3-1-2008	333-536-0090	1-1-2008	Amend	2-1-2008
333-061-0076	2-15-2008	Amend	3-1-2008	333-536-0095	1-1-2008	Amend	2-1-2008
333-061-0215	2-15-2008	Amend	3-1-2008	333-536-0100	1-1-2008	Repeal	2-1-2008
333-061-0245	2-15-2008	Amend	3-1-2008	333-536-0105	1-1-2008	Adopt	2-1-2008
333-061-0250	2-15-2008	Amend	3-1-2008	333-536-0115	1-1-2008	Adopt	2-1-2008
333-061-0260	2-15-2008	Amend	3-1-2008	333-700-0120	8-15-2008	Amend	9-1-2008
333-061-0265	2-15-2008	Amend	3-1-2008	335-001-0005	4-10-2008	Amend	5-1-2008
333-071-0125	8-15-2008	Amend	9-1-2008	335-001-0008	4-10-2008	Adopt	5-1-2008
333-076-0190	8-15-2008	Adopt	9-1-2008	335-001-0011	4-10-2008	Amend	5-1-2008
333-076-0710	8-15-2008	Amend	9-1-2008	335-005-0010	4-10-2008	Amend	5-1-2008
333-080-0040	7-1-2008	Adopt	4-1-2008	335-005-0020	4-10-2008	Amend	5-1-2008
333-080-0050	7-1-2008	Adopt	4-1-2008	335-060-0010	4-10-2008	Amend	5-1-2008
333-150-0000	3-5-2008	Amend	4-1-2008	335-070-0040	4-10-2008	Amend	5-1-2008
333-265-0000	6-16-2008	Amend	8-1-2008	335-095-0010	4-10-2008	Amend	5-1-2008
333-265-0010	6-16-2008	Amend	8-1-2008	335-095-0030	4-10-2008	Amend	5-1-2008
333-265-0012	6-16-2008	Adopt	8-1-2008	335-095-0040	4-10-2008	Amend	5-1-2008
333-265-0014	6-16-2008	Adopt	8-1-2008	335-095-0050	4-10-2008	Amend	5-1-2008
333-265-0016	6-16-2008	Adopt	8-1-2008	335-095-0050	8-13-2008	Amend(T)	9-1-2008
333-265-0018	6-16-2008	Adopt	8-1-2008	335-095-0055	4-10-2008	Amend	5-1-2008
333-265-0020	6-16-2008	Amend	8-1-2008	335-095-0060	4-10-2008	Amend	5-1-2008
333-265-0022	6-16-2008	Adopt	8-1-2008	335-095-0065	4-10-2008	Amend	5-1-2008
333-265-0023	6-16-2008	Adopt	8-1-2008	340-011-0005	3-20-2008	Amend	5-1-2008
333-265-0025	6-16-2008	Amend	8-1-2008	340-011-0009	3-20-2008	Adopt	5-1-2008
333-265-0025	6-20-2008	Amend(T)	8-1-2008	340-011-0010	2-25-2008	Amend	4-1-2008
333-265-0030	6-16-2008	Amend	8-1-2008	340-011-0029	2-25-2008	Amend	4-1-2008
333-265-0040	6-16-2008	Amend	8-1-2008	340-011-0510	3-20-2008	Amend	5-1-2008
333-265-0040	6-20-2008	Amend(T)	8-1-2008	340-011-0515	3-20-2008	Amend	5-1-2008
333-265-0050	6-16-2008	Amend	8-1-2008	340-011-0573	3-20-2008	Adopt	5-1-2008
333-265-0060	6-16-2008	Amend	8-1-2008	340-011-0575	3-20-2008	Amend	5-1-2008
333-265-0070	6-16-2008	Amend	8-1-2008	340-016-0210	7-11-2008	Amend	8-1-2008
333-265-0080	6-16-2008	Amend	8-1-2008	340-016-0220	7-11-2008	Amend	8-1-2008
333-265-0090	6-16-2008	Amend	8-1-2008	340-016-0230	7-11-2008	Amend	8-1-2008
333-265-0100	6-16-2008	Amend	8-1-2008	340-016-0250	7-11-2008	Amend	8-1-2008
333-265-0110	6-16-2008	Amend	8-1-2008	340-016-0270	7-11-2008	Adopt	8-1-2008
333-265-0120	6-16-2008	Repeal	8-1-2008	340-016-0280	7-11-2008	Adopt	8-1-2008
333-265-0130	6-16-2008	Repeal	8-1-2008	340-016-0290	7-11-2008	Adopt	8-1-2008
333-265-0140	6-16-2008	Amend	8-1-2008	340-016-0300	7-11-2008	Adopt	8-1-2008
333-265-0150	6-16-2008	Amend	8-1-2008	340-016-0310	7-11-2008	Adopt	8-1-2008
333-265-0160	6-16-2008	Amend	8-1-2008	340-016-0320	7-11-2008	Adopt	8-1-2008
333-265-0170	6-16-2008	Amend	8-1-2008	340-016-0330	7-11-2008	Adopt	8-1-2008
333-265-0180	6-16-2008	Adopt	8-1-2008	340-016-0340	7-11-2008	Adopt	8-1-2008
333-265-0190	6-16-2008	Adopt	8-1-2008	340-041-0009	5-5-2008	Amend	6-1-2008
333-515-0030	8-15-2008	Amend	9-1-2008	340-045-0075	7-1-2008	Amend	8-1-2008
333-520-0073	3-7-2008	Adopt	4-1-2008	340-054-0035	2-27-2008	Amend	4-1-2008
333-520-0110	7-1-2008	Amend	4-1-2008	340-054-0060	2-27-2008	Amend	4-1-2008
333-536-0005	1-1-2008	Amend	2-1-2008	340-055-0005	5-5-2008	Amend	6-1-2008
333-536-0010	1-1-2008	Amend	2-1-2008	340-055-0007	5-5-2008	Amend	6-1-2008
333-536-0015	1-1-2008	Amend	2-1-2008	340-055-0010	5-5-2008	Amend	6-1-2008
333-536-0020	1-1-2008	Amend	2-1-2008	340-055-0013	5-5-2008	Amend	6-1-2008
333-536-0030	1-1-2008	Amend	2-1-2008	340-055-0015	5-5-2008	Am. & Ren.	6-1-2008
333-536-0040	1-1-2008	Amend	2-1-2008	340-055-0015	5-5-2008	Am. & Ren.	6-1-2008
333-536-0050	1-1-2008	Amend	2-1-2008	340-055-0015	5-5-2008	Am. & Ren.	6-1-2008
333-536-0070	1-1-2008	Amend	2-1-2008	340-055-0015	5-5-2008	Am. & Ren.	6-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
340-055-0020	5-5-2008	Amend	6-1-2008	340-259-0015	7-11-2008	Adopt	8-1-2008
340-055-0025	5-5-2008	Amend	6-1-2008	340-259-0020	7-11-2008	Adopt	8-1-2008
340-055-0030	5-5-2008	Amend	6-1-2008	340-259-0025	7-11-2008	Adopt	8-1-2008
340-071-0140	7-1-2008	Amend	8-1-2008	340-259-0030	7-11-2008	Adopt	8-1-2008
340-071-0220	7-1-2008	Amend	8-1-2008	340-259-0035	7-11-2008	Adopt	8-1-2008
340-122-0210	3-10-2008	Amend	4-1-2008	340-259-0040	7-11-2008	Adopt	8-1-2008
340-122-0330	3-10-2008	Amend	4-1-2008	340-259-0045	7-11-2008	Adopt	8-1-2008
340-150-0006	3-10-2008	Amend	4-1-2008	340-259-0050	7-11-2008	Adopt	8-1-2008
340-150-0008	3-10-2008	Amend	4-1-2008	340-259-0055	7-11-2008	Adopt	8-1-2008
340-150-0010	3-10-2008	Amend	4-1-2008	340-259-0060	7-11-2008	Adopt	8-1-2008
340-150-0020	3-10-2008	Amend	4-1-2008	340-259-0065	7-11-2008	Adopt	8-1-2008
340-150-0021	3-10-2008	Amend	4-1-2008	350-011-0003	4-1-2008	Amend	4-1-2008
340-150-0052	3-10-2008	Amend	4-1-2008	350-011-0011	4-1-2008	Adopt	4-1-2008
340-150-0102	3-10-2008	Amend	4-1-2008	350-012-0007	4-1-2008	Amend	4-1-2008
340-150-0110	3-10-2008	Amend	4-1-2008	350-012-0008	4-1-2008	Amend	4-1-2008
340-150-0135	3-10-2008	Amend	4-1-2008	350-016-0009	4-1-2008	Amend	4-1-2008
340-150-0150	3-10-2008	Amend	4-1-2008	407-005-0110	12-1-2007	Amend	1-1-2008
340-150-0152	3-10-2008	Amend	4-1-2008	407-007-0000	3-31-2008	Adopt(T)	5-1-2008
340-150-0160	3-10-2008	Amend	4-1-2008	407-007-0010	3-31-2008	Adopt(T)	5-1-2008
340-150-0163	3-10-2008	Amend	4-1-2008	407-007-0020	3-31-2008	Adopt(T)	5-1-2008
340-150-0166	3-10-2008	Amend	4-1-2008	407-007-0030	3-31-2008	Adopt(T)	5-1-2008
340-150-0167	3-10-2008	Amend	4-1-2008	407-007-0040	3-31-2008	Adopt(T)	5-1-2008
340-150-0168	3-10-2008	Amend	4-1-2008	407-007-0050	3-31-2008	Adopt(T)	5-1-2008
340-150-0180	3-10-2008	Amend	4-1-2008	407-007-0060	3-31-2008	Adopt(T)	5-1-2008
340-150-0200	3-10-2008	Amend	4-1-2008	407-007-0070	3-31-2008	Adopt(T)	5-1-2008
340-150-0210	3-10-2008	Adopt	4-1-2008	407-007-0080	3-31-2008	Adopt(T)	5-1-2008
340-150-0250	3-10-2008	Amend	4-1-2008	407-007-0090	3-31-2008	Adopt(T)	5-1-2008
340-150-0300	3-10-2008	Amend	4-1-2008	407-007-0100	5-22-2008	Adopt(T)	7-1-2008
340-150-0310	3-10-2008	Amend	4-1-2008	407-007-0210	3-31-2008	Amend(T)	5-1-2008
340-150-0350	3-10-2008	Amend	4-1-2008	407-007-0270	3-31-2008	Amend(T)	5-1-2008
340-150-0352	3-10-2008	Amend	4-1-2008	407-007-0330	3-31-2008	Amend(T)	5-1-2008
340-150-0354	3-10-2008	Amend	4-1-2008	407-012-0005	12-1-2007	Adopt	1-1-2008
340-150-0360	3-10-2008	Amend	4-1-2008	407-012-0010	12-1-2007	Adopt	1-1-2008
340-150-0410	3-10-2008	Amend	4-1-2008	407-012-0015	12-1-2007	Adopt	1-1-2008
340-150-0430	3-10-2008	Amend	4-1-2008	407-012-0020	12-1-2007	Adopt	1-1-2008
340-150-0450	3-10-2008	Amend	4-1-2008	407-012-0025	12-1-2007	Adopt	1-1-2008
340-150-0455	3-10-2008	Amend	4-1-2008	407-014-0300	1-1-2008	Adopt	2-1-2008
340-150-0460	3-10-2008	Amend	4-1-2008	407-014-0305	1-1-2008	Adopt	2-1-2008
340-150-0465	3-10-2008	Amend	4-1-2008	407-014-0310	1-1-2008	Adopt	2-1-2008
340-150-0470	3-10-2008	Amend	4-1-2008	407-014-0315	1-1-2008	Adopt	2-1-2008
340-150-0510	3-10-2008	Amend	4-1-2008	407-014-0320	1-1-2008	Adopt	2-1-2008
340-150-0555	3-10-2008	Amend	4-1-2008	407-035-0000	7-1-2008	Adopt	8-1-2008
340-150-0560	3-10-2008	Amend	4-1-2008	407-035-0005	7-1-2008	Adopt	8-1-2008
340-160-0030	3-10-2008	Amend	4-1-2008	407-035-0010	7-1-2008	Adopt	8-1-2008
340-160-0150	3-10-2008	Amend	4-1-2008	407-035-0015	7-1-2008	Adopt	8-1-2008
340-162-0005	3-10-2008	Amend	4-1-2008	407-045-0800	12-3-2007	Adopt(T)	1-1-2008
340-162-0010	3-10-2008	Amend	4-1-2008	407-045-0800	5-30-2008	Adopt	7-1-2008
340-162-0020	3-10-2008	Amend	4-1-2008	407-045-0800(T)	5-30-2008	Repeal	7-1-2008
340-162-0040	3-10-2008	Amend	4-1-2008	407-045-0810	12-3-2007	Adopt(T)	1-1-2008
340-162-0054	3-10-2008	Repeal	4-1-2008	407-045-0810	5-30-2008	Adopt	7-1-2008
340-162-0150	3-10-2008	Amend	4-1-2008	407-045-0810(T)	5-30-2008	Repeal	7-1-2008
340-200-0040	3-20-2008	Amend	5-1-2008	407-045-0820	12-3-2007	Adopt(T)	1-1-2008
340-222-0020	3-6-2008	Amend(T)	4-1-2008	407-045-0820	5-30-2008	Adopt	7-1-2008
340-248-0260	11-30-2007	Amend	1-1-2008	407-045-0820(T)	5-30-2008	Repeal	7-1-2008
340-259-0005	7-11-2008	Adopt	8-1-2008	407-045-0830	12-3-2007	Adopt(T)	1-1-2008
340-259-0010	7-11-2008	Adopt	8-1-2008	407-045-0830	5-30-2008	Adopt	7-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
407-045-0830(T)	5-30-2008	Repeal	7-1-2008	407-120-0118(T)	2-1-2008	Repeal	3-1-2008
407-045-0840	12-3-2007	Adopt(T)	1-1-2008	407-120-0165	1-1-2008	Adopt(T)	2-1-2008
407-045-0840(T)	5-30-2008	Repeal	7-1-2008	407-120-0165	2-1-2008	Adopt	3-1-2008
407-045-0850	12-3-2007	Adopt(T)	1-1-2008	407-120-0165(T)	2-1-2008	Repeal	3-1-2008
407-045-0850	5-30-2008	Adopt	7-1-2008	407-120-0300	1-1-2008	Adopt	2-1-2008
407-045-0850(T)	5-30-2008	Repeal	7-1-2008	407-120-0300	7-1-2008	Amend(T)	8-1-2008
407-045-0860	12-3-2007	Adopt(T)	1-1-2008	407-120-0310	1-1-2008	Adopt	2-1-2008
407-045-0860	5-30-2008	Adopt	7-1-2008	407-120-0310	7-1-2008	Amend(T)	8-1-2008
407-045-0860(T)	5-30-2008	Repeal	7-1-2008	407-120-0320	1-1-2008	Adopt	2-1-2008
407-045-0870	12-3-2007	Adopt(T)	1-1-2008	407-120-0320	7-1-2008	Amend(T)	8-1-2008
407-045-0870	5-30-2008	Adopt	7-1-2008	407-120-0325	7-1-2008	Adopt(T)	8-1-2008
407-045-0870(T)	5-30-2008	Repeal	7-1-2008	407-120-0330	1-1-2008	Adopt	2-1-2008
407-045-0880	12-3-2007	Adopt(T)	1-1-2008	407-120-0330	7-1-2008	Amend(T)	8-1-2008
407-045-0880	5-30-2008	Adopt	7-1-2008	407-120-0340	1-1-2008	Adopt	2-1-2008
407-045-0880(T)	5-30-2008	Repeal	7-1-2008	407-120-0340	7-1-2008	Amend(T)	8-1-2008
407-045-0890	12-3-2007	Adopt(T)	1-1-2008	407-120-0350	1-1-2008	Adopt	2-1-2008
407-045-0890	5-30-2008	Adopt	7-1-2008	407-120-0350	7-1-2008	Amend(T)	8-1-2008
407-045-0890(T)	5-30-2008	Repeal	7-1-2008	407-120-0360	1-1-2008	Adopt	2-1-2008
407-045-0900	12-3-2007	Adopt(T)	1-1-2008	407-120-0360	7-1-2008	Amend(T)	8-1-2008
407-045-0900	5-30-2008	Adopt	7-1-2008	407-120-0370	1-1-2008	Adopt	2-1-2008
407-045-0900(T)	5-30-2008	Repeal	7-1-2008	407-120-0370	7-1-2008	Amend(T)	8-1-2008
407-045-0910	12-3-2007	Adopt(T)	1-1-2008	407-120-0380	1-1-2008	Adopt	2-1-2008
407-045-0910	5-30-2008	Adopt	7-1-2008	407-120-0380	7-1-2008	Amend(T)	8-1-2008
407-045-0910(T)	5-30-2008	Repeal	7-1-2008	409-023-0000	7-1-2008	Adopt	8-1-2008
407-045-0920	12-3-2007	Adopt(T)	1-1-2008	409-023-0005	7-1-2008	Adopt	8-1-2008
407-045-0920	5-30-2008	Adopt	7-1-2008	409-023-0010	7-1-2008	Adopt	8-1-2008
407-045-0920(T)	5-30-2008	Repeal	7-1-2008	409-023-0015	7-1-2008	Adopt	8-1-2008
407-045-0930	12-3-2007	Adopt(T)	1-1-2008	409-023-0020	7-1-2008	Adopt	8-1-2008
407-045-0930	5-30-2008	Adopt	7-1-2008	409-023-0025	7-1-2008	Adopt	8-1-2008
407-045-0930(T)	5-30-2008	Repeal	7-1-2008	409-023-0030	7-1-2008	Adopt	8-1-2008
407-045-0940	12-3-2007	Adopt(T)	1-1-2008	409-023-0035	7-1-2008	Adopt	8-1-2008
407-045-0940	5-30-2008	Adopt	7-1-2008	409-023-0100	7-1-2008	Adopt	8-1-2008
407-045-0940(T)	5-30-2008	Repeal	7-1-2008	409-023-0105	7-1-2008	Adopt	8-1-2008
407-045-0950	12-3-2007	Adopt(T)	1-1-2008	410-001-0100	1-1-2008	Amend(T)	2-1-2008
407-045-0950	5-30-2008	Adopt	7-1-2008	410-001-0100	2-1-2008	Am. & Ren.	3-1-2008
407-045-0950(T)	5-30-2008	Repeal	7-1-2008	410-001-0100(T)	2-1-2008	Repeal	3-1-2008
407-045-0960	12-3-2007	Adopt(T)	1-1-2008	410-001-0110	1-1-2008	Amend(T)	2-1-2008
407-045-0960	5-30-2008	Adopt	7-1-2008	410-001-0110	2-1-2008	Am. & Ren.	3-1-2008
407-045-0960(T)	5-30-2008	Repeal	7-1-2008	410-001-0110(T)	2-1-2008	Repeal	3-1-2008
407-045-0970	12-3-2007	Adopt(T)	1-1-2008	410-001-0120	1-1-2008	Amend(T)	2-1-2008
407-045-0970	5-30-2008	Adopt	7-1-2008	410-001-0120	2-1-2008	Am. & Ren.	3-1-2008
407-045-0970(T)	5-30-2008	Repeal	7-1-2008	410-001-0120(T)	2-1-2008	Repeal	3-1-2008
407-045-0980	12-3-2007	Adopt(T)	1-1-2008	410-001-0130	1-1-2008	Amend(T)	2-1-2008
407-045-0980	5-30-2008	Adopt	7-1-2008	410-001-0130	2-1-2008	Am. & Ren.	3-1-2008
407-045-0980(T)	5-30-2008	Repeal	7-1-2008	410-001-0130(T)	2-1-2008	Repeal	3-1-2008
407-120-0112	1-1-2008	Adopt(T)	2-1-2008	410-001-0140	1-1-2008	Amend(T)	2-1-2008
407-120-0112	2-1-2008	Adopt	3-1-2008	410-001-0140	2-1-2008	Am. & Ren.	3-1-2008
407-120-0112(T)	2-1-2008	Repeal	3-1-2008	410-001-0140(T)	2-1-2008	Repeal	3-1-2008
407-120-0114	1-1-2008	Adopt(T)	2-1-2008	410-001-0150	1-1-2008	Amend(T)	2-1-2008
407-120-0114	2-1-2008	Adopt	3-1-2008	410-001-0150	2-1-2008	Am. & Ren.	3-1-2008
407-120-0114(T)	2-1-2008	Repeal	3-1-2008	410-001-0150(T)	2-1-2008	Repeal	3-1-2008
407-120-0116	1-1-2008	Adopt(T)	2-1-2008	410-001-0160	1-1-2008	Amend(T)	2-1-2008
407-120-0116	2-1-2008	Adopt	3-1-2008	410-001-0160	2-1-2008	Am. & Ren.	3-1-2008
407-120-0116(T)	2-1-2008	Repeal	3-1-2008	410-001-0160(T)	2-1-2008	Repeal	3-1-2008
407-120-0118	1-1-2008	Adopt(T)	2-1-2008	410-001-0170	1-1-2008	Amend(T)	2-1-2008
407-120-0118	2-1-2008	Adopt	3-1-2008	410-001-0170	2-1-2008	Am. & Ren.	3-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-001-0170(T)	2-1-2008	Repeal	3-1-2008	410-050-0780	1-25-2008	Amend	3-1-2008
410-001-0180	1-1-2008	Amend(T)	2-1-2008	410-050-0790	1-25-2008	Amend	3-1-2008
410-001-0180	2-1-2008	Am. & Ren.	3-1-2008	410-050-0800	1-25-2008	Amend	3-1-2008
410-001-0180(T)	2-1-2008	Repeal	3-1-2008	410-050-0810	1-25-2008	Amend	3-1-2008
410-001-0190	1-1-2008	Amend(T)	2-1-2008	410-050-0820	1-25-2008	Amend	3-1-2008
410-001-0190	2-1-2008	Am. & Ren.	3-1-2008	410-050-0830	1-25-2008	Amend	3-1-2008
410-001-0190(T)	2-1-2008	Repeal	3-1-2008	410-050-0840	1-25-2008	Amend	3-1-2008
410-001-0200	1-1-2008	Amend(T)	2-1-2008	410-050-0850	1-25-2008	Amend	3-1-2008
410-001-0200	2-1-2008	Am. & Ren.	3-1-2008	410-050-0860	1-25-2008	Amend	3-1-2008
410-001-0200(T)	2-1-2008	Repeal	3-1-2008	410-050-0861	1-1-2008	Amend	2-1-2008
410-050-0100	1-25-2008	Amend	3-1-2008	410-050-0861	1-25-2008	Amend	3-1-2008
410-050-0110	1-25-2008	Amend	3-1-2008	410-050-0870	1-25-2008	Amend	3-1-2008
410-050-0120	1-25-2008	Amend	3-1-2008	410-120-0000	1-1-2008	Amend	1-1-2008
410-050-0130	1-25-2008	Amend	3-1-2008	410-120-0010	12-5-2007	Adopt(T)	1-1-2008
410-050-0140	1-25-2008	Amend	3-1-2008	410-120-0025	3-14-2008	Amend(T)	4-1-2008
410-050-0150	1-25-2008	Amend	3-1-2008	410-120-0025	5-1-2008	Amend	6-1-2008
410-050-0160	1-25-2008	Amend	3-1-2008	410-120-0025(T)	5-1-2008	Repeal	6-1-2008
410-050-0170	1-25-2008	Amend	3-1-2008	410-120-0030	4-1-2008	Adopt(T)	5-1-2008
410-050-0180	1-25-2008	Amend	3-1-2008	410-120-0030	7-1-2008	Amend	7-1-2008
410-050-0190	1-25-2008	Amend	3-1-2008	410-120-0030(T)	7-1-2008	Repeal	7-1-2008
410-050-0200	1-25-2008	Amend	3-1-2008	410-120-0035	7-1-2008	Adopt(T)	7-1-2008
410-050-0210	1-25-2008	Amend	3-1-2008	410-120-1200	1-1-2008	Amend	1-1-2008
410-050-0220	1-25-2008	Amend	3-1-2008	410-120-1200	7-1-2008	Amend	7-1-2008
410-050-0230	1-25-2008	Amend	3-1-2008	410-120-1230	3-1-2008	Amend	4-1-2008
410-050-0240	1-25-2008	Amend	3-1-2008	410-120-1295	1-1-2008	Amend	1-1-2008
410-050-0250	1-25-2008	Amend	3-1-2008	410-120-1320	1-1-2008	Amend	1-1-2008
410-050-0401	1-25-2008	Amend	3-1-2008	410-120-1340	1-1-2008	Amend	1-1-2008
410-050-0411	1-25-2008	Amend	3-1-2008	410-120-1397	1-1-2008	Amend	1-1-2008
410-050-0421	1-25-2008	Amend	3-1-2008	410-120-1560	1-1-2008	Amend	1-1-2008
410-050-0431	1-25-2008	Amend	3-1-2008	410-120-1570	1-1-2008	Amend	1-1-2008
410-050-0441	1-25-2008	Repeal	3-1-2008	410-121-0021	7-1-2008	Amend	7-1-2008
410-050-0451	1-25-2008	Amend	3-1-2008	410-121-0030	7-1-2008	Amend	7-1-2008
410-050-0461	1-25-2008	Amend	3-1-2008	410-121-0032	7-1-2008	Amend	7-1-2008
410-050-0471	1-25-2008	Amend	3-1-2008	410-121-0040	1-1-2008	Amend	1-1-2008
410-050-0481	1-25-2008	Amend	3-1-2008	410-121-0040	4-1-2008	Amend	5-1-2008
410-050-0491	1-25-2008	Amend	3-1-2008	410-121-0040	7-1-2008	Amend	7-1-2008
410-050-0501	1-25-2008	Amend	3-1-2008	410-121-0135	1-1-2008	Amend	1-1-2008
410-050-0511	1-25-2008	Amend	3-1-2008	410-121-0140	1-1-2008	Amend	1-1-2008
410-050-0521	1-25-2008	Amend	3-1-2008	410-121-0145	4-1-2008	Amend	5-1-2008
410-050-0531	1-25-2008	Amend	3-1-2008	410-121-0146	1-1-2008	Amend	1-1-2008
410-050-0541	1-25-2008	Amend	3-1-2008	410-121-0147	4-1-2008	Amend	5-1-2008
410-050-0551	1-25-2008	Amend	3-1-2008	410-121-0148	1-1-2008	Amend	1-1-2008
410-050-0561	1-25-2008	Amend	3-1-2008	410-121-0150	1-1-2008	Amend	1-1-2008
410-050-0571	1-25-2008	Repeal	3-1-2008	410-121-0155	1-1-2008	Amend	1-1-2008
410-050-0581	1-25-2008	Repeal	3-1-2008	410-121-0157	7-1-2008	Amend	7-1-2008
410-050-0591	1-25-2008	Amend	3-1-2008	410-121-0160	1-1-2008	Amend	1-1-2008
410-050-0601	1-25-2008	Adopt	3-1-2008	410-121-0300	1-1-2008	Amend	1-1-2008
410-050-0700	1-25-2008	Amend	3-1-2008	410-122-0020	7-1-2008	Amend	7-1-2008
410-050-0710	1-25-2008	Amend	3-1-2008	410-122-0080	7-1-2008	Amend	7-1-2008
410-050-0720	1-25-2008	Amend	3-1-2008	410-122-0184	7-1-2008	Amend	7-1-2008
410-050-0730	1-25-2008	Amend	3-1-2008	410-122-0186	7-1-2008	Amend	7-1-2008
410-050-0740	1-25-2008	Amend	3-1-2008	410-122-0202	1-1-2008	Amend	1-1-2008
410-050-0750	1-25-2008	Amend	3-1-2008	410-122-0202	7-1-2008	Amend	7-1-2008
410-050-0750	6-12-2008	Amend(T)	7-1-2008	410-122-0203	1-1-2008	Amend	1-1-2008
410-050-0760	1-25-2008	Amend	3-1-2008	410-122-0250	7-1-2008	Amend	7-1-2008
410-050-0770	1-25-2008	Amend	3-1-2008	410-122-0300	7-1-2008	Amend	7-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-122-0320	1-1-2008	Amend	1-1-2008	410-130-0580	12-20-2007	Amend(T)	2-1-2008
410-122-0320	7-1-2008	Amend	7-1-2008	410-130-0580	5-1-2008	Amend	6-1-2008
410-122-0325	1-1-2008	Amend	1-1-2008	410-130-0610	4-1-2008	Amend(T)	5-1-2008
410-122-0325	7-1-2008	Amend	7-1-2008	410-130-0610	7-1-2008	Amend	7-1-2008
410-122-0330	1-1-2008	Amend	1-1-2008	410-130-0680	7-1-2008	Amend	7-1-2008
410-122-0365	7-1-2008	Amend	7-1-2008	410-133-0090	7-1-2008	Amend(T)	8-1-2008
410-122-0380	1-1-2008	Amend	1-1-2008	410-133-0100	7-1-2008	Amend(T)	8-1-2008
410-122-0400	7-1-2008	Amend	7-1-2008	410-133-0220	7-1-2008	Amend(T)	8-1-2008
410-122-0475	7-1-2008	Amend	7-1-2008	410-138-0080	7-1-2008	Amend(T)	8-1-2008
410-122-0500	7-1-2008	Amend	7-1-2008	410-138-0380	7-1-2008	Amend(T)	8-1-2008
410-122-0520	7-1-2008	Amend	7-1-2008	410-138-0560	7-1-2008	Amend(T)	8-1-2008
410-122-0540	7-1-2008	Amend	7-1-2008	410-138-0680	7-1-2008	Amend(T)	8-1-2008
410-122-0658	7-1-2008	Adopt	7-1-2008	410-138-0740	7-1-2008	Amend(T)	8-1-2008
410-122-0660	7-1-2008	Amend	7-1-2008	410-138-0780	7-1-2008	Amend(T)	8-1-2008
410-122-0662	1-1-2008	Adopt	1-1-2008	410-140-0040	7-1-2008	Amend	7-1-2008
410-122-0678	1-1-2008	Amend	1-1-2008	410-140-0050	7-1-2008	Amend	7-1-2008
410-122-0720	1-1-2008	Amend	1-1-2008	410-140-0160	7-1-2008	Amend	7-1-2008
410-122-0720	7-1-2008	Amend	7-1-2008	410-140-0260	7-1-2008	Amend	7-1-2008
410-123-1000	1-1-2008	Amend	1-1-2008	410-140-0320	7-1-2008	Amend	7-1-2008
410-123-1000	7-1-2008	Amend	7-1-2008	410-140-0400	7-1-2008	Amend	7-1-2008
410-123-1040	1-1-2008	Repeal	1-1-2008	410-141-0180	1-1-2008	Amend	1-1-2008
410-123-1060	1-1-2008	Amend	1-1-2008	410-141-0260	7-1-2008	Amend	7-1-2008
410-123-1100	1-1-2008	Amend	1-1-2008	410-141-0261	7-1-2008	Amend	7-1-2008
410-123-1160	1-1-2008	Amend	1-1-2008	410-141-0262	7-1-2008	Amend	7-1-2008
410-123-1200	1-1-2008	Amend	1-1-2008	410-141-0263	7-1-2008	Amend	7-1-2008
410-123-1220	1-1-2008	Amend	1-1-2008	410-141-0264	7-1-2008	Amend	7-1-2008
410-123-1240	1-1-2008	Amend	1-1-2008	410-141-0265	7-1-2008	Amend	7-1-2008
410-123-1260	1-1-2008	Amend	1-1-2008	410-141-0480	1-1-2008	Amend	1-1-2008
410-123-1260	7-1-2008	Amend	7-1-2008	410-141-0520	12-20-2007	Amend(T)	2-1-2008
410-123-1490	1-1-2008	Amend	1-1-2008	410-141-0520	3-27-2008	Amend	5-1-2008
410-123-1540	7-1-2008	Amend	7-1-2008	410-141-0520	4-1-2008	Amend(T)	5-1-2008
410-123-1620	1-1-2008	Amend	1-1-2008	410-141-0520	7-1-2008	Amend	7-1-2008
410-123-1670	1-1-2008	Amend	1-1-2008	410-141-0520(T)	12-20-2007	Suspend	2-1-2008
410-123-1670	7-1-2008	Amend	7-1-2008	410-142-0020	1-1-2008	Amend	1-1-2008
410-125-0000	7-1-2008	Amend	7-1-2008	410-146-0000	1-1-2008	Amend	1-1-2008
410-125-0047	7-1-2008	Amend	7-1-2008	410-146-0020	1-1-2008	Amend	1-1-2008
410-125-0080	12-20-2007	Amend(T)	2-1-2008	410-146-0021	1-1-2008	Amend	1-1-2008
410-125-0080	5-1-2008	Amend	6-1-2008	410-146-0025	1-1-2008	Repeal	1-1-2008
410-125-0080	7-1-2008	Amend	7-1-2008	410-146-0040	1-1-2008	Amend	1-1-2008
410-125-0141	7-1-2008	Amend	7-1-2008	410-146-0060	1-1-2008	Amend	1-1-2008
410-125-0220	7-1-2008	Amend	7-1-2008	410-146-0075	1-1-2008	Amend	1-1-2008
410-125-0360	7-1-2008	Amend	7-1-2008	410-146-0080	1-1-2008	Am. & Ren.	1-1-2008
410-125-0400	7-1-2008	Amend	7-1-2008	410-146-0080	1-1-2008	Am. & Ren.	1-1-2008
410-125-0600	7-1-2008	Amend	7-1-2008	410-146-0080	1-1-2008	Amend	1-1-2008
410-125-0720	7-1-2008	Amend	7-1-2008	410-146-0100	1-1-2008	Amend	1-1-2008
410-127-0060	1-1-2008	Amend	1-1-2008	410-146-0120	1-1-2008	Amend	1-1-2008
410-129-0070	1-1-2008	Amend	1-1-2008	410-146-0130	1-1-2008	Amend	1-1-2008
410-129-0200	1-1-2008	Amend	1-1-2008	410-146-0140	1-1-2008	Amend	1-1-2008
410-130-0000	7-1-2008	Amend	7-1-2008	410-146-0160	1-1-2008	Amend	1-1-2008
410-130-0180	7-1-2008	Amend	7-1-2008	410-146-0180	1-1-2008	Repeal	1-1-2008
410-130-0190	7-1-2008	Amend	7-1-2008	410-146-0200	1-1-2008	Amend	1-1-2008
410-130-0200	12-20-2007	Amend(T)	2-1-2008	410-146-0200	7-1-2008	Amend	7-1-2008
410-130-0200	5-1-2008	Amend	6-1-2008	410-146-0220	1-1-2008	Amend	1-1-2008
410-130-0200	7-1-2008	Amend	7-1-2008	410-146-0240	1-1-2008	Amend	1-1-2008
410-130-0220	7-1-2008	Amend	7-1-2008	410-146-0340	1-1-2008	Amend	1-1-2008
410-130-0255	7-1-2008	Amend	7-1-2008	410-146-0380	1-1-2008	Amend	1-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-146-0380	7-1-2008	Amend	7-1-2008	411-048-0100	7-1-2008	Amend(T)	8-1-2008
410-146-0400	1-1-2008	Repeal	1-1-2008	411-048-0120	7-1-2008	Amend(T)	8-1-2008
410-146-0420	1-1-2008	Repeal	1-1-2008	411-048-0130	7-1-2008	Amend(T)	8-1-2008
410-146-0440	1-1-2008	Amend	1-1-2008	411-070-0005	3-1-2008	Amend	4-1-2008
410-146-0440	7-1-2008	Amend	7-1-2008	411-070-0005(T)	3-1-2008	Repeal	4-1-2008
410-146-0460	1-1-2008	Amend	1-1-2008	411-070-0027	3-1-2008	Amend	4-1-2008
410-147-0040	7-1-2008	Amend	7-1-2008	411-070-0027(T)	3-1-2008	Repeal	4-1-2008
410-147-0080	7-1-2008	Amend	7-1-2008	411-070-0035	3-1-2008	Amend	4-1-2008
410-147-0125	7-1-2008	Amend	7-1-2008	411-070-0035(T)	3-1-2008	Repeal	4-1-2008
410-147-0280	7-1-2008	Amend	7-1-2008	411-070-0045	3-1-2008	Amend	4-1-2008
410-147-0320	7-1-2008	Amend	7-1-2008	411-070-0085	3-1-2008	Amend	4-1-2008
410-147-0340	7-1-2008	Amend	7-1-2008	411-070-0085(T)	3-1-2008	Repeal	4-1-2008
410-147-0360	7-1-2008	Amend	7-1-2008	411-070-0091	3-1-2008	Amend	4-1-2008
410-147-0365	1-1-2008	Amend	1-1-2008	411-070-0091(T)	3-1-2008	Repeal	4-1-2008
410-147-0460	7-1-2008	Amend	7-1-2008	411-070-0095	3-1-2008	Amend	4-1-2008
410-148-0060	7-1-2008	Amend	7-1-2008	411-070-0095(T)	3-1-2008	Repeal	4-1-2008
410-148-0140	7-1-2008	Amend	7-1-2008	411-070-0359	3-1-2008	Amend	4-1-2008
411-027-0000	6-1-2008	Am. & Ren.	7-1-2008	411-070-0359(T)	3-1-2008	Repeal	4-1-2008
411-027-0005	6-1-2008	Adopt	7-1-2008	411-070-0428	3-1-2008	Repeal	4-1-2008
411-027-0025	6-1-2008	Amend	7-1-2008	411-070-0442	3-1-2008	Amend	4-1-2008
411-027-0050	6-1-2008	Amend	7-1-2008	411-070-0442(T)	3-1-2008	Repeal	4-1-2008
411-027-0075	6-1-2008	Amend	7-1-2008	411-070-0452	3-1-2008	Amend	4-1-2008
411-027-0150	6-1-2008	Amend	7-1-2008	411-070-0452(T)	3-1-2008	Repeal	4-1-2008
411-027-0200	6-1-2008	Repeal	7-1-2008	411-070-0462	3-1-2008	Repeal	4-1-2008
411-030-0020	4-1-2008	Amend(T)	5-1-2008	411-070-0465	3-1-2008	Amend	4-1-2008
411-030-0040	4-1-2008	Amend(T)	5-1-2008	411-070-0465(T)	3-1-2008	Repeal	4-1-2008
411-030-0050	4-1-2008	Amend(T)	5-1-2008	411-085-0005	3-1-2008	Amend(T)	3-1-2008
411-030-0070	4-1-2008	Amend(T)	5-1-2008	411-085-0200	3-6-2008	Amend	4-1-2008
411-030-0100	4-1-2008	Adopt(T)	5-1-2008	411-085-0310	3-6-2008	Amend	4-1-2008
411-031-0040	4-29-2008	Amend	6-1-2008	411-086-0100	3-1-2008	Amend(T)	3-1-2008
411-031-0040(T)	4-29-2008	Repeal	6-1-2008	411-086-0200	3-6-2008	Amend	4-1-2008
411-036-0000	4-1-2008	Suspend	5-1-2008	411-088-0070	3-6-2008	Amend	4-1-2008
411-036-0010	4-1-2008	Suspend	5-1-2008	411-330-0020	12-28-2007	Amend	2-1-2008
411-036-0020	4-1-2008	Suspend	5-1-2008	411-330-0020(T)	12-28-2007	Repeal	2-1-2008
411-036-0030	4-1-2008	Suspend	5-1-2008	411-330-0030	12-28-2007	Amend	2-1-2008
411-036-0040	4-1-2008	Suspend	5-1-2008	411-330-0030(T)	12-28-2007	Repeal	2-1-2008
411-036-0045	4-1-2008	Suspend	5-1-2008	411-340-0010	6-29-2008	Amend	8-1-2008
411-036-0050	4-1-2008	Suspend	5-1-2008	411-340-0020	1-1-2008	Amend(T)	2-1-2008
411-036-0060	4-1-2008	Suspend	5-1-2008	411-340-0020	6-29-2008	Amend	8-1-2008
411-036-0070	4-1-2008	Suspend	5-1-2008	411-340-0020(T)	6-29-2008	Repeal	8-1-2008
411-036-0080	4-1-2008	Suspend	5-1-2008	411-340-0030	6-29-2008	Amend	8-1-2008
411-036-0090	4-1-2008	Suspend	5-1-2008	411-340-0040	6-29-2008	Amend	8-1-2008
411-036-0100	4-1-2008	Suspend	5-1-2008	411-340-0050	6-29-2008	Amend	8-1-2008
411-036-0110	4-1-2008	Suspend	5-1-2008	411-340-0060	1-1-2008	Amend(T)	2-1-2008
411-036-0120	4-1-2008	Suspend	5-1-2008	411-340-0060	6-29-2008	Amend	8-1-2008
411-036-0130	4-1-2008	Suspend	5-1-2008	411-340-0060(T)	6-29-2008	Repeal	8-1-2008
411-036-0140	4-1-2008	Suspend	5-1-2008	411-340-0070	1-1-2008	Amend(T)	2-1-2008
411-048-0000	7-1-2008	Amend(T)	8-1-2008	411-340-0070	6-29-2008	Amend	8-1-2008
411-048-0010	7-1-2008	Amend(T)	8-1-2008	411-340-0070(T)	6-29-2008	Repeal	8-1-2008
411-048-0020	7-1-2008	Amend(T)	8-1-2008	411-340-0080	6-29-2008	Amend	8-1-2008
411-048-0030	7-1-2008	Amend(T)	8-1-2008	411-340-0090	6-29-2008	Amend	8-1-2008
411-048-0040	7-1-2008	Amend(T)	8-1-2008	411-340-0100	6-29-2008	Amend	8-1-2008
411-048-0050	7-1-2008	Amend(T)	8-1-2008	411-340-0110	6-29-2008	Amend	8-1-2008
411-048-0060	7-1-2008	Amend(T)	8-1-2008	411-340-0120	6-29-2008	Amend	8-1-2008
411-048-0070	7-1-2008	Amend(T)	8-1-2008	411-340-0130	1-1-2008	Amend(T)	2-1-2008
411-048-0080	7-1-2008	Amend(T)	8-1-2008	411-340-0130	6-29-2008	Amend	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-340-0130(T)	6-29-2008	Repeal	8-1-2008	413-015-0405	1-1-2008	Amend(T)	2-1-2008
411-340-0140	6-29-2008	Amend	8-1-2008	413-015-0405	6-28-2008	Amend	8-1-2008
411-340-0150	1-1-2008	Amend(T)	2-1-2008	413-015-0409	6-28-2008	Amend(T)	8-1-2008
411-340-0150	6-29-2008	Amend	8-1-2008	413-015-0415	1-1-2008	Amend(T)	2-1-2008
411-340-0150(T)	6-29-2008	Repeal	8-1-2008	413-015-0415	4-1-2008	Amend	5-1-2008
411-340-0160	6-29-2008	Amend	8-1-2008	413-015-0415	6-28-2008	Amend(T)	8-1-2008
411-340-0170	1-1-2008	Amend(T)	2-1-2008	413-015-0415(T)	1-1-2008	Suspend	2-1-2008
411-340-0170	6-29-2008	Amend	8-1-2008	413-015-0420	4-1-2008	Amend	5-1-2008
411-340-0170(T)	6-29-2008	Repeal	8-1-2008	413-015-0520	1-1-2008	Adopt(T)	2-1-2008
411-340-0180	6-29-2008	Amend	8-1-2008	413-015-0520	6-28-2008	Adopt	8-1-2008
411-355-0000	4-15-2008	Adopt(T)	5-1-2008	413-015-0525	1-1-2008	Adopt(T)	2-1-2008
411-355-0010	4-15-2008	Adopt(T)	5-1-2008	413-015-0525	6-28-2008	Adopt	8-1-2008
411-355-0020	4-15-2008	Adopt(T)	5-1-2008	413-015-0530	1-1-2008	Adopt(T)	2-1-2008
411-355-0030	4-15-2008	Adopt(T)	5-1-2008	413-015-0530	6-28-2008	Adopt	8-1-2008
411-355-0040	4-15-2008	Adopt(T)	5-1-2008	413-015-0535	1-1-2008	Adopt(T)	2-1-2008
411-355-0050	4-15-2008	Adopt(T)	5-1-2008	413-015-0535	6-28-2008	Adopt	8-1-2008
411-355-0060	4-15-2008	Adopt(T)	5-1-2008	413-015-0540	1-1-2008	Adopt(T)	2-1-2008
411-355-0070	4-15-2008	Adopt(T)	5-1-2008	413-015-0540	6-28-2008	Adopt	8-1-2008
411-355-0080	4-15-2008	Adopt(T)	5-1-2008	413-015-0545	1-1-2008	Adopt(T)	2-1-2008
411-355-0090	4-15-2008	Adopt(T)	5-1-2008	413-015-0545	6-28-2008	Adopt	8-1-2008
411-355-0100	4-15-2008	Adopt(T)	5-1-2008	413-015-0550	1-1-2008	Adopt(T)	2-1-2008
411-355-0110	4-15-2008	Adopt(T)	5-1-2008	413-015-0550	6-28-2008	Adopt	8-1-2008
411-355-0120	4-15-2008	Adopt(T)	5-1-2008	413-015-0555	1-1-2008	Adopt(T)	2-1-2008
413-010-0400	12-1-2007	Amend	1-1-2008	413-015-0555	6-28-2008	Adopt	8-1-2008
413-010-0410	12-1-2007	Amend	1-1-2008	413-015-0560	1-1-2008	Adopt(T)	2-1-2008
413-010-0420	12-1-2007	Amend	1-1-2008	413-015-0560	6-28-2008	Adopt	8-1-2008
413-010-0430	12-1-2007	Amend	1-1-2008	413-015-0565	1-1-2008	Adopt(T)	2-1-2008
413-010-0440	12-1-2007	Amend	1-1-2008	413-015-0565	6-28-2008	Adopt	8-1-2008
413-010-0450	12-1-2007	Repeal	1-1-2008	413-015-1000	1-1-2008	Amend(T)	2-1-2008
413-010-0460	12-1-2007	Repeal	1-1-2008	413-015-1000	6-28-2008	Amend	8-1-2008
413-010-0470	12-1-2007	Repeal	1-1-2008	413-040-0005	8-1-2008	Amend	9-1-2008
413-010-0480	12-1-2007	Amend	1-1-2008	413-040-0006	8-1-2008	Amend	9-1-2008
413-010-0490	12-1-2007	Repeal	1-1-2008	413-040-0009	8-1-2008	Amend	9-1-2008
413-015-0100	12-3-2007	Amend(T)	1-1-2008	413-040-0010	8-1-2008	Amend	9-1-2008
413-015-0100	4-1-2008	Amend	5-1-2008	413-040-0017	8-1-2008	Amend	9-1-2008
413-015-0110	4-1-2008	Amend	5-1-2008	413-040-0024	8-1-2008	Amend	9-1-2008
413-015-0115	12-3-2007	Amend(T)	1-1-2008	413-050-0200	4-1-2008	Amend	5-1-2008
413-015-0115	1-1-2008	Amend(T)	2-1-2008	413-050-0200(T)	4-1-2008	Repeal	5-1-2008
413-015-0115	4-1-2008	Amend	5-1-2008	413-050-0210	4-1-2008	Amend	5-1-2008
413-015-0115(T)	12-3-2007	Suspend	1-1-2008	413-050-0210(T)	4-1-2008	Repeal	5-1-2008
413-015-0115(T)	1-1-2008	Suspend	2-1-2008	413-050-0220	4-1-2008	Amend	5-1-2008
413-015-0205	12-3-2007	Amend(T)	1-1-2008	413-050-0220(T)	4-1-2008	Repeal	5-1-2008
413-015-0205	1-1-2008	Amend(T)	2-1-2008	413-050-0230	4-1-2008	Amend	5-1-2008
413-015-0205	4-1-2008	Amend	5-1-2008	413-050-0230(T)	4-1-2008	Repeal	5-1-2008
413-015-0205	6-28-2008	Amend(T)	8-1-2008	413-050-0235	4-1-2008	Adopt	5-1-2008
413-015-0205(T)	1-1-2008	Suspend	2-1-2008	413-050-0235(T)	4-1-2008	Repeal	5-1-2008
413-015-0210	1-1-2008	Amend(T)	2-1-2008	413-050-0240	4-1-2008	Repeal	5-1-2008
413-015-0210	6-28-2008	Amend	8-1-2008	413-050-0250	4-1-2008	Repeal	5-1-2008
413-015-0211	1-1-2008	Amend(T)	2-1-2008	413-050-0260	4-1-2008	Repeal	5-1-2008
413-015-0211	6-28-2008	Amend	8-1-2008	413-050-0270	4-1-2008	Repeal	5-1-2008
413-015-0212	1-1-2008	Amend(T)	2-1-2008	413-050-0280	4-1-2008	Amend	5-1-2008
413-015-0212	6-28-2008	Amend	8-1-2008	413-050-0280(T)	4-1-2008	Repeal	5-1-2008
413-015-0215	1-1-2008	Amend(T)	2-1-2008	413-050-0290	4-1-2008	Repeal	5-1-2008
413-015-0215	6-28-2008	Amend	8-1-2008	413-050-0300	4-1-2008	Repeal	5-1-2008
413-015-0220	1-1-2008	Amend(T)	2-1-2008	413-070-0600	1-1-2008	Amend(T)	2-1-2008
413-015-0220	6-28-2008	Amend	8-1-2008	413-070-0600	6-28-2008	Amend	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-070-0620	1-1-2008	Amend(T)	2-1-2008	413-120-0440(T)	5-15-2008	Repeal	6-1-2008
413-070-0620	6-28-2008	Amend	8-1-2008	413-120-0450	1-1-2008	Amend(T)	2-1-2008
413-070-0625	1-1-2008	Amend(T)	2-1-2008	413-120-0450	5-15-2008	Amend	6-1-2008
413-070-0625	6-28-2008	Amend	8-1-2008	413-120-0450(T)	5-15-2008	Repeal	6-1-2008
413-070-0640	1-1-2008	Amend(T)	2-1-2008	413-120-0455	1-1-2008	Amend(T)	2-1-2008
413-070-0640	6-28-2008	Amend	8-1-2008	413-120-0455	5-15-2008	Amend	6-1-2008
413-070-0800	6-28-2008	Amend	8-1-2008	413-120-0455(T)	5-15-2008	Repeal	6-1-2008
413-070-0810	1-1-2008	Amend(T)	2-1-2008	413-120-0460	1-1-2008	Amend(T)	2-1-2008
413-070-0810	6-28-2008	Amend	8-1-2008	413-120-0460	5-15-2008	Amend	6-1-2008
413-070-0830	6-28-2008	Amend	8-1-2008	413-120-0460(T)	5-15-2008	Repeal	6-1-2008
413-070-0855	6-28-2008	Amend	8-1-2008	413-120-0470	1-1-2008	Amend(T)	2-1-2008
413-070-0860	1-1-2008	Amend(T)	2-1-2008	413-120-0470	5-15-2008	Amend	6-1-2008
413-070-0860	6-28-2008	Amend	8-1-2008	413-120-0470(T)	5-15-2008	Repeal	6-1-2008
413-070-0870	6-28-2008	Amend	8-1-2008	413-130-0000	7-1-2008	Amend	8-1-2008
413-070-0880	1-1-2008	Amend(T)	2-1-2008	413-130-0005	7-1-2008	Amend	8-1-2008
413-070-0880	6-28-2008	Amend	8-1-2008	413-130-0010	7-1-2008	Amend	8-1-2008
413-080-0067	8-1-2008	Amend	9-1-2008	413-130-0020	7-1-2008	Amend	8-1-2008
413-090-0010	1-1-2008	Amend(T)	2-1-2008	413-130-0030	7-1-2008	Amend	8-1-2008
413-090-0010	6-28-2008	Amend	8-1-2008	413-130-0040	7-1-2008	Amend	8-1-2008
413-100-0020	6-28-2008	Amend(T)	8-1-2008	413-130-0050	7-1-2008	Amend	8-1-2008
413-100-0040	1-1-2008	Suspend	2-1-2008	413-130-0060	7-1-2008	Amend	8-1-2008
413-100-0040	6-28-2008	Repeal	8-1-2008	413-130-0070	7-1-2008	Amend	8-1-2008
413-100-0900	1-1-2008	Adopt(T)	2-1-2008	413-130-0075	7-1-2008	Amend	8-1-2008
413-100-0900	6-28-2008	Adopt	8-1-2008	413-130-0080	7-1-2008	Amend	8-1-2008
413-100-0905	1-1-2008	Adopt(T)	2-1-2008	413-130-0090	7-1-2008	Amend	8-1-2008
413-100-0905	6-28-2008	Adopt	8-1-2008	413-130-0100	7-1-2008	Amend	8-1-2008
413-100-0910	1-1-2008	Adopt(T)	2-1-2008	413-130-0110	7-1-2008	Amend	8-1-2008
413-100-0910	6-28-2008	Adopt	8-1-2008	413-130-0115	7-1-2008	Amend	8-1-2008
413-100-0915	1-1-2008	Adopt(T)	2-1-2008	413-130-0120	7-1-2008	Amend	8-1-2008
413-100-0915	6-28-2008	Adopt	8-1-2008	413-130-0125	7-1-2008	Amend	8-1-2008
413-100-0920	1-1-2008	Adopt(T)	2-1-2008	413-130-0127	7-1-2008	Amend	8-1-2008
413-100-0920	6-28-2008	Adopt	8-1-2008	413-130-0130	7-1-2008	Amend	8-1-2008
413-100-0925	1-1-2008	Adopt(T)	2-1-2008	413-200-0210	1-1-2008	Amend(T)	2-1-2008
413-100-0925	6-28-2008	Adopt	8-1-2008	413-200-0210	6-28-2008	Amend	8-1-2008
413-100-0930	1-1-2008	Adopt(T)	2-1-2008	413-200-0220	1-1-2008	Amend(T)	2-1-2008
413-100-0930	6-28-2008	Adopt	8-1-2008	413-200-0220	6-28-2008	Amend	8-1-2008
413-100-0935	1-1-2008	Adopt(T)	2-1-2008	413-200-0404	1-1-2008	Adopt(T)	2-1-2008
413-100-0935	6-28-2008	Adopt	8-1-2008	413-200-0404	6-28-2008	Adopt	8-1-2008
413-100-0940	1-1-2008	Adopt(T)	2-1-2008	413-200-0409	1-1-2008	Adopt(T)	2-1-2008
413-100-0940	6-28-2008	Adopt	8-1-2008	413-200-0409	6-28-2008	Adopt	8-1-2008
413-120-0060	12-12-2007	Amend(T)	1-1-2008	413-200-0414	1-1-2008	Adopt(T)	2-1-2008
413-120-0060	6-1-2008	Amend	7-1-2008	413-200-0414	6-28-2008	Adopt	8-1-2008
413-120-0060(T)	6-1-2008	Repeal	7-1-2008	413-200-0419	1-1-2008	Adopt(T)	2-1-2008
413-120-0400	1-1-2008	Amend(T)	2-1-2008	413-200-0419	6-28-2008	Adopt	8-1-2008
413-120-0400	5-15-2008	Amend	6-1-2008	413-200-0424	1-1-2008	Adopt(T)	2-1-2008
413-120-0400(T)	5-15-2008	Repeal	6-1-2008	413-200-0424	6-28-2008	Adopt	8-1-2008
413-120-0410	1-1-2008	Amend(T)	2-1-2008	413-200-0424	7-17-2008	Amend(T)	9-1-2008
413-120-0410	5-15-2008	Amend	6-1-2008	414-205-0100	8-6-2008	Amend(T)	9-1-2008
413-120-0410(T)	5-15-2008	Repeal	6-1-2008	414-350-0190	8-6-2008	Amend(T)	9-1-2008
413-120-0420	1-1-2008	Amend(T)	2-1-2008	415-010-0005	12-5-2007	Adopt(T)	1-1-2008
413-120-0420	5-15-2008	Amend	6-1-2008	415-010-0005	2-12-2008	Suspend	3-1-2008
413-120-0420(T)	5-15-2008	Repeal	6-1-2008	415-051-0045	12-11-2007	Amend	1-1-2008
413-120-0430	1-1-2008	Suspend	2-1-2008	416-001-0005	6-9-2008	Amend	7-1-2008
413-120-0430	5-15-2008	Repeal	6-1-2008	423-010-0023	5-30-2008	Amend(T)	7-1-2008
413-120-0440	1-1-2008	Amend(T)	2-1-2008	423-010-0024	4-16-2008	Amend	6-1-2008
413-120-0440	5-15-2008	Amend	6-1-2008	436-001-0003	7-1-2008	Amend	7-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
436-001-0004	7-1-2008	Amend	7-1-2008	436-050-0045	7-1-2008	Amend	7-1-2008
436-001-0005	7-1-2008	Amend	7-1-2008	436-050-0050	7-1-2008	Amend	7-1-2008
436-001-0009	7-1-2008	Amend	7-1-2008	436-050-0100	7-1-2008	Amend	7-1-2008
436-001-0019	7-1-2008	Amend	7-1-2008	436-050-0110	7-1-2008	Amend	7-1-2008
436-001-0023	7-1-2008	Amend	7-1-2008	436-050-0120	7-1-2008	Amend	7-1-2008
436-001-0027	7-1-2008	Amend	7-1-2008	436-050-0170	7-1-2008	Amend	7-1-2008
436-001-0030	7-1-2008	Amend	7-1-2008	436-050-0175	7-1-2008	Amend	7-1-2008
436-001-0170	7-1-2008	Amend	7-1-2008	436-050-0190	7-1-2008	Amend	7-1-2008
436-001-0240	7-1-2008	Amend	7-1-2008	436-050-0200	7-1-2008	Amend	7-1-2008
436-001-0246	7-1-2008	Amend	7-1-2008	436-050-0210	7-1-2008	Amend	7-1-2008
436-001-0252	7-1-2008	Amend	7-1-2008	436-050-0220	7-1-2008	Amend	7-1-2008
436-001-0265	7-1-2008	Amend	7-1-2008	436-110-0240	7-1-2008	Amend	7-1-2008
436-001-0296	7-1-2008	Amend	7-1-2008	436-110-0320	7-1-2008	Amend	7-1-2008
436-001-0300	7-1-2008	Amend	7-1-2008	436-110-0330	7-1-2008	Amend	7-1-2008
436-009-0003	7-7-2008	Amend(T)	8-1-2008	436-160-0020	7-1-2008	Amend	7-1-2008
436-009-0004	7-1-2008	Amend	7-1-2008	436-160-0070	7-1-2008	Amend	7-1-2008
436-009-0008	7-1-2008	Amend	7-1-2008	436-160-0090	7-1-2008	Amend	7-1-2008
436-009-0010	7-1-2008	Amend	7-1-2008	436-160-0330	7-1-2008	Amend	7-1-2008
436-009-0015	7-1-2008	Amend	7-1-2008	436-160-0340	7-1-2008	Amend	7-1-2008
436-009-0020	7-1-2008	Amend	7-1-2008	436-160-0350	7-1-2008	Amend	7-1-2008
436-009-0020	7-7-2008	Amend(T)	8-1-2008	436-160-0360	7-1-2008	Amend	7-1-2008
436-009-0022	7-7-2008	Amend(T)	8-1-2008	436-160-0410	7-1-2008	Amend	7-1-2008
436-009-0030	7-1-2008	Amend	7-1-2008	436-160-0430	7-1-2008	Amend	7-1-2008
436-009-0030	7-7-2008	Amend(T)	8-1-2008	437-001-0001	7-14-2008	Amend	8-1-2008
436-009-0040	7-1-2008	Amend	7-1-2008	437-001-0005	7-14-2008	Amend	8-1-2008
436-009-0040	7-7-2008	Amend(T)	8-1-2008	437-001-0015	3-1-2008	Amend	4-1-2008
436-009-0070	7-1-2008	Amend	7-1-2008	437-001-0205	1-1-2008	Amend	1-1-2008
436-009-0090	7-1-2008	Amend	7-1-2008	437-001-0215	1-1-2008	Amend	1-1-2008
436-009-0090	7-7-2008	Amend(T)	8-1-2008	437-001-0220	1-1-2008	Amend	1-1-2008
436-010-0008	6-30-2008	Amend	7-1-2008	437-001-0240	1-1-2008	Amend	1-1-2008
436-010-0210	1-2-2008	Amend(T)	1-1-2008	437-001-0255	1-1-2008	Amend	1-1-2008
436-010-0210	6-30-2008	Amend	7-1-2008	437-001-0295	12-3-2007	Amend	1-1-2008
436-010-0220	1-2-2008	Amend(T)	1-1-2008	437-001-0700	1-1-2008	Amend	2-1-2008
436-010-0220	6-30-2008	Amend	7-1-2008	437-001-0700	7-14-2008	Amend	8-1-2008
436-010-0230	6-30-2008	Amend	7-1-2008	437-001-0706	1-1-2008	Adopt	2-1-2008
436-010-0240	6-30-2008	Amend	7-1-2008	437-001-0706	7-14-2008	Amend	8-1-2008
436-010-0280	1-2-2008	Amend(T)	1-1-2008	437-001-0740	1-1-2008	Amend	2-1-2008
436-010-0280	6-30-2008	Amend	7-1-2008	437-002-0005	5-30-2008	Amend	7-1-2008
436-010-0330	6-30-2008	Amend	7-1-2008	437-002-0060	5-30-2008	Amend	7-1-2008
436-015-0005	7-1-2008	Amend	7-1-2008	437-002-0080	5-30-2008	Amend	7-1-2008
436-015-0009	7-1-2008	Amend	7-1-2008	437-002-0100	12-3-2007	Amend	1-1-2008
436-015-0010	7-1-2008	Amend	7-1-2008	437-002-0100	5-30-2008	Amend	7-1-2008
436-015-0020	7-1-2008	Amend	7-1-2008	437-002-0120	5-15-2008	Amend	6-1-2008
436-015-0030	7-1-2008	Amend	7-1-2008	437-002-0122	12-3-2007	Adopt	1-1-2008
436-015-0040	7-1-2008	Amend	7-1-2008	437-002-0140	5-30-2008	Amend	7-1-2008
436-015-0110	7-1-2008	Amend	7-1-2008	437-002-0142	5-1-2008	Amend	5-1-2008
436-030-0003	7-1-2008	Amend	7-1-2008	437-002-0260	5-30-2008	Amend	7-1-2008
436-035-0500	12-28-2007	Amend(T)	2-1-2008	437-002-0280	5-30-2008	Amend	7-1-2008
436-040-0003	7-1-2008	Amend	7-1-2008	437-002-0382	7-1-2008	Amend	6-1-2008
436-040-0100	7-1-2008	Repeal	7-1-2008	437-003-0001	5-15-2008	Amend	6-1-2008
436-045-0003	7-1-2008	Amend	7-1-2008	437-003-1000	7-1-2008	Amend	6-1-2008
436-050-0002	7-1-2008	Amend	7-1-2008	437-004-1005	5-15-2008	Amend	6-1-2008
436-050-0003	7-1-2008	Amend	7-1-2008	437-004-1120	5-1-2008	Amend	5-1-2008
436-050-0005	7-1-2008	Amend	7-1-2008	437-004-2230	5-30-2008	Amend	7-1-2008
436-050-0008	7-1-2008	Amend	7-1-2008	437-005-0001	5-15-2008	Amend	6-1-2008
436-050-0025	7-1-2008	Adopt	7-1-2008	437-005-0002	5-15-2008	Amend	6-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
437-005-0003	5-15-2008	Amend	6-1-2008	441-730-0000	12-27-2007	Amend	1-1-2008
437-007-0010	7-1-2008	Amend	4-1-2008	441-730-0010	12-27-2007	Amend	1-1-2008
437-007-0025	7-1-2008	Amend	4-1-2008	441-730-0015	12-27-2007	Amend	1-1-2008
437-007-0685	7-1-2008	Repeal	4-1-2008	441-730-0030	1-28-2008	Amend	3-1-2008
437-007-0775	3-5-2008	Amend	4-1-2008	441-730-0245	4-18-2008	Adopt(T)	6-1-2008
437-007-0780	3-5-2008	Amend	4-1-2008	441-730-0270	12-27-2007	Amend	1-1-2008
437-007-1500	7-1-2008	Adopt	4-1-2008	441-730-0275	12-27-2007	Amend	1-1-2008
437-007-1505	7-1-2008	Adopt	4-1-2008	441-730-0310	12-27-2007	Amend	1-1-2008
437-007-1510	7-1-2008	Adopt	4-1-2008	441-755-0000	11-30-2007	Adopt	1-1-2008
437-007-1520	7-1-2008	Adopt	4-1-2008	441-755-0010	11-30-2007	Adopt	1-1-2008
437-007-1525	7-1-2008	Adopt	4-1-2008	441-755-0100	11-30-2007	Adopt	1-1-2008
437-007-1530	7-1-2008	Adopt	4-1-2008	441-755-0110	11-30-2007	Adopt	1-1-2008
437-007-1535	7-1-2008	Adopt	4-1-2008	441-755-0120	11-30-2007	Adopt	1-1-2008
438-005-0046	1-1-2008	Amend	1-1-2008	441-755-0130	11-30-2007	Adopt	1-1-2008
438-005-0050	1-1-2008	Amend	1-1-2008	441-755-0140	11-30-2007	Adopt	1-1-2008
438-005-0055	1-1-2008	Amend	1-1-2008	441-755-0150	11-30-2007	Adopt	1-1-2008
438-006-0020	1-1-2008	Amend	1-1-2008	441-755-0160	11-30-2007	Adopt	1-1-2008
438-006-0100	1-1-2008	Amend	1-1-2008	441-755-0170	11-30-2007	Adopt	1-1-2008
438-009-0005	1-1-2008	Amend	1-1-2008	441-755-0200	11-30-2007	Adopt	1-1-2008
438-009-0010	1-1-2008	Amend	1-1-2008	441-755-0210	11-30-2007	Adopt	1-1-2008
438-009-0020	1-1-2008	Amend	1-1-2008	441-755-0220	11-30-2007	Adopt	1-1-2008
438-009-0022	1-1-2008	Amend	1-1-2008	441-755-0300	11-30-2007	Adopt	1-1-2008
438-009-0025	1-1-2008	Amend	1-1-2008	441-755-0310	11-30-2007	Adopt	1-1-2008
438-009-0028	1-1-2008	Amend	1-1-2008	441-850-0040	4-18-2008	Adopt(T)	6-1-2008
438-009-0030	1-1-2008	Amend	1-1-2008	441-860-0010	5-7-2008	Amend	6-1-2008
438-009-0035	1-1-2008	Amend	1-1-2008	441-865-0022	5-7-2008	Adopt(T)	6-1-2008
438-011-0020	1-1-2008	Amend	1-1-2008	441-865-0022	6-26-2008	Suspend	8-1-2008
438-012-0035	1-1-2008	Amend	1-1-2008	441-865-0024	6-26-2008	Adopt(T)	8-1-2008
438-015-0005	1-1-2008	Amend	1-1-2008	441-870-0030	5-7-2008	Amend	6-1-2008
438-015-0019	1-1-2008	Adopt	1-1-2008	441-870-0080	5-7-2008	Adopt	6-1-2008
438-015-0022	1-1-2008	Adopt	1-1-2008	442-005-0250	5-19-2008	Amend(T)	7-1-2008
438-015-0080	1-1-2008	Amend	1-1-2008	442-005-0270	3-31-2008	Amend(T)	5-1-2008
438-019-0030	1-1-2008	Amend	1-1-2008	443-002-0010	1-2-2008	Amend	2-1-2008
440-007-0200	9-2-2008	Adopt	9-1-2008	443-002-0010	7-1-2008	Amend(T)	8-1-2008
440-007-0210	9-2-2008	Adopt	9-1-2008	443-002-0030	1-2-2008	Amend(T)	2-1-2008
440-007-0230	9-2-2008	Adopt	9-1-2008	443-002-0030	4-15-2008	Amend	5-1-2008
440-007-0240	9-2-2008	Adopt	9-1-2008	443-002-0030	6-10-2008	Amend(T)	7-1-2008
440-007-0250	9-2-2008	Adopt	9-1-2008	443-002-0060	1-2-2008	Amend	2-1-2008
440-007-0260	9-2-2008	Adopt	9-1-2008	443-002-0060	7-1-2008	Amend(T)	8-1-2008
440-007-0270	9-2-2008	Adopt	9-1-2008	443-002-0070	1-2-2008	Amend	2-1-2008
440-007-0272	9-2-2008	Adopt	9-1-2008	443-002-0095	1-2-2008	Repeal	2-1-2008
440-007-0275	9-2-2008	Adopt	9-1-2008	443-002-0100	1-2-2008	Amend	2-1-2008
440-007-0280	9-2-2008	Adopt	9-1-2008	459-001-0005	4-4-2008	Amend	5-1-2008
440-007-0285	9-2-2008	Adopt	9-1-2008	459-001-0030	4-2-2008	Amend	5-1-2008
440-007-0290	9-2-2008	Adopt	9-1-2008	459-001-0032	4-2-2008	Adopt	5-1-2008
440-007-0300	9-2-2008	Adopt	9-1-2008	459-001-0035	4-2-2008	Amend	5-1-2008
441-325-0010	6-26-2008	Amend	8-1-2008	459-001-0040	4-2-2008	Amend	5-1-2008
441-325-0020	6-26-2008	Amend	8-1-2008	459-005-0310	7-31-2008	Amend	9-1-2008
441-325-0030	6-26-2008	Amend	8-1-2008	459-005-0591	5-21-2008	Amend(T)	7-1-2008
441-325-0040	6-26-2008	Amend	8-1-2008	459-005-0591	7-31-2008	Amend	9-1-2008
441-325-0050	6-26-2008	Amend	8-1-2008	459-005-0595	5-21-2008	Amend(T)	7-1-2008
441-500-0020	1-28-2008	Amend	3-1-2008	459-005-0595	7-31-2008	Amend	9-1-2008
441-500-0030	1-28-2008	Amend	3-1-2008	459-007-0110	11-23-2007	Amend	1-1-2008
441-505-3045	4-18-2008	Adopt(T)	6-1-2008	459-007-0160	11-23-2007	Adopt	1-1-2008
441-710-0500	1-28-2008	Amend	3-1-2008	459-007-0290	11-23-2007	Amend	1-1-2008
441-720-0385	4-18-2008	Adopt(T)	6-1-2008	459-007-0530	11-23-2007	Amend	1-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
459-009-0084	11-23-2007	Amend	1-1-2008	461-105-0010(T)	3-1-2008	Repeal	4-1-2008
459-009-0085	11-23-2007	Amend	1-1-2008	461-110-0410	7-1-2008	Amend	8-1-2008
459-009-0090	11-23-2007	Amend	1-1-2008	461-110-0530	7-1-2008	Amend	8-1-2008
459-009-0130	4-2-2008	Amend	5-1-2008	461-110-0630	3-1-2008	Amend	4-1-2008
459-010-0003	11-23-2007	Amend	1-1-2008	461-110-0630	7-1-2008	Amend	8-1-2008
459-010-0014	11-23-2007	Amend	1-1-2008	461-110-0630(T)	3-1-2008	Repeal	4-1-2008
459-010-0014	4-2-2008	Amend(T)	5-1-2008	461-115-0030	3-1-2008	Amend	4-1-2008
459-010-0014	5-21-2008	Amend	7-1-2008	461-115-0030	4-17-2008	Amend(T)	6-1-2008
459-010-0035	11-23-2007	Amend	1-1-2008	461-115-0030	7-1-2008	Amend	8-1-2008
459-010-0042	4-2-2008	Amend(T)	5-1-2008	461-115-0030(T)	3-1-2008	Repeal	4-1-2008
459-010-0042	5-21-2008	Amend	7-1-2008	461-115-0050	1-28-2008	Amend(T)	3-1-2008
459-010-0055	11-23-2007	Amend	1-1-2008	461-115-0050	7-1-2008	Amend	8-1-2008
459-011-0050	11-23-2007	Amend	1-1-2008	461-115-0190	3-1-2008	Amend	4-1-2008
459-013-0110	11-23-2007	Amend	1-1-2008	461-115-0190(T)	3-1-2008	Repeal	4-1-2008
459-015-0055	4-2-2008	Amend	5-1-2008	461-115-0430	3-1-2008	Amend	4-1-2008
459-017-0060	11-23-2007	Amend	1-1-2008	461-115-0430(T)	3-1-2008	Repeal	4-1-2008
459-045-0030	11-23-2007	Amend	1-1-2008	461-115-0610	4-1-2008	Amend	5-1-2008
459-050-0040	4-2-2008	Amend	5-1-2008	461-115-0651	7-1-2008	Amend	8-1-2008
459-050-0080	11-23-2007	Amend	1-1-2008	461-115-0700	1-1-2008	Amend	2-1-2008
459-050-0090	5-21-2008	Amend(T)	7-1-2008	461-115-0705	4-1-2008	Amend	5-1-2008
459-050-0090	7-31-2008	Amend	9-1-2008	461-115-0715	3-1-2008	Adopt	4-1-2008
459-050-0220	11-23-2007	Amend	1-1-2008	461-115-0715(T)	3-1-2008	Repeal	4-1-2008
459-060-0000	7-31-2008	Repeal	9-1-2008	461-120-0120	1-30-2008	Amend(T)	3-1-2008
459-060-0001	7-31-2008	Amend	9-1-2008	461-120-0120	7-1-2008	Amend	8-1-2008
459-060-0010	7-31-2008	Amend	9-1-2008	461-120-0120(T)	7-1-2008	Repeal	8-1-2008
459-070-0001	11-23-2007	Amend	1-1-2008	461-120-0125	1-30-2008	Amend(T)	3-1-2008
459-070-0050	7-31-2008	Amend	9-1-2008	461-120-0125	2-22-2008	Amend(T)	4-1-2008
459-075-0010	11-23-2007	Amend	1-1-2008	461-120-0125	7-1-2008	Amend	8-1-2008
459-075-0010	7-31-2008	Amend	9-1-2008	461-120-0125(T)	7-1-2008	Repeal	8-1-2008
459-075-0020	11-23-2007	Adopt	1-1-2008	461-120-0310	12-1-2007	Amend(T)	1-1-2008
459-075-0150	11-23-2007	Amend	1-1-2008	461-120-0310	3-1-2008	Amend	4-1-2008
459-080-0020	11-23-2007	Adopt	1-1-2008	461-120-0310(T)	12-1-2007	Suspend	1-1-2008
459-080-0250	11-23-2007	Amend	1-1-2008	461-120-0310(T)	3-1-2008	Repeal	4-1-2008
461-001-0000	1-1-2008	Amend	2-1-2008	461-120-0330	7-1-2008	Amend	8-1-2008
461-001-0000	1-1-2008	Amend(T)	2-1-2008	461-120-0340	3-1-2008	Amend	4-1-2008
461-001-0000	3-1-2008	Amend	4-1-2008	461-120-0340(T)	3-1-2008	Repeal	4-1-2008
461-001-0000	4-1-2008	Amend	5-1-2008	461-120-0345	3-1-2008	Amend	4-1-2008
461-001-0000	7-1-2008	Amend	8-1-2008	461-120-0345(T)	3-1-2008	Repeal	4-1-2008
461-001-0000(T)	1-1-2008	Repeal	2-1-2008	461-120-0510	7-1-2008	Amend	8-1-2008
461-001-0000(T)	3-1-2008	Repeal	4-1-2008	461-125-0130	3-1-2008	Amend	4-1-2008
461-001-0025	3-1-2008	Amend	4-1-2008	461-125-0130(T)	3-1-2008	Repeal	4-1-2008
461-001-0025(T)	3-1-2008	Repeal	4-1-2008	461-125-0260	3-1-2008	Adopt	4-1-2008
461-001-0035	1-1-2008	Amend	2-1-2008	461-125-0260(T)	3-1-2008	Repeal	4-1-2008
461-006-0452	4-1-2008	Am. & Ren.	5-1-2008	461-125-0310	4-1-2008	Amend	5-1-2008
461-025-0310	3-1-2008	Amend	4-1-2008	461-125-0810	3-1-2008	Amend	4-1-2008
461-025-0310	4-1-2008	Amend	5-1-2008	461-125-0810(T)	3-1-2008	Repeal	4-1-2008
461-025-0310	7-1-2008	Amend	8-1-2008	461-130-0305	3-1-2008	Amend	4-1-2008
461-025-0310(T)	3-1-2008	Repeal	4-1-2008	461-130-0305(T)	3-1-2008	Repeal	4-1-2008
461-025-0311	7-1-2008	Amend	8-1-2008	461-130-0310	3-1-2008	Amend	4-1-2008
461-025-0350	1-1-2008	Amend(T)	2-1-2008	461-130-0310(T)	3-1-2008	Repeal	4-1-2008
461-025-0350	4-1-2008	Amend	5-1-2008	461-130-0315	3-1-2008	Amend	4-1-2008
461-025-0350(T)	4-1-2008	Repeal	5-1-2008	461-130-0315(T)	3-1-2008	Repeal	4-1-2008
461-025-0375	7-1-2008	Amend	8-1-2008	461-130-0323	3-1-2008	Adopt	4-1-2008
461-101-0010	3-1-2008	Amend	4-1-2008	461-130-0323(T)	3-1-2008	Repeal	4-1-2008
461-101-0010(T)	3-1-2008	Repeal	4-1-2008	461-130-0325	3-1-2008	Amend	4-1-2008
461-105-0010	3-1-2008	Amend	4-1-2008	461-130-0325	7-1-2008	Amend	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-130-0325(T)	3-1-2008	Repeal	4-1-2008	461-135-1102	6-1-2008	Amend(T)	7-1-2008
461-130-0327	3-1-2008	Amend	4-1-2008	461-135-1102	7-1-2008	Amend	8-1-2008
461-130-0327(T)	3-1-2008	Repeal	4-1-2008	461-135-1102(T)	6-1-2008	Suspend	7-1-2008
461-130-0330	3-1-2008	Amend	4-1-2008	461-135-1110	7-1-2008	Amend	8-1-2008
461-130-0330(T)	3-1-2008	Repeal	4-1-2008	461-135-1125	1-28-2008	Adopt(T)	3-1-2008
461-130-0335	3-1-2008	Amend	4-1-2008	461-135-1125	4-17-2008	Amend(T)	6-1-2008
461-130-0335(T)	3-1-2008	Repeal	4-1-2008	461-135-1125	7-1-2008	Adopt	8-1-2008
461-135-0010	3-1-2008	Amend	4-1-2008	461-135-1125(T)	4-17-2008	Suspend	6-1-2008
461-135-0010	7-1-2008	Amend	8-1-2008	461-135-1175	4-1-2008	Amend	5-1-2008
461-135-0010(T)	3-1-2008	Repeal	4-1-2008	461-135-1175	7-1-2008	Amend	8-1-2008
461-135-0070	3-1-2008	Amend	4-1-2008	461-135-1185(T)	3-1-2008	Repeal	4-1-2008
461-135-0070(T)	3-1-2008	Repeal	4-1-2008	461-135-1195	3-1-2008	Adopt	4-1-2008
461-135-0075	3-1-2008	Amend	4-1-2008	461-135-1250	3-1-2008	Adopt	4-1-2008
461-135-0075(T)	3-1-2008	Repeal	4-1-2008	461-135-1250(T)	3-1-2008	Repeal	4-1-2008
461-135-0082	1-30-2008	Amend(T)	3-1-2008	461-140-0010	7-1-2008	Amend	8-1-2008
461-135-0082	2-22-2008	Amend(T)	4-1-2008	461-140-0040	4-1-2008	Amend	5-1-2008
461-135-0082	7-1-2008	Amend	8-1-2008	461-140-0040	7-1-2008	Amend	8-1-2008
461-135-0082(T)	7-1-2008	Repeal	8-1-2008	461-140-0220	1-1-2008	Amend	2-1-2008
461-135-0085	3-1-2008	Amend	4-1-2008	461-140-0220	7-1-2008	Amend	8-1-2008
461-135-0085(T)	3-1-2008	Repeal	4-1-2008	461-140-0242	7-1-2008	Amend	8-1-2008
461-135-0089	3-1-2008	Amend	4-1-2008	461-145-0020	7-1-2008	Amend	8-1-2008
461-135-0089(T)	3-1-2008	Repeal	4-1-2008	461-145-0022	7-1-2008	Amend	8-1-2008
461-135-0200	3-1-2008	Amend	4-1-2008	461-145-0030	1-1-2008	Amend	2-1-2008
461-135-0200(T)	3-1-2008	Repeal	4-1-2008	461-145-0080	3-1-2008	Amend	4-1-2008
461-135-0400	7-1-2008	Amend	8-1-2008	461-145-0080	3-21-2008	Amend(T)	5-1-2008
461-135-0475	3-1-2008	Amend	4-1-2008	461-145-0080	7-1-2008	Amend	8-1-2008
461-135-0475(T)	3-1-2008	Repeal	4-1-2008	461-145-0080(T)	3-1-2008	Repeal	4-1-2008
461-135-0493	12-17-2007	Amend(T)	2-1-2008	461-145-0080(T)	7-1-2008	Repeal	8-1-2008
461-135-0505	3-1-2008	Amend	4-1-2008	461-145-0090	7-1-2008	Amend	8-1-2008
461-135-0505(T)	3-1-2008	Repeal	4-1-2008	461-145-0108	1-1-2008	Amend	2-1-2008
461-135-0506	3-1-2008	Amend	4-1-2008	461-145-0120	4-1-2008	Amend	5-1-2008
461-135-0506(T)	3-1-2008	Repeal	4-1-2008	461-145-0180	1-1-2008	Repeal	2-1-2008
461-135-0507	7-1-2008	Adopt(T)	8-1-2008	461-145-0220	1-1-2008	Amend	2-1-2008
461-135-0570	7-1-2008	Amend	8-1-2008	461-145-0261	7-1-2008	Adopt	8-1-2008
461-135-0725	1-1-2008	Amend	2-1-2008	461-145-0310	7-1-2008	Amend	8-1-2008
461-135-0730	7-1-2008	Amend(T)	8-1-2008	461-145-0370	4-1-2008	Amend	5-1-2008
461-135-0730	8-8-2008	Amend(T)	9-1-2008	461-145-0410	3-1-2008	Amend	4-1-2008
461-135-0730(T)	8-8-2008	Suspend	9-1-2008	461-145-0410(T)	3-1-2008	Repeal	4-1-2008
461-135-0750	4-7-2008	Amend(T)	5-1-2008	461-145-0450(T)	4-1-2008	Repeal	5-1-2008
461-135-0750	7-1-2008	Amend	8-1-2008	461-145-0470	4-1-2008	Amend	5-1-2008
461-135-0750(T)	7-1-2008	Repeal	8-1-2008	461-145-0490	4-1-2008	Amend	5-1-2008
461-135-0780	1-1-2008	Amend	2-1-2008	461-145-0490	7-1-2008	Amend	8-1-2008
461-135-0780	7-1-2008	Amend	8-1-2008	461-145-0500	4-1-2008	Amend	5-1-2008
461-135-0811	7-1-2008	Repeal	8-1-2008	461-145-0505	4-1-2008	Amend	5-1-2008
461-135-0832	10-1-2008	Amend	8-1-2008	461-145-0510	7-1-2008	Amend	8-1-2008
461-135-0835	1-1-2008	Amend	2-1-2008	461-145-0520	4-1-2008	Amend	5-1-2008
461-135-0835	10-1-2008	Amend	8-1-2008	461-145-0530	4-1-2008	Amend	5-1-2008
461-135-0875	7-1-2008	Amend	8-1-2008	461-145-0530	4-1-2008	Amend(T)	5-1-2008
461-135-0900	1-30-2008	Amend(T)	3-1-2008	461-145-0550	4-1-2008	Amend	5-1-2008
461-135-0900	2-22-2008	Amend(T)	4-1-2008	461-145-0560	7-1-2008	Amend	8-1-2008
461-135-0900	7-1-2008	Amend	8-1-2008	461-145-0580	1-1-2008	Amend	2-1-2008
461-135-0900(T)	7-1-2008	Repeal	8-1-2008	461-145-0582	7-1-2008	Amend	8-1-2008
461-135-0910	4-1-2008	Amend	5-1-2008	461-145-0585	4-1-2008	Amend	5-1-2008
461-135-1100	6-1-2008	Amend(T)	7-1-2008	461-145-0910	4-1-2008	Amend	5-1-2008
461-135-1100	7-1-2008	Amend	8-1-2008	461-150-0047	1-1-2008	Amend	2-1-2008
461-135-1102	1-28-2008	Amend(T)	3-1-2008	461-155-0150	3-1-2008	Amend	4-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-155-0150(T)	3-1-2008	Repeal	4-1-2008	461-160-0850	7-1-2008	Repeal	8-1-2008
461-155-0180	1-24-2008	Amend(T)	3-1-2008	461-160-0855	1-1-2008	Adopt	2-1-2008
461-155-0180	7-1-2008	Amend	8-1-2008	461-165-0030	3-1-2008	Amend	4-1-2008
461-155-0235	1-24-2008	Amend(T)	3-1-2008	461-165-0030(T)	3-1-2008	Repeal	4-1-2008
461-155-0235	7-1-2008	Amend	8-1-2008	461-165-0190	7-1-2008	Amend	8-1-2008
461-155-0250	1-1-2008	Amend	2-1-2008	461-170-0020	3-1-2008	Amend	4-1-2008
461-155-0250	3-1-2008	Amend(T)	4-1-2008	461-170-0020(T)	3-1-2008	Repeal	4-1-2008
461-155-0250	7-1-2008	Amend	8-1-2008	461-170-0030	3-1-2008	Amend	4-1-2008
461-155-0250(T)	7-1-2008	Repeal	8-1-2008	461-170-0030(T)	3-1-2008	Repeal	4-1-2008
461-155-0270	1-1-2008	Amend	2-1-2008	461-170-0130	1-1-2008	Amend	2-1-2008
461-155-0270	7-1-2008	Amend	8-1-2008	461-175-0050	4-1-2008	Amend	5-1-2008
461-155-0290	3-1-2008	Amend(T)	4-1-2008	461-175-0200	1-1-2008	Amend(T)	2-1-2008
461-155-0290	4-1-2008	Amend	5-1-2008	461-175-0200	4-1-2008	Amend	5-1-2008
461-155-0290(T)	4-1-2008	Repeal	5-1-2008	461-175-0200	4-7-2008	Amend(T)	5-1-2008
461-155-0291	3-1-2008	Amend(T)	4-1-2008	461-175-0200	7-1-2008	Amend	8-1-2008
461-155-0291	4-1-2008	Amend	5-1-2008	461-175-0200(T)	4-1-2008	Repeal	5-1-2008
461-155-0291(T)	4-1-2008	Repeal	5-1-2008	461-175-0200(T)	7-1-2008	Repeal	8-1-2008
461-155-0295	3-1-2008	Amend(T)	4-1-2008	461-175-0270	1-1-2008	Amend	2-1-2008
461-155-0295	4-1-2008	Amend	5-1-2008	461-175-0340	1-1-2008	Amend(T)	2-1-2008
461-155-0295(T)	4-1-2008	Repeal	5-1-2008	461-175-0340	4-1-2008	Amend	5-1-2008
461-155-0300	1-1-2008	Amend	2-1-2008	461-175-0340(T)	4-1-2008	Repeal	5-1-2008
461-155-0320	1-1-2008	Amend(T)	2-1-2008	461-180-0010	3-1-2008	Amend	4-1-2008
461-155-0320	3-1-2008	Adopt	4-1-2008	461-180-0010(T)	3-1-2008	Repeal	4-1-2008
461-155-0320(T)	3-1-2008	Repeal	4-1-2008	461-180-0020	3-1-2008	Amend	4-1-2008
461-155-0500	7-1-2008	Amend	8-1-2008	461-180-0020(T)	3-1-2008	Repeal	4-1-2008
461-155-0500	8-1-2008	Amend(T)	9-1-2008	461-180-0040	7-1-2008	Amend	8-1-2008
461-155-0526	8-1-2008	Amend(T)	9-1-2008	461-180-0070	3-1-2008	Amend	4-1-2008
461-155-0600	8-1-2008	Amend(T)	9-1-2008	461-180-0070(T)	3-1-2008	Repeal	4-1-2008
461-155-0610	8-1-2008	Amend(T)	9-1-2008	461-180-0081	3-1-2008	Amend	4-1-2008
461-155-0650	7-1-2008	Repeal	8-1-2008	461-180-0081(T)	3-1-2008	Repeal	4-1-2008
461-155-0670	3-1-2008	Amend	4-1-2008	461-180-0085	1-1-2008	Amend	2-1-2008
461-155-0670(T)	3-1-2008	Repeal	4-1-2008	461-190-0051	3-1-2008	Amend	4-1-2008
461-155-0690	7-1-2008	Repeal	8-1-2008	461-190-0151(T)	3-1-2008	Repeal	4-1-2008
461-155-0700	8-1-2008	Adopt(T)	9-1-2008	461-190-0163	3-1-2008	Amend	4-1-2008
461-160-0010	7-1-2008	Amend	8-1-2008	461-190-0163(T)	3-1-2008	Repeal	4-1-2008
461-160-0030	4-1-2008	Amend	5-1-2008	461-190-0171	3-1-2008	Amend	4-1-2008
461-160-0040	1-1-2008	Amend	2-1-2008	461-190-0171(T)	3-1-2008	Repeal	4-1-2008
461-160-0055	1-1-2008	Amend	2-1-2008	461-190-0201	10-1-2007	Suspend	2-1-2008
461-160-0410	1-1-2008	Amend	2-1-2008	461-190-0201	3-1-2008	Repeal	4-1-2008
461-160-0415	1-1-2008	Amend	2-1-2008	461-190-0211	3-1-2008	Amend	4-1-2008
461-160-0430	3-1-2008	Amend	4-1-2008	461-190-0211(T)	3-1-2008	Repeal	4-1-2008
461-160-0430(T)	3-1-2008	Repeal	4-1-2008	461-190-0231	3-1-2008	Amend	4-1-2008
461-160-0550	1-1-2008	Amend	2-1-2008	461-190-0231(T)	3-1-2008	Repeal	4-1-2008
461-160-0550	7-1-2008	Amend	8-1-2008	461-190-0241	3-1-2008	Amend	4-1-2008
461-160-0551	7-1-2008	Adopt	8-1-2008	461-190-0241(T)	3-1-2008	Repeal	4-1-2008
461-160-0580	1-1-2008	Amend	2-1-2008	461-190-0426	4-1-2008	Amend	5-1-2008
461-160-0620	1-1-2008	Amend	2-1-2008	461-195-0501	1-1-2008	Amend	2-1-2008
461-160-0620	7-1-2008	Amend	8-1-2008	461-195-0501	1-1-2008	Amend(T)	2-1-2008
461-160-0800	3-1-2008	Amend(T)	4-1-2008	461-195-0501	3-1-2008	Amend	4-1-2008
461-160-0800	7-1-2008	Amend	8-1-2008	461-195-0501(T)	1-1-2008	Repeal	2-1-2008
461-160-0800(T)	7-1-2008	Repeal	8-1-2008	461-195-0501(T)	3-1-2008	Repeal	4-1-2008
461-160-0810	3-1-2008	Suspend	4-1-2008	461-195-0511	1-1-2008	Amend	2-1-2008
461-160-0810	7-1-2008	Repeal	8-1-2008	461-195-0521	1-1-2008	Amend	2-1-2008
461-160-0820	3-1-2008	Suspend	4-1-2008	461-195-0521	4-1-2008	Amend	5-1-2008
461-160-0820	7-1-2008	Repeal	8-1-2008	461-195-0551	1-1-2008	Amend	2-1-2008
461-160-0850	3-1-2008	Suspend	4-1-2008	461-195-0551	1-1-2008	Amend(T)	2-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-195-0551	3-1-2008	Amend	4-1-2008	571-040-0020	2-19-2008	Suspend	4-1-2008
461-195-0551(T)	1-1-2008	Repeal	2-1-2008	571-040-0020	7-21-2008	Repeal	9-1-2008
461-195-0551(T)	3-1-2008	Repeal	4-1-2008	571-040-0030	2-19-2008	Suspend	4-1-2008
461-195-0561	3-1-2008	Amend	4-1-2008	571-040-0030	7-21-2008	Repeal	9-1-2008
461-195-0561(T)	3-1-2008	Repeal	4-1-2008	571-040-0040	2-19-2008	Suspend	4-1-2008
461-195-0601	3-1-2008	Amend	4-1-2008	571-040-0040	7-21-2008	Repeal	9-1-2008
461-195-0601(T)	3-1-2008	Repeal	4-1-2008	571-040-0050	2-19-2008	Suspend	4-1-2008
462-160-0110	11-28-2007	Amend(T)	1-1-2008	571-040-0050	7-21-2008	Repeal	9-1-2008
462-160-0110	4-7-2008	Amend	5-1-2008	571-040-0060	2-19-2008	Suspend	4-1-2008
462-160-0120	11-28-2007	Amend(T)	1-1-2008	571-040-0060	7-21-2008	Repeal	9-1-2008
462-160-0120	4-7-2008	Amend	5-1-2008	571-040-0070	2-19-2008	Suspend	4-1-2008
462-160-0130	11-28-2007	Amend(T)	1-1-2008	571-040-0070	7-21-2008	Repeal	9-1-2008
462-160-0130	4-7-2008	Amend	5-1-2008	571-040-0080	2-19-2008	Suspend	4-1-2008
462-200-0630	12-6-2007	Repeal	1-1-2008	571-040-0080	7-21-2008	Repeal	9-1-2008
471-010-0020	4-29-2008	Amend	6-1-2008	571-040-0100	2-19-2008	Suspend	4-1-2008
471-010-0050	1-7-2008	Suspend	2-1-2008	571-040-0100	7-21-2008	Repeal	9-1-2008
471-010-0050	7-1-2008	Repeal	7-1-2008	571-040-0201	2-19-2008	Suspend	4-1-2008
471-010-0051	1-7-2008	Suspend	2-1-2008	571-040-0201	7-21-2008	Repeal	9-1-2008
471-010-0051	7-1-2008	Repeal	7-1-2008	571-040-0251	2-19-2008	Suspend	4-1-2008
471-010-0052	1-7-2008	Suspend	2-1-2008	571-040-0251	7-21-2008	Repeal	9-1-2008
471-010-0052	7-1-2008	Repeal	7-1-2008	571-040-0261	2-19-2008	Suspend	4-1-2008
471-010-0054	1-7-2008	Suspend	2-1-2008	571-040-0261	7-21-2008	Repeal	9-1-2008
471-010-0054	7-1-2008	Repeal	7-1-2008	571-040-0380	2-19-2008	Suspend	4-1-2008
471-010-0055	1-7-2008	Suspend	2-1-2008	571-040-0380	7-21-2008	Repeal	9-1-2008
471-010-0055	7-1-2008	Repeal	7-1-2008	571-040-0382	2-19-2008	Suspend	4-1-2008
471-010-0057	1-7-2008	Suspend	2-1-2008	571-040-0382	7-21-2008	Repeal	9-1-2008
471-010-0057	7-1-2008	Repeal	7-1-2008	571-040-0390	2-19-2008	Suspend	4-1-2008
471-010-0080	2-26-2008	Adopt(T)	4-1-2008	571-040-0390	7-21-2008	Repeal	9-1-2008
471-010-0080	7-1-2008	Adopt	7-1-2008	571-040-0400	2-19-2008	Suspend	4-1-2008
471-010-0085	2-26-2008	Adopt(T)	4-1-2008	571-040-0400	7-21-2008	Repeal	9-1-2008
471-010-0085	7-1-2008	Adopt	7-1-2008	571-040-0410	2-19-2008	Suspend	4-1-2008
471-010-0090	2-26-2008	Adopt(T)	4-1-2008	571-040-0410	7-21-2008	Repeal	9-1-2008
471-010-0090	7-1-2008	Adopt	7-1-2008	571-040-0420	2-19-2008	Suspend	4-1-2008
471-010-0100	2-26-2008	Adopt(T)	4-1-2008	571-040-0420	7-21-2008	Repeal	9-1-2008
471-010-0100	7-1-2008	Adopt	7-1-2008	571-040-0430	2-19-2008	Suspend	4-1-2008
471-010-0105	2-26-2008	Adopt(T)	4-1-2008	571-040-0430	7-21-2008	Repeal	9-1-2008
471-010-0105	7-1-2008	Adopt	7-1-2008	571-040-0440	2-19-2008	Suspend	4-1-2008
471-010-0110	2-26-2008	Adopt(T)	4-1-2008	571-040-0440	7-21-2008	Repeal	9-1-2008
471-010-0110	7-1-2008	Adopt	7-1-2008	571-040-0450	2-19-2008	Suspend	4-1-2008
471-010-0115	2-26-2008	Adopt(T)	4-1-2008	571-040-0450	7-21-2008	Repeal	9-1-2008
471-010-0115	7-1-2008	Adopt	7-1-2008	571-040-0460	2-19-2008	Suspend	4-1-2008
471-010-0120	2-26-2008	Adopt(T)	4-1-2008	571-040-0460	7-21-2008	Repeal	9-1-2008
471-010-0120	7-1-2008	Adopt	7-1-2008	571-050-0011	6-18-2008	Amend(T)	8-1-2008
471-010-0125	2-26-2008	Adopt(T)	4-1-2008	571-050-0011	8-18-2008	Amend	9-1-2008
471-010-0125	7-1-2008	Adopt	7-1-2008	571-060-0005	7-1-2008	Amend	6-1-2008
471-030-0050	12-3-2007	Amend	1-1-2008	571-060-0005	7-1-2008	Amend	8-1-2008
471-030-0052	2-15-2008	Amend(T)	3-1-2008	573-035-0040	3-14-2008	Amend	4-1-2008
471-030-0052	7-1-2008	Amend	7-1-2008	573-040-0005	4-15-2008	Amend	5-1-2008
471-030-0215	4-24-2008	Adopt(T)	6-1-2008	573-050-0045	6-5-2008	Amend	7-1-2008
471-030-0215	8-1-2008	Adopt	8-1-2008	573-075-0100	3-14-2008	Amend	4-1-2008
471-041-0060	1-8-2008	Amend	2-1-2008	573-095-0010	3-14-2008	Amend	4-1-2008
543-001-0005	1-17-2008	Amend	3-1-2008	574-050-0005	2-1-2008	Amend	3-1-2008
571-040-0010	2-19-2008	Suspend	4-1-2008	575-095-0005	1-9-2008	Adopt	2-1-2008
571-040-0010	7-21-2008	Repeal	9-1-2008	575-095-0010	1-9-2008	Adopt	2-1-2008
571-040-0015	2-19-2008	Suspend	4-1-2008	575-095-0015	1-9-2008	Adopt	2-1-2008
571-040-0015	7-21-2008	Repeal	9-1-2008	575-095-0020	1-9-2008	Adopt	2-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
575-095-0025	1-9-2008	Adopt	2-1-2008	576-010-0011	7-1-2008	Adopt	8-1-2008
575-095-0030	1-9-2008	Adopt	2-1-2008	576-010-0021	7-1-2008	Adopt	8-1-2008
575-095-0035	1-9-2008	Adopt	2-1-2008	576-024-0000	7-1-2008	Amend	8-1-2008
575-095-0040	1-9-2008	Adopt	2-1-2008	576-060-0010	7-1-2008	Amend	8-1-2008
575-095-0045	1-9-2008	Adopt	2-1-2008	576-060-0015	7-1-2008	Amend	8-1-2008
576-004-0000	7-1-2008	Amend	8-1-2008	576-060-0020	7-1-2008	Amend	8-1-2008
576-004-0005	7-1-2008	Amend	8-1-2008	576-060-0025	7-1-2008	Amend	8-1-2008
576-004-0015	7-1-2008	Amend	8-1-2008	576-060-0031	7-1-2008	Adopt	8-1-2008
576-004-0020	7-1-2008	Amend	8-1-2008	576-060-0035	7-1-2008	Amend	8-1-2008
576-008-0200	2-19-2008	Suspend	4-1-2008	576-060-0037	7-1-2008	Amend	8-1-2008
576-008-0200	7-21-2008	Repeal	9-1-2008	576-060-0038	7-1-2008	Amend	8-1-2008
576-008-0205	2-19-2008	Suspend	4-1-2008	576-060-0039	7-1-2008	Amend	8-1-2008
576-008-0205	7-21-2008	Repeal	9-1-2008	576-060-0040	7-1-2008	Amend	8-1-2008
576-008-0210	2-19-2008	Suspend	4-1-2008	577-001-0001	4-21-2008	Suspend	5-1-2008
576-008-0210	7-21-2008	Repeal	9-1-2008	577-001-0005	4-21-2008	Amend(T)	5-1-2008
576-008-0215	2-19-2008	Suspend	4-1-2008	577-001-0010	4-21-2008	Amend(T)	5-1-2008
576-008-0215	7-21-2008	Repeal	9-1-2008	577-001-0014	4-21-2008	Suspend	5-1-2008
576-008-0220	2-19-2008	Suspend	4-1-2008	577-001-0015	4-21-2008	Suspend	5-1-2008
576-008-0220	7-21-2008	Repeal	9-1-2008	577-001-0020	4-21-2008	Amend(T)	5-1-2008
576-008-0223	2-19-2008	Suspend	4-1-2008	577-001-0025	4-21-2008	Amend(T)	5-1-2008
576-008-0223	7-21-2008	Repeal	9-1-2008	577-001-0030	4-21-2008	Suspend	5-1-2008
576-008-0225	2-19-2008	Suspend	4-1-2008	577-001-0035	4-21-2008	Amend(T)	5-1-2008
576-008-0225	7-21-2008	Repeal	9-1-2008	577-001-0040	4-21-2008	Amend(T)	5-1-2008
576-008-0228	2-19-2008	Suspend	4-1-2008	577-001-0041	4-21-2008	Amend(T)	5-1-2008
576-008-0228	7-21-2008	Repeal	9-1-2008	577-001-0045	4-21-2008	Amend(T)	5-1-2008
576-008-0230	2-19-2008	Suspend	4-1-2008	577-001-0050	4-21-2008	Amend(T)	5-1-2008
576-008-0230	7-21-2008	Repeal	9-1-2008	577-030-0005	5-1-2008	Amend(T)	5-1-2008
576-008-0235	2-19-2008	Suspend	4-1-2008	577-030-0010	5-1-2008	Amend(T)	5-1-2008
576-008-0235	7-21-2008	Repeal	9-1-2008	577-030-0015	5-1-2008	Amend(T)	5-1-2008
576-008-0240	2-19-2008	Suspend	4-1-2008	577-030-0016	5-1-2008	Adopt(T)	5-1-2008
576-008-0240	7-21-2008	Repeal	9-1-2008	577-030-0020	5-1-2008	Amend(T)	5-1-2008
576-008-0245	2-19-2008	Suspend	4-1-2008	577-030-0021	5-1-2008	Adopt(T)	5-1-2008
576-008-0245	7-21-2008	Repeal	9-1-2008	577-030-0025	5-1-2008	Amend(T)	5-1-2008
576-008-0255	2-19-2008	Suspend	4-1-2008	577-030-0030	5-1-2008	Amend(T)	5-1-2008
576-008-0255	7-21-2008	Repeal	9-1-2008	577-030-0035	1-1-2008	Amend(T)	2-1-2008
576-008-0260	2-19-2008	Suspend	4-1-2008	577-030-0040	5-1-2008	Amend(T)	5-1-2008
576-008-0260	7-21-2008	Repeal	9-1-2008	577-030-0045	5-1-2008	Amend(T)	5-1-2008
576-008-0275	2-19-2008	Suspend	4-1-2008	577-030-0050	5-1-2008	Amend(T)	5-1-2008
576-008-0275	7-21-2008	Repeal	9-1-2008	577-030-0060	5-1-2008	Amend(T)	5-1-2008
576-008-0277	2-19-2008	Suspend	4-1-2008	577-030-0065	5-1-2008	Amend(T)	5-1-2008
576-008-0277	7-21-2008	Repeal	9-1-2008	577-030-0070	5-1-2008	Amend(T)	5-1-2008
576-008-0280	2-19-2008	Suspend	4-1-2008	577-030-0075	5-1-2008	Suspend	5-1-2008
576-008-0280	7-21-2008	Repeal	9-1-2008	577-030-0080	5-1-2008	Am. & Ren.(T)	5-1-2008
576-008-0282	2-19-2008	Suspend	4-1-2008	577-060-0020	7-1-2008	Amend(T)	7-1-2008
576-008-0282	7-21-2008	Repeal	9-1-2008	577-577-030-0035	5-16-2008	Amend	6-1-2008
576-008-0285	2-19-2008	Suspend	4-1-2008	578-041-0030	6-10-2008	Amend	7-1-2008
576-008-0285	7-21-2008	Repeal	9-1-2008	578-072-0010	6-10-2008	Amend	7-1-2008
576-008-0287	2-19-2008	Suspend	4-1-2008	578-072-0030	6-10-2008	Amend	7-1-2008
576-008-0287	7-21-2008	Repeal	9-1-2008	578-072-0050	6-10-2008	Amend	7-1-2008
576-008-0290	2-19-2008	Suspend	4-1-2008	578-072-0070	6-10-2008	Amend	7-1-2008
576-008-0290	7-21-2008	Repeal	9-1-2008	579-015-0000	8-15-2008	Amend(T)	9-1-2008
576-008-0292	2-19-2008	Suspend	4-1-2008	579-015-0005	8-15-2008	Amend(T)	9-1-2008
576-008-0292	7-21-2008	Repeal	9-1-2008	579-020-0006	3-14-2008	Amend	4-1-2008
576-008-0295	2-19-2008	Suspend	4-1-2008	579-020-0006	8-15-2008	Amend	9-1-2008
576-008-0295	7-21-2008	Repeal	9-1-2008	579-020-0008	4-15-2008	Suspend	5-1-2008
576-010-0000	7-1-2008	Amend	8-1-2008	579-020-0012	4-15-2008	Suspend	5-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
579-020-0017	4-15-2008	Suspend	5-1-2008	580-040-0255	7-21-2008	Repeal	9-1-2008
579-030-0005	3-14-2008	Amend	4-1-2008	580-040-0260	2-19-2008	Suspend	4-1-2008
579-030-0010	3-14-2008	Amend	4-1-2008	580-040-0260	7-21-2008	Repeal	9-1-2008
579-030-0015	3-14-2008	Amend	4-1-2008	580-040-0275	2-19-2008	Suspend	4-1-2008
579-030-0020	3-14-2008	Amend	4-1-2008	580-040-0275	7-21-2008	Repeal	9-1-2008
580-023-0005	2-19-2008	Suspend	4-1-2008	580-040-0277	2-19-2008	Suspend	4-1-2008
580-023-0010	2-19-2008	Suspend	4-1-2008	580-040-0277	7-21-2008	Repeal	9-1-2008
580-023-0015	2-19-2008	Suspend	4-1-2008	580-040-0280	2-19-2008	Suspend	4-1-2008
580-023-0020	2-19-2008	Suspend	4-1-2008	580-040-0280	7-21-2008	Repeal	9-1-2008
580-023-0025	2-19-2008	Suspend	4-1-2008	580-040-0285	2-19-2008	Suspend	4-1-2008
580-023-0030	2-19-2008	Suspend	4-1-2008	580-040-0285	7-21-2008	Repeal	9-1-2008
580-023-0035	2-19-2008	Suspend	4-1-2008	580-040-0290	2-19-2008	Suspend	4-1-2008
580-023-0040	2-19-2008	Suspend	4-1-2008	580-040-0290	7-21-2008	Repeal	9-1-2008
580-023-0045	2-19-2008	Suspend	4-1-2008	580-040-0292	2-19-2008	Suspend	4-1-2008
580-023-0050	2-19-2008	Suspend	4-1-2008	580-040-0292	7-21-2008	Repeal	9-1-2008
580-023-0055	2-19-2008	Suspend	4-1-2008	580-040-0295	2-19-2008	Suspend	4-1-2008
580-023-0060	2-19-2008	Suspend	4-1-2008	580-040-0295	7-21-2008	Repeal	9-1-2008
580-023-0065	2-19-2008	Suspend	4-1-2008	580-042-0010	2-19-2008	Amend(T)	4-1-2008
580-023-0105	2-19-2008	Adopt(T)	4-1-2008	580-042-0010	7-21-2008	Amend	9-1-2008
580-023-0110	2-19-2008	Adopt(T)	4-1-2008	580-043-0060	1-14-2008	Amend	2-1-2008
580-023-0115	2-19-2008	Adopt(T)	4-1-2008	580-043-0065	1-14-2008	Amend	2-1-2008
580-023-0120	2-19-2008	Adopt(T)	4-1-2008	580-043-0070	1-14-2008	Amend	2-1-2008
580-023-0125	2-19-2008	Adopt(T)	4-1-2008	580-043-0075	1-14-2008	Amend	2-1-2008
580-023-0130	2-19-2008	Adopt(T)	4-1-2008	580-043-0085	1-14-2008	Amend	2-1-2008
580-023-0135	2-19-2008	Adopt(T)	4-1-2008	580-043-0090	1-14-2008	Amend	2-1-2008
580-023-0140	2-19-2008	Adopt(T)	4-1-2008	580-043-0095	1-14-2008	Amend	2-1-2008
580-023-0145	2-19-2008	Adopt(T)	4-1-2008	580-043-0100	1-14-2008	Adopt	2-1-2008
580-023-0150	2-19-2008	Adopt(T)	4-1-2008	580-050-0001	2-19-2008	Suspend	4-1-2008
580-040-0035	1-14-2008	Amend	2-1-2008	580-050-0001	7-21-2008	Repeal	9-1-2008
580-040-0040	3-20-2008	Amend(T)	5-1-2008	580-050-0005	2-19-2008	Suspend	4-1-2008
580-040-0040	6-17-2008	Amend	8-1-2008	580-050-0005	7-21-2008	Repeal	9-1-2008
580-040-0100	2-19-2008	Suspend	4-1-2008	580-050-0010	2-19-2008	Suspend	4-1-2008
580-040-0100	7-21-2008	Repeal	9-1-2008	580-050-0010	7-21-2008	Repeal	9-1-2008
580-040-0200	2-19-2008	Suspend	4-1-2008	580-050-0015	2-19-2008	Suspend	4-1-2008
580-040-0200	7-21-2008	Repeal	9-1-2008	580-050-0015	7-21-2008	Repeal	9-1-2008
580-040-0205	2-19-2008	Suspend	4-1-2008	580-050-0020	2-19-2008	Suspend	4-1-2008
580-040-0205	7-21-2008	Repeal	9-1-2008	580-050-0020	7-21-2008	Repeal	9-1-2008
580-040-0210	2-19-2008	Suspend	4-1-2008	580-050-0025	2-19-2008	Suspend	4-1-2008
580-040-0210	7-21-2008	Repeal	9-1-2008	580-050-0025	7-21-2008	Repeal	9-1-2008
580-040-0215	2-19-2008	Suspend	4-1-2008	580-050-0032	2-19-2008	Suspend	4-1-2008
580-040-0215	7-21-2008	Repeal	9-1-2008	580-050-0032	7-21-2008	Repeal	9-1-2008
580-040-0220	2-19-2008	Suspend	4-1-2008	580-050-0033	2-19-2008	Suspend	4-1-2008
580-040-0220	7-21-2008	Repeal	9-1-2008	580-050-0033	7-21-2008	Repeal	9-1-2008
580-040-0223	2-19-2008	Suspend	4-1-2008	580-050-0040	2-19-2008	Suspend	4-1-2008
580-040-0223	7-21-2008	Repeal	9-1-2008	580-050-0040	7-21-2008	Repeal	9-1-2008
580-040-0225	2-19-2008	Suspend	4-1-2008	580-050-0041	2-19-2008	Suspend	4-1-2008
580-040-0225	7-21-2008	Repeal	9-1-2008	580-050-0041	7-21-2008	Repeal	9-1-2008
580-040-0230	2-19-2008	Suspend	4-1-2008	580-050-0042	2-19-2008	Suspend	4-1-2008
580-040-0230	7-21-2008	Repeal	9-1-2008	580-050-0042	7-21-2008	Repeal	9-1-2008
580-040-0235	2-19-2008	Suspend	4-1-2008	580-050-0100	2-19-2008	Suspend	4-1-2008
580-040-0235	7-21-2008	Repeal	9-1-2008	580-050-0100	7-21-2008	Repeal	9-1-2008
580-040-0240	2-19-2008	Suspend	4-1-2008	580-050-0105	2-19-2008	Suspend	4-1-2008
580-040-0240	7-21-2008	Repeal	9-1-2008	580-050-0105	7-21-2008	Repeal	9-1-2008
580-040-0245	2-19-2008	Suspend	4-1-2008	580-060-0000	2-19-2008	Adopt(T)	4-1-2008
580-040-0245	7-21-2008	Repeal	9-1-2008	580-060-0000	7-21-2008	Adopt	9-1-2008
580-040-0255	2-19-2008	Suspend	4-1-2008	580-060-0005	2-19-2008	Adopt(T)	4-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
580-060-0005	7-21-2008	Adopt	9-1-2008	580-061-0080	7-21-2008	Adopt	9-1-2008
580-060-0010	2-19-2008	Adopt(T)	4-1-2008	580-061-0085	2-19-2008	Adopt(T)	4-1-2008
580-060-0010	7-21-2008	Adopt	9-1-2008	580-061-0085	7-21-2008	Adopt	9-1-2008
580-060-0015	2-19-2008	Adopt(T)	4-1-2008	580-061-0090	2-19-2008	Adopt(T)	4-1-2008
580-060-0015	7-21-2008	Adopt	9-1-2008	580-061-0090	7-21-2008	Adopt	9-1-2008
580-060-0020	2-19-2008	Adopt(T)	4-1-2008	580-061-0095	2-19-2008	Adopt(T)	4-1-2008
580-060-0020	7-21-2008	Adopt	9-1-2008	580-061-0095	7-21-2008	Adopt	9-1-2008
580-060-0025	2-19-2008	Adopt(T)	4-1-2008	580-061-0100	2-19-2008	Adopt(T)	4-1-2008
580-060-0025	7-21-2008	Adopt	9-1-2008	580-061-0100	7-21-2008	Adopt	9-1-2008
580-060-0030	2-19-2008	Adopt(T)	4-1-2008	580-061-0105	2-19-2008	Adopt(T)	4-1-2008
580-060-0030	7-21-2008	Adopt	9-1-2008	580-061-0105	7-21-2008	Adopt	9-1-2008
580-060-0035	2-19-2008	Adopt(T)	4-1-2008	580-061-0110	2-19-2008	Adopt(T)	4-1-2008
580-060-0035	7-21-2008	Adopt	9-1-2008	580-061-0110	7-21-2008	Adopt	9-1-2008
580-060-0040	2-19-2008	Adopt(T)	4-1-2008	580-061-0115	2-19-2008	Adopt(T)	4-1-2008
580-060-0040	7-21-2008	Adopt	9-1-2008	580-061-0115	7-21-2008	Adopt	9-1-2008
580-060-0045	2-19-2008	Adopt(T)	4-1-2008	580-061-0120	2-19-2008	Adopt(T)	4-1-2008
580-060-0045	7-21-2008	Adopt	9-1-2008	580-061-0120	7-21-2008	Adopt	9-1-2008
580-060-0050	2-19-2008	Adopt(T)	4-1-2008	580-061-0125	2-19-2008	Adopt(T)	4-1-2008
580-060-0050	7-21-2008	Adopt	9-1-2008	580-061-0125	7-21-2008	Adopt	9-1-2008
580-060-0055	2-19-2008	Adopt(T)	4-1-2008	580-061-0130	2-19-2008	Adopt(T)	4-1-2008
580-060-0055	7-21-2008	Adopt	9-1-2008	580-061-0130	7-21-2008	Adopt	9-1-2008
580-060-0060	2-19-2008	Adopt(T)	4-1-2008	580-061-0135	2-19-2008	Adopt(T)	4-1-2008
580-060-0060	7-21-2008	Adopt	9-1-2008	580-061-0135	7-21-2008	Adopt	9-1-2008
580-061-0000	2-19-2008	Adopt(T)	4-1-2008	580-061-0140	2-19-2008	Adopt(T)	4-1-2008
580-061-0000	7-21-2008	Adopt	9-1-2008	580-061-0140	7-21-2008	Adopt	9-1-2008
580-061-0005	2-19-2008	Adopt(T)	4-1-2008	580-061-0145	2-19-2008	Adopt(T)	4-1-2008
580-061-0005	7-21-2008	Adopt	9-1-2008	580-061-0145	6-5-2008	Amend(T)	7-1-2008
580-061-0010	2-19-2008	Adopt(T)	4-1-2008	580-061-0145	7-21-2008	Adopt	9-1-2008
580-061-0010	7-21-2008	Adopt	9-1-2008	580-061-0145(T)	6-5-2008	Suspend	7-1-2008
580-061-0015	2-19-2008	Adopt(T)	4-1-2008	580-061-0150	2-19-2008	Adopt(T)	4-1-2008
580-061-0015	7-21-2008	Adopt	9-1-2008	580-061-0150	7-21-2008	Adopt	9-1-2008
580-061-0020	2-19-2008	Adopt(T)	4-1-2008	580-061-0155	2-19-2008	Adopt(T)	4-1-2008
580-061-0020	7-21-2008	Adopt	9-1-2008	580-061-0155	7-21-2008	Adopt	9-1-2008
580-061-0025	2-19-2008	Adopt(T)	4-1-2008	580-061-0160	2-19-2008	Adopt(T)	4-1-2008
580-061-0025	7-21-2008	Adopt	9-1-2008	580-061-0160	7-21-2008	Adopt	9-1-2008
580-061-0030	2-19-2008	Adopt(T)	4-1-2008	580-062-0000	2-19-2008	Adopt(T)	4-1-2008
580-061-0030	7-21-2008	Adopt	9-1-2008	580-062-0000	7-21-2008	Adopt	9-1-2008
580-061-0035	2-19-2008	Adopt(T)	4-1-2008	580-062-0005	2-19-2008	Adopt(T)	4-1-2008
580-061-0035	7-21-2008	Adopt	9-1-2008	580-062-0005	7-21-2008	Adopt	9-1-2008
580-061-0040	2-19-2008	Adopt(T)	4-1-2008	580-062-0010	2-19-2008	Adopt(T)	4-1-2008
580-061-0040	7-21-2008	Adopt	9-1-2008	580-062-0010	7-21-2008	Adopt	9-1-2008
580-061-0045	2-19-2008	Adopt(T)	4-1-2008	580-062-0015	2-19-2008	Adopt(T)	4-1-2008
580-061-0045	7-21-2008	Adopt	9-1-2008	580-062-0015	7-21-2008	Adopt	9-1-2008
580-061-0050	2-19-2008	Adopt(T)	4-1-2008	580-062-0020	2-19-2008	Adopt(T)	4-1-2008
580-061-0050	7-21-2008	Adopt	9-1-2008	580-062-0020	7-21-2008	Adopt	9-1-2008
580-061-0055	2-19-2008	Adopt(T)	4-1-2008	580-063-0000	2-19-2008	Adopt(T)	4-1-2008
580-061-0055	7-21-2008	Adopt	9-1-2008	580-063-0000	7-21-2008	Adopt	9-1-2008
580-061-0060	2-19-2008	Adopt(T)	4-1-2008	580-063-0005	2-19-2008	Adopt(T)	4-1-2008
580-061-0060	7-21-2008	Adopt	9-1-2008	580-063-0005	7-21-2008	Adopt	9-1-2008
580-061-0065	2-19-2008	Adopt(T)	4-1-2008	580-063-0010	2-19-2008	Adopt(T)	4-1-2008
580-061-0065	7-21-2008	Adopt	9-1-2008	580-063-0010	6-5-2008	Amend(T)	7-1-2008
580-061-0070	2-19-2008	Adopt(T)	4-1-2008	580-063-0010	7-21-2008	Adopt	9-1-2008
580-061-0070	7-21-2008	Adopt	9-1-2008	580-063-0010(T)	6-5-2008	Suspend	7-1-2008
580-061-0075	2-19-2008	Adopt(T)	4-1-2008	580-063-0015	2-19-2008	Adopt(T)	4-1-2008
580-061-0075	7-21-2008	Adopt	9-1-2008	580-063-0015	7-21-2008	Adopt	9-1-2008
580-061-0080	2-19-2008	Adopt(T)	4-1-2008	580-063-0020	2-19-2008	Adopt(T)	4-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
580-063-0020	6-5-2008	Amend(T)	7-1-2008	581-053-5556	4-18-2008	Amend	6-1-2008
580-063-0020	7-21-2008	Adopt	9-1-2008	582-001-0010	2-4-2008	Amend	3-1-2008
580-063-0020(T)	6-5-2008	Suspend	7-1-2008	582-001-0010	3-3-2008	Amend	4-1-2008
580-063-0025	2-19-2008	Adopt(T)	4-1-2008	582-001-0010	4-10-2008	Amend	5-1-2008
580-063-0025	7-21-2008	Adopt	9-1-2008	582-030-0005	2-4-2008	Amend	3-1-2008
580-063-0030	2-19-2008	Adopt(T)	4-1-2008	582-030-0008	2-4-2008	Amend	3-1-2008
580-063-0030	7-21-2008	Adopt	9-1-2008	582-070-0020	2-4-2008	Amend	3-1-2008
580-063-0035	2-19-2008	Adopt(T)	4-1-2008	582-070-0020	3-3-2008	Amend	4-1-2008
580-063-0035	7-21-2008	Adopt	9-1-2008	582-070-0020	4-10-2008	Amend	5-1-2008
580-063-0040	2-19-2008	Adopt(T)	4-1-2008	582-070-0025	2-4-2008	Amend	3-1-2008
580-063-0040	7-21-2008	Adopt	9-1-2008	582-070-0030	2-4-2008	Amend	3-1-2008
580-063-0045	2-19-2008	Adopt(T)	4-1-2008	582-080-0020	3-3-2008	Amend	4-1-2008
580-063-0045	7-21-2008	Adopt	9-1-2008	583-050-0011	2-7-2008	Amend	3-1-2008
581-011-0140	1-25-2008	Amend	3-1-2008	583-070-0002	4-14-2008	Adopt	5-1-2008
581-015-0055	2-22-2008	Repeal	4-1-2008	583-070-0011	4-14-2008	Adopt	5-1-2008
581-015-0065	2-22-2008	Repeal	4-1-2008	583-070-0015	4-14-2008	Adopt	5-1-2008
581-015-2035	4-21-2008	Adopt	6-1-2008	583-070-0020	4-14-2008	Adopt	5-1-2008
581-015-2570	12-12-2007	Amend	1-1-2008	584-005-0005	4-15-2008	Amend	5-1-2008
581-015-2595	12-12-2007	Amend	1-1-2008	584-005-0005	5-30-2008	Amend(T)	7-1-2008
581-019-0033	2-22-2008	Adopt(T)	4-1-2008	584-010-0006	4-15-2008	Adopt	5-1-2008
581-020-0060	1-25-2008	Amend	3-1-2008	584-010-0010	4-15-2008	Amend	5-1-2008
581-020-0065	1-25-2008	Amend	3-1-2008	584-010-0015	4-15-2008	Amend	5-1-2008
581-020-0070	1-25-2008	Amend	3-1-2008	584-010-0020	4-15-2008	Amend	5-1-2008
581-020-0075	1-25-2008	Amend	3-1-2008	584-010-0025	4-15-2008	Amend	5-1-2008
581-020-0080	1-25-2008	Amend	3-1-2008	584-010-0030	4-15-2008	Amend	5-1-2008
581-020-0085	1-25-2008	Amend	3-1-2008	584-010-0035	4-15-2008	Amend	5-1-2008
581-020-0090	1-25-2008	Amend	3-1-2008	584-010-0040	4-15-2008	Repeal	5-1-2008
581-020-0250	12-12-2007	Adopt	1-1-2008	584-010-0045	4-15-2008	Amend	5-1-2008
581-020-0339	6-27-2008	Adopt	8-1-2008	584-010-0050	4-15-2008	Amend	5-1-2008
581-020-0359	3-21-2008	Adopt	5-1-2008	584-010-0055	4-15-2008	Amend	5-1-2008
581-020-0361	3-21-2008	Adopt	5-1-2008	584-010-0060	4-15-2008	Amend	5-1-2008
581-021-0045	5-23-2008	Amend	7-1-2008	584-010-0065	4-15-2008	Repeal	5-1-2008
581-021-0046	5-23-2008	Amend	7-1-2008	584-010-0070	4-15-2008	Repeal	5-1-2008
581-022-0405	6-27-2008	Amend	8-1-2008	584-010-0080	4-15-2008	Amend	5-1-2008
581-022-0413	5-23-2008	Amend	7-1-2008	584-010-0090	4-15-2008	Amend	5-1-2008
581-022-0615	6-27-2008	Adopt	8-1-2008	584-010-0100	4-15-2008	Amend	5-1-2008
581-022-1065	1-25-2008	Amend	3-1-2008	584-010-0120	4-15-2008	Repeal	5-1-2008
581-022-1130	6-27-2008	Amend	8-1-2008	584-010-0140	4-15-2008	Amend	5-1-2008
581-022-1134	5-23-2008	Adopt	7-1-2008	584-017-0001	4-15-2008	Am. & Ren.	5-1-2008
581-022-1135	5-23-2008	Adopt	7-1-2008	584-017-0115	6-13-2008	Amend	7-1-2008
581-022-1510	6-27-2008	Amend	8-1-2008	584-017-0175	4-15-2008	Amend	5-1-2008
581-022-1661	12-12-2007	Adopt	1-1-2008	584-017-0185	2-15-2008	Amend(T)	3-1-2008
581-022-1940	12-12-2007	Amend	1-1-2008	584-017-0185	6-13-2008	Amend	7-1-2008
581-022-1941	12-12-2007	Adopt	1-1-2008	584-017-0350	4-15-2008	Repeal	5-1-2008
581-023-0035	2-22-2008	Amend	4-1-2008	584-017-0351	12-14-2007	Adopt	1-1-2008
581-023-0040	3-21-2008	Amend	5-1-2008	584-017-0355	4-15-2008	Amend	5-1-2008
581-023-0041	2-22-2008	Amend	4-1-2008	584-017-0442	4-15-2008	Repeal	5-1-2008
581-023-0050	6-27-2008	Am. & Ren.	8-1-2008	584-017-0452	4-15-2008	Repeal	5-1-2008
581-023-0100	6-27-2008	Amend	8-1-2008	584-019-0002	12-14-2007	Amend	1-1-2008
581-023-0104	12-12-2007	Amend	1-1-2008	584-019-0003	12-14-2007	Amend	1-1-2008
581-023-0112	4-21-2008	Amend	6-1-2008	584-019-0020	12-14-2007	Repeal	1-1-2008
581-024-0205	5-23-2008	Amend	7-1-2008	584-019-0025	12-14-2007	Amend	1-1-2008
581-024-0245	5-23-2008	Amend	7-1-2008	584-019-0035	12-14-2007	Amend	1-1-2008
581-024-0285	12-12-2007	Amend	1-1-2008	584-019-0040	12-14-2007	Amend	1-1-2008
581-045-0001	5-23-2008	Amend	7-1-2008	584-020-0000	12-14-2007	Amend	1-1-2008
581-049-0020	5-23-2008	Amend	7-1-2008	584-020-0005	12-14-2007	Amend	1-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
584-020-0010	12-14-2007	Amend	1-1-2008	584-060-0012	4-15-2008	Amend	5-1-2008
584-020-0015	12-14-2007	Amend	1-1-2008	584-060-0014	4-15-2008	Amend	5-1-2008
584-020-0020	12-14-2007	Amend	1-1-2008	584-060-0051	2-15-2008	Amend(T)	3-1-2008
584-020-0025	12-14-2007	Amend	1-1-2008	584-060-0051	8-12-2008	Amend	9-1-2008
584-020-0030	12-14-2007	Amend	1-1-2008	584-060-0052	4-15-2008	Amend	5-1-2008
584-020-0035	12-14-2007	Amend	1-1-2008	584-060-0210	4-15-2008	Amend	5-1-2008
584-020-0040	12-14-2007	Amend	1-1-2008	584-065-0070	4-15-2008	Amend	5-1-2008
584-020-0041	12-14-2007	Amend	1-1-2008	584-065-0080	4-15-2008	Amend	5-1-2008
584-021-0105	6-13-2008	Amend	7-1-2008	584-065-0120	6-13-2008	Adopt	7-1-2008
584-021-0175	6-13-2008	Repeal	7-1-2008	584-070-0011	12-14-2007	Repeal	1-1-2008
584-023-0005	12-14-2007	Amend	1-1-2008	584-070-0012	6-13-2008	Amend	7-1-2008
584-023-0015	12-14-2007	Amend	1-1-2008	584-070-0014	12-14-2007	Amend	1-1-2008
584-023-0025	12-14-2007	Amend	1-1-2008	584-070-0021	12-14-2007	Repeal	1-1-2008
584-036-0055	6-13-2008	Amend	7-1-2008	584-070-0132	4-15-2008	Amend	5-1-2008
584-036-0060	6-13-2008	Repeal	7-1-2008	584-070-0320	4-15-2008	Repeal	5-1-2008
584-036-0067	4-15-2008	Amend	5-1-2008	584-100-0006	6-5-2008	Amend(T)	7-1-2008
584-038-0004	4-15-2008	Amend	5-1-2008	603-009-0300	7-30-2008	Adopt(T)	9-1-2008
584-038-0080	12-14-2007	Amend	1-1-2008	603-009-0310	7-30-2008	Adopt(T)	9-1-2008
584-038-0335	12-14-2007	Amend	1-1-2008	603-009-0320	7-30-2008	Adopt(T)	9-1-2008
584-038-0336	12-14-2007	Amend	1-1-2008	603-009-0330	7-30-2008	Adopt(T)	9-1-2008
584-040-0080	12-14-2007	Amend	1-1-2008	603-009-0340	7-30-2008	Adopt(T)	9-1-2008
584-040-0310	12-14-2007	Amend	1-1-2008	603-009-0350	7-30-2008	Adopt(T)	9-1-2008
584-040-0315	12-14-2007	Amend	1-1-2008	603-009-0360	7-30-2008	Adopt(T)	9-1-2008
584-044-0011	4-15-2008	Amend	5-1-2008	603-011-0255	7-15-2008	Amend	8-1-2008
584-044-0015	4-15-2008	Amend	5-1-2008	603-011-0610	11-28-2007	Amend	1-1-2008
584-044-0023	4-15-2008	Amend	5-1-2008	603-011-0610	9-1-2008	Amend	7-1-2008
584-046-0003	6-13-2008	Amend	7-1-2008	603-011-0615	9-1-2008	Adopt	7-1-2008
584-046-0016	6-13-2008	Amend	7-1-2008	603-011-0620	11-28-2007	Amend	1-1-2008
584-046-0019	6-13-2008	Amend	7-1-2008	603-011-0620	9-1-2008	Amend	7-1-2008
584-046-0020	4-15-2008	Amend	5-1-2008	603-014-0016	2-6-2008	Amend	3-1-2008
584-046-0020	6-13-2008	Amend	7-1-2008	603-014-0055	2-6-2008	Amend	3-1-2008
584-046-0021	6-13-2008	Amend	7-1-2008	603-014-0065	2-6-2008	Amend	3-1-2008
584-046-0024	4-15-2008	Amend	5-1-2008	603-014-0095	2-6-2008	Amend	3-1-2008
584-048-0045	6-13-2008	Repeal	7-1-2008	603-014-0100	2-6-2008	Repeal	3-1-2008
584-048-0105	4-15-2008	Amend	5-1-2008	603-014-0135	2-6-2008	Amend	3-1-2008
584-050-0002	12-14-2007	Amend	1-1-2008	603-027-0410	2-15-2008	Amend	3-1-2008
584-050-0005	12-14-2007	Amend	1-1-2008	603-027-0410	3-17-2008	Amend(T)	4-1-2008
584-050-0006	12-14-2007	Amend	1-1-2008	603-027-0420	11-29-2007	Amend(T)	1-1-2008
584-050-0009	12-14-2007	Amend	1-1-2008	603-027-0420	2-15-2008	Amend	3-1-2008
584-050-0012	12-14-2007	Amend	1-1-2008	603-027-0420	3-17-2008	Amend(T)	4-1-2008
584-050-0015	12-14-2007	Amend	1-1-2008	603-027-0420(T)	11-29-2007	Suspend	1-1-2008
584-050-0016	12-14-2007	Amend	1-1-2008	603-027-0430	11-29-2007	Amend(T)	1-1-2008
584-050-0018	12-14-2007	Amend	1-1-2008	603-027-0430	2-15-2008	Amend	3-1-2008
584-050-0019	12-14-2007	Amend	1-1-2008	603-027-0430	3-17-2008	Amend(T)	4-1-2008
584-050-0020	12-14-2007	Amend	1-1-2008	603-027-0430(T)	11-29-2007	Suspend	1-1-2008
584-050-0035	12-14-2007	Amend	1-1-2008	603-027-0440	2-15-2008	Amend	3-1-2008
584-050-0040	12-14-2007	Amend	1-1-2008	603-027-0440	3-17-2008	Amend(T)	4-1-2008
584-050-0042	12-14-2007	Amend	1-1-2008	603-027-0470	2-15-2008	Amend	3-1-2008
584-050-0065	12-14-2007	Amend	1-1-2008	603-027-0490	2-15-2008	Amend	3-1-2008
584-050-0066	12-14-2007	Amend	1-1-2008	603-027-0490	3-17-2008	Amend(T)	4-1-2008
584-050-0067	12-14-2007	Amend	1-1-2008	603-052-0127	2-8-2008	Amend	3-1-2008
584-050-0070	12-14-2007	Amend	1-1-2008	603-052-0129	2-8-2008	Amend	3-1-2008
584-052-0015	4-15-2008	Amend	5-1-2008	603-052-0130	2-8-2008	Repeal	3-1-2008
584-052-0032	12-14-2007	Amend	1-1-2008	603-052-0132	2-8-2008	Repeal	3-1-2008
584-060-0002	4-15-2008	Amend	5-1-2008	603-052-0134	2-8-2008	Repeal	3-1-2008
584-060-0012	12-14-2007	Amend	1-1-2008	603-052-0136	2-8-2008	Repeal	3-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
603-052-0138	2-8-2008	Repeal	3-1-2008	629-048-0210	1-1-2008	Adopt	2-1-2008
603-052-0140	2-8-2008	Repeal	3-1-2008	629-048-0220	1-1-2008	Adopt	2-1-2008
603-052-0142	2-8-2008	Repeal	3-1-2008	629-048-0230	1-1-2008	Adopt	2-1-2008
603-052-0145	2-8-2008	Repeal	3-1-2008	629-048-0300	1-1-2008	Adopt	2-1-2008
603-052-0265	7-11-2008	Amend	8-1-2008	629-048-0310	1-1-2008	Adopt	2-1-2008
603-052-0347	1-11-2008	Amend	2-1-2008	629-048-0320	1-1-2008	Adopt	2-1-2008
603-052-0360	2-8-2008	Amend	3-1-2008	629-048-0330	1-1-2008	Adopt	2-1-2008
603-052-0395	2-28-2008	Adopt	4-1-2008	629-048-0400	1-1-2008	Adopt	2-1-2008
603-052-0880	1-7-2008	Amend	2-1-2008	629-048-0450	1-1-2008	Adopt	2-1-2008
603-052-1200	3-7-2008	Amend	4-1-2008	629-048-0500	1-1-2008	Adopt	2-1-2008
603-052-1221	2-8-2008	Amend	3-1-2008	629-623-0400	7-18-2008	Amend(T)	8-1-2008
603-052-1230	1-16-2008	Amend	3-1-2008	629-623-0500	7-18-2008	Suspend	8-1-2008
603-052-1240	1-7-2008	Amend	2-1-2008	635-001-0210	1-1-2008	Amend	2-1-2008
603-052-1250	1-16-2008	Amend	3-1-2008	635-003-0003	5-1-2008	Amend	6-1-2008
603-054-0016	1-7-2008	Amend	2-1-2008	635-003-0004	3-15-2008	Amend(T)	4-1-2008
603-054-0016	4-15-2008	Amend	5-1-2008	635-003-0004	6-21-2008	Amend(T)	8-1-2008
603-054-0017	1-7-2008	Amend	2-1-2008	635-003-0004(T)	6-21-2008	Suspend	8-1-2008
603-054-0017	4-15-2008	Amend	5-1-2008	635-003-0077	6-21-2008	Amend(T)	8-1-2008
603-054-0018	1-7-2008	Amend	2-1-2008	635-003-0085	9-1-2008	Amend(T)	8-1-2008
603-054-0018	4-15-2008	Amend	5-1-2008	635-004-0016	6-24-2008	Amend(T)	8-1-2008
603-054-0024	1-7-2008	Amend	2-1-2008	635-004-0016	8-6-2008	Amend(T)	9-1-2008
603-054-0035	2-15-2008	Amend	3-1-2008	635-004-0016(T)	8-6-2008	Suspend	9-1-2008
603-058-0032	1-1-2009	Adopt	6-1-2008	635-004-0018	1-1-2008	Amend	1-1-2008
617-010-0045	7-1-2008	Amend	7-1-2008	635-004-0019	11-28-2007	Amend(T)	1-1-2008
620-020-0010	1-25-2008	Adopt	3-1-2008	635-004-0019	12-11-2007	Amend(T)	1-1-2008
620-020-0020	1-25-2008	Adopt	3-1-2008	635-004-0019	5-1-2008	Amend(T)	6-1-2008
620-020-0030	1-25-2008	Adopt	3-1-2008	635-004-0019	8-1-2008	Amend(T)	9-1-2008
623-040-0005	12-3-2007	Adopt	1-1-2008	635-004-0019(T)	11-28-2007	Suspend	1-1-2008
623-040-0010	12-3-2007	Adopt	1-1-2008	635-004-0019(T)	8-1-2008	Suspend	9-1-2008
623-040-0015	12-3-2007	Adopt	1-1-2008	635-004-0027	1-1-2008	Amend(T)	2-1-2008
624-030-0010	7-15-2008	Amend	8-1-2008	635-004-0033	11-28-2007	Amend(T)	1-1-2008
624-040-0010	7-15-2008	Adopt	8-1-2008	635-004-0033	1-1-2008	Amend	1-1-2008
624-040-0020	7-15-2008	Adopt	8-1-2008	635-004-0033	7-1-2008	Amend(T)	8-1-2008
624-040-0030	7-15-2008	Adopt	8-1-2008	635-004-0033(T)	11-28-2007	Suspend	1-1-2008
629-001-0005	3-7-2008	Amend	4-1-2008	635-004-0038	8-11-2008	Amend(T)	9-1-2008
629-023-0420	9-1-2008	Amend	9-1-2008	635-004-0170	11-28-2007	Amend(T)	1-1-2008
629-023-0430	9-1-2008	Amend	9-1-2008	635-004-0170	1-1-2008	Amend	1-1-2008
629-023-0440	9-1-2008	Amend	9-1-2008	635-005-0005	1-23-2008	Amend	3-1-2008
629-023-0450	9-1-2008	Amend	9-1-2008	635-005-0055	12-11-2007	Amend(T)	1-1-2008
629-041-0555	5-12-2008	Amend	6-1-2008	635-005-0055	12-14-2007	Amend(T)	1-1-2008
629-041-0557	5-12-2008	Amend	6-1-2008	635-005-0055	12-14-2007	Suspend	1-1-2008
629-043-0040	1-1-2008	Amend	2-1-2008	635-005-0055	3-25-2008	Amend(T)	5-1-2008
629-043-0041	1-1-2008	Repeal	2-1-2008	635-005-0055	6-11-2008	Amend(T)	7-1-2008
629-043-0043	1-1-2008	Repeal	2-1-2008	635-005-0055(T)	3-25-2008	Suspend	5-1-2008
629-048-0001	1-1-2008	Adopt	2-1-2008	635-005-0055(T)	6-11-2008	Suspend	7-1-2008
629-048-0005	1-1-2008	Adopt	2-1-2008	635-005-0064	1-23-2008	Amend	3-1-2008
629-048-0010	1-1-2008	Adopt	2-1-2008	635-005-0065	1-23-2008	Amend	3-1-2008
629-048-0020	1-1-2008	Adopt	2-1-2008	635-005-0066	1-23-2008	Amend	3-1-2008
629-048-0100	1-1-2008	Adopt	2-1-2008	635-006-0212	7-10-2008	Amend(T)	8-1-2008
629-048-0110	1-1-2008	Adopt	2-1-2008	635-006-0215	7-10-2008	Amend(T)	8-1-2008
629-048-0120	1-1-2008	Adopt	2-1-2008	635-006-0225	4-1-2008	Amend(T)	5-1-2008
629-048-0130	1-1-2008	Adopt	2-1-2008	635-006-0225	7-10-2008	Amend(T)	8-1-2008
629-048-0140	1-1-2008	Adopt	2-1-2008	635-006-0225(T)	7-10-2008	Suspend	8-1-2008
629-048-0150	1-1-2008	Adopt	2-1-2008	635-006-0230	4-1-2008	Amend(T)	5-1-2008
629-048-0160	1-1-2008	Adopt	2-1-2008	635-006-0232	1-15-2008	Amend	2-1-2008
629-048-0200	1-1-2008	Adopt	2-1-2008	635-006-0850	1-1-2008	Amend(T)	2-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-006-0850	1-23-2008	Amend	3-1-2008	635-019-0080	1-1-2008	Amend	2-1-2008
635-006-0850(T)	1-23-2008	Repeal	3-1-2008	635-019-0090	1-1-2008	Amend	2-1-2008
635-006-0910	1-23-2008	Amend	3-1-2008	635-019-0090	5-31-2008	Amend(T)	7-1-2008
635-006-0930	1-23-2008	Amend	3-1-2008	635-019-0090	7-9-2008	Amend(T)	8-1-2008
635-006-1015	1-15-2008	Amend	2-1-2008	635-021-0080	1-1-2008	Amend	2-1-2008
635-006-1065	1-15-2008	Amend	2-1-2008	635-021-0090	1-1-2008	Amend	2-1-2008
635-006-1075	1-15-2008	Amend	2-1-2008	635-021-0090	5-31-2008	Amend(T)	7-1-2008
635-008-0115	4-24-2008	Amend	6-1-2008	635-021-0090	7-4-2008	Amend(T)	8-1-2008
635-008-0120	4-24-2008	Amend	6-1-2008	635-021-0090	7-9-2008	Amend(T)	8-1-2008
635-011-0100	1-1-2008	Amend	2-1-2008	635-021-0090(T)	7-4-2008	Suspend	8-1-2008
635-013-0003	1-1-2008	Amend	2-1-2008	635-021-0090(T)	7-9-2008	Suspend	8-1-2008
635-013-0003	5-1-2008	Amend	6-1-2008	635-023-0080	1-1-2008	Amend	2-1-2008
635-013-0004	1-1-2008	Amend	2-1-2008	635-023-0090	1-1-2008	Amend	2-1-2008
635-013-0004	3-15-2008	Amend(T)	4-1-2008	635-023-0095	1-1-2008	Amend	2-1-2008
635-013-0004	6-21-2008	Amend(T)	8-1-2008	635-023-0095	1-1-2008	Amend(T)	2-1-2008
635-013-0004	8-15-2008	Amend(T)	9-1-2008	635-023-0095	2-11-2008	Amend	3-1-2008
635-013-0004(T)	6-21-2008	Suspend	8-1-2008	635-023-0095	3-15-2008	Amend(T)	4-1-2008
635-013-0004(T)	8-1-2008	Suspend	8-1-2008	635-023-0095	3-26-2008	Amend(T)	5-1-2008
635-013-0004(T)	8-15-2008	Suspend	9-1-2008	635-023-0095	7-10-2008	Amend(T)	8-1-2008
635-013-0007	8-1-2008	Amend(T)	8-1-2008	635-023-0095	7-12-2008	Amend(T)	8-1-2008
635-013-0009	3-15-2008	Amend(T)	4-1-2008	635-023-0095	7-25-2008	Amend(T)	9-1-2008
635-013-0009	8-1-2008	Amend(T)	8-1-2008	635-023-0095(T)	1-1-2008	Suspend	2-1-2008
635-013-0009(T)	8-1-2008	Suspend	8-1-2008	635-023-0095(T)	2-11-2008	Repeal	3-1-2008
635-014-0080	1-1-2008	Amend	2-1-2008	635-023-0095(T)	7-10-2008	Suspend	8-1-2008
635-014-0090	1-1-2008	Amend	2-1-2008	635-023-0095(T)	7-12-2008	Suspend	8-1-2008
635-014-0090	3-15-2008	Amend(T)	4-1-2008	635-023-0095(T)	7-25-2008	Suspend	9-1-2008
635-014-0090	8-1-2008	Amend(T)	8-1-2008	635-023-0125	1-1-2008	Amend	2-1-2008
635-014-0090(T)	8-1-2008	Suspend	8-1-2008	635-023-0125	2-25-2008	Amend(T)	4-1-2008
635-016-0080	1-1-2008	Amend	2-1-2008	635-023-0125	2-27-2008	Amend(T)	4-1-2008
635-016-0090	1-1-2008	Amend	2-1-2008	635-023-0125	4-21-2008	Amend(T)	6-1-2008
635-016-0090	1-1-2008	Amend	2-1-2008	635-023-0125	5-13-2008	Amend(T)	6-1-2008
635-016-0090	6-1-2008	Amend(T)	7-1-2008	635-023-0125(T)	4-21-2008	Suspend	6-1-2008
635-016-0090	8-1-2008	Amend(T)	8-1-2008	635-023-0125(T)	5-13-2008	Suspend	6-1-2008
635-017-0080	1-1-2008	Amend	2-1-2008	635-023-0128	1-1-2008	Amend	2-1-2008
635-017-0090	1-1-2008	Amend	2-1-2008	635-023-0128	5-1-2008	Amend	6-1-2008
635-017-0090	1-1-2008	Amend	2-1-2008	635-023-0128	6-16-2008	Amend(T)	7-1-2008
635-017-0090	1-9-2008	Amend(T)	2-1-2008	635-023-0128	6-21-2008	Amend(T)	8-1-2008
635-017-0090	2-1-2008	Amend(T)	3-1-2008	635-023-0128	6-28-2008	Amend(T)	8-1-2008
635-017-0090	3-1-2008	Amend(T)	4-1-2008	635-023-0128(T)	6-21-2008	Suspend	8-1-2008
635-017-0090	5-12-2008	Amend(T)	6-1-2008	635-023-0128(T)	6-28-2008	Suspend	8-1-2008
635-017-0090	6-2-2008	Amend(T)	7-1-2008	635-023-0130	1-1-2008	Amend	2-1-2008
635-017-0090	7-29-2008	Amend(T)	9-1-2008	635-023-0130	5-1-2008	Amend	6-1-2008
635-017-0090(T)	2-1-2008	Suspend	3-1-2008	635-023-0134	4-26-2008	Amend(T)	6-1-2008
635-017-0090(T)	5-12-2008	Suspend	6-1-2008	635-023-0134	6-21-2008	Amend(T)	8-1-2008
635-017-0090(T)	6-2-2008	Suspend	7-1-2008	635-023-0134(T)	6-21-2008	Suspend	8-1-2008
635-017-0090(T)	7-29-2008	Suspend	9-1-2008	635-039-0080	1-1-2008	Amend	2-1-2008
635-017-0095	1-1-2008	Amend	2-1-2008	635-039-0085	6-1-2008	Amend(T)	7-1-2008
635-017-0095	1-1-2008	Amend(T)	2-1-2008	635-039-0085	8-2-2008	Amend(T)	8-1-2008
635-017-0095	2-11-2008	Amend	3-1-2008	635-039-0085	8-11-2008	Amend(T)	9-1-2008
635-017-0095	7-25-2008	Amend(T)	9-1-2008	635-039-0085(T)	8-11-2008	Suspend	9-1-2008
635-017-0095(T)	1-1-2008	Suspend	2-1-2008	635-039-0090	1-1-2008	Amend	2-1-2008
635-017-0095(T)	2-11-2008	Repeal	3-1-2008	635-039-0090	7-7-2008	Amend(T)	8-1-2008
635-018-0080	1-1-2008	Amend	2-1-2008	635-041-0050	2-11-2008	Amend	3-1-2008
635-018-0090	1-1-2008	Amend	2-1-2008	635-041-0065	1-31-2008	Amend(T)	3-1-2008
635-018-0090	4-15-2008	Amend(T)	5-1-2008	635-041-0065	2-29-2008	Amend(T)	4-1-2008
635-018-0090	5-1-2008	Amend(T)	5-1-2008	635-041-0065	3-5-2008	Amend(T)	4-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-041-0065	3-10-2008	Amend(T)	4-1-2008	635-042-0145(T)	5-12-2008	Suspend	6-1-2008
635-041-0065(T)	3-10-2008	Suspend	4-1-2008	635-042-0145(T)	6-4-2008	Suspend	7-1-2008
635-041-0076	5-5-2008	Amend(T)	6-1-2008	635-042-0145(T)	8-1-2008	Suspend	9-1-2008
635-041-0076	5-11-2008	Amend(T)	6-1-2008	635-042-0160	1-31-2008	Amend(T)	3-1-2008
635-041-0076	6-16-2008	Amend(T)	7-1-2008	635-042-0160	3-2-2008	Amend(T)	4-1-2008
635-041-0076	6-21-2008	Amend(T)	8-1-2008	635-042-0160	5-12-2008	Amend(T)	6-1-2008
635-041-0076	6-28-2008	Amend(T)	8-1-2008	635-042-0160	6-4-2008	Amend(T)	7-1-2008
635-041-0076	7-10-2008	Amend(T)	8-1-2008	635-042-0160	8-1-2008	Amend(T)	9-1-2008
635-041-0076	7-25-2008	Amend(T)	9-1-2008	635-042-0160(T)	3-2-2008	Suspend	4-1-2008
635-041-0076	8-14-2008	Amend(T)	9-1-2008	635-042-0160(T)	5-12-2008	Suspend	6-1-2008
635-041-0076(T)	5-11-2008	Suspend	6-1-2008	635-042-0160(T)	6-4-2008	Suspend	7-1-2008
635-041-0076(T)	6-16-2008	Suspend	7-1-2008	635-042-0160(T)	8-1-2008	Suspend	9-1-2008
635-041-0076(T)	6-21-2008	Suspend	8-1-2008	635-042-0170	4-28-2008	Amend(T)	6-1-2008
635-041-0076(T)	6-28-2008	Suspend	8-1-2008	635-042-0170	5-12-2008	Amend(T)	6-1-2008
635-041-0076(T)	7-10-2008	Suspend	8-1-2008	635-042-0170	6-4-2008	Amend(T)	7-1-2008
635-041-0076(T)	7-25-2008	Suspend	9-1-2008	635-042-0170	8-1-2008	Amend(T)	9-1-2008
635-041-0076(T)	8-14-2008	Suspend	9-1-2008	635-042-0170(T)	5-12-2008	Suspend	6-1-2008
635-042-0010	2-11-2008	Amend	3-1-2008	635-042-0170(T)	6-4-2008	Suspend	7-1-2008
635-042-0022	4-1-2008	Amend(T)	5-1-2008	635-042-0170(T)	8-1-2008	Suspend	9-1-2008
635-042-0022	4-8-2008	Amend(T)	5-1-2008	635-042-0180	1-31-2008	Amend(T)	3-1-2008
635-042-0022	4-15-2008	Amend(T)	5-1-2008	635-042-0180	3-2-2008	Amend(T)	4-1-2008
635-042-0022(T)	4-15-2008	Suspend	5-1-2008	635-042-0180	5-12-2008	Amend(T)	6-1-2008
635-042-0022(T)	6-28-2008	Suspend	8-1-2008	635-042-0180	6-4-2008	Amend(T)	7-1-2008
635-042-0025	6-28-2008	Amend(T)	8-1-2008	635-042-0180	8-1-2008	Amend(T)	9-1-2008
635-042-0027	6-21-2008	Amend(T)	8-1-2008	635-042-0180(T)	3-2-2008	Suspend	4-1-2008
635-042-0027	6-24-2008	Amend(T)	7-1-2008	635-042-0180(T)	5-12-2008	Suspend	6-1-2008
635-042-0027	7-7-2008	Amend(T)	8-1-2008	635-042-0180(T)	6-4-2008	Suspend	7-1-2008
635-042-0027(T)	6-21-2008	Suspend	8-1-2008	635-042-0180(T)	8-1-2008	Suspend	9-1-2008
635-042-0027(T)	7-7-2008	Suspend	8-1-2008	635-043-0120	4-24-2008	Adopt	6-1-2008
635-042-0031	8-1-2008	Amend(T)	9-1-2008	635-045-0000	8-13-2008	Amend	9-1-2008
635-042-0031	8-12-2008	Amend(T)	9-1-2008	635-045-0002	5-28-2008	Amend	7-1-2008
635-042-0031	8-14-2008	Amend(T)	9-1-2008	635-048-0005	1-1-2008	Amend	2-1-2008
635-042-0031(T)	8-12-2008	Suspend	9-1-2008	635-048-0010	1-1-2008	Amend	2-1-2008
635-042-0031(T)	8-14-2008	Suspend	9-1-2008	635-048-0030	1-1-2008	Amend	2-1-2008
635-042-0110	5-12-2008	Amend(T)	4-1-2008	635-049-0000	5-28-2008	Repeal	7-1-2008
635-042-0110	6-21-2008	Amend(T)	8-1-2008	635-049-0001	5-28-2008	Adopt	7-1-2008
635-042-0110(T)	6-21-2008	Suspend	8-1-2008	635-049-0005	5-28-2008	Adopt	7-1-2008
635-042-0130	12-1-2007	Amend(T)	1-1-2008	635-049-0010	5-28-2008	Repeal	7-1-2008
635-042-0130	1-1-2008	Amend(T)	2-1-2008	635-049-0015	5-28-2008	Adopt	7-1-2008
635-042-0130	2-11-2008	Amend	3-1-2008	635-049-0020	5-28-2008	Repeal	7-1-2008
635-042-0130(T)	1-1-2008	Suspend	2-1-2008	635-049-0025	5-28-2008	Adopt	7-1-2008
635-042-0130(T)	2-11-2008	Repeal	3-1-2008	635-049-0030	5-28-2008	Repeal	7-1-2008
635-042-0135	1-1-2008	Amend(T)	2-1-2008	635-049-0035	5-28-2008	Adopt	7-1-2008
635-042-0135	1-31-2008	Amend(T)	3-1-2008	635-049-0040	5-28-2008	Repeal	7-1-2008
635-042-0135	2-11-2008	Amend	3-1-2008	635-049-0045	5-28-2008	Adopt	7-1-2008
635-042-0135	2-21-2008	Amend(T)	4-1-2008	635-049-0050	5-28-2008	Repeal	7-1-2008
635-042-0135(T)	1-31-2008	Suspend	3-1-2008	635-049-0055	5-28-2008	Adopt	7-1-2008
635-042-0135(T)	2-11-2008	Repeal	3-1-2008	635-049-0060	5-28-2008	Repeal	7-1-2008
635-042-0145	1-31-2008	Amend(T)	3-1-2008	635-049-0070	5-28-2008	Repeal	7-1-2008
635-042-0145	3-2-2008	Amend(T)	4-1-2008	635-049-0075	5-28-2008	Adopt	7-1-2008
635-042-0145	3-30-2008	Amend(T)	5-1-2008	635-049-0080	5-28-2008	Repeal	7-1-2008
635-042-0145	5-12-2008	Amend(T)	6-1-2008	635-049-0085	5-28-2008	Adopt	7-1-2008
635-042-0145	6-4-2008	Amend(T)	7-1-2008	635-049-0090	5-28-2008	Amend	7-1-2008
635-042-0145	8-1-2008	Amend(T)	9-1-2008	635-049-0095	5-28-2008	Adopt	7-1-2008
635-042-0145(T)	3-2-2008	Suspend	4-1-2008	635-049-0100	5-28-2008	Repeal	7-1-2008
635-042-0145(T)	3-30-2008	Suspend	5-1-2008	635-049-0105	5-28-2008	Adopt	7-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-049-0110	5-28-2008	Repeal	7-1-2008	635-055-0030	2-29-2008	Amend	4-1-2008
635-049-0115	5-28-2008	Adopt	7-1-2008	635-055-0035	2-21-2008	Amend	4-1-2008
635-049-0120	5-28-2008	Repeal	7-1-2008	635-055-0035	2-29-2008	Amend	4-1-2008
635-049-0125	5-28-2008	Adopt	7-1-2008	635-055-0075	2-21-2008	Amend	4-1-2008
635-049-0130	5-28-2008	Repeal	7-1-2008	635-055-0075	2-29-2008	Amend	4-1-2008
635-049-0135	5-28-2008	Adopt	7-1-2008	635-056-0010	11-19-2007	Amend	1-1-2008
635-049-0140	5-28-2008	Repeal	7-1-2008	635-056-0020	11-19-2007	Amend	1-1-2008
635-049-0145	5-28-2008	Adopt	7-1-2008	635-056-0070	5-28-2008	Amend(T)	7-1-2008
635-049-0160	5-28-2008	Repeal	7-1-2008	635-056-0075	5-28-2008	Amend(T)	7-1-2008
635-049-0165	5-28-2008	Adopt	7-1-2008	635-057-0000	11-19-2007	Adopt	1-1-2008
635-049-0170	5-28-2008	Repeal	7-1-2008	635-060-0000	6-12-2008	Amend	7-1-2008
635-049-0171	5-28-2008	Repeal	7-1-2008	635-060-0000	8-13-2008	Amend	9-1-2008
635-049-0175	5-28-2008	Adopt	7-1-2008	635-060-0008	5-14-2008	Amend(T)	6-1-2008
635-049-0180	5-28-2008	Repeal	7-1-2008	635-060-0023	12-1-2007	Amend	1-1-2008
635-049-0185	5-28-2008	Adopt	7-1-2008	635-067-0000	6-12-2008	Amend	7-1-2008
635-049-0190	5-28-2008	Repeal	7-1-2008	635-068-0000	6-12-2008	Amend	7-1-2008
635-049-0195	5-28-2008	Adopt	7-1-2008	635-069-0000	6-12-2008	Amend	7-1-2008
635-049-0200	5-28-2008	Amend	7-1-2008	635-070-0000	6-12-2008	Amend	7-1-2008
635-049-0205	5-28-2008	Adopt	7-1-2008	635-071-0000	6-12-2008	Amend	7-1-2008
635-049-0210	5-28-2008	Amend	7-1-2008	635-073-0000	6-12-2008	Amend	7-1-2008
635-049-0220	5-28-2008	Repeal	7-1-2008	635-079-0000	2-21-2008	Adopt	4-1-2008
635-049-0225	5-28-2008	Adopt	7-1-2008	635-079-0005	2-21-2008	Adopt	4-1-2008
635-049-0230	5-28-2008	Repeal	7-1-2008	635-079-0010	2-21-2008	Adopt	4-1-2008
635-049-0240	5-28-2008	Repeal	7-1-2008	635-200-0090	12-31-2007	Amend(T)	2-1-2008
635-049-0245	5-28-2008	Adopt	7-1-2008	635-200-0090	4-24-2008	Amend	6-1-2008
635-049-0250	5-28-2008	Repeal	7-1-2008	635-500-3890	7-28-2008	Adopt	9-1-2008
635-049-0265	5-28-2008	Adopt	7-1-2008	635-500-3895	7-28-2008	Adopt	9-1-2008
635-049-0275	5-28-2008	Adopt	7-1-2008	635-500-3900	7-28-2008	Adopt	9-1-2008
635-049-0285	5-28-2008	Adopt	7-1-2008	635-500-3905	7-28-2008	Adopt	9-1-2008
635-049-0330	5-28-2008	Repeal	7-1-2008	635-500-3910	7-28-2008	Adopt	9-1-2008
635-049-0340	5-28-2008	Repeal	7-1-2008	635-600-0000	4-24-2008	Adopt	6-1-2008
635-050-0045	7-25-2008	Amend	9-1-2008	635-600-0005	4-24-2008	Adopt	6-1-2008
635-050-0070	7-25-2008	Amend	9-1-2008	635-600-0010	4-24-2008	Adopt	6-1-2008
635-050-0080	7-25-2008	Amend	9-1-2008	635-600-0015	4-24-2008	Adopt	6-1-2008
635-050-0090	7-25-2008	Amend	9-1-2008	635-600-0020	4-24-2008	Adopt	6-1-2008
635-050-0100	7-25-2008	Amend	9-1-2008	635-600-0025	4-24-2008	Adopt	6-1-2008
635-050-0110	7-25-2008	Amend	9-1-2008	635-600-0030	4-24-2008	Adopt	6-1-2008
635-050-0120	7-25-2008	Amend	9-1-2008	635-600-0035	4-24-2008	Adopt	6-1-2008
635-050-0130	7-25-2008	Amend	9-1-2008	635-600-0040	4-24-2008	Adopt	6-1-2008
635-050-0140	7-25-2008	Amend	9-1-2008	635-600-0050	4-24-2008	Adopt	6-1-2008
635-050-0150	7-25-2008	Amend	9-1-2008	635-600-0055	4-24-2008	Adopt	6-1-2008
635-050-0170	7-25-2008	Amend	9-1-2008	635-600-0065	4-24-2008	Adopt	6-1-2008
635-050-0183	7-25-2008	Amend	9-1-2008	641-020-0010	3-22-2008	Adopt	3-1-2008
635-050-0189	7-25-2008	Amend	9-1-2008	641-020-0020	3-22-2008	Adopt	3-1-2008
635-050-0210	7-25-2008	Amend	9-1-2008	641-020-0030	3-22-2008	Adopt	3-1-2008
635-051-0000	8-13-2008	Amend	9-1-2008	642-020-0010	3-22-2008	Adopt	3-1-2008
635-051-0048	4-21-2008	Amend(T)	6-1-2008	642-020-0020	3-22-2008	Adopt	3-1-2008
635-051-0048	8-13-2008	Amend	9-1-2008	642-020-0030	3-22-2008	Adopt	3-1-2008
635-052-0000	8-13-2008	Amend	9-1-2008	644-040-0010	2-15-2008	Adopt	3-1-2008
635-053-0000	8-13-2008	Amend	9-1-2008	644-040-0020	2-15-2008	Adopt	3-1-2008
635-054-0000	8-13-2008	Amend	9-1-2008	644-040-0030	2-15-2008	Adopt	3-1-2008
635-055-0000	2-21-2008	Amend	4-1-2008	646-040-0000	1-23-2008	Adopt	3-1-2008
635-055-0000	2-29-2008	Amend	4-1-2008	646-040-0010	1-23-2008	Adopt	3-1-2008
635-055-0020	2-21-2008	Amend	4-1-2008	646-040-0020	1-23-2008	Adopt	3-1-2008
635-055-0020	2-29-2008	Amend	4-1-2008	647-010-0010	6-1-2008	Amend	6-1-2008
635-055-0030	2-21-2008	Amend	4-1-2008	647-040-0000	4-1-2008	Adopt	4-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
647-040-0010	4-1-2008	Adopt	4-1-2008	660-026-0020	4-18-2008	Repeal	6-1-2008
647-040-0020	4-1-2008	Adopt	4-1-2008	660-026-0030	4-18-2008	Repeal	6-1-2008
655-040-0000	4-1-2008	Adopt	3-1-2008	660-026-0040	4-18-2008	Repeal	6-1-2008
655-040-0010	4-1-2008	Adopt	3-1-2008	660-027-0005	2-13-2008	Adopt	3-1-2008
655-040-0020	4-1-2008	Adopt	3-1-2008	660-027-0010	2-13-2008	Adopt	3-1-2008
657-010-0015	7-1-2008	Amend	7-1-2008	660-027-0020	2-13-2008	Adopt	3-1-2008
657-020-0010	3-22-2008	Adopt	3-1-2008	660-027-0030	2-13-2008	Adopt	3-1-2008
657-020-0020	3-22-2008	Adopt	3-1-2008	660-027-0040	2-13-2008	Adopt	3-1-2008
657-020-0030	3-22-2008	Adopt	3-1-2008	660-027-0050	2-13-2008	Adopt	3-1-2008
660-002-0010	12-10-2007	Amend(T)	1-1-2008	660-027-0060	2-13-2008	Adopt	3-1-2008
660-002-0010	2-21-2008	Amend(T)	4-1-2008	660-027-0070	2-13-2008	Adopt	3-1-2008
660-002-0010	5-23-2008	Amend	7-1-2008	660-027-0080	2-13-2008	Adopt	3-1-2008
660-002-0015	12-10-2007	Amend(T)	1-1-2008	660-033-0020	4-18-2008	Amend	6-1-2008
660-002-0015	2-21-2008	Amend(T)	4-1-2008	660-033-0030	4-18-2008	Amend	6-1-2008
660-002-0015	5-23-2008	Amend	7-1-2008	660-033-0120	4-18-2008	Amend	6-1-2008
660-004-0010	4-18-2008	Amend	6-1-2008	660-033-0130	4-18-2008	Amend	6-1-2008
660-004-0040	2-13-2008	Amend	3-1-2008	660-041-0000	12-10-2007	Amend(T)	1-1-2008
660-006-0005	4-18-2008	Amend	6-1-2008	660-041-0000	2-21-2008	Amend(T)	4-1-2008
660-006-0010	4-18-2008	Amend	6-1-2008	660-041-0000	5-23-2008	Amend	7-1-2008
660-006-0026	4-18-2008	Amend	6-1-2008	660-041-0010	12-10-2007	Amend(T)	1-1-2008
660-006-0055	4-18-2008	Amend	6-1-2008	660-041-0010	2-21-2008	Amend(T)	4-1-2008
660-007-0005	4-18-2008	Amend	6-1-2008	660-041-0010	5-23-2008	Amend	7-1-2008
660-008-0005	4-18-2008	Amend	6-1-2008	660-041-0020	2-21-2008	Amend(T)	4-1-2008
660-011-0060	2-13-2008	Amend	3-1-2008	660-041-0020	5-23-2008	Amend	7-1-2008
660-011-0060	4-18-2008	Amend	6-1-2008	660-041-0030	12-10-2007	Amend(T)	1-1-2008
660-015-0000	4-18-2008	Amend	6-1-2008	660-041-0030	2-21-2008	Amend(T)	4-1-2008
660-015-0005	4-18-2008	Amend	6-1-2008	660-041-0030	5-23-2008	Amend	7-1-2008
660-015-0010	4-18-2008	Amend	6-1-2008	660-041-0040	12-10-2007	Amend(T)	1-1-2008
660-018-0005	4-18-2008	Amend	6-1-2008	660-041-0040	2-21-2008	Amend(T)	4-1-2008
660-018-0010	4-18-2008	Amend	6-1-2008	660-041-0040	5-23-2008	Amend	7-1-2008
660-018-0020	4-18-2008	Amend	6-1-2008	660-041-0050	12-10-2007	Suspend	1-1-2008
660-018-0021	4-18-2008	Amend	6-1-2008	660-041-0050	2-21-2008	Suspend	4-1-2008
660-018-0022	4-18-2008	Amend	6-1-2008	660-041-0050	5-23-2008	Repeal	7-1-2008
660-018-0025	4-18-2008	Amend	6-1-2008	660-041-0060	12-10-2007	Adopt(T)	1-1-2008
660-018-0030	4-18-2008	Amend	6-1-2008	660-041-0060	2-21-2008	Adopt(T)	4-1-2008
660-018-0035	4-18-2008	Amend	6-1-2008	660-041-0060	5-23-2008	Adopt	7-1-2008
660-018-0040	4-18-2008	Amend	6-1-2008	660-041-0070	12-10-2007	Adopt(T)	1-1-2008
660-018-0045	4-18-2008	Amend	6-1-2008	660-041-0070	2-21-2008	Adopt(T)	4-1-2008
660-018-0050	4-18-2008	Amend	6-1-2008	660-041-0070	5-23-2008	Adopt	7-1-2008
660-018-0055	4-18-2008	Amend	6-1-2008	660-041-0080	2-21-2008	Adopt(T)	4-1-2008
660-018-0060	4-18-2008	Amend	6-1-2008	660-041-0080	5-23-2008	Adopt	7-1-2008
660-018-0085	4-18-2008	Amend	6-1-2008	660-041-0090	2-21-2008	Adopt(T)	4-1-2008
660-018-0140	4-18-2008	Amend	6-1-2008	660-041-0090	5-23-2008	Adopt	7-1-2008
660-018-0150	4-18-2008	Amend	6-1-2008	660-041-0100	2-21-2008	Adopt(T)	4-1-2008
660-021-0010	2-13-2008	Amend	3-1-2008	660-041-0100	5-23-2008	Adopt	7-1-2008
660-021-0020	2-13-2008	Amend	3-1-2008	660-041-0110	5-23-2008	Adopt	7-1-2008
660-021-0030	2-13-2008	Amend	3-1-2008	660-041-0120	5-23-2008	Adopt	7-1-2008
660-021-0040	2-13-2008	Amend	3-1-2008	660-041-0130	5-23-2008	Adopt	7-1-2008
660-021-0050	2-13-2008	Amend	3-1-2008	660-041-0140	5-23-2008	Adopt	7-1-2008
660-021-0060	2-13-2008	Amend	3-1-2008	660-041-0150	5-23-2008	Adopt	7-1-2008
660-021-0070	2-13-2008	Amend	3-1-2008	660-041-0160	5-23-2008	Adopt	7-1-2008
660-021-0080	2-13-2008	Amend	3-1-2008	660-041-0500	12-10-2007	Adopt(T)	1-1-2008
660-024-0030	4-18-2008	Amend	6-1-2008	660-041-0500	2-21-2008	Adopt(T)	4-1-2008
660-025-0040	2-13-2008	Amend	3-1-2008	660-041-0500	5-23-2008	Adopt	7-1-2008
660-026-0000	4-18-2008	Repeal	6-1-2008	660-041-0510	12-10-2007	Adopt(T)	1-1-2008
660-026-0010	4-18-2008	Repeal	6-1-2008	660-041-0510	2-21-2008	Adopt(T)	4-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
660-041-0510	5-23-2008	Adopt	7-1-2008	734-001-0025	4-24-2008	Amend	6-1-2008
660-041-0520	12-10-2007	Adopt(T)	1-1-2008	734-010-0230	1-24-2008	Amend(T)	3-1-2008
660-041-0520	2-21-2008	Adopt(T)	4-1-2008	734-010-0230	5-19-2008	Amend	7-1-2008
660-041-0520	5-23-2008	Adopt	7-1-2008	734-010-0230(T)	5-19-2008	Repeal	7-1-2008
660-041-0530	12-10-2007	Adopt(T)	1-1-2008	734-010-0260	1-24-2008	Amend(T)	3-1-2008
660-041-0530	2-21-2008	Adopt(T)	4-1-2008	734-010-0260	5-19-2008	Amend	7-1-2008
660-041-0530	5-23-2008	Adopt	7-1-2008	734-010-0260(T)	5-19-2008	Repeal	7-1-2008
664-020-0010	4-1-2008	Adopt	3-1-2008	734-017-0005	7-28-2008	Amend	9-1-2008
664-020-0020	4-1-2008	Adopt	3-1-2008	734-059-0020	12-24-2007	Adopt	2-1-2008
664-020-0030	4-1-2008	Adopt	3-1-2008	734-059-0025	12-24-2007	Adopt	2-1-2008
670-020-0010	3-22-2008	Adopt	3-1-2008	734-059-0030	12-24-2007	Adopt	2-1-2008
670-020-0020	3-22-2008	Adopt	3-1-2008	734-059-0050	12-24-2007	Adopt	2-1-2008
670-020-0030	3-22-2008	Adopt	3-1-2008	734-074-0010	5-19-2008	Amend	7-1-2008
678-010-0030	7-16-2008	Amend	9-1-2008	734-075-0010	4-24-2008	Amend(T)	6-1-2008
678-030-0000	1-11-2008	Adopt	2-1-2008	734-082-0015	5-19-2008	Amend	7-1-2008
678-030-0010	1-11-2008	Adopt	2-1-2008	734-082-0040	5-19-2008	Amend	7-1-2008
678-030-0020	1-11-2008	Adopt	2-1-2008	735-010-0008	7-1-2008	Amend	8-1-2008
678-030-0030	1-11-2008	Adopt	2-1-2008	735-010-0045	12-24-2007	Amend	2-1-2008
679-030-0050	8-1-2008	Adopt	8-1-2008	735-010-0100	7-1-2008	Amend	8-1-2008
690-200-0028	7-1-2008	Amend	8-1-2008	735-010-0130	2-4-2008	Amend(T)	3-1-2008
690-200-0050	7-1-2008	Amend	8-1-2008	735-010-0130	7-1-2008	Amend	8-1-2008
690-210-0280	7-1-2008	Amend	8-1-2008	735-016-0030	2-4-2008	Amend	3-1-2008
690-215-0060	7-1-2008	Amend	8-1-2008	735-016-0040	2-4-2008	Amend	3-1-2008
690-215-0080	7-1-2008	Amend	8-1-2008	735-016-0070	7-1-2008	Amend	8-1-2008
690-215-0200	7-1-2008	Adopt	8-1-2008	735-020-0075	11-30-2007	Adopt	1-1-2008
690-600-0000	6-6-2008	Adopt	7-1-2008	735-024-0070	1-1-2008	Amend(T)	2-1-2008
690-600-0010	6-6-2008	Adopt	7-1-2008	735-024-0070	6-23-2008	Amend	8-1-2008
690-600-0020	6-6-2008	Adopt	7-1-2008	735-024-0070(T)	6-23-2008	Repeal	8-1-2008
690-600-0030	6-6-2008	Adopt	7-1-2008	735-024-0080	1-1-2008	Amend(T)	2-1-2008
690-600-0040	6-6-2008	Adopt	7-1-2008	735-024-0080	6-23-2008	Amend	8-1-2008
690-600-0050	6-6-2008	Adopt	7-1-2008	735-024-0080(T)	6-23-2008	Repeal	8-1-2008
690-600-0060	6-6-2008	Adopt	7-1-2008	735-028-0100	3-21-2008	Amend	5-1-2008
690-600-0070	6-6-2008	Adopt	7-1-2008	735-030-0300	1-1-2008	Adopt	2-1-2008
695-003-0010	3-25-2008	Adopt	5-1-2008	735-030-0310	1-1-2008	Adopt	2-1-2008
695-003-0020	3-25-2008	Adopt	5-1-2008	735-030-0320	1-1-2008	Adopt	2-1-2008
695-003-0030	3-25-2008	Adopt	5-1-2008	735-030-0330	1-1-2008	Adopt	2-1-2008
695-003-0040	3-25-2008	Adopt	5-1-2008	735-032-0020	1-1-2008	Amend(T)	2-1-2008
695-007-0010	5-27-2008	Amend(T)	7-1-2008	735-032-0020	6-23-2008	Amend	8-1-2008
695-007-0020	5-27-2008	Amend(T)	7-1-2008	735-032-0020(T)	6-23-2008	Repeal	8-1-2008
695-007-0030	5-27-2008	Amend(T)	7-1-2008	735-032-0050	1-1-2008	Amend	2-1-2008
695-007-0040	5-27-2008	Amend(T)	7-1-2008	735-040-0040	1-1-2008	Amend(T)	2-1-2008
731-001-0025	12-24-2007	Amend	2-1-2008	735-040-0040	6-23-2008	Amend	8-1-2008
731-005-0450	1-24-2008	Amend(T)	3-1-2008	735-040-0040(T)	6-23-2008	Repeal	8-1-2008
731-005-0450	5-19-2008	Amend	7-1-2008	735-040-0050	1-1-2008	Amend(T)	2-1-2008
731-005-0450(T)	5-19-2008	Repeal	7-1-2008	735-040-0050	6-23-2008	Repeal	8-1-2008
731-005-0550	12-24-2007	Amend(T)	2-1-2008	735-040-0080	1-1-2008	Amend(T)	2-1-2008
731-005-0550	5-19-2008	Amend	7-1-2008	735-040-0080	6-23-2008	Amend	8-1-2008
731-005-0550(T)	5-19-2008	Repeal	7-1-2008	735-040-0080(T)	6-23-2008	Repeal	8-1-2008
732-035-0010	4-24-2008	Adopt	6-1-2008	735-040-0090	1-1-2008	Amend(T)	2-1-2008
732-035-0020	4-24-2008	Adopt	6-1-2008	735-040-0090	6-23-2008	Amend	8-1-2008
732-035-0030	4-24-2008	Adopt	6-1-2008	735-040-0090(T)	6-23-2008	Repeal	8-1-2008
732-035-0040	4-24-2008	Adopt	6-1-2008	735-040-0100	1-1-2008	Amend(T)	2-1-2008
732-035-0050	4-24-2008	Adopt	6-1-2008	735-040-0100	6-23-2008	Amend	8-1-2008
732-035-0060	4-24-2008	Adopt	6-1-2008	735-040-0100(T)	6-23-2008	Repeal	8-1-2008
732-035-0070	4-24-2008	Adopt	6-1-2008	735-046-0000	6-23-2008	Amend	8-1-2008
732-035-0080	4-24-2008	Adopt	6-1-2008	735-046-0000(T)	6-23-2008	Repeal	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
735-046-0010	1-1-2008	Amend(T)	2-1-2008	735-070-0000	7-1-2008	Amend	8-1-2008
735-046-0010	6-23-2008	Amend	8-1-2008	735-070-0004	7-1-2008	Amend	8-1-2008
735-046-0010(T)	6-23-2008	Repeal	8-1-2008	735-070-0010	2-4-2008	Amend(T)	3-1-2008
735-046-0050	1-1-2008	Amend(T)	2-1-2008	735-070-0010	7-1-2008	Amend	8-1-2008
735-046-0050	6-23-2008	Amend	8-1-2008	735-070-0020	7-1-2008	Amend	8-1-2008
735-046-0050(T)	6-23-2008	Repeal	8-1-2008	735-070-0080	1-1-2008	Amend	1-1-2008
735-050-0000	2-4-2008	Amend	3-1-2008	735-070-0170	7-23-2008	Amend	9-1-2008
735-050-0060	2-4-2008	Amend	3-1-2008	735-070-0190	12-24-2007	Amend	2-1-2008
735-050-0062	2-4-2008	Amend	3-1-2008	735-072-0035	1-1-2008	Amend	2-1-2008
735-050-0064	2-4-2008	Amend	3-1-2008	735-074-0080	1-1-2008	Amend	2-1-2008
735-060-0120	1-1-2008	Amend	2-1-2008	735-074-0140	1-1-2008	Amend	2-1-2008
735-062-0000	1-1-2008	Amend	2-1-2008	735-074-0180	1-1-2008	Amend	2-1-2008
735-062-0000	2-4-2008	Amend(T)	3-1-2008	735-074-0260	1-1-2008	Am. & Ren.	2-1-2008
735-062-0000	7-1-2008	Am. & Ren.	8-1-2008	735-074-0270	1-1-2008	Am. & Ren.	2-1-2008
735-062-0002	7-1-2008	Adopt	8-1-2008	735-074-0280	1-1-2008	Am. & Ren.	2-1-2008
735-062-0005	2-4-2008	Amend(T)	3-1-2008	735-074-0290	1-1-2008	Am. & Ren.	2-1-2008
735-062-0005	7-1-2008	Amend	8-1-2008	735-075-0005	5-19-2008	Amend	7-1-2008
735-062-0010	2-4-2008	Amend(T)	3-1-2008	735-076-0002	1-1-2008	Amend	2-1-2008
735-062-0010	7-1-2008	Amend	8-1-2008	735-076-0005	2-22-2008	Amend(T)	4-1-2008
735-062-0015	7-1-2008	Adopt	8-1-2008	735-076-0005(T)	5-19-2008	Repeal	7-1-2008
735-062-0016	7-1-2008	Adopt	8-1-2008	735-076-0007	1-1-2008	Amend	2-1-2008
735-062-0020	2-4-2008	Amend(T)	3-1-2008	735-076-0018	1-1-2008	Amend	2-1-2008
735-062-0020	7-1-2008	Amend	8-1-2008	735-076-0020	1-1-2008	Amend	2-1-2008
735-062-0021	2-4-2008	Adopt(T)	3-1-2008	735-076-0035	1-1-2008	Amend	2-1-2008
735-062-0021	7-1-2008	Repeal	8-1-2008	735-080-0010	1-1-2008	Repeal	2-1-2008
735-062-0030	2-4-2008	Amend	3-1-2008	735-080-0020	1-1-2008	Amend	2-1-2008
735-062-0030	2-4-2008	Amend(T)	3-1-2008	735-080-0030	1-1-2008	Repeal	2-1-2008
735-062-0030	7-1-2008	Amend	8-1-2008	735-080-0040	1-1-2008	Amend	2-1-2008
735-062-0032	7-1-2008	Adopt	8-1-2008	735-080-0060	7-1-2008	Amend	8-1-2008
735-062-0033	7-1-2008	Adopt	8-1-2008	735-080-0070	7-1-2008	Amend	8-1-2008
735-062-0050	1-1-2008	Amend	2-1-2008	735-080-0080	1-1-2008	Amend	2-1-2008
735-062-0073	1-1-2008	Amend	2-1-2008	735-090-0000	12-24-2007	Amend	2-1-2008
735-062-0090	1-1-2008	Amend	2-1-2008	735-090-0020	12-24-2007	Amend	2-1-2008
735-062-0090	2-4-2008	Amend(T)	3-1-2008	735-090-0051	12-24-2007	Amend	2-1-2008
735-062-0090	2-22-2008	Amend(T)	4-1-2008	735-090-0120	12-24-2007	Amend	2-1-2008
735-062-0090	4-24-2008	Amend	6-1-2008	735-090-0130	12-24-2007	Amend	2-1-2008
735-062-0090	7-1-2008	Amend	8-1-2008	735-152-0000	1-1-2008	Amend(T)	2-1-2008
735-062-0090(T)	4-24-2008	Repeal	6-1-2008	735-152-0000	6-23-2008	Amend	8-1-2008
735-062-0110	2-4-2008	Amend(T)	3-1-2008	735-152-0000(T)	6-23-2008	Repeal	8-1-2008
735-062-0110	7-1-2008	Amend	8-1-2008	735-152-0040	1-1-2008	Amend(T)	2-1-2008
735-062-0120	7-1-2008	Amend	8-1-2008	735-152-0040	6-23-2008	Amend	8-1-2008
735-062-0125	7-1-2008	Adopt	8-1-2008	735-152-0040(T)	6-23-2008	Repeal	8-1-2008
735-062-0200	1-1-2008	Amend	2-1-2008	735-152-0050	1-1-2008	Amend(T)	2-1-2008
735-062-0220	7-1-2008	Adopt	8-1-2008	735-152-0050	6-23-2008	Amend	8-1-2008
735-062-0320	1-1-2008	Amend	2-1-2008	735-152-0050(T)	6-23-2008	Repeal	8-1-2008
735-062-0320	7-1-2008	Amend	8-1-2008	735-152-0060	1-1-2008	Amend(T)	2-1-2008
735-062-0330	1-1-2008	Amend	2-1-2008	735-152-0060	6-23-2008	Amend	8-1-2008
735-062-0380	1-1-2008	Amend	2-1-2008	735-152-0060(T)	6-23-2008	Repeal	8-1-2008
735-062-0390	1-1-2008	Adopt	2-1-2008	735-158-0000	11-30-2007	Amend	1-1-2008
735-064-0005	2-4-2008	Amend	3-1-2008	735-160-0003	7-23-2008	Amend	9-1-2008
735-064-0020	7-1-2008	Amend	8-1-2008	735-160-0115	12-24-2007	Amend	2-1-2008
735-064-0040	1-1-2008	Amend	2-1-2008	736-002-0010	2-15-2008	Amend	3-1-2008
735-064-0070	1-1-2008	Amend	1-1-2008	736-002-0020	2-15-2008	Amend	3-1-2008
735-064-0100	1-25-2008	Amend	3-1-2008	736-002-0030	2-15-2008	Amend	3-1-2008
735-064-0220	1-1-2008	Amend	2-1-2008	736-002-0032	2-15-2008	Adopt	3-1-2008
735-064-0230	1-25-2008	Amend	3-1-2008	736-002-0038	2-15-2008	Adopt	3-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
736-002-0040	2-15-2008	Repeal	3-1-2008	800-010-0017	2-1-2008	Amend	2-1-2008
736-002-0042	2-15-2008	Adopt	3-1-2008	800-010-0025	2-1-2008	Amend	2-1-2008
736-002-0050	2-15-2008	Adopt	3-1-2008	800-010-0030	2-1-2008	Amend	2-1-2008
736-002-0052	2-15-2008	Adopt	3-1-2008	800-010-0041	2-1-2008	Amend	2-1-2008
736-002-0058	2-15-2008	Adopt	3-1-2008	800-015-0005	2-1-2008	Amend	2-1-2008
736-002-0060	2-15-2008	Repeal	3-1-2008	800-015-0010	2-1-2008	Amend	2-1-2008
736-002-0070	2-15-2008	Amend	3-1-2008	800-015-0015	2-1-2008	Adopt	2-1-2008
736-002-0080	2-15-2008	Repeal	3-1-2008	800-015-0030	2-1-2008	Amend	2-1-2008
736-002-0082	2-15-2008	Adopt	3-1-2008	800-020-0015	2-1-2008	Amend	2-1-2008
736-002-0090	2-15-2008	Repeal	3-1-2008	800-020-0020	2-1-2008	Amend	2-1-2008
736-002-0092	2-15-2008	Adopt	3-1-2008	800-020-0022	2-1-2008	Amend	2-1-2008
736-002-0100	2-15-2008	Repeal	3-1-2008	800-020-0025	2-1-2008	Amend	2-1-2008
736-002-0102	2-15-2008	Adopt	3-1-2008	800-020-0026	2-1-2008	Amend	2-1-2008
736-002-0150	2-15-2008	Adopt	3-1-2008	800-020-0030	2-1-2008	Amend	2-1-2008
736-002-0160	2-15-2008	Adopt	3-1-2008	800-020-0031	2-1-2008	Amend	2-1-2008
736-006-0100	3-1-2008	Amend	3-1-2008	800-020-0035	2-1-2008	Amend	2-1-2008
736-006-0110	3-1-2008	Amend(T)	3-1-2008	800-025-0020	2-1-2008	Amend	2-1-2008
736-006-0110	5-15-2008	Amend	6-1-2008	800-025-0023	2-1-2008	Amend	2-1-2008
736-006-0115	3-1-2008	Amend	3-1-2008	800-025-0025	2-1-2008	Amend	2-1-2008
736-006-0125	3-1-2008	Amend	3-1-2008	800-025-0030	2-1-2008	Amend	2-1-2008
736-006-0140	3-1-2008	Amend	3-1-2008	800-025-0060	2-1-2008	Amend	2-1-2008
736-006-0150	3-1-2008	Amend	3-1-2008	800-025-0070	2-1-2008	Amend	2-1-2008
736-040-0005	5-15-2008	Amend	6-1-2008	800-030-0025	2-1-2008	Amend	2-1-2008
736-040-0015	5-15-2008	Amend	6-1-2008	800-030-0050	2-1-2008	Amend	2-1-2008
736-040-0020	5-15-2008	Amend	6-1-2008	801-001-0035	1-1-2008	Amend	2-1-2008
736-040-0035	5-15-2008	Amend	6-1-2008	801-010-0340	1-1-2008	Amend	2-1-2008
736-040-0041	5-15-2008	Amend	6-1-2008	801-030-0010	1-1-2008	Amend	2-1-2008
736-040-0042	5-15-2008	Amend	6-1-2008	801-030-0015	1-1-2008	Amend	2-1-2008
736-040-0043	5-15-2008	Amend	6-1-2008	801-030-0020	1-1-2008	Amend	2-1-2008
736-040-0044	5-15-2008	Amend	6-1-2008	801-040-0030	1-1-2008	Amend	2-1-2008
736-040-0046	5-15-2008	Amend	6-1-2008	804-022-0000	7-7-2008	Amend	8-1-2008
736-040-0056	5-15-2008	Amend	6-1-2008	804-022-0010	2-4-2008	Amend	3-1-2008
736-040-0070	5-15-2008	Amend	6-1-2008	804-025-0020	2-4-2008	Amend	3-1-2008
736-040-0071	5-15-2008	Amend	6-1-2008	804-027-0005	7-7-2008	Adopt	8-1-2008
736-040-0072	5-15-2008	Amend	6-1-2008	804-030-0005	7-7-2008	Am. & Ren.	8-1-2008
736-040-0073	5-15-2008	Amend	6-1-2008	804-030-0010	7-7-2008	Am. & Ren.	8-1-2008
736-040-0080	5-15-2008	Amend	6-1-2008	804-030-0015	2-4-2008	Am. & Ren.	3-1-2008
736-040-0085	5-15-2008	Amend	6-1-2008	804-030-0020	3-20-2008	Amend	5-1-2008
736-040-0090	5-15-2008	Amend	6-1-2008	804-030-0035	2-4-2008	Am. & Ren.	3-1-2008
736-054-0005	2-15-2008	Amend	3-1-2008	804-035-0010	3-20-2008	Amend	5-1-2008
736-054-0010	2-15-2008	Amend	3-1-2008	804-040-0000	3-20-2008	Amend	5-1-2008
736-054-0015	2-15-2008	Amend	3-1-2008	804-050-0001	7-7-2008	Am. & Ren.	8-1-2008
736-054-0025	2-15-2008	Amend	3-1-2008	804-050-0001	7-7-2008	Am. & Ren.	8-1-2008
740-100-0010	4-1-2008	Amend	5-1-2008	804-050-0001	7-7-2008	Am. & Ren.	8-1-2008
740-100-0030	7-23-2008	Amend	9-1-2008	806-010-0010	2-28-2008	Amend	4-1-2008
740-100-0060	4-1-2008	Amend	5-1-2008	806-010-0015	2-28-2008	Repeal	4-1-2008
740-100-0070	4-1-2008	Amend	5-1-2008	806-010-0020	2-28-2008	Amend	4-1-2008
740-100-0080	4-1-2008	Amend	5-1-2008	806-010-0033	2-28-2008	Amend	4-1-2008
740-100-0090	4-1-2008	Amend	5-1-2008	806-010-0035	2-28-2008	Amend	4-1-2008
740-100-0140	3-21-2008	Am. & Ren.	5-1-2008	806-010-0090	7-1-2008	Amend	4-1-2008
740-110-0010	4-1-2008	Amend	5-1-2008	806-010-0105	7-1-2008	Amend	4-1-2008
740-200-0010	7-1-2008	Amend	8-1-2008	806-010-0145	7-1-2008	Amend	4-1-2008
740-200-0020	7-1-2008	Amend	8-1-2008	808-001-0005	4-25-2008	Amend	6-1-2008
740-200-0040	7-1-2008	Amend	8-1-2008	808-001-0020	1-1-2008	Amend	2-1-2008
740-300-0140	3-21-2008	Am. & Ren.	5-1-2008	808-001-0020	1-1-2008	Amend	2-1-2008
800-010-0015	2-1-2008	Amend	2-1-2008	808-001-0020	4-11-2008	Amend	5-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
808-001-0020	4-23-2008	Amend(T)	6-1-2008	808-003-0235	1-1-2008	Amend	2-1-2008
808-002-0020	1-1-2008	Amend	2-1-2008	808-003-0255	1-1-2008	Amend	2-1-2008
808-002-0210	1-1-2008	Amend	2-1-2008	808-003-0440	1-1-2008	Amend	2-1-2008
808-002-0220	1-1-2008	Amend	2-1-2008	808-004-0120	1-1-2008	Amend	2-1-2008
808-002-0220	1-1-2008	Amend	2-1-2008	808-004-0120	4-11-2008	Amend	5-1-2008
808-002-0220	4-11-2008	Amend	5-1-2008	808-004-0250	1-1-2008	Amend	2-1-2008
808-002-0280	1-1-2008	Amend	2-1-2008	808-004-0320	1-1-2008	Amend	2-1-2008
808-002-0325	1-1-2008	Amend	2-1-2008	808-004-0340	1-1-2008	Amend	2-1-2008
808-002-0328	1-1-2008	Amend	2-1-2008	808-004-0340	1-1-2008	Amend	2-1-2008
808-002-0330	1-1-2008	Amend	2-1-2008	808-004-0400	1-1-2008	Amend	2-1-2008
808-002-0500	1-1-2008	Amend	2-1-2008	808-004-0450	1-1-2008	Amend	2-1-2008
808-002-0540	1-1-2008	Amend	2-1-2008	808-004-0530	1-1-2008	Adopt	2-1-2008
808-002-0590	1-1-2008	Adopt	2-1-2008	808-004-0540	1-1-2008	Amend	2-1-2008
808-002-0623	6-2-2008	Adopt	7-1-2008	808-004-0600	1-1-2008	Amend	2-1-2008
808-002-0625	1-1-2008	Adopt	2-1-2008	808-005-0020	1-1-2008	Amend	2-1-2008
808-002-0665	1-1-2008	Amend	2-1-2008	808-005-0020	1-1-2008	Amend	2-1-2008
808-002-0734	6-2-2008	Amend	7-1-2008	808-005-0020	4-11-2008	Amend	5-1-2008
808-002-0870	1-1-2008	Amend	2-1-2008	808-009-0340	8-8-2008	Amend(T)	9-1-2008
808-002-0900	1-1-2008	Amend	2-1-2008	808-009-0360	1-14-2008	Suspend	2-1-2008
808-002-0920	1-1-2008	Amend	2-1-2008	808-009-0360	3-7-2008	Repeal	4-1-2008
808-003-0010	1-1-2008	Amend	2-1-2008	808-030-0010	1-1-2008	Adopt	2-1-2008
808-003-0015	1-1-2008	Amend	2-1-2008	808-030-0010	6-2-2008	Amend	7-1-2008
808-003-0015	1-1-2008	Amend	2-1-2008	808-030-0020	1-1-2008	Adopt	2-1-2008
808-003-0015	4-11-2008	Amend	5-1-2008	808-030-0030	1-1-2008	Adopt	2-1-2008
808-003-0018	4-11-2008	Amend	5-1-2008	808-030-0040	1-1-2008	Adopt	2-1-2008
808-003-0020	1-1-2008	Amend	2-1-2008	808-030-0050	1-1-2008	Adopt	2-1-2008
808-003-0030	1-1-2008	Amend	2-1-2008	808-030-0060	1-1-2008	Adopt	2-1-2008
808-003-0030	6-2-2008	Amend	7-1-2008	808-030-0070	1-1-2008	Adopt	2-1-2008
808-003-0035	1-1-2008	Amend	2-1-2008	808-040-0010	1-1-2008	Adopt	2-1-2008
808-003-0035	1-1-2008	Amend	2-1-2008	808-040-0020	1-1-2008	Adopt	2-1-2008
808-003-0035	4-11-2008	Amend	5-1-2008	808-040-0025	1-1-2008	Adopt	2-1-2008
808-003-0040	1-1-2008	Amend	2-1-2008	808-040-0030	1-1-2008	Adopt	2-1-2008
808-003-0040	1-1-2008	Amend	2-1-2008	808-040-0040	1-1-2008	Adopt	2-1-2008
808-003-0040	4-11-2008	Amend	5-1-2008	808-040-0050	1-1-2008	Adopt	2-1-2008
808-003-0045	1-1-2008	Amend	2-1-2008	808-040-0060	1-1-2008	Adopt	2-1-2008
808-003-0045	1-1-2008	Amend	2-1-2008	808-040-0070	1-1-2008	Adopt	2-1-2008
808-003-0060	1-1-2008	Amend	2-1-2008	808-040-0080	1-1-2008	Adopt	2-1-2008
808-003-0090	1-1-2008	Amend	2-1-2008	809-030-0025	3-20-2008	Amend	5-1-2008
808-003-0095	1-1-2008	Amend	2-1-2008	811-001-0005	1-31-2008	Amend	1-1-2008
808-003-0100	1-1-2008	Amend	2-1-2008	811-010-0085	11-30-2007	Amend	1-1-2008
808-003-0105	1-1-2008	Amend	2-1-2008	811-010-0086	11-30-2007	Amend	1-1-2008
808-003-0110	1-1-2008	Amend	2-1-2008	811-010-0090	11-30-2007	Amend	1-1-2008
808-003-0112	1-1-2008	Amend	2-1-2008	811-010-0093	11-30-2007	Amend	1-1-2008
808-003-0125	1-1-2008	Amend	2-1-2008	811-015-0010	11-30-2007	Amend	1-1-2008
808-003-0125	6-2-2008	Amend	7-1-2008	811-015-0025	11-30-2007	Amend	1-1-2008
808-003-0130	1-1-2008	Amend	2-1-2008	811-021-0005	11-30-2007	Amend	1-1-2008
808-003-0130	1-1-2008	Amend	2-1-2008	811-030-0020	5-29-2008	Amend	7-1-2008
808-003-0130	4-11-2008	Amend	5-1-2008	812-001-0100	7-1-2008	Amend	7-1-2008
808-003-0135	1-1-2008	Amend	2-1-2008	812-001-0120	5-1-2008	Amend	6-1-2008
808-003-018	1-1-2008	Amend	2-1-2008	812-001-0140	7-1-2008	Amend	7-1-2008
808-003-0200	1-1-2008	Amend	2-1-2008	812-001-0160	5-1-2008	Amend	6-1-2008
808-003-0220	1-1-2008	Amend	2-1-2008	812-001-0160	8-1-2008	Amend(T)	9-1-2008
808-003-0225	1-1-2008	Amend	2-1-2008	812-001-0200	1-1-2008	Amend	1-1-2008
808-003-0230	1-1-2008	Amend	2-1-2008	812-001-0200	1-2-2008	Amend(T)	2-1-2008
808-003-0230	1-1-2008	Amend	2-1-2008	812-001-0200	5-1-2008	Amend	6-1-2008
808-003-0230	4-11-2008	Amend	5-1-2008	812-001-0200(T)	5-1-2008	Repeal	6-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-001-0240	7-1-2008	Adopt	8-1-2008	812-003-0160	7-1-2008	Amend	7-1-2008
812-001-0500	7-1-2008	Amend	7-1-2008	812-003-0170	1-1-2008	Amend	1-1-2008
812-002-0011	7-1-2008	Amend	7-1-2008	812-003-0170	7-1-2008	Amend	4-1-2008
812-002-0040	7-1-2008	Amend	7-1-2008	812-003-0171	7-1-2008	Adopt	4-1-2008
812-002-0140	1-1-2008	Amend	1-1-2008	812-003-0175	1-1-2008	Amend	1-1-2008
812-002-0140	7-1-2008	Amend	7-1-2008	812-003-0175	7-1-2008	Amend	4-1-2008
812-002-0143	1-1-2008	Amend	1-1-2008	812-003-0175	7-1-2008	Amend	8-1-2008
812-002-0143	7-1-2008	Amend	7-1-2008	812-003-0180	1-1-2008	Amend	1-1-2008
812-002-0160	7-1-2008	Amend	7-1-2008	812-003-0180	7-1-2008	Amend	7-1-2008
812-002-0170	1-1-2008	Adopt	1-1-2008	812-003-0190	1-1-2008	Amend	1-1-2008
812-002-0180	7-1-2008	Amend	7-1-2008	812-003-0190	7-1-2008	Amend	7-1-2008
812-002-0190	7-1-2008	Amend	7-1-2008	812-003-0200	1-1-2008	Amend	1-1-2008
812-002-0200	7-1-2008	Amend	7-1-2008	812-003-0200	7-1-2008	Amend	4-1-2008
812-002-0260	7-1-2008	Amend	7-1-2008	812-003-0210	7-1-2008	Amend	7-1-2008
812-002-0265	1-1-2008	Adopt	1-1-2008	812-003-0220	7-1-2008	Amend	4-1-2008
812-002-0280	7-1-2008	Amend	7-1-2008	812-003-0221	7-1-2008	Adopt	4-1-2008
812-002-0320	7-1-2008	Amend	4-1-2008	812-003-0230	7-1-2008	Amend	4-1-2008
812-002-0345	7-1-2008	Amend	7-1-2008	812-003-0240	1-1-2008	Amend	1-1-2008
812-002-0380	7-1-2008	Amend	4-1-2008	812-003-0240	7-1-2008	Amend	7-1-2008
812-002-0420	1-1-2008	Amend	1-1-2008	812-003-0250	1-1-2008	Amend	1-1-2008
812-002-0420	7-1-2008	Amend	7-1-2008	812-003-0250	7-1-2008	Amend	7-1-2008
812-002-0440	7-1-2008	Amend	7-1-2008	812-003-0260	1-1-2008	Amend	1-1-2008
812-002-0443	7-1-2008	Amend	7-1-2008	812-003-0260	3-24-2008	Amend	5-1-2008
812-002-0460	7-1-2008	Amend	7-1-2008	812-003-0260	7-1-2008	Amend	4-1-2008
812-002-0530	7-1-2008	Amend	7-1-2008	812-003-0260	7-1-2008	Amend	6-1-2008
812-002-0533	7-1-2008	Amend	7-1-2008	812-003-0260	7-1-2008	Amend	8-1-2008
812-002-0537	7-1-2008	Amend	7-1-2008	812-003-0270	1-10-2008	Amend(T)	2-1-2008
812-002-0580	1-1-2008	Amend	1-1-2008	812-003-0270	7-1-2008	Amend	4-1-2008
812-002-0630	1-1-2008	Adopt	1-1-2008	812-003-0280	1-1-2008	Amend	1-1-2008
812-002-0630	7-1-2008	Amend	7-1-2008	812-003-0280	7-1-2008	Amend	4-1-2008
812-002-0635	1-1-2008	Adopt	1-1-2008	812-003-0290	1-1-2008	Amend	1-1-2008
812-002-0635	7-1-2008	Amend	7-1-2008	812-003-0290	7-1-2008	Amend	4-1-2008
812-002-0640	1-1-2008	Amend	1-1-2008	812-003-0300	1-1-2008	Amend	1-1-2008
812-002-0640	7-1-2008	Amend	7-1-2008	812-003-0300	7-1-2008	Amend	4-1-2008
812-002-0670	7-1-2008	Amend	7-1-2008	812-003-0310	1-1-2008	Amend	1-1-2008
812-002-0673	7-1-2008	Amend	7-1-2008	812-003-0310	7-1-2008	Amend	7-1-2008
812-002-0675	7-1-2008	Amend	7-1-2008	812-003-0320	7-1-2008	Amend	7-1-2008
812-002-0760	1-1-2008	Amend	1-1-2008	812-003-0330	7-1-2008	Amend	7-1-2008
812-002-0760	7-1-2008	Amend	7-1-2008	812-003-0340	7-1-2008	Amend	4-1-2008
812-002-0780	7-1-2008	Amend	7-1-2008	812-003-0350	7-1-2008	Amend	7-1-2008
812-002-0840	1-1-2008	Repeal	1-1-2008	812-003-0360	7-1-2008	Amend	4-1-2008
812-003-0110	7-1-2008	Amend	7-1-2008	812-003-0370	7-1-2008	Amend	7-1-2008
812-003-0120	7-1-2008	Amend	7-1-2008	812-003-0380	1-1-2008	Amend	1-1-2008
812-003-0130	7-1-2008	Amend	4-1-2008	812-003-0380	7-1-2008	Amend	7-1-2008
812-003-0131	7-1-2008	Adopt	4-1-2008	812-003-0390	7-1-2008	Amend	7-1-2008
812-003-0140	1-10-2008	Amend(T)	2-1-2008	812-003-0400	1-1-2008	Amend	1-1-2008
812-003-0140	7-1-2008	Amend	4-1-2008	812-003-0400	7-1-2008	Amend	7-1-2008
812-003-0150	1-1-2008	Amend	1-1-2008	812-003-0410	7-1-2008	Amend	7-1-2008
812-003-0150	7-1-2008	Amend	8-1-2008	812-003-0420	7-1-2008	Amend	4-1-2008
812-003-0152	7-1-2008	Adopt	4-1-2008	812-003-0430	7-1-2008	Amend	7-1-2008
812-003-0152	7-1-2008	Amend	8-1-2008	812-003-0440	7-1-2008	Amend	4-1-2008
812-003-0153	7-1-2008	Adopt	4-1-2008	812-003-0450	7-1-2008	Amend	4-1-2008
812-003-0153	7-1-2008	Amend	8-1-2008	812-004-0110	7-1-2008	Amend	7-1-2008
812-003-0155	1-1-2008	Adopt	1-1-2008	812-004-0110	7-1-2008	Amend	8-1-2008
812-003-0155	7-1-2008	Amend	4-1-2008	812-004-0120	7-1-2008	Amend	7-1-2008
812-003-0160	1-1-2008	Amend	1-1-2008	812-004-0210	7-1-2008	Amend	7-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-004-0240	1-1-2008	Amend	1-1-2008	812-008-0110	1-1-2008	Amend	1-1-2008
812-004-0240	7-1-2008	Amend	7-1-2008	812-008-0201	7-1-2008	Amend	8-1-2008
812-004-0250	1-1-2008	Amend	1-1-2008	812-009-0020	7-1-2008	Amend	7-1-2008
812-004-0250	7-1-2008	Amend	7-1-2008	812-009-0050	7-1-2008	Amend	7-1-2008
812-004-0260	1-1-2008	Amend	1-1-2008	812-009-0070	7-1-2008	Amend	7-1-2008
812-004-0260	7-1-2008	Amend	8-1-2008	812-009-0090	7-1-2008	Amend	7-1-2008
812-004-0300	7-1-2008	Amend	7-1-2008	812-009-0140	1-1-2008	Amend	1-1-2008
812-004-0320	7-1-2008	Amend	8-1-2008	812-009-0140	7-1-2008	Amend	7-1-2008
812-004-0340	7-1-2008	Amend	7-1-2008	812-009-0160	7-1-2008	Amend	7-1-2008
812-004-0400	7-1-2008	Amend	7-1-2008	812-009-0200	7-1-2008	Amend	7-1-2008
812-004-0440	7-1-2008	Amend	7-1-2008	812-009-0220	7-1-2008	Amend	7-1-2008
812-004-0470	7-1-2008	Amend	7-1-2008	812-009-0320	7-1-2008	Amend	7-1-2008
812-004-0520	7-1-2008	Amend	7-1-2008	812-009-0340	7-1-2008	Amend	7-1-2008
812-004-0535	7-1-2008	Amend	7-1-2008	812-009-0400	5-1-2008	Amend	6-1-2008
812-004-0540	7-1-2008	Amend	7-1-2008	812-009-0420	5-1-2008	Amend	6-1-2008
812-004-0550	7-1-2008	Amend	7-1-2008	812-009-0430	7-1-2008	Amend	7-1-2008
812-004-0550	7-1-2008	Amend	8-1-2008	812-009-0435	5-1-2008	Adopt	6-1-2008
812-004-0560	1-1-2008	Amend	1-1-2008	812-010-0020	7-1-2008	Amend	7-1-2008
812-004-0560	7-1-2008	Amend	7-1-2008	812-010-0060	7-1-2008	Amend	7-1-2008
812-004-0590	1-1-2008	Amend	1-1-2008	812-010-0080	7-1-2008	Amend	7-1-2008
812-004-0590	7-1-2008	Amend	7-1-2008	812-010-0090	7-1-2008	Amend	7-1-2008
812-004-0600	1-1-2008	Amend	1-1-2008	812-010-0100	7-1-2008	Amend	7-1-2008
812-004-0600	7-1-2008	Amend	4-1-2008	812-010-0120	7-1-2008	Amend	7-1-2008
812-004-0600	7-1-2008	Amend	8-1-2008	812-010-0160	7-1-2008	Amend	7-1-2008
812-005-0100	7-1-2008	Amend	7-1-2008	812-010-0400	7-1-2008	Amend	7-1-2008
812-005-0130	7-1-2008	Amend	8-1-2008	812-010-0420	1-1-2008	Amend	1-1-2008
812-005-0140	7-1-2008	Amend	7-1-2008	812-010-0420	7-1-2008	Amend	7-1-2008
812-005-0160	7-1-2008	Amend	7-1-2008	812-010-0425	7-1-2008	Amend	7-1-2008
812-005-0170	7-1-2008	Amend	7-1-2008	812-010-0470	1-1-2008	Amend	1-1-2008
812-005-0200	1-1-2008	Amend	1-1-2008	812-010-0470	7-1-2008	Amend	7-1-2008
812-005-0200	7-1-2008	Amend	7-1-2008	812-012-0110	1-1-2008	Adopt	1-1-2008
812-005-0210	1-1-2008	Amend	1-1-2008	812-012-0110	7-1-2008	Amend	7-1-2008
812-005-0210	7-1-2008	Amend	7-1-2008	812-012-0130	1-1-2008	Adopt	1-1-2008
812-005-0250	1-1-2008	Amend	1-1-2008	812-012-0130	1-18-2008	Amend(T)	3-1-2008
812-005-0250	7-1-2008	Amend	7-1-2008	812-012-0130	5-1-2008	Amend	6-1-2008
812-005-0270	1-1-2008	Adopt	1-1-2008	812-012-0130(T)	5-1-2008	Repeal	6-1-2008
812-005-0270	7-1-2008	Amend	4-1-2008	813-110-0005	4-11-2008	Amend	5-1-2008
812-005-0280	7-1-2008	Adopt	8-1-2008	813-110-0005(T)	4-11-2008	Repeal	5-1-2008
812-005-0500	7-1-2008	Amend	8-1-2008	813-110-0010	4-11-2008	Amend	5-1-2008
812-005-0800	1-2-2008	Amend(T)	2-1-2008	813-110-0010(T)	4-11-2008	Repeal	5-1-2008
812-005-0800	7-1-2008	Amend	4-1-2008	813-110-0013	4-11-2008	Adopt	5-1-2008
812-005-0800	7-1-2008	Amend	8-1-2008	813-110-0013(T)	4-11-2008	Repeal	5-1-2008
812-006-0100	7-1-2008	Amend	7-1-2008	813-110-0015	4-11-2008	Amend	5-1-2008
812-006-0150	7-1-2008	Amend	7-1-2008	813-110-0015(T)	4-11-2008	Repeal	5-1-2008
812-006-0200	7-1-2008	Amend	7-1-2008	813-110-0020	4-11-2008	Amend	5-1-2008
812-006-0250	7-1-2008	Amend	7-1-2008	813-110-0020(T)	4-11-2008	Repeal	5-1-2008
812-006-0300	7-1-2008	Amend	7-1-2008	813-110-0021	4-11-2008	Amend	5-1-2008
812-006-0350	7-1-2008	Amend	7-1-2008	813-110-0021(T)	4-11-2008	Repeal	5-1-2008
812-006-0400	7-1-2008	Amend	7-1-2008	813-110-0022	4-11-2008	Amend	5-1-2008
812-006-0450	7-1-2008	Amend	8-1-2008	813-110-0022(T)	4-11-2008	Repeal	5-1-2008
812-007-0040	7-1-2008	Amend	4-1-2008	813-110-0025	4-11-2008	Amend	5-1-2008
812-008-0030	7-1-2008	Amend	4-1-2008	813-110-0025(T)	4-11-2008	Repeal	5-1-2008
812-008-0040	1-1-2008	Amend	1-1-2008	813-110-0030	4-11-2008	Amend	5-1-2008
812-008-0040	7-1-2008	Amend	4-1-2008	813-110-0030(T)	4-11-2008	Repeal	5-1-2008
812-008-0060	1-1-2008	Amend	1-1-2008	813-110-0035	4-11-2008	Amend	5-1-2008
812-008-0070	1-1-2008	Amend	1-1-2008	813-110-0035(T)	4-11-2008	Repeal	5-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
813-120-0001	1-28-2008	Amend	3-1-2008	818-021-0060	11-30-2007	Amend	1-1-2008
813-120-0010	1-28-2008	Amend	3-1-2008	818-021-0070	11-30-2007	Amend	1-1-2008
813-120-0020	1-28-2008	Amend	3-1-2008	818-035-0030	11-30-2007	Amend	1-1-2008
813-120-0030	1-28-2008	Am. & Ren.	3-1-2008	818-035-0040	11-30-2007	Amend	1-1-2008
813-120-0040	1-28-2008	Amend	3-1-2008	818-035-0065	11-30-2007	Amend	1-1-2008
813-120-0050	1-28-2008	Amend	3-1-2008	818-042-0040	11-30-2007	Amend	1-1-2008
813-120-0060	1-28-2008	Amend	3-1-2008	818-042-0060	11-30-2007	Amend	1-1-2008
813-120-0070	1-28-2008	Amend	3-1-2008	818-042-0095	11-30-2007	Adopt	1-1-2008
813-120-0080	1-28-2008	Amend	3-1-2008	820-010-0010	7-9-2008	Amend	8-1-2008
813-120-0090	1-28-2008	Amend	3-1-2008	820-010-0225	7-9-2008	Amend	8-1-2008
813-120-0100	1-28-2008	Am. & Ren.	3-1-2008	820-010-0226	7-9-2008	Amend	8-1-2008
813-120-0110	1-28-2008	Amend	3-1-2008	820-010-0236	3-12-2008	Adopt	4-1-2008
813-120-0120	1-28-2008	Amend	3-1-2008	820-010-0300	3-12-2008	Amend	4-1-2008
813-120-0130	1-28-2008	Amend	3-1-2008	820-010-0305	3-12-2008	Amend	4-1-2008
813-120-0140	1-28-2008	Amend	3-1-2008	820-010-0325	3-12-2008	Amend	4-1-2008
813-140-0010	12-18-2007	Amend(T)	2-1-2008	820-010-0415	3-12-2008	Amend	4-1-2008
813-140-0010	6-23-2008	Amend	8-1-2008	820-010-0425	3-12-2008	Amend	4-1-2008
813-140-0050	12-18-2007	Amend(T)	2-1-2008	820-010-0427	3-12-2008	Amend	4-1-2008
813-140-0050	6-23-2008	Amend	8-1-2008	820-010-0440	7-9-2008	Amend	8-1-2008
813-140-0090	12-18-2007	Amend(T)	2-1-2008	820-010-0450	3-12-2008	Amend	4-1-2008
813-140-0090	6-23-2008	Amend	8-1-2008	820-010-0450	7-9-2008	Amend	8-1-2008
813-140-0095	12-18-2007	Adopt(T)	2-1-2008	820-010-0465	7-9-2008	Amend	8-1-2008
813-140-0096	6-23-2008	Adopt	8-1-2008	820-010-0520	7-9-2008	Amend	8-1-2008
813-220-0001	3-31-2008	Amend	5-1-2008	820-010-0605	3-12-2008	Amend	4-1-2008
813-220-0005	3-31-2008	Amend	5-1-2008	820-010-0620	7-9-2008	Amend	8-1-2008
813-220-0010	3-31-2008	Amend	5-1-2008	820-015-0010	7-9-2008	Amend	8-1-2008
813-220-0015	3-31-2008	Amend	5-1-2008	833-020-0050	6-1-2008	Amend(T)	7-1-2008
813-220-0020	3-31-2008	Amend	5-1-2008	833-025-0050	6-1-2008	Amend(T)	7-1-2008
813-220-0030	3-31-2008	Amend	5-1-2008	833-025-0060	6-1-2008	Amend(T)	7-1-2008
813-220-0050	3-31-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-220-0060	3-31-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-250-0000	4-11-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-250-0010	4-11-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-250-0020	4-11-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-250-0030	4-11-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-250-0040	4-11-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-300-0010	3-18-2008	Amend	5-1-2008	834-010-0030	4-9-2008	Amend	5-1-2008
813-300-0010(T)	3-18-2008	Repeal	5-1-2008	836-009-0007	12-11-2007	Amend(T)	1-1-2008
813-300-0020	3-18-2008	Amend	5-1-2008	836-009-0007	6-2-2008	Amend	7-1-2008
813-300-0020(T)	3-18-2008	Repeal	5-1-2008	836-011-0100	7-1-2008	Amend	8-1-2008
813-300-0030	3-18-2008	Amend	5-1-2008	836-011-0100	7-29-2008	Amend	9-1-2008
813-300-0030(T)	3-18-2008	Repeal	5-1-2008	836-011-0110	7-1-2008	Amend	8-1-2008
813-300-0060	3-18-2008	Amend	5-1-2008	836-011-0110	7-29-2008	Amend	9-1-2008
813-300-0060(T)	3-18-2008	Repeal	5-1-2008	836-011-0120	7-1-2008	Amend	8-1-2008
813-300-0080	3-18-2008	Amend	5-1-2008	836-011-0120	7-29-2008	Amend	9-1-2008
813-300-0080(T)	3-18-2008	Repeal	5-1-2008	836-011-0130	7-1-2008	Amend	8-1-2008
813-300-0100	3-18-2008	Amend	5-1-2008	836-011-0130	7-29-2008	Amend	9-1-2008
813-300-0100(T)	3-18-2008	Repeal	5-1-2008	836-011-0140	7-1-2008	Amend	8-1-2008
813-300-0120	3-18-2008	Amend	5-1-2008	836-011-0140	7-29-2008	Amend	9-1-2008
813-300-0120(T)	3-18-2008	Repeal	5-1-2008	836-011-0150	7-1-2008	Amend	8-1-2008
817-010-0065	6-1-2008	Amend	7-1-2008	836-011-0150	7-29-2008	Amend	9-1-2008
817-015-0050	6-1-2008	Amend	7-1-2008	836-011-0160	7-1-2008	Amend	8-1-2008
817-015-0065	6-1-2008	Amend	7-1-2008	836-011-0160	7-29-2008	Amend	9-1-2008
817-015-0070	6-1-2008	Adopt	7-1-2008	836-011-0180	7-1-2008	Amend	8-1-2008
818-001-0087	11-30-2007	Amend	1-1-2008	836-011-0180	7-29-2008	Amend	9-1-2008
818-012-0030	11-30-2007	Amend	1-1-2008	836-011-0190	7-1-2008	Amend	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
836-011-0190	7-29-2008	Amend	9-1-2008	836-052-0756	1-1-2008	Amend	1-1-2008
836-011-0200	7-1-2008	Amend	8-1-2008	836-052-0766	1-1-2008	Amend	1-1-2008
836-011-0200	7-29-2008	Amend	9-1-2008	836-052-0776	1-1-2008	Amend	1-1-2008
836-011-0210	7-1-2008	Amend	8-1-2008	836-052-0786	1-1-2008	Amend	1-1-2008
836-011-0210	7-29-2008	Amend	9-1-2008	836-052-1000	1-1-2008	Adopt	2-1-2008
836-011-0220	7-1-2008	Amend	8-1-2008	836-053-0007	4-18-2008	Adopt	6-1-2008
836-011-0220	7-29-2008	Amend	9-1-2008	836-053-0016	2-11-2008	Repeal	3-1-2008
836-011-0223	7-1-2008	Adopt	8-1-2008	836-053-0021	2-11-2008	Amend	3-1-2008
836-011-0223	7-29-2008	Adopt	9-1-2008	836-053-0026	2-11-2008	Repeal	3-1-2008
836-011-0225	7-1-2008	Adopt	8-1-2008	836-053-0030	2-11-2008	Amend	3-1-2008
836-011-0225	7-29-2008	Adopt	9-1-2008	836-053-0040	2-11-2008	Amend	3-1-2008
836-011-0227	7-1-2008	Adopt	8-1-2008	836-053-0050	2-11-2008	Amend	3-1-2008
836-011-0227	7-29-2008	Adopt	9-1-2008	836-053-0060	2-11-2008	Amend	3-1-2008
836-011-0235	7-1-2008	Adopt	8-1-2008	836-053-0065	2-11-2008	Amend	3-1-2008
836-011-0235	7-29-2008	Adopt	9-1-2008	836-053-0065(T)	2-11-2008	Repeal	3-1-2008
836-024-0056	7-1-2008	Repeal	8-1-2008	836-053-0081	4-18-2008	Adopt	6-1-2008
836-024-0056	7-29-2008	Repeal	9-1-2008	836-053-0910	12-21-2007	Amend(T)	2-1-2008
836-024-0061	7-1-2008	Repeal	8-1-2008	836-053-0910	6-18-2008	Amend	8-1-2008
836-024-0061	7-29-2008	Repeal	9-1-2008	836-053-1400	4-18-2008	Amend	6-1-2008
836-042-0045	4-7-2008	Amend	5-1-2008	836-054-0050	1-16-2008	Repeal	3-1-2008
836-042-0045	9-1-2008	Amend(T)	9-1-2008	836-054-0055	1-16-2008	Repeal	3-1-2008
836-043-0068	4-7-2008	Amend	5-1-2008	836-054-0060	1-16-2008	Repeal	3-1-2008
836-050-0300	6-30-2008	Adopt	8-1-2008	836-054-0065	1-16-2008	Repeal	3-1-2008
836-050-0300	7-29-2008	Adopt	9-1-2008	836-071-0130	12-11-2007	Amend(T)	1-1-2008
836-050-0305	6-30-2008	Adopt	8-1-2008	836-071-0130	6-2-2008	Amend	7-1-2008
836-050-0305	7-29-2008	Adopt	9-1-2008	836-071-0135	12-11-2007	Amend(T)	1-1-2008
836-051-0900	8-15-2008	Adopt	9-1-2008	836-071-0135	6-2-2008	Amend	7-1-2008
836-051-0905	8-15-2008	Adopt	9-1-2008	836-071-0145	12-11-2007	Amend(T)	1-1-2008
836-051-0910	8-15-2008	Adopt	9-1-2008	836-071-0145	6-2-2008	Amend	7-1-2008
836-051-0915	8-15-2008	Adopt	9-1-2008	836-080-0001	8-15-2008	Amend	9-1-2008
836-051-0920	8-15-2008	Adopt	9-1-2008	836-080-0095	8-15-2008	Adopt	9-1-2008
836-051-0925	8-15-2008	Adopt	9-1-2008	836-080-0165	8-15-2008	Adopt	9-1-2008
836-052-0500	1-1-2008	Amend	1-1-2008	836-200-0105	4-7-2008	Adopt	5-1-2008
836-052-0508	1-1-2008	Adopt	1-1-2008	836-200-0110	4-7-2008	Adopt	5-1-2008
836-052-0516	1-1-2008	Amend	1-1-2008	836-200-0120	4-7-2008	Adopt	5-1-2008
836-052-0526	1-1-2008	Amend	1-1-2008	836-200-0130	4-7-2008	Adopt	5-1-2008
836-052-0531	1-1-2008	Adopt	1-1-2008	836-200-0140	4-7-2008	Adopt	5-1-2008
836-052-0546	1-1-2008	Amend	1-1-2008	836-200-0200	4-14-2008	Adopt	5-1-2008
836-052-0556	1-1-2008	Amend	1-1-2008	836-200-0210	4-14-2008	Adopt	5-1-2008
836-052-0566	1-1-2008	Amend	1-1-2008	836-200-0215	4-14-2008	Adopt	5-1-2008
836-052-0576	1-1-2008	Amend	1-1-2008	836-200-0220	4-14-2008	Adopt	5-1-2008
836-052-0616	1-1-2008	Amend	1-1-2008	837-012-0520	1-25-2008	Amend(T)	3-1-2008
836-052-0626	1-1-2008	Amend	1-1-2008	837-012-0520	5-1-2008	Amend	5-1-2008
836-052-0636	1-1-2008	Amend	1-1-2008	837-020-0035	11-30-2007	Amend(T)	1-1-2008
836-052-0639	1-1-2008	Adopt	1-1-2008	837-020-0035	5-1-2008	Amend	5-1-2008
836-052-0656	1-1-2008	Amend	1-1-2008	837-020-0115	11-30-2007	Amend(T)	1-1-2008
836-052-0666	1-1-2008	Amend	1-1-2008	837-020-0115	5-1-2008	Amend	5-1-2008
836-052-0676	1-1-2008	Amend	1-1-2008	837-035-0000	11-16-2007	Adopt	1-1-2008
836-052-0696	1-1-2008	Amend	1-1-2008	837-035-0020	11-16-2007	Adopt	1-1-2008
836-052-0700	1-1-2008	Am. & Ren.	1-1-2008	837-035-0040	11-16-2007	Adopt	1-1-2008
836-052-0706	1-1-2008	Amend	1-1-2008	837-035-0060	11-16-2007	Adopt	1-1-2008
836-052-0726	1-1-2008	Amend	1-1-2008	837-035-0080	11-16-2007	Adopt	1-1-2008
836-052-0736	1-1-2008	Amend	1-1-2008	837-035-0100	11-16-2007	Adopt	1-1-2008
836-052-0738	1-1-2008	Adopt	1-1-2008	837-035-0120	11-16-2007	Adopt	1-1-2008
836-052-0740	1-1-2008	Adopt	1-1-2008	837-035-0140	11-16-2007	Adopt	1-1-2008
836-052-0746	1-1-2008	Amend	1-1-2008	837-035-0160	11-16-2007	Adopt	1-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
837-035-0180	11-16-2007	Adopt	1-1-2008	839-003-0070	3-25-2008	Amend(T)	5-1-2008
837-035-0200	11-16-2007	Adopt	1-1-2008	839-003-0080	1-1-2008	Amend	2-1-2008
837-035-0220	11-16-2007	Adopt	1-1-2008	839-003-0080	3-25-2008	Amend(T)	5-1-2008
837-035-0240	11-16-2007	Adopt	1-1-2008	839-003-0085	3-25-2008	Amend(T)	5-1-2008
837-035-0260	11-16-2007	Adopt	1-1-2008	839-003-0090	1-1-2008	Amend	2-1-2008
837-035-0280	11-16-2007	Adopt	1-1-2008	839-003-0090	3-25-2008	Amend(T)	5-1-2008
837-035-0300	11-16-2007	Adopt	1-1-2008	839-003-0095	3-25-2008	Amend(T)	5-1-2008
837-035-0320	11-16-2007	Adopt	1-1-2008	839-003-0100	3-25-2008	Amend(T)	5-1-2008
837-035-0340	11-16-2007	Adopt	1-1-2008	839-003-0200	1-1-2008	Adopt	2-1-2008
837-039-0001	7-2-2008	Amend	8-1-2008	839-003-0200	3-25-2008	Amend(T)	5-1-2008
837-039-0003	7-2-2008	Amend	8-1-2008	839-003-0205	1-1-2008	Adopt	2-1-2008
837-039-0010	7-2-2008	Amend	8-1-2008	839-003-0205	3-25-2008	Amend(T)	5-1-2008
837-039-0015	7-2-2008	Amend	8-1-2008	839-003-0210	1-1-2008	Adopt	2-1-2008
837-039-0040	7-2-2008	Amend	8-1-2008	839-003-0210	3-25-2008	Amend(T)	5-1-2008
837-039-0050	7-2-2008	Amend	8-1-2008	839-003-0215	1-1-2008	Adopt	2-1-2008
837-039-0055	7-2-2008	Amend	8-1-2008	839-003-0215	3-25-2008	Amend(T)	5-1-2008
837-039-0060	7-2-2008	Amend	8-1-2008	839-003-0220	1-1-2008	Adopt	2-1-2008
837-039-0070	7-2-2008	Amend	8-1-2008	839-003-0220	3-25-2008	Amend(T)	5-1-2008
837-039-0080	7-2-2008	Amend	8-1-2008	839-003-0225	1-1-2008	Adopt	2-1-2008
837-039-0110	7-2-2008	Amend	8-1-2008	839-003-0225	3-25-2008	Amend(T)	5-1-2008
837-039-0120	7-2-2008	Adopt	8-1-2008	839-003-0230	1-1-2008	Adopt	2-1-2008
839-001-0150	1-1-2008	Amend	2-1-2008	839-003-0230	3-25-2008	Amend(T)	5-1-2008
839-001-0153	1-1-2008	Amend	2-1-2008	839-003-0235	1-1-2008	Adopt	2-1-2008
839-001-0157	1-1-2008	Repeal	2-1-2008	839-003-0235	3-25-2008	Amend(T)	5-1-2008
839-001-0160	1-1-2008	Amend	2-1-2008	839-003-0240	1-1-2008	Adopt	2-1-2008
839-001-0495	1-1-2008	Adopt	2-1-2008	839-003-0240	3-25-2008	Amend(T)	5-1-2008
839-001-0496	1-1-2008	Adopt	2-1-2008	839-003-0245	1-1-2008	Adopt	2-1-2008
839-001-0740	1-1-2008	Amend	2-1-2008	839-003-0245	3-25-2008	Amend(T)	5-1-2008
839-001-0760	1-1-2008	Amend	2-1-2008	839-005-0000	1-1-2008	Amend	2-1-2008
839-002-0015	1-1-2008	Adopt	2-1-2008	839-005-0000	3-25-2008	Amend(T)	5-1-2008
839-002-0020	1-1-2008	Adopt	2-1-2008	839-005-0003	1-1-2008	Amend	2-1-2008
839-002-0025	1-1-2008	Adopt	2-1-2008	839-005-0003	3-25-2008	Amend(T)	5-1-2008
839-002-0030	1-1-2008	Adopt	2-1-2008	839-005-0010	1-1-2008	Amend	2-1-2008
839-002-0035	1-1-2008	Adopt	2-1-2008	839-005-0010	3-25-2008	Amend(T)	5-1-2008
839-002-0040	1-1-2008	Adopt	2-1-2008	839-005-0016	1-1-2008	Adopt	2-1-2008
839-002-0045	1-1-2008	Adopt	2-1-2008	839-005-0016	3-25-2008	Amend(T)	5-1-2008
839-002-0050	1-1-2008	Adopt	2-1-2008	839-005-0021	1-1-2008	Amend	2-1-2008
839-002-0055	1-1-2008	Adopt	2-1-2008	839-005-0026	1-1-2008	Amend	2-1-2008
839-002-0060	1-1-2008	Adopt	2-1-2008	839-005-0026	3-25-2008	Amend(T)	5-1-2008
839-002-0065	1-1-2008	Adopt	2-1-2008	839-005-0030	1-1-2008	Amend	2-1-2008
839-002-0070	1-1-2008	Adopt	2-1-2008	839-005-0033	8-6-2008	Adopt	9-1-2008
839-002-0080	1-1-2008	Adopt	2-1-2008	839-005-0195	1-1-2008	Adopt	2-1-2008
839-003-0005	1-1-2008	Amend	2-1-2008	839-005-0195	3-25-2008	Amend(T)	5-1-2008
839-003-0005	3-25-2008	Amend(T)	5-1-2008	839-005-0200	1-1-2008	Adopt	2-1-2008
839-003-0010	3-25-2008	Amend(T)	5-1-2008	839-005-0200	3-25-2008	Amend(T)	5-1-2008
839-003-0020	1-1-2008	Amend	2-1-2008	839-005-0205	1-1-2008	Adopt	2-1-2008
839-003-0020	3-25-2008	Amend(T)	5-1-2008	839-005-0205	3-25-2008	Amend(T)	5-1-2008
839-003-0025	3-25-2008	Amend(T)	5-1-2008	839-005-0210	1-1-2008	Adopt	2-1-2008
839-003-0040	3-25-2008	Amend(T)	5-1-2008	839-005-0215	1-1-2008	Adopt	2-1-2008
839-003-0045	3-25-2008	Amend(T)	5-1-2008	839-005-0220	1-1-2008	Adopt	2-1-2008
839-003-0050	3-25-2008	Amend(T)	5-1-2008	839-005-0220	3-25-2008	Amend(T)	5-1-2008
839-003-0055	1-1-2008	Amend	2-1-2008	839-006-0105	1-1-2008	Amend	2-1-2008
839-003-0055	3-25-2008	Amend(T)	5-1-2008	839-006-0130	1-1-2008	Amend	2-1-2008
839-003-0060	1-1-2008	Amend	2-1-2008	839-006-0131	1-1-2008	Amend	2-1-2008
839-003-0060	3-25-2008	Amend(T)	5-1-2008	839-006-0135	1-1-2008	Amend	2-1-2008
839-003-0065	3-25-2008	Amend(T)	5-1-2008	839-006-0136	1-1-2008	Amend	2-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
839-006-0150	1-1-2008	Amend	2-1-2008	839-022-0010	7-8-2008	Amend	8-1-2008
839-006-0200	6-6-2008	Amend	7-1-2008	839-022-0020	7-8-2008	Repeal	8-1-2008
839-006-0244	6-6-2008	Amend	7-1-2008	839-022-0025	7-8-2008	Repeal	8-1-2008
839-006-0255	6-6-2008	Amend	7-1-2008	839-022-0030	7-8-2008	Repeal	8-1-2008
839-006-0270	6-6-2008	Amend	7-1-2008	839-022-0035	7-8-2008	Repeal	8-1-2008
839-006-0275	6-6-2008	Amend	7-1-2008	839-022-0040	7-8-2008	Repeal	8-1-2008
839-006-0290	6-6-2008	Amend	7-1-2008	839-022-0045	7-8-2008	Repeal	8-1-2008
839-006-0300	6-6-2008	Amend	7-1-2008	839-022-0050	7-8-2008	Repeal	8-1-2008
839-006-0330	6-6-2008	Amend	7-1-2008	839-022-0055	7-8-2008	Repeal	8-1-2008
839-006-0335	6-6-2008	Amend	7-1-2008	839-022-0060	7-8-2008	Repeal	8-1-2008
839-006-0400	1-1-2008	Repeal	2-1-2008	839-022-0100	7-8-2008	Adopt	8-1-2008
839-006-0405	1-1-2008	Repeal	2-1-2008	839-022-0105	7-8-2008	Adopt	8-1-2008
839-006-0410	1-1-2008	Repeal	2-1-2008	839-022-0110	7-8-2008	Adopt	8-1-2008
839-006-0415	1-1-2008	Repeal	2-1-2008	839-022-0115	7-8-2008	Adopt	8-1-2008
839-006-0425	1-1-2008	Repeal	2-1-2008	839-022-0120	7-8-2008	Adopt	8-1-2008
839-007-0075	1-1-2008	Adopt	2-1-2008	839-022-0125	7-8-2008	Adopt	8-1-2008
839-009-0210	1-1-2008	Amend	2-1-2008	839-022-0130	7-8-2008	Adopt	8-1-2008
839-009-0240	1-1-2008	Amend	2-1-2008	839-022-0135	7-8-2008	Adopt	8-1-2008
839-009-0250	1-1-2008	Amend	2-1-2008	839-022-0140	7-8-2008	Adopt	8-1-2008
839-009-0260	1-1-2008	Amend	2-1-2008	839-022-0145	7-8-2008	Adopt	8-1-2008
839-009-0280	1-1-2008	Amend	2-1-2008	839-022-0150	7-8-2008	Adopt	8-1-2008
839-009-0320	1-1-2008	Amend	2-1-2008	839-022-0155	7-8-2008	Adopt	8-1-2008
839-009-0325	1-1-2008	Adopt	2-1-2008	839-022-0160	7-8-2008	Adopt	8-1-2008
839-009-0330	1-1-2008	Adopt	2-1-2008	839-022-0165	7-8-2008	Adopt	8-1-2008
839-009-0335	1-1-2008	Adopt	2-1-2008	839-025-0004	1-1-2008	Amend	2-1-2008
839-009-0340	1-1-2008	Adopt	2-1-2008	839-025-0005	1-1-2008	Adopt	2-1-2008
839-009-0345	1-1-2008	Adopt	2-1-2008	839-025-0007	1-1-2008	Amend	2-1-2008
839-009-0350	1-1-2008	Adopt	2-1-2008	839-025-0008	1-1-2008	Amend	2-1-2008
839-009-0355	1-1-2008	Adopt	2-1-2008	839-025-0008	3-10-2008	Amend	4-1-2008
839-009-0360	1-1-2008	Adopt	2-1-2008	839-025-0010	1-1-2008	Amend	2-1-2008
839-009-0362	1-1-2008	Adopt	2-1-2008	839-025-0013	1-1-2008	Amend	2-1-2008
839-009-0363	1-1-2008	Adopt	2-1-2008	839-025-0015	3-10-2008	Amend	4-1-2008
839-009-0365	1-1-2008	Adopt	2-1-2008	839-025-0020	1-1-2008	Amend	2-1-2008
839-010-0000	1-1-2008	Amend	2-1-2008	839-025-0025	1-1-2008	Amend	2-1-2008
839-010-0010	1-1-2008	Amend	2-1-2008	839-025-0035	1-1-2008	Amend	2-1-2008
839-010-0020	1-1-2008	Amend	2-1-2008	839-025-0037	1-1-2008	Amend	2-1-2008
839-010-0040	1-1-2008	Amend	2-1-2008	839-025-0080	1-1-2008	Amend	2-1-2008
839-010-0100	1-1-2008	Amend	2-1-2008	839-025-0085	1-1-2008	Amend	2-1-2008
839-010-0110	1-1-2008	Repeal	2-1-2008	839-025-0090	1-1-2008	Amend	2-1-2008
839-015-0140	1-1-2008	Amend	2-1-2008	839-025-0095	1-1-2008	Amend	2-1-2008
839-015-0141	5-5-2008	Amend(T)	6-1-2008	839-025-0100	1-1-2008	Amend	2-1-2008
839-015-0141	6-23-2008	Amend	8-1-2008	839-025-0150	1-1-2008	Amend	2-1-2008
839-015-0508	1-1-2008	Amend	2-1-2008	839-025-0200	1-1-2008	Amend	2-1-2008
839-015-0509	1-1-2008	Adopt	2-1-2008	839-025-0210	1-1-2008	Amend	2-1-2008
839-015-0605	3-10-2008	Amend	4-1-2008	839-025-0220	1-1-2008	Amend	2-1-2008
839-020-0012	1-1-2008	Amend	2-1-2008	839-025-0230	1-1-2008	Amend	2-1-2008
839-020-0015	1-1-2008	Amend	2-1-2008	839-025-0310	1-1-2008	Amend	2-1-2008
839-020-0050	1-1-2008	Amend	2-1-2008	839-025-0315	1-1-2008	Adopt	2-1-2008
839-020-0050	7-8-2008	Amend	8-1-2008	839-025-0340	1-1-2008	Amend	2-1-2008
839-020-0051	1-1-2008	Adopt	2-1-2008	839-025-0500	1-1-2008	Amend	2-1-2008
839-020-0080	1-1-2008	Amend	2-1-2008	839-025-0520	1-1-2008	Amend	2-1-2008
839-020-0260	1-1-2008	Amend	2-1-2008	839-025-0530	1-1-2008	Amend	2-1-2008
839-020-1010	1-1-2008	Amend	2-1-2008	839-025-0540	1-1-2008	Amend	2-1-2008
839-021-0001	7-8-2008	Repeal	8-1-2008	839-025-0700	11-23-2007	Amend	1-1-2008
839-022-0000	7-8-2008	Amend	8-1-2008	839-025-0700	1-1-2008	Amend	2-1-2008
839-022-0005	7-8-2008	Repeal	8-1-2008	839-025-0700	1-4-2008	Amend	2-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
839-025-0700	1-11-2008	Amend	2-1-2008	845-006-0395	6-29-2008	Repeal	7-1-2008
839-025-0700	2-21-2008	Amend	4-1-2008	845-006-0396	1-1-2008	Amend(T)	1-1-2008
839-025-0700	3-13-2008	Amend	4-1-2008	845-006-0396	4-18-2008	Amend(T)	6-1-2008
839-025-0700	4-1-2008	Amend	5-1-2008	845-006-0396	6-29-2008	Amend	7-1-2008
839-025-0700	4-14-2008	Amend	5-1-2008	845-006-0396(T)	4-18-2008	Suspend	6-1-2008
839-025-0700	4-24-2008	Amend	6-1-2008	845-006-0398	1-1-2008	Suspend	1-1-2008
839-025-0700	4-30-2008	Amend	6-1-2008	845-006-0398	6-29-2008	Repeal	7-1-2008
839-025-0700	6-11-2008	Amend	7-1-2008	845-006-0400	1-1-2008	Adopt(T)	1-1-2008
839-025-0700	6-18-2008	Amend	8-1-2008	845-006-0400	6-29-2008	Adopt	7-1-2008
839-025-0700	6-26-2008	Amend	8-1-2008	845-006-0401	1-1-2008	Adopt(T)	1-1-2008
839-025-0700	7-1-2008	Amend	8-1-2008	845-006-0401	6-29-2008	Adopt	7-1-2008
839-025-0700	7-10-2008	Amend	8-1-2008	845-006-0451	2-18-2008	Adopt(T)	3-1-2008
839-025-0700	7-30-2008	Amend	9-1-2008	845-006-0451(T)	3-17-2008	Suspend	5-1-2008
839-025-0750	4-23-2008	Amend	6-1-2008	845-007-0015	1-1-2008	Amend	2-1-2008
839-025-0750	6-5-2008	Amend	7-1-2008	845-008-0045	7-1-2008	Amend	7-1-2008
839-050-0020	7-11-2008	Amend	8-1-2008	845-015-0118	7-1-2008	Amend	7-1-2008
839-050-0445	7-29-2008	Adopt(T)	9-1-2008	845-015-0141	1-1-2008	Adopt(T)	1-1-2008
845-001-0007	4-1-2008	Amend	5-1-2008	845-015-0141	6-29-2008	Adopt	7-1-2008
845-003-0670	2-1-2008	Amend	3-1-2008	845-015-0148	7-1-2008	Amend	7-1-2008
845-004-0001	7-1-2008	Amend	7-1-2008	845-015-0165	1-1-2008	Amend	2-1-2008
845-005-0311	7-1-2008	Amend	7-1-2008	845-015-0190	7-1-2008	Amend	7-1-2008
845-005-0416	1-1-2008	Adopt(T)	1-1-2008	845-020-0035	3-16-2008	Amend	3-1-2008
845-005-0416	4-18-2008	Amend(T)	6-1-2008	847-001-0030	5-16-2008	Adopt(T)	7-1-2008
845-005-0416	6-29-2008	Adopt	7-1-2008	847-005-0005	1-22-2008	Amend	3-1-2008
845-005-0416(T)	4-18-2008	Suspend	6-1-2008	847-005-0005	7-21-2008	Amend	9-1-2008
845-005-0417	1-1-2008	Adopt(T)	1-1-2008	847-008-0005	7-21-2008	Amend	9-1-2008
845-005-0417	4-18-2008	Amend(T)	6-1-2008	847-008-0015	4-24-2008	Amend	6-1-2008
845-005-0417	6-29-2008	Adopt	7-1-2008	847-008-0018	4-24-2008	Adopt	6-1-2008
845-005-0417(T)	4-18-2008	Suspend	6-1-2008	847-008-0022	4-24-2008	Amend	6-1-2008
845-005-0420	1-1-2008	Amend(T)	1-1-2008	847-008-0023	4-24-2008	Amend	6-1-2008
845-005-0420	6-29-2008	Amend	7-1-2008	847-008-0036	7-21-2008	Adopt	9-1-2008
845-005-0422	1-1-2008	Suspend	1-1-2008	847-008-0037	1-22-2008	Amend	3-1-2008
845-005-0422	6-29-2008	Repeal	7-1-2008	847-008-0037	4-24-2008	Amend	6-1-2008
845-005-0423	1-1-2008	Suspend	1-1-2008	847-008-0040	7-21-2008	Amend	9-1-2008
845-005-0423	6-29-2008	Repeal	7-1-2008	847-008-0055	1-22-2008	Amend	3-1-2008
845-005-0424	1-1-2008	Amend(T)	1-1-2008	847-010-0060	1-22-2008	Amend	3-1-2008
845-005-0424	6-29-2008	Amend	7-1-2008	847-010-0064	1-22-2008	Amend	3-1-2008
845-005-0425	1-1-2008	Adopt(T)	1-1-2008	847-010-0070	1-22-2008	Amend	3-1-2008
845-005-0425	6-29-2008	Adopt	7-1-2008	847-010-0073	1-22-2008	Amend	3-1-2008
845-005-0426	1-1-2008	Adopt(T)	1-1-2008	847-012-0000	7-21-2008	Amend	9-1-2008
845-005-0426	6-29-2008	Adopt	7-1-2008	847-015-0030	4-24-2008	Amend	6-1-2008
845-005-0430	2-18-2008	Adopt(T)	3-1-2008	847-017-0010	4-24-2008	Amend	6-1-2008
845-005-0430(T)	3-17-2008	Suspend	5-1-2008	847-020-0140	7-21-2008	Amend	9-1-2008
845-005-0440	1-1-2008	Amend	2-1-2008	847-020-0155	1-22-2008	Amend	3-1-2008
845-006-0335	7-1-2008	Amend	7-1-2008	847-020-0160	7-21-2008	Amend	9-1-2008
845-006-0340	1-1-2008	Amend	2-1-2008	847-020-0170	7-21-2008	Amend	9-1-2008
845-006-0340	6-1-2008	Amend	6-1-2008	847-020-0183	1-22-2008	Amend	3-1-2008
845-006-0391	1-1-2008	Adopt(T)	1-1-2008	847-023-0005	1-22-2008	Amend	3-1-2008
845-006-0391	4-18-2008	Amend(T)	6-1-2008	847-025-0000	7-15-2008	Amend(T)	8-1-2008
845-006-0391	6-29-2008	Adopt	7-1-2008	847-035-0030	4-24-2008	Amend	6-1-2008
845-006-0391(T)	4-18-2008	Suspend	6-1-2008	847-035-0030	7-21-2008	Amend	9-1-2008
845-006-0392	1-1-2008	Adopt(T)	1-1-2008	847-050-0020	1-22-2008	Amend	3-1-2008
845-006-0392	4-18-2008	Amend(T)	6-1-2008	847-050-0037	7-21-2008	Amend	9-1-2008
845-006-0392	6-29-2008	Adopt	7-1-2008	847-070-0005	7-21-2008	Amend	9-1-2008
845-006-0392(T)	4-18-2008	Suspend	6-1-2008	847-070-0016	4-24-2008	Amend(T)	6-1-2008
845-006-0395	1-1-2008	Suspend	1-1-2008	847-070-0016	7-21-2008	Amend	9-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
847-080-0010	4-24-2008	Amend	6-1-2008	851-061-0050	6-24-2008	Amend	8-1-2008
847-080-0018	4-24-2008	Amend	6-1-2008	851-061-0070	6-24-2008	Amend	8-1-2008
848-035-0020	2-19-2008	Amend(T)	4-1-2008	851-061-0080	2-25-2008	Amend	4-1-2008
850-010-0005	6-11-2008	Amend	7-1-2008	851-061-0090	2-25-2008	Amend	4-1-2008
850-030-0020	6-10-2008	Amend	6-1-2008	851-061-0100	6-24-2008	Amend	8-1-2008
850-030-0035	6-10-2008	Amend	6-1-2008	851-061-0120	2-25-2008	Amend	4-1-2008
850-030-0090	6-10-2008	Amend	6-1-2008	852-001-0001	12-7-2007	Amend	1-1-2008
850-030-0195	6-10-2008	Amend	6-1-2008	852-001-0002	12-7-2007	Amend	1-1-2008
850-050-0120	6-11-2008	Amend	7-1-2008	852-001-0002	7-1-2008	Amend	8-1-2008
850-060-0225	2-19-2008	Amend	4-1-2008	852-050-0006	12-7-2007	Amend	1-1-2008
850-060-0225	3-21-2008	Amend	5-1-2008	852-080-0030	1-1-2008	Amend	1-1-2008
850-060-0225	6-11-2008	Amend	7-1-2008	852-080-0030	7-1-2008	Amend	8-1-2008
850-060-0226	2-19-2008	Amend	4-1-2008	855-001-0005	7-1-2008	Amend	8-1-2008
850-060-0226	3-21-2008	Amend	5-1-2008	855-006-0005	2-20-2008	Amend	4-1-2008
850-060-0226	6-11-2008	Amend	7-1-2008	855-006-0015	2-5-2008	Adopt	3-1-2008
851-021-0005	6-24-2008	Amend	8-1-2008	855-010-0045	2-20-2008	Adopt	4-1-2008
851-021-0010	6-24-2008	Amend	8-1-2008	855-019-0005	2-20-2008	Am. & Ren.	4-1-2008
851-021-0015	6-24-2008	Amend	8-1-2008	855-019-0007	2-20-2008	Repeal	4-1-2008
851-021-0020	6-24-2008	Amend	8-1-2008	855-019-0010	2-20-2008	Am. & Ren.	4-1-2008
851-021-0025	6-24-2008	Amend	8-1-2008	855-019-0015	2-20-2008	Am. & Ren.	4-1-2008
851-021-0040	6-24-2008	Amend	8-1-2008	855-019-0020	2-20-2008	Repeal	4-1-2008
851-021-0045	6-24-2008	Amend	8-1-2008	855-019-0025	2-20-2008	Am. & Ren.	4-1-2008
851-021-0050	6-24-2008	Amend	8-1-2008	855-019-0030	2-20-2008	Am. & Ren.	4-1-2008
851-021-0055	6-24-2008	Amend	8-1-2008	855-019-0035	2-20-2008	Repeal	4-1-2008
851-021-0060	6-24-2008	Amend	8-1-2008	855-019-0040	2-20-2008	Am. & Ren.	4-1-2008
851-021-0065	6-24-2008	Amend	8-1-2008	855-019-0050	2-20-2008	Am. & Ren.	4-1-2008
851-021-0070	6-24-2008	Amend	8-1-2008	855-019-0055	2-20-2008	Am. & Ren.	4-1-2008
851-021-0090	6-24-2008	Amend	8-1-2008	855-019-0100	2-20-2008	Adopt	4-1-2008
851-021-0120	6-24-2008	Amend	8-1-2008	855-019-0110	2-20-2008	Adopt	4-1-2008
851-045-0000	6-24-2008	Repeal	8-1-2008	855-019-0150	2-20-2008	Adopt	4-1-2008
851-045-0005	6-24-2008	Repeal	8-1-2008	855-019-0220	2-20-2008	Adopt	4-1-2008
851-045-0010	6-24-2008	Repeal	8-1-2008	855-019-0240	2-20-2008	Adopt	4-1-2008
851-045-0015	11-21-2007	Amend	1-1-2008	855-019-0250	2-20-2008	Adopt	4-1-2008
851-045-0015	6-24-2008	Repeal	8-1-2008	855-019-0300	2-20-2008	Adopt	4-1-2008
851-045-0016	6-24-2008	Repeal	8-1-2008	855-035-0005	2-20-2008	Amend	4-1-2008
851-045-0020	6-24-2008	Repeal	8-1-2008	855-035-0020	2-20-2008	Amend	4-1-2008
851-045-0025	6-24-2008	Repeal	8-1-2008	855-041-0020	2-20-2008	Amend	4-1-2008
851-045-0030	6-24-2008	Adopt	8-1-2008	855-041-0050	2-20-2008	Am. & Ren.	4-1-2008
851-045-0040	6-24-2008	Adopt	8-1-2008	855-041-0060	2-20-2008	Amend	4-1-2008
851-045-0050	6-24-2008	Adopt	8-1-2008	855-041-0061	2-5-2008	Adopt	3-1-2008
851-045-0060	6-24-2008	Adopt	8-1-2008	855-041-0063	2-20-2008	Am. & Ren.	4-1-2008
851-045-0070	6-24-2008	Adopt	8-1-2008	855-041-0085	2-20-2008	Am. & Ren.	4-1-2008
851-045-0080	6-24-2008	Adopt	8-1-2008	855-041-0086	2-20-2008	Amend	4-1-2008
851-045-0090	6-24-2008	Adopt	8-1-2008	855-041-0100	2-20-2008	Am. & Ren.	4-1-2008
851-045-0100	6-24-2008	Adopt	8-1-2008	855-041-0210	2-20-2008	Am. & Ren.	4-1-2008
851-056-0004	6-24-2008	Amend	8-1-2008	855-041-0300	2-20-2008	Amend	4-1-2008
851-056-0006	6-24-2008	Amend	8-1-2008	855-041-0400	2-20-2008	Am. & Ren.	4-1-2008
851-056-0010	6-24-2008	Amend	8-1-2008	855-041-0500	2-20-2008	Am. & Ren.	4-1-2008
851-056-0012	11-21-2007	Amend	1-1-2008	855-041-0510	2-20-2008	Am. & Ren.	4-1-2008
851-056-0012	2-25-2008	Amend	4-1-2008	855-041-0520	2-20-2008	Am. & Ren.	4-1-2008
851-056-0012	6-24-2008	Amend	8-1-2008	855-042-0020	2-20-2008	Am. & Ren.	4-1-2008
851-056-0016	6-24-2008	Amend	8-1-2008	855-045-0200	2-20-2008	Adopt	4-1-2008
851-056-0018	6-24-2008	Amend	8-1-2008	855-045-0210	2-20-2008	Adopt	4-1-2008
851-056-0026	6-24-2008	Amend	8-1-2008	855-045-0220	2-20-2008	Adopt	4-1-2008
851-061-0020	2-25-2008	Amend	4-1-2008	855-045-0230	2-20-2008	Adopt	4-1-2008
851-061-0030	2-25-2008	Amend	4-1-2008	855-045-0250	2-20-2008	Adopt	4-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
855-045-0260	2-20-2008	Adopt	4-1-2008	860-038-0480	12-31-2007	Amend	2-1-2008
855-045-0270	2-20-2008	Adopt	4-1-2008	863-005-0000	7-1-2008	Adopt	7-1-2008
855-055-0005	2-20-2008	Repeal	4-1-2008	863-005-0005	7-1-2008	Adopt	7-1-2008
855-055-0010	2-20-2008	Repeal	4-1-2008	863-005-0010	7-1-2008	Adopt	7-1-2008
855-055-0015	2-20-2008	Repeal	4-1-2008	863-005-0020	7-1-2008	Adopt	7-1-2008
855-055-0020	2-20-2008	Repeal	4-1-2008	863-005-0030	7-1-2008	Adopt	7-1-2008
856-001-0000	1-24-2008	Amend	3-1-2008	863-005-0040	7-1-2008	Adopt	7-1-2008
856-001-0005	1-24-2008	Amend	3-1-2008	863-005-0050	7-1-2008	Adopt	7-1-2008
856-010-0003	1-24-2008	Amend	3-1-2008	863-005-0060	7-1-2008	Adopt	7-1-2008
856-010-0010	1-24-2008	Amend	3-1-2008	863-005-0070	7-1-2008	Adopt	7-1-2008
856-010-0012	1-24-2008	Amend	3-1-2008	863-005-0080	7-1-2008	Adopt	7-1-2008
856-010-0014	1-24-2008	Amend	3-1-2008	863-005-0090	7-1-2008	Adopt	7-1-2008
856-010-0015	1-24-2008	Amend	3-1-2008	863-015-0125	1-18-2008	Amend(T)	3-1-2008
856-010-0016	1-24-2008	Amend	3-1-2008	863-015-0125	7-1-2008	Amend	7-1-2008
856-010-0018	1-24-2008	Amend	3-1-2008	863-015-0125(T)	7-1-2008	Repeal	7-1-2008
856-010-0020	1-24-2008	Amend	3-1-2008	875-005-0005	2-11-2008	Amend	3-1-2008
856-030-0002	4-28-2008	Amend	6-1-2008	875-005-0005	5-21-2008	Amend	7-1-2008
858-010-0001	3-26-2008	Amend	5-1-2008	875-005-0005	7-22-2008	Amend	9-1-2008
858-010-0005	3-26-2008	Amend	5-1-2008	875-010-0026	2-11-2008	Amend	3-1-2008
858-010-0007	3-26-2008	Amend	5-1-2008	875-010-0050	2-11-2008	Amend	3-1-2008
858-010-0010	3-26-2008	Amend	5-1-2008	875-010-0090	2-11-2008	Amend	3-1-2008
858-010-0015	3-26-2008	Amend	5-1-2008	875-010-0090	2-11-2008	Amend(T)	3-1-2008
858-010-0020	3-26-2008	Amend	5-1-2008	875-011-0010	3-19-2008	Amend	5-1-2008
858-010-0025	3-26-2008	Amend	5-1-2008	875-011-0010	7-22-2008	Amend	9-1-2008
858-010-0030	3-26-2008	Amend	5-1-2008	875-015-0020	7-22-2008	Amend	9-1-2008
858-010-0036	3-26-2008	Amend	5-1-2008	875-015-0030	2-11-2008	Amend	3-1-2008
858-010-0041	3-26-2008	Amend	5-1-2008	875-020-0005	4-21-2008	Amend(T)	5-1-2008
858-010-0050	3-26-2008	Amend	5-1-2008	875-030-0010	7-22-2008	Amend	9-1-2008
858-010-0055	3-26-2008	Amend	5-1-2008	875-030-0030	2-11-2008	Amend	3-1-2008
858-010-0075	3-26-2008	Amend	5-1-2008	875-030-0040	2-11-2008	Amend	3-1-2008
858-020-0015	3-26-2008	Amend	5-1-2008	875-030-0040	7-22-2008	Amend	9-1-2008
858-020-0045	3-26-2008	Amend	5-1-2008	875-030-0050	2-11-2008	Amend	3-1-2008
858-020-0075	3-26-2008	Amend	5-1-2008	875-030-0050	5-12-2008	Amend	6-1-2008
858-030-0005	3-26-2008	Amend	5-1-2008	875-030-0050	7-22-2008	Amend	9-1-2008
858-040-0015	3-26-2008	Amend	5-1-2008	877-020-0000	7-1-2008	Amend	8-1-2008
858-040-0025	3-26-2008	Amend	5-1-2008	877-020-0005	7-1-2008	Amend	8-1-2008
858-040-0035	3-26-2008	Amend	5-1-2008	877-020-0008	7-1-2008	Amend	8-1-2008
858-040-0036	3-26-2008	Amend	5-1-2008	877-020-0009	7-1-2008	Amend	8-1-2008
858-040-0055	3-26-2008	Amend	5-1-2008	877-020-0010	7-1-2008	Amend	8-1-2008
858-040-0065	3-26-2008	Amend	5-1-2008	877-020-0012	7-1-2008	Amend	8-1-2008
858-040-0075	3-26-2008	Amend	5-1-2008	877-020-0013	7-1-2008	Repeal	8-1-2008
858-040-0085	3-26-2008	Amend	5-1-2008	877-020-0015	7-1-2008	Amend	8-1-2008
858-040-0095	3-26-2008	Amend	5-1-2008	877-020-0016	7-1-2008	Amend	8-1-2008
858-050-0100	3-26-2008	Amend	5-1-2008	877-020-0020	7-1-2008	Amend	8-1-2008
858-050-0105	3-26-2008	Amend	5-1-2008	877-020-0030	7-1-2008	Amend	8-1-2008
858-050-0110	3-26-2008	Amend	5-1-2008	877-020-0031	7-1-2008	Amend	8-1-2008
858-050-0120	3-26-2008	Amend	5-1-2008	877-020-0036	7-1-2008	Amend	8-1-2008
858-050-0125	3-26-2008	Amend	5-1-2008	877-020-0046	7-1-2008	Amend	8-1-2008
858-050-0140	3-26-2008	Amend	5-1-2008	877-020-0055	7-1-2008	Amend	8-1-2008
858-050-0145	3-26-2008	Amend	5-1-2008	877-022-0005	7-1-2008	Adopt	8-1-2008
858-050-0150	3-26-2008	Amend	5-1-2008	877-025-0000	7-1-2008	Repeal	8-1-2008
860-012-0100	3-11-2008	Amend	4-1-2008	877-025-0001	7-1-2008	Adopt	8-1-2008
860-029-0001	7-8-2008	Amend	8-1-2008	877-025-0005	7-1-2008	Repeal	8-1-2008
860-029-0100	7-8-2008	Adopt	8-1-2008	877-025-0006	7-1-2008	Adopt	8-1-2008
860-036-0030	5-30-2008	Amend	7-1-2008	877-025-0011	7-1-2008	Adopt	8-1-2008
860-038-0005	12-31-2007	Amend	2-1-2008	877-025-0016	7-1-2008	Adopt	8-1-2008

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
877-025-0021	7-1-2008	Adopt	8-1-2008	918-305-0110	4-1-2008	Amend	4-1-2008
877-030-0040	7-1-2008	Amend	8-1-2008	918-305-0120	4-1-2008	Amend	4-1-2008
918-001-0010	3-18-2008	Amend	5-1-2008	918-305-0130	4-1-2008	Amend	4-1-2008
918-001-0230	7-1-2008	Repeal	8-1-2008	918-305-0150	4-1-2008	Amend	4-1-2008
918-001-0240	7-1-2008	Amend	8-1-2008	918-305-0160	4-1-2008	Amend	4-1-2008
918-020-0094	1-1-2008	Adopt	2-1-2008	918-305-0165	4-1-2008	Amend	4-1-2008
918-020-0094(T)	1-1-2008	Repeal	2-1-2008	918-305-0180	4-1-2008	Amend	4-1-2008
918-030-0045	1-3-2008	Adopt(T)	2-1-2008	918-305-0190	4-1-2008	Amend	4-1-2008
918-030-0045	7-1-2008	Adopt	8-1-2008	918-305-0205	4-1-2008	Amend	4-1-2008
918-030-0045(T)	7-1-2008	Repeal	8-1-2008	918-305-0210	4-1-2008	Amend	4-1-2008
918-030-0120	7-1-2008	Amend	8-1-2008	918-305-0250	4-1-2008	Amend	4-1-2008
918-030-0125	7-1-2008	Amend	8-1-2008	918-305-0270	4-1-2008	Amend	4-1-2008
918-030-0130	7-1-2008	Amend	8-1-2008	918-305-0280	4-1-2008	Amend	4-1-2008
918-030-0135	7-1-2008	Amend	8-1-2008	918-305-0290	4-1-2008	Amend	4-1-2008
918-030-0200	1-1-2008	Amend	2-1-2008	918-305-0300	4-1-2008	Amend	4-1-2008
918-030-0220	1-1-2008	Amend	2-1-2008	918-305-0310	4-1-2008	Amend	4-1-2008
918-030-0230	1-1-2008	Amend	2-1-2008	918-305-0320	4-1-2008	Amend	4-1-2008
918-030-0400	7-28-2008	Am. & Ren.	9-1-2008	918-308-0010	6-19-2008	Amend(T)	8-1-2008
918-030-0410	7-28-2008	Am. & Ren.	9-1-2008	918-308-0020	6-19-2008	Amend(T)	8-1-2008
918-030-0420	7-28-2008	Am. & Ren.	9-1-2008	918-308-0040	6-19-2008	Amend(T)	8-1-2008
918-030-0430	7-28-2008	Am. & Ren.	9-1-2008	918-400-0280	1-1-2008	Amend	2-1-2008
918-030-0490	7-28-2008	Am. & Ren.	9-1-2008	918-400-0333	1-1-2008	Amend	2-1-2008
918-098-1012	1-1-2008	Amend	2-1-2008	918-400-0340	1-1-2008	Amend	2-1-2008
918-098-1015	1-1-2008	Amend	2-1-2008	918-400-0380	1-1-2008	Amend	2-1-2008
918-225-0240	1-1-2008	Amend	2-1-2008	918-400-0800	1-1-2008	Amend	2-1-2008
918-225-0345	1-1-2008	Adopt	2-1-2008	918-460-0015	6-25-2008	Amend(T)	8-1-2008
918-225-0600	1-1-2008	Amend	2-1-2008	918-480-0005	4-1-2008	Amend	4-1-2008
918-225-0605	7-1-2008	Amend	8-1-2008	918-480-0010	4-1-2008	Amend	4-1-2008
918-225-0610	1-1-2008	Amend	2-1-2008	918-480-0010	7-3-2008	Amend(T)	8-1-2008
918-225-0640	1-1-2008	Amend	2-1-2008	918-480-0140	4-1-2008	Adopt	4-1-2008
918-261-0015	7-25-2008	Adopt(T)	9-1-2008	918-515-0300	7-1-2008	Amend	8-1-2008
918-282-0130	1-1-2008	Amend	2-1-2008	918-525-0510	7-1-2008	Amend	8-1-2008
918-282-0210	1-1-2008	Repeal	2-1-2008	918-550-0010	7-1-2008	Amend	8-1-2008
918-282-0220	1-1-2008	Amend	2-1-2008	918-600-0030	7-1-2008	Amend	8-1-2008
918-282-0240	1-1-2008	Amend	2-1-2008	918-650-0030	7-1-2008	Amend	8-1-2008
918-282-0270	4-1-2008	Amend	4-1-2008	918-750-0110	4-1-2008	Amend	4-1-2008
918-282-0300	1-1-2008	Repeal	2-1-2008	918-780-0030	1-1-2008	Amend	2-1-2008
918-282-0310	1-1-2008	Repeal	2-1-2008	951-002-0010	6-27-2008	Amend	8-1-2008
918-282-0355	1-1-2008	Amend	2-1-2008	951-003-0005	6-27-2008	Amend	8-1-2008
918-305-0005	4-1-2008	Amend	4-1-2008	952-001-0070	5-30-2008	Amend	7-1-2008
918-305-0030	4-1-2008	Amend	4-1-2008	972-040-0000	1-23-2008	Adopt	3-1-2008
918-305-0100	4-1-2008	Amend	4-1-2008	972-040-0010	1-23-2008	Adopt	3-1-2008
918-305-0105	4-1-2008	Amend	4-1-2008	972-040-0020	1-23-2008	Adopt	3-1-2008

