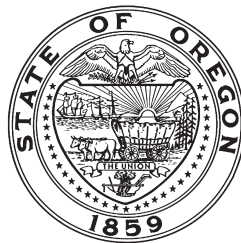


OREGON BULLETIN

Supplements the 2008 *Oregon Administrative Rules Compilation*

Volume 47, No. 6
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Secretary of State
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INFORMATION AND PUBLICATION SCHEDULE

General Information

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

Background on Oregon Administrative Rules

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

How to Cite

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

Understanding an Administrative Rule's "History"

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

Locating the Most Recent Version of an Administrative Rule

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

Locating Administrative Rules Unit Publications

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

2007-2008 Oregon Bulletin Publication Schedule

The Administrative Rule 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.

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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 08-11

RESTRUCTURING OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

The continued vitality of Oregon's complex economic landscape requires thriving communities, a strong and well-educated workforce, a healthy environment and the establishment of diversified, progressive industries. Oregon must manage its assets and position itself today for continued economic success into the 21st Century.

Oregon faces the unprecedented challenges of population growth, aging community infrastructure and pressing climate change concerns. While there are opportunities in the global marketplace for Oregon companies, there is also intense competition from other states and nations. By aggressively taking advantage of economic development opportunities, particularly those presented by promoting industries fighting global warming with innovation and new technologies, Oregon can stimulate new businesses and jobs.

The Oregon Economic and Community Development Department (OECDD) is the state agency primarily responsible for job creation in Oregon. The OECDD's broad scope of work has created disparate expectations of OECDD's mission. Two of OECDD's three program divisions are focused on job retention, creation and recruitment. The primary focus of OECDD's third division, the Community Development Division, is to help Oregon communities meet their infrastructure goals, particularly in the areas of safe drinking water and water and wastewater systems. The absence of a clear and focused agency-wide mission has hindered OECDD's ability to successfully partner with stakeholder groups around the state to promote economic development.

OECDD's realignment will provide an essential, strategic framework to address the challenges facing Oregon and position the state for long-term success into the 21st Century and provide clarity, accountability and viability for the department's distinct missions. To this end, OECDD's community and business development functions will be separated.

OECDD's business development divisions should form a stand-alone department with the mission of serving as a catalyst of sustainable economic growth. This department will focus on the retention and expansion of Oregon companies, leveraging Oregon's innovation and strategic partnerships in the global economy, recruitment of new businesses to the state, creation of jobs by transferring innovative knowledge into the marketplace and raising real wages.

OECDD's community development programs are best served in an agency with a complementary structure and focus as the division's core functions. Community-based resources will be realigned to ensure the most efficient and effective delivery of services. At the same time, infrastructure-based activities will be focused to ensure a sustainable relationship between the natural and built environ-

ments, with an asset management model serving as its structural framework.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. OECDD's Community Development Division shall be considered separate and distinct from all other activities and functions of OECDD's Business and Trade Development Division and Innovation and Economic Strategies Division within OECDD.
2. The OECDD Director shall work with the OECD Commission to ensure that Community Development policies and programs be pursued, and oversight administered, in a manner that is separate and distinct from the oversight and administration of all other Business Development programs, activities and functions within OECDD.
3. The OECDD Director shall work with the OECD Commission to establish a framework that enables Community Development to more effectively focus its activities on infrastructure-related projects and other community-based resource programs.
4. The OECDD Director shall work with the OECD Commission to ensure that staff from the Central Operations Division is assigned appropriately to provide direct support separately for Community Development activities and functions and for Business Development activities and functions.
5. The OECDD Director shall seek and consider input from stakeholders and legislators throughout the state, particularly regarding policy and structural details to ensure the effective design and implementation of a strategic redesign of the department.
6. OECDD and other appropriate state agencies shall identify areas of overlapping authority and coordinate activities and resources to facilitate the structural reorganization.
7. OECDD and other appropriate state agencies shall begin necessary planning to implement a proposed reorganization if legislation to restructure the agency is adopted by the Legislative Assembly.

Done at Salem, Oregon, this 12th day of May, 2008.

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

ATTEST

/s/ Jean Straight for
Bill Bradbury
SECRETARY OF STATE

OTHER NOTICES

A CHANCE TO COMMENT ON PROPOSED CONDITIONAL NO FURTHER ACTION DETERMINATION AT THE OREGON PUBLIC BROADCASTING/FORMER RODDA PAINT FACILITY

COMMENTS DUE: June 30, 2008

PROJECT LOCATION: 6932 SW Macadam Avenue, Portland, Oregon

PROPOSAL: Pursuant to ORS 465.320 the Department of Environmental Quality (DEQ) invites public comment on a conditional no further action recommendation (NFA) for the former Rodda Paint site at 6932 SW Macadam Avenue in Portland, Oregon.

HIGHLIGHTS: The Rodda Paint Company manufactured paints at the facility from approximately 1930 to 1980. Since then, the main building at the site has been used as Rodda Paint headquarters until it was sold in 1996. Recent property uses include parking and storage, leased offices for independent businesses, and newspaper distribution. An additional warehouse building was located on the southern portion of the site, but was removed. Solvents previously were stored in six underground storage tanks (USTs), the former warehouse building, and in a drum storage area on the south side of the former warehouse. These activities resulted in low levels of soil and groundwater contamination from mineral spirits, chlorinated solvents, and lead. Contamination levels have been compared to generic risk-based concentrations, and the site conditions do not identify unacceptable risks. To prevent future exposures, institutional controls have been implemented including not using groundwater and not using the property for residential or agricultural uses.

DEQ has concluded that conditions at the former Rodda Paint property are protective of public health and the environment, providing the established institutional controls are maintained. Oregon Public Broadcasting (OPB) is the current property owner and is managing the site under a Prospective Purchaser Agreement that includes an Easement and Equitable Servitude to maintain safe conditions at the site. DEQ is therefore proposing a conditional no further action determination for the former Rodda Paint facility.

HOW TO COMMENT: The project file is available for public review (ECSI File Number 3104). To schedule an appointment, contact Dawn Weinberger at 503-229-6729. The DEQ contact for this project is Loren Garner, 503-229-6900. Written comments should be sent to Loren Garner, DEQ Northwest Region, 2020 SW Fourth Avenue, Suite 400, Portland, OR 97201 by June 30, 2008. A public meeting will be held to receive verbal comments if requested by 10 or more people or by a group with a membership of 10 or more. Please notify DEQ if you need copies of written materials in an alternative format (e.g., Braille, large print, etc.). To make these arrangements, contact the DEQ Office of Communication and Outreach at 503-229-5317. Additional information is also available at: <http://www.deq.state.or.us/news/publicnotices/pn.asp>

THE NEXT STEP: DEQ will consider all public comments before making the final decision.

CHANCE TO COMMENT ON... PROPOSED NO FURTHER ACTION DECISION SEALS UNLIMITED SITE

COMMENTS DUE: July 1, 2008

PROJECT LOCATION: The 2.12-acre site is located at 17300 West Baseline Road in Beaverton, Oregon.

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rules, OAR 340-122-0100, the Department of Environmental Quality (DEQ) invites public comment on its proposal to approve a remedial action and issue a "No Further Action" (NFA) determination for a cleanup of a hydraulic oil release at the Seals Unlimited Incorporated (SUI) site property.

HIGHLIGHTS: Since 1990 Seals Unlimited Incorporated (SUI) has manufactured various molded rubber products utilizing hydraulic presses. From 1970 to 1990 metal parts were fabricated at the site by a previous tenant. The site is currently used as industrial/commercial property, but site zoning allows for residential use in the form

of attached dwellings such as condominiums and group residences, which are common in the surrounding area.

Site investigations documented generally low to moderate levels of petroleum in the operational site area. However, relatively high concentrations of hydraulic oil were detected in a localized area beneath a portion of the press room, reportedly a result of a hydraulic hose rupture and subsequent oil migration through cracks in the floor.

Earlier this year SUI completed an independent cleanup of the soil contamination and requested DEQ approval that the cleanup met residential standards. Approximately 73 tons of soil were removed to a depth of about 7 feet and properly disposed off-site. Residual concentrations of hydraulic oil in soil are below residential cleanup standards and DEQ has concluded that the hydraulic oil release has been effectively remediated and that no further action is needed.

HOW TO COMMENT: You can review the administrative record for the proposed No Further Action at DEQ's Northwest Region located at 2020 SW Fourth Avenue, Suite 400, Portland, Oregon. For an appointment to review the files call DEQ File Clerk, Dawn Weinberger at (503)229-6729 or toll free at (800)452-4011; or TTY at (503)229-5471. Please send written comments to Mark Pugh, Project Manager, DEQ Northwest Region, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201 or via email at: pugh.mark@deq.state.or.us. DEQ must receive written comments by 5:00 p.m. on July 1, 2008.

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

DEQ is committed to accommodating people with disabilities at our hearings. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach at (503) 229-5696 or toll free in Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY number, (503)229-5471.

THE NEXT STEP: DEQ will consider all public comments received by the July 1, 2008 deadline. A final decision will be made after consideration of public comment.

CHANCE TO COMMENT ON... PROPOSED NO FURTHER ACTION DETERMINATION AND DELISTING FOR CHOU EXCHANGE AND ELLERBROOK PARCELS HILLSBORO, OREGON

COMMENTS DUE: June 30, 2008

PROJECT LOCATION: 5200 SE Alexander Street and Adjacent Parcel in Hillsboro, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.230 and 465.320, and Oregon Administrative Rules, OAR 340-122-077, OAR 340-122-078 and OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on its proposal to approve a no further action determination (NFA) for two residentially-zoned parcels identified as Chou Exchange and Ellerbrook Parcels in Hillsboro, Oregon. The property owner is Centex Holmes.

HIGHLIGHTS: The Chou Exchange and Ellerbrook Parcels are located to the south of SE Alexander Street and east of SW 247th Street in Hillsboro, Oregon as shown in Attachment 1. The Ellerbrook Parcel previously had a street address of 3250 SW 247th Avenue. The Chou Exchange Parcel does not have an independent street address and the contiguous Chou Remainder Parcel had previously shared the same tax lot number and, has a street address of 5200 SE Alexander Street Hillsboro, Oregon. The Chou Exchange Parcel is 6.97 acres in size and the Ellerbrook Parcel is 4.64 acres in size.

Historical information concerning the Chou Exchange Parcel indicated that it had been previously used in the commercial agricultural production of grasses such as wheat or hay. At the time of the initial site reconnaissance during May 2007, both parcels were

OTHER NOTICES

fallow fields. After the removal action on the Chou Exchange Parcel in September 2007, residential development began.

Soil sampling and analysis was conducted in accordance with the DEQ's Guidance for Evaluating Residual Pesticides on Lands Formerly Used for Agricultural Production.

The Site and adjacent Chou Remainder Parcel were evaluated for organochlorine pesticides/herbicides and metals. RBCs for ecological and residential risks for metals and organochlorine pesticides were not exceeded the Ellerbrook Parcel. The organochlorine pesticide dieldrin was detected at levels that exceeded RBC acceptable values for protection for human health for shallow soil samples from both the Chou Remainder Parcel and Chou Exchange Parcel. The Ellerbrook Parcel shallow soil samples did not contain dieldrin at levels above the laboratory detection limit or ecological and residential risk pathways.

The surface soils with concentrations in excess of human health screening value of 30 micro grams per kilogram ($\mu\text{g}/\text{kg}$) for dieldrin were removed to Hillsboro Landfill for DEQ permitted disposal. A total of 7,757 tons of dieldrin impacted soil were removed from the Chou Exchange Parcel.

Based on the work completed DEQ has concluded that no further action is necessary at the Chou Remainder and Ellerbrook Parcels Site. Acceptable residual risk levels have been achieved through removal of dieldrin impacted soil and a risk evaluation for human and ecological receptors. The remedy achieves acceptable levels of risk, as defined by OAR 340-122-084(4), as demonstrated by a residual Risk Assessment included as part of the Closure Evaluation.

HOW TO COMMENT: DEQ's project file information is available for public review (by appointment) at DEQ's Northwest Region Office, 2020 SW 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. DEQ has also arranged to provide the main reports and DEQ Staff Report to interested parties in Adobe PDF format on a CD. Please send written comments and request to Jim Orr, Project Manager, at the address listed above or via email at orr.jim@deq.state.or.us by 5 p.m., July 1, 2008.

Summaries of site information can be found on the internet in DEQ's on-line Environmental Cleanup Site Information (ECSI) database (<http://www.deq.state.or.us/wmc/ecsi/ecsiquery.htm>). The Chou Exchange and Ellerbrook site is listed as ECSI # 4947.

Please notify DEQ of any special physical or other accommodations you may need due to a disability, language accommodations, or if you need copies of written materials in an alternative format (e.g. Braille, large print, etc). To make these arrangements, contact DEQ's Office of Communications and Outreach at 503-229-5317. **THE NEXT STEP:** DEQ will consider all public comments received by the June 30, 2008 deadline and the Regional Cleanup Manager will make a final decision after consideration of these public comments.

CHANCE TO COMMENT ON...

PROPOSED NO FURTHER ACTION DETERMINATION AND DELISTING FOR IRONWOOD HOMES LOTS 1, 2, AND 4, SHERWOOD, OREGON

COMMENTS DUE: July 1, 2008

PROJECT LOCATION: 23320 SW Murdock Road, Sherwood, Oregon.

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.230 and 465.320, and Oregon Administrative Rules, OAR 340-122-077, OAR 340-122-078 and OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on its proposal to approve a no further action determination (NFA) and delisting for three residentially-zoned lots identified as Ironwood Homes, Lots 1, 2, and 4 in southeast Sherwood, Oregon. The property owner is Ironwood Homes, Inc.

HIGHLIGHTS: DEQ has reviewed several reports that describe soil removal and storage actions taken as part of an Interim Remedial Action Measure (IRAM) Work Plan for three properties, that total 1.83-acres in Sherwood, Oregon. Soils on these properties were contaminated with elevated concentrations of chromium, lead and

mercury, resulting from historic land application and apparent disposal of wastes from a former leather tanning plant. The IRAM actions are an initial component of a larger cleanup of properties owned by Ironwood Homes, Inc. in this area of Sherwood that is also known as the former Ken Foster Farm cleanup site.

The removal actions undertaken by Ironwood Homes included removal of 3,315 cubic yards of metal-contaminated soils were removed from Lots 1, 2, and 4 and placement of the soil in a engineered temporary storage cell on an adjacent Ironwood Homes-owned property, identified as Tract H. The Tract H ESC was completed, covered with clean soil and jute matting and established a grass cover. Some additional soils were also stored on Lot 3, pending public comment and approval of an additional ESC on a nearby Ironwood Homes-owned property, identified as Tax Lot 300.

A post-removal Risk Evaluation was performed to evaluate the possible ecological exposure threat from residual soil concentrations on the three lots.

Residual concentrations of total chromium in site soils were largely below IRAM cleanup goals, but some areas still had concentrations above the established risk-based goal of 130 parts-per-million (ppm). DEQ has determined that a clean soil cover of no less than one foot over these areas will establish a protective barrier to ecological species exposure.

Based on the work completed DEQ is prepared to issue a NFA for the three lots and remove them from DEQ's Confirmed Release List and Inventory .

HOW TO COMMENT: DEQ's project file information is available for public review (by appointment) at DEQ's Northwest Region Office, 2020 SW 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. DEQ has also arranged to provide the main reports and DEQ Staff Report to interested parties in Adobe PDF format on a CD. Please send written comments and request to Chuck Harman, Project Manager, at the address listed above or via email at harman.charles@deq.state.or.us by 5 p.m., July 1, 2008.

DEQ will hold a public meeting to receive verbal comments at a Sherwood location in mid June 2008. At this time a site has not yet been secured.

Summaries of site information can be found on the internet in DEQ's on-line Environmental Cleanup Site Information (ECSI) database (<http://www.deq.state.or.us/wmc/ecsi/ecsiquery.htm>). The Ironwood Homes site is listed as ECSI # 4750. The Ironwood Homes site is within the boundaries of the Former Ken Foster Farm site (ECSI #2716).

Please notify DEQ of any special physical or other accommodations you may need due to a disability, language accommodations, or if you need copies of written materials in an alternative format (e.g. Braille, large print, etc). To make these arrangements, contact DEQ's Office of Communications and Outreach at 503-229-5317. **THE NEXT STEP:** DEQ will consider all public comments received by the July 1, 2008 deadline and the Regional Cleanup Manager will make a final decision after consideration of these public comments.

REQUEST FOR COMMENTS

PROPOSED CONDITIONAL NO FURTHER ACTION DECISION FOR PRINEVILLE WOOD PRODUCTS - SOUTH (FORMER). PRINEVILLE, OREGON

COMMENTS DUE: June 30, 2008 by 5:00 p.m.

PROJECT LOCATION: 3875 NW Lamonta Road, Prineville
PROPOSAL: Pursuant to Oregon Revised Statute (ORS) 465.315, the Oregon Department of Environmental Quality (DEQ) is proposing to issue a conditional no further action (NFA) determination for former Prineville Wood Products - South Parcel located at 3875 NW Lamonta Road in Prineville, Oregon.

HIGHLIGHTS: The Voluntary Cleanup Program has reviewed site assessment and remedial activities performed at the site. Remedial action objectives (RAOs) were established for the site to address chlordane and heptachlor contamination. The RAOs were addressed

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through institutional and engineering controls, hot spot soil excavation, groundwater monitoring, and water well abandonment. The site will remain listed on the Confirmed Release List and Inventory of Hazardous Substances.

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 the "Conditional 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 2502.

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 June 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 "Conditional No Further Action" determination.

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DECISION FOR ATLANTIC RICHFIELD BULK PLANT (FORMER) HOOD RIVER, OREGON

COMMENTS DUE: June 30, 2008 by 5:00 p.m.

PROJECT LOCATION: 1218 Industrial Loop, Hood River, Oregon

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 the former Atlantic Richfield Bulk Plant located at 1218 Industrial Loop in Hood River, Oregon.

HIGHLIGHTS: The Voluntary Cleanup Program has reviewed site assessment activities performed at the site. The site was a petroleum bulk plant from the late 1930s and operated until the 1980s. The site is currently a warehouse. Concentrations of petroleum products detected in the soil are below applicable risk-based concentrations for the site.

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 the "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 2984.

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 June 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.

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DECISION FOR BLACK DISTRIBUTING BULK PLANT (STANDARD) BAKER CITY, OREGON

COMMENTS DUE: June 30, 2008 by 5:00 p.m.

PROJECT LOCATION: 3345 17th Street, Baker City

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 Black Distributing Bulk Plant (a.k.a Standard Bulk Plant) located at 3345 17th Street in Baker City, Oregon.

HIGHLIGHTS: The Voluntary Cleanup Program has reviewed site assessment and remedial activities performed at the site. The site is an active petroleum bulk plant that was constructed in 1920s. The

oil/water separator was cleaned and connected to the sanitary sewer. The three non-permitted discharged ponds were decommissioned. The ponds were over excavated to remove petroleum contaminated soil. Surficial stained soil was also excavated.

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 3011.

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 June 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.

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DECISION FOR BLACK DISTRIBUTING BULK PLANT (UNOCAL) BAKER CITY, OREGON

COMMENTS DUE: June 30, 2008 by 5:00 p.m.

PROJECT LOCATION: 3340 17th Street, Baker City

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 Black Distributing Bulk Plant (a.k.a Unocal Bulk Plant) located at 3340 17th Street in Baker City, Oregon. DEQ is also proposing to de-list the site from the Confirmed Release List (CRL).

HIGHLIGHTS: The Voluntary Cleanup Program has reviewed site assessment and remedial activities performed at the site. The site is an active petroleum bulk plant constructed in 1922. Approximately 340 cubic yards of petroleum contamination soil (PCS) has been treated on-site or transported off-site for disposal. Localized PCS remains beneath the concrete building support of the warehouse, beneath the concrete slab at the load rack, near the fuel truck unloading rack, and the fuel pumps.

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 2154.

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 June 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 A PROSPECTIVE PURCHASER AGREEMENT AT THE FORMER COLUMBIA AMERICAN PLATING PROPERTY IN PORTLAND, OREGON

COMMENTS DUE: June 30, 2008

PROJECT LOCATION: 3003 NW 35th Avenue, Portland, Oregon.

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to enter into a Consent Judgment for a Prospective Purchaser Agreement (PPA) with 3003 NW 35th LLC for the property located at 3003 NW 35th Avenue, Portland Oregon (the "Property").

OTHER NOTICES

HIGHLIGHTS: 3003 NW 35th, LLC is acquiring the Property to allow it to address environmental contamination and provide beneficial redevelopment of the Property. The Property was used historically as a metal plating facility from 1975 until 2003. During historic metal plating operations at the Property, hazardous substances were released at and from the Property. In 2003 and 2004, the United States Environmental Protection Agency (EPA) conducted removal actions at the Property, including removal of large quantities of hazardous and non hazardous wastes, power washing facilities, and sampling of soil, groundwater, and surface water runoff. DEQ has been working with 3003 NW 35th, LLC to develop removal and/or remedial measures to address the contamination remaining at the Property.

The Consent Judgment will require 3003 NW 35th, LLC to implement removal and/or remedial measures to address releases of hazardous substances at the site. These measures will include: completing actions to inspect, clean, and reestablish a storm drain system at the Property; complete a source control evaluation; perform additional; soil and groundwater sampling; pave unpaved areas and repair damaged pavement; and remove and properly dispose of dangerous and potentially hazardous material from the buildings. 3003 NW 35th, LLC will also agree to provide DEQ access to the Property for any additional investigation and removal or remedial actions that may be required, and to implement any institutional or engineering controls that may be necessary.

DEQ's Prospective Purchaser Program was created in 1995 through amendments to the state's Environmental Cleanup Law. The Prospective Purchaser Agreement is a tool that facilitates the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a property with existing contamination. DEQ has approved more than 100 Prospective Purchaser Agreements throughout the State since the program began.

The proposed Consent Judgment will provide 3003 NW 35th, LLC with a release from liability for claims by the State of Oregon under ORS §465.255 relating to any historical releases of hazardous substances at or from the Property. The proposed Consent Judgment will also provide 3003 NW 35th, LLC with protection from potential contribution actions by third parties for recovery of remedial action costs associated with any historical releases at or from the Property. DEQ retains all existing rights it may have as to all other parties potentially liable for any releases.

HOW TO COMMENT: Written comments concerning the proposed Consent Judgment should be sent to Charlie Landman at DEQ Headquarters, 811 SW 6th Avenue, Portland, Oregon 97204, or by email at landman.charlie@deq.state.or.us. Comments must be received by DEQ by 5:00 pm June 30, 2008. Questions may be directed to Mr. Landman at that address or by calling (503) 229-6461. The proposed Consent Judgment and DEQ file on the Property may be reviewed at DEQ's North West Region office in Portland by contacting Mark Pugh at (503) 229-5587. Upon written request by ten or more persons, or by a group having ten or more members, a public meeting will be held to receive verbal comments on the proposed Consent Judgment.

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.

A CHANCE TO COMMENT ON A PROPOSED CONSENT JUDGMENT FOR A PROSPECTIVE PURCHASER AGREEMENT AT THE FORMER RAWLINSONS CLEANERS PROPERTY IN SALEM, OREGON

COMMENTS DUE: June 30, 2008

PROJECT LOCATION: 1264 Broadway Street, NE, Salem Oregon.

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to enter into a Consent Judgment for a Prospective Purchaser Agreement (PPA) with the Salem Alliance Church (Church)

for the property located at 1264 Broadway Street, NE, Salem, Oregon (the "Property".)

HIGHLIGHTS: The Church is acquiring the Property to allow the Church to address environmental contamination and provide beneficial redevelopment of the Property. The Property was used historically as a dry cleaning facility from approximately 1951 until 1991. During historic dry cleaning operations at the Property, hazardous substances were released at and from the Property, causing contamination of soil and groundwater. DEQ has been working with the current owner of the Property to develop removal and/or remedial measures to address the contamination remaining at the Property.

The Consent Judgment will require the Church to provide funds to be used to implement removal and/or remedial measures to address releases of hazardous substances at the site. The first stage of removal measures will be conducted by the current owner under a Consent Order with DEQ. The Church will also agree to provide DEQ and the current owner access to the Property for any additional investigation and removal or remedial actions that may be required, and to implement any institutional or engineering controls that may be necessary.

DEQ's Prospective Purchaser Program was created in 1995 through amendments to the state's Environmental Cleanup Law. The Prospective Purchaser Agreement is a tool that facilitates the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a property with existing contamination. DEQ has approved more than 100 Prospective Purchaser Agreements throughout the State since the program began.

The proposed Consent Judgment will provide the Church with a release from liability for claims by the State of Oregon under ORS §465.255 relating to any historical releases of hazardous substances at or from the Property. The proposed Consent Judgment will also provide the Church with protection from potential contribution actions by third parties for recovery of remedial action costs associated with any historical releases at or from the Property. DEQ retains all existing rights it may have as to all other parties potentially liable for any releases.

HOW TO COMMENT: Written comments concerning the proposed Consent Judgment should be sent to Charlie Landman at DEQ Headquarters, 811 SW 6th Avenue, Portland, Oregon 97204, or by email at landman.charlie@deq.state.or.us. Comments must be received by DEQ by 5:00 pm June 30, 2008. Questions may be directed to Mr. Landman at that address or by calling (503) 229-6461. The proposed Consent Judgment and DEQ file on the Property may be reviewed at DEQ's Western Region office in Eugene by contacting Bryn Thoms at (541) 687-7424. Upon written request by ten or more persons, or by a group having ten or more members, a public meeting will be held to receive verbal comments on the proposed Consent Judgment.

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 NO FURTHER ACTION DECISION

COMMENTS DUE: 5 pm, June 30, 2008

PROJECT NAME/LOCATION: Oregon Coast Sanitation (OCS) – Bunker Hill Site, 100 N. Ridge Road, Bandon, Oregon

PROPOSAL: Per OAR 340-120-0078, a 30-day public comment period is required before a proposed No Further Action (NFA) decision can be completed by the DEQ.

HIGHLIGHTS: OCS was a used oil recycling and septic waste treatment facility located at a 17.6 acre site on Beaver Hill, north of Bandon, on Highway 101. The site operated from the mid 1980s to 1998. OCS collected used oil and/or oily wastewater from various generators, and transported it to the site. Wastes brought to the site were stored in large above ground tanks and lagoons, or were buried.

DEQ's Orphan Program conducted significant cleanup activities at the site in 1998 and 1999, removing hazardous wastes and contaminated soils from the site, and restoring the natural grade of the site.

OTHER NOTICES

DEQ has conducted sampling of the site since the cleanup activities and evaluated risks to human health and the environment. DEQ has concluded that the cleanup activities were effective in removing hazardous substances from the site, and is proposing No Further Action decision for the site.

HOW TO COMMENT: A Site Summary Report presenting details about the site and the proposed cleanup action was prepared by DEQ, which supports the decision to that no additional cleanup is necessary. The report is available for review, electronically, by contacting the DEQ project manager, Don Hanson at 541-687-7349 or at hanson.don@deq.state.or.us, or the report can be viewed in person at the DEQ Eugene office or at the DEQ Coos Bay office. The Eugene office address and contact information is presented to the right. The Coos Bay office is located at 381 N. Second Street, Coos Bay, OR 97420. The Coos Bay office phone number is (541) 269-2721. Comments on the proposed cleanup need to be received by the Eugene Office, attn: Don Hanson, by 5 pm on June 30, 2008. Fax or email comments are acceptable.

THE NEXT STEP: Upon completion of the comment period, the comments will be reviewed and addressed. The DEQ will consider all comments prior to completing the No Further Action determination, and may alter its decision based on the comments received. A public meeting may be held to discuss the No Further Action proposal, if requested by more than 10 people.

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

REQUEST FOR COMMENTS ON PROPOSED REMEDIAL ACTION FOR THE OFF SITE OPERABLE UNIT, FORMER CHARLES LILLY FACILITY PORTLAND, OREGON

COMMENTS DUE: 5:00 pm on June 30, 2008

PROJECT LOCATION: 8027 NE Killingsworth Street, Portland, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute ORS 465.320 and Oregon Administrative Rules OAR 340-122-100, the Department of Environmental Quality (DEQ) requests public comment on its proposed cleanup decision regarding off-site soil contamination associated with historical pesticide formulation activities at the former Charles H. Lilly (CHL) facility, 7737 Northeast Killingsworth Street in Portland, Oregon (the site). The CHL off-site operable unit is located at 8027 NE Killingsworth Street, in Portland, Oregon and is owned by KIP Holdings Company (KIP), an affiliate of Hoffman Construction Company. The proposed soil cleanup in the off-site operable unit would involve consolidation and capping of contaminated soil located on the KIP property into an engineered cell located along the property line between the former CHL facility and the KIP property. MJB Associates, LLC (MJB) acquired the CHL facility in 2006 under a Prospective Purchaser Agreement (PPA) between DEQ, MJB and Acme Scenic & Display, Inc. MJB completed the cleanup of on-site soil contamination in 2007 with DEQ approval in October of that year.

HIGHLIGHTS: The CHL facility was formerly owned by the Miller Products Company, W.R. Grace & Company, and CHL Administration, Inc. (formerly known as The Charles. H. Lilly Company), among others, and used to formulate various agricultural chemicals. During site operations, hazardous substance releases occurred off-site to the adjacent property as a result of discharge of contaminated storm water runoff to the then undeveloped property.

CHL conducted a remedial investigation and feasibility study (RI/FS) for the off-site operable unit concurrent with MJB's completion of the on-site cleanup. Pesticide residues and arsenic were found in soil above acceptable DEQ risk-based concentrations

(RBCs) for occupational worker direct contact exposure. CHL in consultation with Hoffman Construction Company proposed to remediate the soil contamination by excavating approximately 430 cubic yards of soil containing pesticides at levels above RBCs for construction worker exposure, placing the soil in an engineered storage cell that would be constructed along the property line, and capping the cell with asphalt tied into the existing cap on the MJB property. Soil with lower levels of contamination would remain in place under the existing asphalt surface cap and buildings on the KIP property. Long term management of the capped areas would be restricted through conditions to be specified in an Easement and Equitable Servitude to be recorded with the property deed by Multnomah County.

HOW TO COMMENT: Written comments concerning the remedial action should be sent to Bob Williams at DEQ Northwest Region, 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201. All comments must be received by DEQ by 5:00 pm June 30, 2008. Questions may be directed to Mr. Williams at the above address or by calling (503) 229-6802. Summary information and a copy of the "Staff Report" are available in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet; go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 102 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 102 in the Site ID/Info column. The Project Staff Report and DEQ file on the Charles Lilly site may also be reviewed at DEQ's Northwest Region office in Portland by contacting Bob Williams at (503) 229-6802.

Upon written request by ten or more persons, or by a group having ten or more members, a public meeting will be held to receive verbal comments on the proposed remedial action.

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

REQUEST FOR COMMENT PROPOSED APPROVAL OF REMEDIAL ACTIONS AND PROPOSED CONSENT JUDGMENT FOR REMEDIAL ACTION OREGON METALLURGICAL CORP., LINN COUNTY, OREGON

COMMENTS DUE: June 30, 2008

PROJECT LOCATION: 530 34th Avenue SW, Albany, Oregon
PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to approve a series of measures undertaken by Oregon Metallurgical Corporation (Oremet) to remediate contamination present at the facility. DEQ also is proposing to enter into a Consent Judgment for Remedial Action with Oremet (dba Allvac).

HIGHLIGHTS: Oremet completed a comprehensive remedial investigation in 2006 and a human health and ecological risk assessment in 2008 to evaluate the nature and extent of chemicals in environmental media and associated risks to human and ecological receptors posed by releases at the site. The investigations found that actions already taken to remediate site contamination, including capping an industrial landfill and removing contaminated soils from multiple areas of the site have been successful in mitigating the effects of the releases. A draft staff report outlining DEQ's Recommended Remedial Action is posted in DEQ's Environmental Cleanup Site Information (ECSI) database as explained below.

The proposed Consent Judgment will provide Oremet/Allvac 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 Oremet/Allvac 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. A copy of the Consent Judgment is posted in the ECSI database as explained below.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eugene office at 1102 Lincoln St, Ste 210,

OTHER NOTICES

Eugene, OR 97401. To schedule an appointment to review the file or to ask questions, please contact Bill Mason at (541) 687-7427.

Summary information and a copies of two documents referenced above are available in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet. To review this material, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 858 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 858 in the Site ID/Info column. To be considered, written comments should be sent to Bill Mason, Project Manager, at the address listed above or by email at mason.bill@deq.state.or.us, and must be received by 5:00 PM on Monday, June 30, 2008. A public meeting will be held upon written request by ten or more persons or by a group with a membership of 10 or more.

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the proposed remedial actions taken at the site. A public notice of DEQ's final decision will be issued in this publication.

REQUEST FOR COMMENTS

PROPOSED CLEANUP ACTION FOR FORMER BARON-BLAKESLEE SITE IN NE PORTLAND

COMMENTS DUE: 5 p.m. on Monday June 30, 2008

PROJECT LOCATION: 5920 NE 87th Avenue, Portland, Oregon

PROPOSAL: The Department of Environmental Quality (DEQ) invites comments on a proposed cleanup action for soil and groundwater contamination at the former Baron-Blakeslee, Inc. Site. The site lies upgradient of the City of Portland Columbia Shore Wellfield that serves as a backup water supply to the Portland metropolitan area.

HIGHLIGHTS: Before 1972, a chlorinated solvent distribution center operated on property owned by Ethyl Corporation. The property was also reported to have been a dry cleaning solvent distribution center prior to 1972. In 1972, the property was acquired by Purex Industries, parent company to Baron-Blakeslee, Inc. Under Purex ownership, the facility was used for solvent recycling, including solvent distribution, storage, and resource recovery. Purex was acquired by AlliedSignals in the mid-1980s. In 1999, Honeywell merged with AlliedSignals retaining the Honeywell name.

The site has been the subject of ongoing investigation and interim cleanup actions since the late 1980s as a result of releases of hazardous wastes regulated by the federal Resource Conservation and Recovery Act (RCRA). Honeywell completed closure of the RCRA Hazardous Waste Management Units in accordance with an approved closure plan in 1994. During closure activities soil and groundwater contaminated with halogenated solvents was discovered and cleanup actions were directed through a RCRA closure permit issued by EPA and DEQ. In 2000, DEQ issued a Consent Order requiring a Remedial Investigation and Feasibility Study of the site.

Soils and groundwater at the Site are contaminated with tetrachloroethene (PCE), trichloroethene (TCE), and other volatile organic compounds. The groundwater contaminant plume extends approximately 5,400 feet north of the site, an off-site area of primarily industrial properties. The contaminant plume core is at an approximate depth of 100 feet below ground surface, in the Unconsolidated Gravel and the Troutdale Gravel Aquifers, designated drinking water aquifers.

The proposed remedial action includes: 1) excavation of contaminated soil from the on-site source area for off-site disposal, 2) hydraulic control of the groundwater plume to prevent further down-gradient migration, and 3) treatment of the dissolved groundwater contaminant plume to achieve drinking water standards. Groundwater cleanup will involve pumping groundwater to the surface and running it through an air stripper to remove volatile organic compounds. Groundwater will also be treated to remove phosphorus prior to discharge to the Columbia Slough. In addition, on-site groundwater will be treated using groundwater circulation wells. Solvent vapors recovered from the water will be removed from the air stream using activated carbon filters. The estimated cost for the cleanup, including capital costs and operations and maintenance, is approximately \$7.2 million and it is expected to take 15 years to complete.

HOW TO COMMENT: Send written comments on the proposed remedial action to DEQ Project Manager Anna Coates, Oregon DEQ, Northwest Region, 2020 SW 4th Ave., Suite 400, Portland, Oregon 97201, or e-mail to coates.anna@deq.state.or.us by 5 p.m. on Monday, June 30, 2008. To view the project files please call Dawn Weinberger, File Review Specialist, at (503) 229-6729 to schedule an appointment. If you have any questions, please contact Anna Coates at 503 229-5213 or coates.anna@deq.state.or.us

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

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.

APPROVAL OF ACTIONS

NO FURTHER ACTION DECISION ALBERTSONS, EUGENE, OREGON

PROJECT LOCATION: 3075 Hilyard Street, Eugene, Oregon

DECISION: The DEQ has approved no further cleanup action at the Albertsons site under OAR 340-122-0205 through 340-122-0360 and pursuant to Risk-Based Cleanups in accordance with OAR 340-122-0244 and 340-122-0250. In addition, the DEQ has determined that no further action is required to address environmental contamination under the Oregon Environmental Cleanup Law, ORS 465.200 et seq. The DEQ has determined that no further action is required because the site no longer poses a risk to human health and the environment as defined in ORS 465.315 with the conditions as presented in the letter of "no further action" for this project. The site will remain on the Confirmed Release List and the Inventory of Hazardous Substance Sites.

HIGHLIGHTS: The property was utilized as an auto repair and fuel service station named Sunny Oil from the 1960's to the 1980's. In 1988, a site assessment was conducted that identified a petroleum release from the underground storage tank (UST) system. The USTs were removed following the assessment. In 1989, petroleum-contaminated soil was discovered during the installation of a storm sewer pipe at the southern portion of the property. Contaminants were measured in soil and groundwater at concentrations exceeding DEQ's risk-based standards. During these activities in the 1980's, approximately 1,120 cubic yards of impacted soil were removed from the property.

Additional assessment was conducted at the property in February 2007. Sampling showed that soil and groundwater do not contain petroleum or solvent-related contaminants at concentrations above DEQ's risk-based standards. The DEQ recommended that no further action be required and requested public comments on the proposed closure during March 2008. No comments were received during the public notice period.

The DEQ has approved the "Conditional No Further Action" for the site. The project files are public record and may be viewed by appointment at DEQ's Eugene office, 1102 Lincoln Street, Suite 210. Questions may also be directed to the Eugene office at 541-686-7838 or 1-800-844-8467. The TTY number for hearing-impaired callers is 541-687-5603.

DEQ DETERMINES NO FURTHER ACTION REQUIRED LES SCHWAB (FORMER) SITE MCMINNVILLE, OREGON

PROJECT LOCATION: 1515 NE Baker St., McMinnville, OR

HIGHLIGHTS: In the spring of 2000, Wark Environmental decommissioned five hydraulic tanks by removal from the East side of the structure and collected preliminary samples. Over 1000 tons of soil

OTHER NOTICES

were removed from the tank area during the initial decommissioning. In 2002 EVREN Northwest investigated potential contamination of the area of former hydraulic lifts and several other parts of the property identified by historical research and geophysical methods. Petroleum contamination was not detected in any of these samples. As there is no unacceptable risk based on contaminants at this site, DEQ has issued a No Further Action (NFA) determination.

A file containing detailed information for the site is available for review in DEQ's Eugene office located at 1102 Lincoln St., Suite 210, Eugene, Oregon 97401. Questions concerning this site should be directed to Seth Sadofsky at DEQ's Eugene office or by calling him at 541-687-7329 or toll-free in Oregon at 1-800-844-8467, extension 7329.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

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Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: Clarify rules related to licensure and registration and include language to allow digital signatures.

Date:	Time:	Location:
7-8-08	1 p.m.	670 Hawthorne Ave SE Suite 220 Salem, OR 97301

Hearing Officer: Sue Laszlo

Stat. Auth.: ORS 672.255

Other Auth.: ORS 670.310

Stats. Implemented: ORS 672.002 - 672.325

Proposed Amendments: 820-010-0010, 820-010-0225, 820-010-0226, 820-010-0440, 820-010-0450, 820-010-0465, 820-010-0520, 820-010-0620, 820-015-0010

Last Date for Comment: 7-8-08, Close of Hearing

Summary: OAR 820-010-0010 — The proposed amendment includes language to allow “digital signatures.”

OAR 820-010-0225 — The proposed amendment clarifies the requirements for entrance to the fundamentals of engineering examination prior to graduation and the official documentation required to obtain examination results.

OAR 820-010-0226 — The proposed amendment clarifies the requirements for entrance to the fundamentals of land surveying examination prior to graduation and the official documentation required to obtain examination results.

OAR 820-010-0440 — The proposed amendment clarifies deadlines for applications by including the postmark deadline. The proposed amendment also includes the “Withdraw/Forward” process that allows an applicant a single opportunity to withdraw and forward an application to the next available examination administration.

OAR 820-010-0450 — General Housekeeping. The proposed amendment revises the name of the “Electrical” discipline to “Electrical and Computer” as reflected by the name of the required examination.

OAR 820-010-0465 — The proposed amendment clarifies the documentation required to be submitted with an application for readmission to an examination.

OAR 820-010-0520 — The proposed amendment clarifies the maximum number of PDH units required to attain active status. The proposed amendment also clarifies that registrants in the suspended or revoked status may not hold out as a professional registrant.

OAR 820-010-0620 — The proposed amendment includes language to allow “digital signatures” and define the requirements of a “digital signature.”

OAR 820-015-0010 — The proposed amendment includes language to assist the Board in processing complaints with a digital signature.

Rules Coordinator: Mari Lopez

Address: 670 Hawthorne Avenue, SE, Suite 220 Salem, OR 97301

Telephone: (503) 362-2666, ext. 25

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Board of Massage Therapists Chapter 334

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

Date:	Time:	Location:
6-19-08	1 p.m.	OBMT Board Rm. 748 Hawthorne Ave. NE Salem, OR

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: 6-19-08, 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 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 now covers Standards of Conduct. A new division 40 addresses Complaints and Discipline. A complete markup with proposed changes is available at www.oregon.gov/obmt

Rules Coordinator: Patty Glenn

Address: Board of Massage Therapists, 748 Hawthorne Ave. NE, Salem, OR 97301

Telephone: (503) 365-8657

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Board of Optometry Chapter 852

Rule Caption: Defines contact lens; establishes optometric authority to use, prescribe and dispense therapeutic contact lenses.

Date:	Time:	Location:
6-13-08	1:30 p.m.	1900 Hines St. Mezzanine Level Conf. Rm. Salem, OR

Hearing Officer: Scott Walters, OD, President

Stat. Auth.: ORS 683 & 182

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: ORS 683.010, 683.240, 683.270, 683.335 & 182.466

Proposed Amendments: Rules in 852-001, 852-080

Last Date for Comment: 6-13-08

Summary: 852-001(corrected from 4-11-2008) - Establishes definition of various use contact lenses.

852-080 - Establishes the authority for Doctors of optometry to use, prescribe and dispense therapeutic lenses that include pharmaceutical agents listed on the topical formulary.

Rules Coordinator: David W. Plunkett

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

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

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Amends Exhibit Q-V, which is a notice of rights and decisions about rights form.

Stat. Auth.: ORS 144.050, 144.140, 181.585, 181.586 & OL Ch. 163

Stats. Implemented:

Proposed Amendments: 255-060-0011, 255-060-0016

Last Date for Comment: 7-3-08

Summary: OAR 255-060-0011 and OAR 255-060-0016 outline the procedures for designating an offender a predatory sex offender. Both rules reference Exhibit Q-V, which is a notice of rights and decisions about rights form that is provided to the inmate or offender. Exhibit Q-V is being amended to clarify the section of the form that applies only to out-of-custody hearings and clarifies the rights after a hearing. Exhibit Q-V is being amended to make formatting changes, correct a typographical error, and streamline the form.

Rules Coordinator: Peggy Barber

Address: Board of Parole & Post-Prison Supervision, 2575 Center St. NE, Suite 100, Salem, OR 97301-4621

Telephone: (503) 945-0914

Bureau of Labor and Industries Chapter 839

Rule Caption: Clarifies licensing requirements for employees of Farm Labor Contractors/Indorsements.

Stat. Auth.: ORS 658.407

Stats. Implemented: ORS 658.405 - 658.503

Proposed Amendments: 839-015-0141

Last Date for Comment: 6-23-08

Summary: This proposed rule amendment clarifies that one of the conditions for being licensed as a farm or forest labor contractor subject to an employee indorsement under the Farm Labor Contractor law includes that the employee is not otherwise licensed under the Farm Labor Contractor law.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

Rule Caption: Clarifies requirements relating to the provision of meal periods to employees.

Stat. Auth.: ORS 651.060(4) & 653.261

Stats. Implemented: ORS 653.261

Proposed Amendments: 839-020-0050

Last Date for Comment: 6-23-08

Summary: This proposed rule amendment clarifies the agency's rules pertaining to the provision of rest and meal periods to employees. The proposed rule amendment makes clear that employees must be relieved of all duties for meal periods except in those cases where the employer can show that *exceptional* and *unanticipated* circumstances prevent the employee from being relieved from all duty. The proposed rule amendment also clarifies that factors to be considered in determining an employee is prevented from receiving regularly

scheduled meal and rest periods must pertain to the *ordinary nature* of work performed.

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: Amends procedural rules of Wage and Hour Commission and adopts rule pertaining to subpoenas.

Stat. Auth.: ORS 653.525

Other Auth.: HB 2253 (2007 Legislature)

Stats. Implemented: ORS 653.525

Proposed Adoptions: 839-022-0100, 839-022-0105, 839-022-0110, 839-022-0115, 839-022-0120, 839-022-0125, 839-022-0130, 839-022-0135, 839-022-0140, 839-022-0145, 839-022-0150, 839-022-0155, 839-022-0160, 839-022-0165

Proposed Amendments: 839-022-0000, 839-022-0010

Proposed Repeals: 839-021-0001, 839-022-0005, 839-022-0020, 839-022-0025, 839-022-0030, 839-022-0035, 839-022-0040, 839-022-0045, 839-022-0050, 839-022-0055, 839-022-0060

Last Date for Comment: 6-23-08

Summary: The proposed rule amendments conform the procedural rules of the Wage and Hour Commission to those of the Bureau of Labor and Industries and implement legislation enacted in 2007 authorizing the commission to enforce its investigative subpoenas in state circuit court. The new rules proposed provide subpoena procedures and accountability as required by legislation.

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: Adopt maintenance schedule rule, clarify RMI experience and \$150 material supplier fee, correct cite references and housekeeping.

Date:

6-24-08

Time:

11 a.m.

Location:

West Salem Roth's IGA,
Santiam Rm.
1130 Wallace Rd. NW
Salem, OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 183.310 - 183.500, 183.415, 670.310, 701.068, 701.088, 701.122, 701.227, 701.235 & 701.992

Stats. Implemented: ORS 183.415, 183.460, 183.470, 183.480, 279C.590, 701.005, 701.068, 701.088, 701.098, 701.102, 701.122, 701.133, 701.140, 701.140, 701.143, 701.145, 701.146, 701.227 & 701.335

Proposed Adoptions: 812-001-0240

Proposed Amendments: 812-003-0175, 812-004-0110, 812-004-0260, 812-004-0320, 812-004-0550, 812-005-0130, 812-005-0500, 812-006-0450

Last Date for Comment: 6-24-08, 11 a.m.

Summary: • 812-001-0240 adopt recommended maintenance schedule to comply with ORS 701.335 for new residential construction. The rule specifies the minimum information that a contractor must provide to a first purchaser or owner of new residential structure or dwelling.

• 812-003-0175, 812-004-0110, 812-004-0260, 812-004-0550, 812-005-0130 & 812-005-0500 are amended to correct cite references and housekeeping.

• 812-004-0320 is amended to expand conditions where a complainant may file a second complaint on the same allegations after the first complaint was closed and to clarify that the \$150 limit on material suppliers complaints does not include the processing fee.

• 812-006-0450 is amended to clarify responsible managing individual (RMI) experience.

NOTICES OF PROPOSED RULEMAKING

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: Clarifying coverage of residential and commercial surety bonds.

Date:	Time:	Location:
6-24-08	11 a.m.	West Salem Roth's IGA, Santiam Rm. 1130 Wallace Rd. NW Salem, OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 670.310, 701.130 & 701.235

Stats. Implemented: ORS 701.068, 701.081, 701.084, 701.085(2005), 701.139, 701.145, 701.146, 701.150, 701.153 & 701.157

Proposed Amendments: 812-003-0150, 812-003-0152, 812-003-0153, 812-004-0600

Last Date for Comment: 6-24-08, 11 a.m.

Summary: OAR 812-003-0150 is amended to clarify its application to bonds issued before the issuance of residential or commercial surety bonds.

OAR 812-003-0152 is amended to clarify that residential bonds are available only for payment of Board orders relating to residential or small commercial structures or developments.

ORS 812-003-0153 is amended to clarify that residential bonds are available only for payment of Board orders relating to small or large commercial structures or developments.

ORS 812-004-0600 is amended to fill in the statutory scheme clarifying that residential surety bonds pay only for complaints arising from the construction of residential or small commercial structures or developments and that commercial surety bonds pay only for complaints arising from the construction of large or small commercial structures or developments.

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: Modifying requirements for license application information—corporate officer identifiers.

Date:	Time:	Location:
6-24-08	11 a.m.	West Salem Roth's IGA 1130 Wallace Rd. NW Salem, OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 25.270, 25.785, 25.990, 701.035, 701.050, 701.056, 701.068, 701.073, 701.081, 701.088 & 701.122

Proposed Amendments: 812-003-0260

Last Date for Comment: 6-24-08, 11 a.m.

Summary: Oar 812-003-0260 is amended to correct a previous amendment to the rule. The previous amendment neglected to consider that the name and address of corporate officers is required by statute, namely ORS 701.046, and cannot be removed by rule. The exemption for reporting the driver's license number and date of birth for corporate officers of small-, mid-, large- and mega-cap companies is retained.

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: Establishes penalty for failing to provide a written contract with contractual terms provided by 701.305 and establishes unfit or not fit for licensure.

Date:	Time:	Location:
6-24-08	11 a.m.	West Salem Roth's IGA 1130 Wallace Rd. NW Salem, OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 183.310 - 183.506, 670.310, 701.235 & 701.992

Stats. Implemented: ORS 87.093, 279C.590, 701.005, 701.026, 701.042, 701.046, 701.091, 701.098, 701.102, 701.106, 701.227, 701.305, 701.315, 701.330, 701.345 & 701.992

Proposed Adoptions: 812-005-0280

Proposed Amendments: 812-005-0800

Last Date for Comment: 6-24-08, 11 a.m.

Summary: 812-005-0280 is adopted to implement ORS 701.098(2) and 701.102. These provisions allow the board to develop rules to sanction a contractor if the contractor is "unfit" or "not fit" for licensure and to define the meaning of these terms. The rule addresses two problems: (1) where license applicants fail to pay obligations that arose in a company for which they were the owner or officer; or (2) where there is poorly performed construction that causes consumer harm. The rule reaches matters not expressly covered by the "construction debt" statutes. Although CCB may issue an emergency suspension for nonpayment of "construction debts" (see ORS 701.098(4)(a)(E)), there are other unpaid obligations that also evidence a lack of financial responsibility. The rule adopt express standards to discipline a contractor that performs substandard work that causes harm to consumers. The rule adopts the state building codes (especially the structural code) or accepted building standards as the measure of the work quality.

812-005-0500 is amended to establish penalties for violation of ORS 701.305 and OAR 812-012-0110 for failing to provide a written contract with contractual terms provided by ORS 701.305 and OAR 812-012-0110.

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: Home Inspector Standards of Behavior.

Date:	Time:	Location:
6-24-08	11 a.m.	West Salem Roth's IGA, Santiam Rm. 1130 Wallace Rd. NW Salem, OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 670.310, 701.235, 701.350 & 701.355

Stats. Implemented: ORS 701.350 & 701.355

Proposed Amendments: 812-008-0201

Last Date for Comment: 6-24-08, 11 a.m.

Summary: 812-008-0201 is amended to make it clear that licensed home inspector businesses can advertise without violating the standards of behavior; makes it clear that home inspectors may discount, credit or add-on services without violating the standards of behavior; and otherwise clarify restrictions on receiving financial consideration.

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 Chapter 125

Rule Caption: DAS Public Contracting Rules.

Date:	Time:	Location:
6-16-08	10 a.m.	DAS, Mt. Mazama Rm. 1225 Ferry St. SE, U140 Salem, OR 97301

Hearing Officer: Karen Hartley

Stat. Auth.: ORS 279A.065, 279A.070, 2003 OL Ch. 794, Sec. 335 (HB 2341)

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: ORS 279 ABC, 200.035, 305.385, 468A.720, 701.005, 701.055, 2005 OL Ch. 103, Sec. 39

Proposed Adoptions: 125-246-0333, 125-246-0365, 125-246-0556, 125-247-0340

Proposed Amendments: Rules in 125-246, 125-247, 125-248, 125-249

Proposed Repeals: 125-246-0355, 125-247-0293, 125-247-0294

Last Date for Comment: 6-16-08, 5 p.m.

Summary: The Department of Administrative Services (DAS) developed rules (Rules) for state agencies under DAS purchasing authority to implement the Public Contracting Code, ORS 279ABC (Code), effective March 1, 2005. In 2006, DAS adopted additional Rules and amended select Rules in response to legislative changes to the Code in 2005 and experience with the Rules. Now, DAS needs to adopt additional Rules, amend select Rules, and repeal select Rules in response to legislative changes to the Code in 2007 (HB 2140) and refinements and clarifications requested by shareholders.

These rules are posted on the website <http://procurement.oregon.gov>. A hard copy may be requested by calling (503) 378-4666.

Rules Coordinator: Yvonne Hanna

Address: 155 Cottage Street NE, Salem, OR 97301

Telephone: (503) 378-2349, ext. 325

Department of Administrative Services, Oregon Educators Benefit Board Chapter 111

Rule Caption: Establishes the Oregon Educators Benefit Board's policies on members' enrollment in benefit plans.

Date:	Time:	Location:
6-16-08	1-2 p.m.	1225 Ferry St. SE Salem, OR 97301

Hearing Officer: Denise Hall

Stat. Auth.: Ch. 00007, OL 2007

Stats. Implemented: Sec. 3, Ch. 00007, OL 2007

Proposed Adoptions: 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, 111-040-0045

Last Date for Comment: 6-27-08

Summary: Establishes the Oregon Educators Benefit Board's policies regarding members' enrollment in OEBB-sponsored benefit plans.

Rules Coordinator: Rose Mann

Address: Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 378-4606

Rule Caption: Establishes Oregon Educators Benefit Board's policies for requesting information from members.

Date:	Time:	Location:
6-16-08	1-2 p.m.	1225 Ferry St. SE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 243.864

Stats. Implemented: ORS 646A.600 - 646A.628 & 243.860(4)&(5)

Proposed Adoptions: 111-060-0001

Last Date for Comment: 6-27-08

Summary: Establishes Oregon Educator Benefit Board's policies for requesting information from members.

Rules Coordinator: Rose Mann

Address: Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 378-4606

Department of Agriculture Chapter 603

Rule Caption: Requires specific identifier ear tag and brand on imported Canadian cattle.

Date:	Time:	Location:
6-16-08	1 p.m.	635 Capitol St. NE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 596

Stats. Implemented:

Proposed Amendments: 603-011-0255

Last Date for Comment: 7-7-08

Summary: On November 19, 2007, the federal rules for importing Canadian cattle change. The new federal rule will allow importation of Canadian cattle that can live out their lives as breeding animals in Oregon herds. The rule is to address the need to establish criteria for permanent identification of cattle imported from Canada. It requires that all cattle imported from Canada be born after 1999, that is, after the effective date of the Canadian ban on high-risk feed to cattle. It requires each animal to be individually identified with an official Canadian ear tag with a unique number. It requires that each animal be branded with a CAN brand on the right hip that will be easily visible on the live animal and on the carcass before skinning.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

Rule Caption: Biodiesel Blending Mandate and Gasoline-Ethanol Blending Exceptions.

Date:	Time:	Location:
6-24-08	10 a.m-12 p.m.	Dept. of Agriculture 635 Capitol St NE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 646.905, 646.912, 646.921, 646.922, 646.923, 646.925 & 646.957

Other Auth.: Enrolled SB 1079

Stats. Implemented: ORS 646.905, 646.912, 646.921, 646.922, 646.923, 646.925 & 646.957

Proposed Amendments: 603-027-0410, 603-027-0420, 603-027-0430, 603-027-0440, 603-027-0450, 603-027-0460, 603-027-0490

Last Date for Comment: 7-1-08, 5 p.m. PT

Summary: Implements statute mandating biodiesel fuel blends, monitoring production, use, and sales of biodiesel and ethanol, requiring biodiesel certificates of analysis, and implements Enrolled Senate Bill (SB) 1079 exceptions to blending ethanol with gasoline.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

Department of Agriculture, Oregon Alfalfa Seed Commission Chapter 624

Rule Caption: Sets per diem rates for commissioners with ORS 292.495; amends commissioner term limits.

Date:	Time:	Location:
6-10-08	7 p.m.	Malheur Co. Extension Office 710 SE 5th Ave. Ontario, OR 97914

Hearing Officer: Edith Kressley

Stat. Auth.: ORS 576.304(14)

Stats. Implemented: ORS 292.495, 576.206(2) & (7) & 576.265

Proposed Adoptions: 624-040-0010, 624-040-0020, 624-040-0030

Proposed Amendments: 624-030-0010

Last Date for Comment: 6-10-08, 8 p.m.

Summary: Sets per diem stipend, reimbursement for hiring a substitute and allowable travel reimbursements for commissioners. Per diem and reimbursements for hiring a substitute correspond with limit set in ORS 292.495. Removes term limits for commissioners.

Rules Coordinator: Edith Kressley

NOTICES OF PROPOSED RULEMAKING

Address: Department of Agriculture, Alfalfa Seed Commission, PO Box 688, Ontario, OR 97914
Telephone: (541) 881-1345

**Department of Agriculture,
 Oregon Wheat Commission
 Chapter 678**

Rule Caption: Changes commission assessment to 0.75% of final settlement and offers assessment refund.

Date:	Time:	Location:
6-10-08	3:30 p.m.	Informal Meeting Columbia Basin Ag. Research Ctr. 48037 Tubbs Ranch Rd. Pendleton, OR 97801
6-11-08	1 p.m.	Informal Meeting Sherman High School 65912 High School Loop Moro, OR 97039-3020
6-30-08	9 a.m.	Lead Location Gilliam Co. Grain Quality Lab Conference Rm. 14000 Shutler Dr. Arlington, OR
6-30-08	9 a.m.	Polycom Site OSU/Umatilla Co. Ext. Service Rm. 100 A, Umatilla Hall BMCC Campus Pendleton, OR
6-30-08	9 a.m.	Polycom Site OSU/Morrow Co. Ext. Service Conference Rm. 54173 Hwy 74 Heppner, OR
6-30-08	9 a.m.	Polycom Site OSU/Klamath Co. Ext. Office 3328 Vandenberg Rd. Klamath Falls, OR
6-30-08	9 a.m.	Polycom Site OSU/Union Co. Ext. Service Ag. Service Center 10507 N. McAlister Rd. Room 9 LaGrande, OR
6-30-08	9 a.m.	Polycom Site OSU/Malheur Co. Ext. Service 710 SW 5th Ave., Ontario, OR
6-30-08	9 a.m.	Polycom Site OSU/Marion Co. Ext. Service 3180 Center St. NE #1361 Salem, OR
6-30-08	9 a.m.	Polycom Site OSU/Wasco Co. Ext. Service 400 E Scenic Dr., Ste 2.278 The Dalles, OR
6-30-08	9 a.m.	Polycom Site OSU/Wallowa Co. Ext. Service 668 NW 1st Enterprise, OR
6-30-08	9 a.m.	Polycom Site OSU/Baker Co. Ext. Service 2610 Grove St. Baker City, OR
6-30-08	9 a.m.	Polycom Site OSU/Sherman Co. Ext. Service 409 Hood St. Moro, OR
6-30-08	9 a.m.	Polycom Site OSU/Central OR Ag. Research Center 850 NW Dogwood Ln. Madras, OR

Hearing Officer: Staff, Chris Rauch
Stat. Auth.: ORS 578.211, 578.216, 576.325
Stats. Implemented: ORS 578 & 576

Proposed Adoptions: 678-010-0060
Proposed Amendments: 678-010-0020, 678-010-0030
Last Date for Comment: 6-16-08, 5 p.m. (last day to submit written comments)

Summary: The amendment of OAR 678-010-0020 would define "final settlement" and "net receipts."

The amendment of OAR 678-010-0030 would change the assessment rate from the current \$0.03 per bushel to 0.75% of the final settlement.

The adoption of OAR 6678-010-0060 provides a process for allowing assessment payers to request a refund.

Rules Coordinator: Tana Simpson
Address: Department of Agriculture, Wheat Commission, 1200 NW Naito Parkway, Suite 370, Portland, OR 97209-2800
Telephone: (503) 229-6665

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

Rule Caption: Changes disclosure requirements for franchise sales to be consistent with new federal regulation.

Stat. Auth.: ORS 650.050

Other Auth.: ORS 183.332

Stats. Implemented: ORS 650.005, 650.020 & 650.050

Proposed Amendments: 441-325-0010, 441-325-0020, 441-325-0030, 441-325-0040, 441-325-0050

Last Date for Comment: 6-23-08, 5 p.m. PST

Summary: The Federal Trade Commission (FTC) recently adopted updated regulations governing the sale of franchises that become mandatory by June 30, 2008. Among other things, these updated regulations specify the types of disclosures a seller provides to a prospective purchaser. Administrative rules adopted by Oregon covering disclosure forms would be inconsistent with the FTC rules as of June 30, 2008. These rules make changes in the disclosure requirements for franchise sales in Oregon to remain consistent with federal requirements. Sellers of a franchise in Oregon need only meet the requirements of the FTC federal regulations in terms of disclosure.

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 Consumer and Business Services,
 Insurance Division
 Chapter 836**

Rule Caption: General Criteria for Director's Orders Under Insurance Code in Event of Governor's Emergency Declaration.

Date:	Time:	Location:
6-18-08	2 p.m.	350 Winter St. Conference Rm. B (basement) Salem, OR

Hearing Officer: Lewis Littlehales
Stat. Auth.: ORS 731.244 & 2008 OL Ch. 22, Sec. 2 (Enrolled HB 3605, 2008 Special Session)

Stats. Implemented: 2008 OL Ch. 22, Sec. 2 (Enrolled HB 3605, 2008 Special Session)

Proposed Adoptions: 836-050-0300, 836-050-0305

Last Date for Comment: 6-25-08

Summary: This proposed 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

NOTICES OF PROPOSED RULEMAKING

Address: Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Rm. 440, Salem, OR 97301
Telephone: (503) 947-7272

Rule Caption: Sales and replacement of life insurance and annuities; Disclosure requirements.

Date:	Time:	Location:
6-16-08	2 p.m.	350 Winter St. Conference Rm. F (basement) Salem, OR

Hearing Officer: Lewis Littlehales

Stat. Auth.: ORS 731.244 & 746.085

Stats. Implemented: ORS 742.009, 746.085, 746.100, 746.110 & 746.240

Proposed Adoptions: 836-051-0900 – 836-051-0925, 836-080-0095, 836-080-0165

Proposed Amendments: 836-080-0001

Last Date for Comment: 6-24-08

Summary: 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

Address: Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Rm. 440, Salem, OR 97301

Telephone: (503) 947-7272

Rule Caption: Rulemaking Governing Annual Audited Insurer Financial Reports; and Correction of Rules Governing Domestic Insurer Proxies.

Date:	Time:	Location:
6-17-08	2 p.m.	350 Winter St. NE Conference Rm. B (basement) Salem, OR

Hearing Officer: Lewis Littlehales

Stat. Auth.: ORS 731.244, 731.488 & 732.415

Stats. Implemented: ORS 731.488 & 732.415

Proposed Adoptions: 836-011-0223, 836-011-0225, 836-011-0227, 836-011-0235

Proposed Amendments: 836-011-0100 – 836-011-0230

Proposed Repeals: 836-024-0056, 836-024-0061

Last Date for Comment: 6-24-08

Summary: This rulemaking proposes to amend 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 proposes to correct the rules governing domestic insurer proxies by repealing two redundant rules.

Rules Coordinator: Sue Munson

Address: Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Rm. 440, Salem, OR 97301

Telephone: (503) 947-7272

Department of Consumer and Business Services, Oregon Occupational Safety and Health Division Chapter 437

Rule Caption: Propose to adopt current Attorney General's Model Rules, and corrections of Oregon Revised Statutes (ORS) references.

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Proposed Amendments: 437-001-0001, 437-001-0005, 437-001-0700, 437-001-0706

Last Date for Comment: 6-30-08

Summary: Oregon OSHA proposes to amend OAR 437-001-0001, Model Rules of Procedure, by adopting the most recent version, in effect January 1, 2008, of the Oregon Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure Under the Administrative Procedures Act, which is the model and guide for agency rulemaking.

OAR 437-001-0005 Authority and Applicability of Rules, 437-001-0700 Recordkeeping and Reporting, and 437-001-0706 Recordkeeping for Health Care Assaults, are amended to update Oregon Revised Statutes (ORS) references. OAR 437-001-0706(4) is also amended to include an additional reference to the Recordkeeping and Reporting Rule 437-001-0700.

Please visit our web site www.oroasha.org

Click 'Rules & Laws' in the left vertical column and view our proposed, adopted, and final rules.

Rules Coordinator: Sue C. Joye

Address: Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, 350 Winter St. NE, Salem, OR 97301-3882

Telephone: (503) 947-7449

Department of Corrections Chapter 291

Rule Caption: Assessment, Assignment and Supervision of Inmates for Work Assignments and Unfenced Minimum Housing.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Proposed Adoptions: 291-082-0110, 291-082-0115, 291-082-0120, 291-082-0125, 291-082-0130

Proposed Repeals: 291-082-0025, 291-082-0026, 291-082-0027

Proposed Ren. & Amends: 291-082-0010 to 291-082-0100, 291-082-0020 to 291-082-0105, 291-082-0021 to 291-082-0135, 291-082-0035 to 291-082-0140, 291-082-0045 to 291-082-0145

Last Date for Comment: 7-14-08

Summary: The Department has established new criteria for determining an inmate's eligibility for assignment to community custody work crews, on-site work assignments and unfenced minimum housing. These rule modifications are necessary to implement the new criteria. Other modifications are necessary to reflect organizational and operational changes that have occurred within the Department since the last revision.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Rule Caption: Victim Services Program.

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

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

Proposed Adoptions: 291-205-0010, 291-205-0020, 291-205-0030, 291-205-0040, 291-205-0050, 291-205-0060, 291-205-0070, 291-205-0080, 291-205-0090, 291-205-0100, 291-205-0110

Last Date for Comment: 7-15-08

Summary: Adoption of these temporary rules is necessary in order for the Department of Corrections to establish the Victim Services Program which includes a victim/inmate facilitated dialog program, and the policies and procedures for the conduct and administration of the program.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

NOTICES OF PROPOSED RULEMAKING

Department of Energy Chapter 330

Rule Caption: Requires State Agencies to reduce annual energy use by 20% by 2015.

Date: 6-18-08 **Time:** 9:30 a.m. **Location:** Oregon Dept. of Energy
625 Marion St. NE
Salem, OR 97301

Hearing Officer: John Kaufman

Stat. Auth.: ORS 469.040 & OL Ch. 26 (HB 3612)

Stats. Implemented: ORS 276.900 - 276.915

Proposed Adoptions: 330-130-0090 – 330-130-0150

Proposed Amendments: 330-130-0010 – 330-130-0080

Last Date for Comment: 6-24-08

Summary: 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% base 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 ten 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 by 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 or 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 adopting rules, maintaining a state energy use database and pre-qualifying persons to perform energy related work.

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: Amend procedures for processing public records requests.

Date: 7-18-08 **Time:** 8 a.m. **Location:** Five Pine Lodge
1021 Desperado Trail
Sisters, OR 97759

Hearing Officer: Commission

Stat. Auth.: ORS 192.440

Stats. Implemented: ORS 192.440

Proposed Amendments: Rules in 635-001

Last Date for Comment: 7-18-08

Summary: The proposed rules amend procedures and fees for the Oregon Department of Fish and Wildlife to respond to public records requests. The proposed rule amendments address requests to inspect or obtain copies of public records, the fees for inspection or copies of public records, exceptions to fee charges and fee waivers and reductions.

Rules Coordinator: Casaria Tuttle

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

Telephone: (503) 947-6033

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Rule Caption: Rules regarding furbearer harvest, seasons and bag limits for the 2008–09 and 2009–10 seasons.

Date: 7-18-08 **Time:** 8 a.m. **Location:** Five Pine Lodge
1021 Desperado Trail
Sisters, OR 97759

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 635-043, 635-045, 635-048, 635-050, 635-200

Last Date for Comment: 7-18-08

Summary: Amend rules regarding seasons and bag limits for the 2008–09 and 2009–10 furbearer harvest and pursuit seasons.

Rules Coordinator: Casaria Tuttle

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

Telephone: (503) 947-6033

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Rule Caption: Reintroduction of Anadromous Fish to the Oregon Section of the Klamath River.

Date: 7-18-08 **Time:** 8 a.m. **Location:** Five Pine Lodge &
Conference Center
750 Buckaroo Trail, Suite 204
Sisters, OR 97759

Hearing Officer: Fish and Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146, 506.036, 506.119 & 506.129

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Proposed Adoptions: Rules in 635-500

Proposed Amendments: Rules in 635-500

Proposed Repeals: Rules in 635-500

Last Date for Comment: 7-18-08

Summary: Rules relating to implementation of the Klamath Basin Anadromous Fish Reintroduction Plan may be adopted, amended or repealed as determined necessary by the Oregon Fish and Wildlife Commission. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Casaria Tuttle

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

Telephone: (503) 947-6033

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Department of Human Services, 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.

Date: 6-16-08 **Time:** 10–11:30 a.m. **Location:** 500 Summer St. NE
DHS Bldg., Rm. 137A
Salem, OR

Hearing Officer: Richard Luthe

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070, 426.385, 427.031 & 427.255

Proposed Amendments: Rules in 309-114

Proposed Repeals: 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)

Last Date for Comment: 6-20-08, 5 p.m.

Summary: The Addictions and Mental Health Division of the Department of Human Services is amending OAR 309-114-0000 through 309-114-0025, and adopting OAR 309-114-0030 to

NOTICES OF PROPOSED RULEMAKING

modify the hearing process for patients and residents prior to the administration of "significant procedures," as defined in OAR 309-114-0005.

Rules Coordinator: Richard Luthe

Address: 500 Summer St. NE E86 Salem, OR 97301-1118

Telephone: (503) 947-1186

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Rule Caption: Requirement that certain facilities report the number of restraint and seclusion incidents to the Division.

Date:	Time:	Location:
6-16-08	8:30-10 a.m.	500 Summer St. NE DHS Bldg., Rm. 137A Salem, OR

Hearing Officer: Richard Luthe

Stat. Auth.: ORS 409.050, 462.236, 426.385, 430.021, 430.640(1)(h) & 743.556

Other Auth.: 2007 OL Ch. 164 (SB 265 Enrolled, 2007 Session)

Stats. Implemented: ORS 409.050, 426.005 - 426.309, 430.021 & 430.630

Proposed Adoptions: 309-033-0735

Proposed Amendments: Rules in 309-032, 309-033

Proposed Repeals: 309-032-1190(T), 309-033-0710(T), 309-033-0735(T)

Last Date for Comment: 6-20-08, 5 p.m.

Summary: The Addictions and Mental Health (AMH) Division is proposing to adopt and amend rules to comply with the requirements of 2007 Oregon Laws Chapter 164 (SB 265 Enrolled, 2007 Session). The bill requires that certain facilities must report the number of seclusion and the number of restraint incidents to AMH the end of each calendar quarter.

Rules Coordinator: Richard Luthe

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

Telephone: (503) 947-1186

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Department of Human Services, Administrative Services Division and Director's Office Chapter 407

Rule Caption: Criteria for Awarding Grants under the Access and Effectiveness Health Care Delivery Grant Program.

Date:	Time:	Location:
6-24-08	10:30-11:30 a.m.	Human Services Bldg., Room 137-D 500 Summer St. NE Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 409.050 & 2008 HB 3626(21)

Stats. Implemented: 2008 HB 3626(21)

Proposed Adoptions: 407-035-0000, 407-035-0005, 407-035-0010, 407-035-0015

Last Date for Comment: 6-26-08, 5 p.m.

Summary: These rules establish criteria for awarding grants under the Access and Effectiveness Health Care Delivery grant program which was established to improve access to and the effectiveness of health care delivery for families in accordance with requirements of House Bill 3626(21).

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>. For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: 500 Summer St., NE, E-03, Salem, OR 97301

Telephone: (503) 947-5250

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:
6-24-08	8:30 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Other Auth.: 42 U.S.C. 675

Stats. Implemented: ORS 418.005

Proposed Amendments: 413-040-0005, 413-040-0006, 413-040-0009, 413-040-0010, 413-040-0017, 413-040-0024

Last Date for Comment: 6-26-08, 5 p.m.

Summary: 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 definitions 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 requirements 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

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

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Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
6-24-08	9 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Other Auth.: 42 U.S.C. 675

Stats. Implemented: ORS 418.005

Proposed Amendments: 413-080-0067

Last Date for Comment: 6-26-08, 5 p.m.

Summary: 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

NOTICES OF PROPOSED RULEMAKING

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

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

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**Department of Human Services,
Children, Adults and Families Division:
Self-Sufficiency Programs
Chapter 461**

Rule Caption: Changing OARs affecting public assistance, medical assistance or food stamp clients.

Date:	Time:	Location:
6-24-08	10 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.049 & 414.042

Other Auth.: 42 U.S.C. 1396a(e)(8), 42 CFR 435.914, 42 CFR 435.914, 42 CFR 435.602 & Social Security Administration Program Operations Manual System (POMS) SI 01310.115, SI 01320.400 & SI 01320.500

Stats. Implemented: ORS 411.060, 411.070, 411.816, 412.049, 414.042 & 2003 OL Ch. 710 & 735

Proposed Amendments: 461-110-0630, 461-135-0875, 461-135-1100, 461-135-1102

Last Date for Comment: 6-24-08, 2 p.m.

Summary: OAR 461-110-0630 is about the need group (the individuals whose basic and special needs are used in determining eligibility and benefit level) in the Department's public assistance, medical and food stamp programs. This rule is being amended to restate the Department's policy about who is included in the need group for the Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) programs so that the rule is consistent with federal regulations and guidelines. This rule is being amended to specify that for OSIP and OSIPM, if an adult is applying, and there is no deeming in accordance with OAR 461-160-0551, then the need group consists of all the members of the financial group. If an adult is applying and there is deeming, then the need group depends on whether the ineligible spouse's income is more or less than the difference between the two person SSI standard and the one person SSI Standard. If the ineligible spouse's income is less than the difference, then the need group is the adult who is applying. If the ineligible spouse's income is greater than the difference, then the need group is the adult and his or her spouse. If a child is applying, the child is a need group of one.

OAR 461-135-0875 about the specific requirements for retroactive medical benefits is being amended to restate the Department's policy on eligibility for retroactive medical benefits.

OAR 461-135-1100 about the specific requirements for the Oregon Health Plan (OHP) is being amended to restate the specific requirements for OHP benefits. This amendment allows specific clients who were enrolled in a health insurance plan subsidized by the Family Health Insurance Assistance program (FHIAP) and who were identified by FHIAP and will lose their FHIAP subsidy after May 31, 2008 to move to OHP Standard, waiving the requirement for OHP Standard of six months without insurance. This amendment will also allow individuals who are transitioning from another Medicaid program to OHP Standard or who have been determined eligible for OHP Standard after receiving an OHP 7210R reservation list application to waive the requirement of six months without insurance requirement if FHIAP subsidized the individual's private health insurance premium.

OAR 461-135-1102 about the effective dates for the Oregon Health Plan (OHP-OPU) is being amended to restate the Department's policy about who is considered a new applicant for the OHP-OPU program. This rule is being amended to allow clients who were enrolled in a health insurance plan subsidized by the Family Health Insurance Assistance program (FHIAP) to move to OHP Standard on June 1, 2008, upon notification from FHIAP that their FHIAP subsidy will end after May 31, 2008.

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: Self-Sufficiency Programs, 500 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

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**Department of Human Services,
Public Health Division
Chapter 333**

Rule Caption: Emergency Preparedness in Health Care Facilities.

Date:	Time:	Location:
7-8-08	1:30 p.m.	800 NE Oregon St., Rm. 1C Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 441.020, 442.015 & 2007 OL Ch. 205

Stats. Implemented: ORS 441.020, 442.015 & 2007 OL Ch. 205

Proposed Adoptions: 333-076-0190

Proposed Amendments: 333-071-0125, 33-076-0710, 333-515-0030, 333-700-0120

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

Summary: The Oregon Department of Human Services, Public Health Division is proposing to adopt and amend rules that will require emergency planning as required by HB 2371, passed in the 2007 Legislative Session, for Ambulatory Surgical Centers, Birthing Centers, Outpatient Dialysis Facilities, Hospitals and Special In-Patient Care Facilities.

Rules Coordinator: Brittany Sande

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

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Rule Caption: Edits, amendments, and adoptions of rules related to radiation protection services, including fee increases.

Date:	Time:	Location:
6-23-08	3 p.m.	800 NE Oregon St., Rm 1B Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 431.925 - 431.955 & 453.605 - 453.807

Stats. Implemented: ORS 431.655, 431.930, 431.935, 431.945 & 453.605 - 453.807

Proposed Adoptions: 333-120-0340, 333-120-0800

Proposed Amendments: 333-100-0005, 333-100-0020, 333-100-0080, 333-102-0010, 333-102-0103, 333-102-0115, 333-102-0125, 333-102-0130, 333-102-0190, 333-102-0203, 333-102-0235, 333-102-0245, 333-102-0247, 333-102-0285, 333-102-0293, 333-102-0310, 333-102-0330, 333-102-0335, 333-102-0340, 333-102-0345, 333-102-0355, 333-102-0900, 333-103-0003, 333-103-0005, 333-103-0010, 333-103-0015, 333-103-0020, 333-103-0025, 333-103-0050, 333-106-0005, 333-106-0010, 333-106-0035, 333-106-0040, 333-106-0045, 333-106-0050, 333-106-0055, 333-106-0101, 333-106-0105, 333-106-0110, 333-106-0130, 333-106-0201, 333-106-0210, 333-106-0215, 333-106-0230, 333-106-0301, 333-106-0305, 333-106-0315, 333-106-0320, 333-106-0325, 333-106-0350, 333-106-0355, 333-106-0365, 333-106-0370, 333-106-0601, 333-106-0700, 333-106-0720, 333-106-0730, 333-106-0750, 333-111-0001, 333-111-0005, 333-111-0010, 333-111-0015, 333-111-0020, 333-111-0025, 333-111-0030, 333-111-0035, 333-116-0020, 333-116-0027, 333-116-0035, 333-116-0040, 333-116-0050, 333-116-0055,

NOTICES OF PROPOSED RULEMAKING

333-116-0057, 333-116-0090, 333-116-0100, 333-116-0105, 333-116-0107, 333-116-0110, 333-116-0120, 333-116-0123, 333-116-0125, 333-116-0130, 333-116-0150, 333-116-0160, 333-116-0165, 333-116-0170, 333-116-0180, 333-116-0190, 333-116-0200, 333-116-0250, 333-116-0255, 333-116-0260, 333-116-0280, 333-116-0290, 333-116-0300, 333-116-0320, 333-116-0330, 333-116-0370, 333-116-0405, 333-116-0425, 333-116-0430, 333-116-0440, 333-116-0445, 333-116-0447, 333-116-0450, 333-116-0460, 333-116-0475, 333-116-0495, 333-116-0570, 333-116-0573, 333-116-0577, 333-116-0580, 333-116-0583, 333-116-0585, 333-116-0587, 333-116-0590, 333-116-0600, 333-116-0610, 333-116-0640, 333-116-0660, 333-116-0670, 333-116-0680, 333-116-0683, 333-116-0687, 333-116-0690, 333-116-0700, 333-116-0715, 333-116-0720, 333-116-0740, 333-116-0760, 333-116-0830, 333-116-0870, 333-116-0880, 333-116-0905, 333-116-0910, 333-116-0915, 333-116-1015, 333-116-1030, 333-118-0010, 333-118-0020, 333-118-0050, 333-118-0070, 333-118-0080, 333-118-0110, 333-118-0150, 333-119-0001, 333-119-0010, 333-119-0020, 333-119-0030, 333-119-0040, 333-119-0050, 333-119-0060, 333-119-0070, 333-119-0080, 333-119-0090, 333-119-0100, 333-119-0110, 333-119-0120, 333-119-0130, 333-119-0140, 333-119-0200, 333-120-0015, 333-120-0017, 333-120-0020, 333-120-0100, 333-120-0110, 333-120-0120, 333-120-0130, 333-120-0160, 333-120-0170, 333-120-0180, 333-120-0200, 333-120-0210, 333-120-0215, 333-120-0230, 333-120-0240, 333-120-0320, 333-120-0420, 333-120-0450, 333-120-0520, 333-120-0540, 333-120-0600, 333-120-0610, 333-120-0620, 333-120-0650, 333-120-0680, 333-120-0710, 333-120-0720, 333-120-0740

Last Date for Comment: 6-25-08, 5 p.m.

Summary: The Department of Human Services, Public Health Division is proposing to adopt, amend, and edit Oregon Administrative Rules relating to Radiation Protection Services to meet Title 10 Code of Federal Regulations Parts 20, 32, 69, 71, as well as amend Table 1 of 333-106-0045. In addition, increases in licensee and registration fees outlined in division 103 are being made, as approved by HB 2193, passed in the 2007 Legislative Session.

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

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

Rule Caption: Support Services for Adults with Developmental Disabilities.

Date:	Time:	Location:
6-17-08	2 p.m.	Human Services Bldg. 500 Summer St NE, 137BC Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 409.050, 410.070 & 417.346
Stats. Implemented: ORS 417.340 - 417.355, 427.005, 427.007 & 430.610 - 430.670
Proposed Amendments: 411-340-0010, 411-340-0020, 411-340-0030, 411-340-0040, 411-340-0050, 411-340-0060, 411-340-0070, 411-340-0080, 411-340-0090, 411-340-0100, 411-340-0110, 411-340-0120, 411-340-0130, 411-340-0140, 411-340-0150, 411-340-0160, 411-340-0170, 411-340-0180
Proposed Repeals: 411-340-0020(T), 411-340-0060(T), 411-340-0070(T), 411-340-0130(T), 411-340-0150(T), 411-340-0170(T)
Last Date for Comment: 6-20-08, 5 p.m.

Summary: The Department of Human Services, Seniors and People with Disabilities Division (SPD) is proposing to amend the Support Services for Adults with Developmental Disabilities rules in chapter 411, division 340 to make housekeeping changes and to permanently adopt the January 1, 2008 temporary amendments that modified how complaints from recipients of Support Services are handled by Support Services Brokerages.

Rules Coordinator: Christina Hartman
Address: Department of Human Services, Seniors and People with Disabilities Division, 500 Summer St. NE, E-10, Salem, OR 97301
Telephone: (503) 945-6398

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

Rule Caption: Establishes qualification for consistent statewide administration and application of the fire code.

Date:	Time:	Location:
6-23-08	1 p.m.	4760 Portland Rd. NE Salem, OR

Hearing Officer: John Caul
Stat. Auth.: ORS 476.030 & 479.165
Stats. Implemented: ORS 476, 476.030(1) & (3), 476.060, 476.070, 476.120 & 479.165
Proposed Adoptions: 837-039-0120
Proposed Amendments: 837-039-0001, 837-039-0003, 837-039-0010, 837-039-0015, 837-039-0040, 837-039-0050, 837-039-0055, 837-039-0060, 837-039-0070, 837-039-0080, 837-039-0110
Last Date for Comment: 6-30-08

Summary: The adopted and amended rules (837-039-0001, 837-039-0003, 837-039-0040, 837-039-0080 and 837-039-0120) establish statewide standards for certification and training requirements for fire officials responsible for administration and application of the fire code in Oregon.

The amended rules (837-039-0010, 837-039-0015, 837-039-0050, 837-039-0055, 837-039-0060, 837-039-0070 and 837-039-0110) correct grammatical changes in the rule. These changes do not alter the scope, application or meaning of the rule.

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

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

Rule Caption: Amend Rule Relating to 15-hour Firearms Course for Armed Private Security Professional.

Stat. Auth.: ORS 181.878 & 181.883
Stats. Implemented: ORS 181.878 & 181.883
Proposed Amendments: 259-060-0070

Last Date for Comment: 6-23-08, Close of Business
Summary: Amends current rule relating to a "15-hour" firearms course. Revises definition to "Basic" Firearms Course.

Rules Coordinator: Bonnie Salle
Address: 4190 Aumsville Hwy SE Salem, OR 97317
Telephone: (503) 378-2431

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Rule Caption: Amends rules relating to course challenges, college transcripts and instructed hours on training records.

Stat. Auth.: ORS 181.640, 181, 644, 181.651, 181.652, 181.653, 181.654, 181.655 & 181.765

Stats. Implemented: ORS 181.640, 181, 644, 181.651, 181.652, 181.653, 181.654, 181.655 & 181.765

Proposed Amendments: 259-008-0025, 259-008-0045, 259-008-0060

Last Date for Comment: 6-23-08, Close of Business
Summary: Amend rule to eliminate opportunity for previously employed police officers, corrections officers and parole and probation officers to challenge the Basic Course;

Amend rule to require a sealed official transcript from a college prior to entering college credit on an individual's record; and

Amend rule relating to "instructed" hours on officer training records.

Rules Coordinator: Bonnie Salle

NOTICES OF PROPOSED RULEMAKING

Address: 4190 Aumsville Hwy SE Salem, OR 97317
Telephone: (503) 378-2431

Rule Caption: Amend rules related to criminal disqualifying misconduct, false information, credit card payments and confidential information.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Proposed Amendments: 259-061-0040, 259-061-0090, 259-061-0230

Last Date for Comment: 6-23-08, 5 pm

Summary: Amends rule relating to minimum standards for licensure and further defines criminal disqualifying misconduct;

Allows payments to be made by credit card;

Amends rule relating to false information provided on a departmental form; and

Amends rule relating to disclosure of confidential information.

Rules Coordinator: Bonnie Salle

Address: 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

Rule Caption: Amend NFPA 1005 and 1041 Standards for Professional Qualifications.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Proposed Amendments: 259-009-0005, 259-009-0062

Last Date for Comment: 6-23-08, 5 pm

Summary: Amends NFPA 1005 Standard for Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters;

Amends NFPA 1041 Standard for Professional Qualifications for Fire Service Instructor; and

Defines NFPA Instructor I, Instructor II and Instructor III.

Rules Coordinator: Bonnie Salle

Address: 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

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

Rule Caption: Persons Not Required to Be Certified as Commercial Driver School Operators or Instructors.

Date:	Time:	Location:
6-16-08	1 p.m.	Dept. of Transportation Bldg. 355 Capitol St. NE, Rm. 122 Salem, OR

Hearing Officer: Liz Woods

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.500 & 822.525

Stats. Implemented: ORS 822.500, 822.515, 822.525 & 822.530

Proposed Amendments: 735-160-0003

Last Date for Comment: 6-23-08

Summary: The 2005 Legislature amended ORS 822.500 and ORS 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, § 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. Based on the Department's experience with the application of OAR 735-160-0003 during the last two years, the Department has concluded that, in order to carry out the Legislature's intent, additional circumstances also warrant exemption from the statutory certification requirements. Those additional circumstances are specified in the proposed rule amendments.

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

Rules Coordinator: Lauri Kunze

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

Rule Caption: Civil Penalty Schedule for Violation of an Out-of-Service Order or Notice.

Stat. Auth.: ORS 184.616, 184.609, 802.010 & 813.052

Stats. Implemented: ORS 813.052

Proposed Amendments: 735-070-0170

Last Date for Comment: 6-23-08

Summary: 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. OAR 735-070-0170 includes the specific dollar amounts of the civil penalties that will be imposed; therefore DMV proposes to amend the rule to reflect the changes in law. Other changes are proposed for clarity.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, 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: Chains or traction tires.

Stat. Auth.: ORS 184.616, 184.619 & 815.045

Stats. Implemented: ORS 815.045, 815.140 & 815.165

Proposed Amendments: 734-017-0005

Last Date for Comment: 6-23-08

Summary: HB 2567 of the 2007 regular session amended ORS 814.045 to include retractable studded tires as a traction tire. These rule amendments reflect this modification.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

Rule Caption: Disabled, abandoned and otherwise unattended vehicles on state highways.

Stat. Auth.: ORS 184.616, 184.619 & 819.120

Stats. Implemented: ORS 819.120

Proposed Amendments: 734-020-0147

Last Date for Comment: 6-23-08

Summary: SB 567 of the 2007 regular session modified the description of when a vehicle parked or left unattended along a state highway would be considered a hazard or obstruction to motor vehicle traffic. These rule amendments reflect those modifications and clarify the definitions of terms used in the rule.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

Rule Caption: Amendment and repeal of rules related to automobile and boat transporters.

Stat. Auth.: ORS 184.616, 184.619, 810.050 & 810.060

Stats. Implemented: ORS 818.100, 818.200 & 818.220

Proposed Amendments: 734-073-0110

NOTICES OF PROPOSED RULEMAKING

Proposed Repeals: 734-073-0120

Last Date for Comment: 6-23-08

Summary: ODOT is amending its rules related to length limitations for automobile and boat transporters to align with federal regulations which allow a vehicle combination overall length of 65 feet for automobile or boat transporters using a semitrailer. Existing Oregon rules limit an automobile or boat transporter semitrailer length to 53 feet, which in some cases results in a more restrictive overall length allowance than the 56 foot federal standard. Other amendments clarify what is included in length determination and authorized routes. since vehicle combination length requirements for automobile and boat transporter are the same, a separate rule regarding boat transporters is being repealed and boat transporters are to be included in the same rule as automobile transporters.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

Department of Transportation, Motor Carrier Transportation Division Chapter 740

Rule Caption: ODOT intends to amend rules regarding motor carrier vehicle mileage registering devices.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.210

Stats. Implemented: ORS 825.210, 825.252 & 825.474

Proposed Amendments: 740-100-0030

Last Date for Comment: 6-23-08

Summary: This rule prescribes standards for vehicle mileage registering devices. The proposed changes are needed to correct and clarify current rule language. In addition, the changes 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.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

Employment Department Chapter 471

Rule Caption: Defines a referral list under the collective bargaining agreement as used in ORS 657.176(11)(c).

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657

Proposed Adoptions: 471-030-0215

Last Date for Comment: 6-30-08

Summary: Defines a "referral list under the collective bargaining agreement" (used in ORS 657.176(11)(c)) as a list of unemployed union members in good standing who may be selected, notified, directed or dispatched to job openings with employers who have an agreement with the union.

Rules Coordinator: Janet Orton

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

Telephone: (503) 947-1724

Landscape Architect Board Chapter 804

Rule Caption: Qualifications for LAIT registration; new Division 27, Professional Practice including duties, functions, powers of LAIT.

Stat. Auth.: ORS 671 & 183

Stats. Implemented: ORS 671.335, 671.345, 671.365, 671.425, 671.316 & 671.315

Proposed Adoptions: 804-027-0005

Proposed Amendments: 804-022-0000

Proposed Ren. & Amends: 804-030-0005 to 804-027-0010, 804-030-0010 to 804-027-0010

Last Date for Comment: 7-2-08, Close of Business

Summary: In OAR 804-022-0000, qualifications for the Landscape Architect in Training (LAIT) registration are clarified. The LAIT must be working toward registration as a Registered Landscape Architect (RLA) and annual registration is renewed only if the LAIT is working toward RLA registration. In addition, an LAIT must be working under the supervision of an RLA.

A new Division 27 is being added to the Oregon Administrative Rules 804. This division is titled PROFESSIONAL PRACTICE OF THE REGISTRANT.

In OAR 804-027-0005, the Board is outlining the duties, functions and powers of a LAIT as required in ORS ORS 671.316. This statutory requirement has not previously been defined in Administrative Rule.

In OAR 804-027-0010, the Board is moving the current practice requirements of a RLA found in Division 30 to the new Division 27 titled PROFESSIONAL PRACTICE OF THE REGISTRANT. There are also revisions to the current wording.

Rules Coordinator: Susanna Knight

Address: 1193 Royvonne Street NE, #19, Salem, OR 97302

Telephone: (503) 589-0093

Office for Oregon Health Policy and Research Chapter 409

Rule Caption: Establishment of the Community Benefit Reporting Program for Oregon Hospitals.

Date:	Time:	Location:
6-19-08	2:30-4 p.m.	General Services Bldg. Neahkanie Rm. 1225 Ferry St. Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 442.205

Stats. Implemented: ORS 442.205, 442.011, 442.200, 442.425 & 442.445

Proposed Adoptions: 409-023-0100, 409-023-0105

Last Date for Comment: 6-23-08, 5 p.m.

Summary: The general purpose of these rules is to implement the community benefit reporting, public disclosure, and other applicable mandates of House Bill 3290, which was enacted by the 74th Legislative Assembly. The proposed rules are intended to fulfill this mandate by prescribing the community benefit information that is reported, how it is reported, and how the information is disclosed to the public.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>. For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: 500 Summer St. NE, E-03, Salem, OR 97301

Telephone: (503) 947-5250

Rule Caption: Health Care Acquired Infection reporting and Public Disclosure.

Date:	Time:	Location:
6-19-08	1-2:30 p.m.	General Services Bldg., Neahkanie Rm. 1225 Ferry St, Salem, OR

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 442.838 & 442.420(3)(d)

Other Auth.: ORS 442.455 & 442.405

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: ORS 442.838, 442.445, 442.015, 442.011, 192.502, 192.496, 192.410, 192.245, 192.243 & 179.505

Proposed Adoptions: 409-023-0000, 409-023-0005, 409-023-0010, 409-023-0015, 409-023-0020, 409-023-0025, 409-023-0030, 409-023-0035

Last Date for Comment: 6-23-08, 5 p.m.

Summary: The general purpose of these rules is to implement the health care acquired infection (HAI) reporting, public disclosure, and other applicable mandates of House Bill 2524, which was enacted by the 74th Legislative Assembly. Included was a mandate to adopt administrative rules to implement the bill by July 1, 2008. The proposed rule is intended to fulfill this mandate by prescribing the HAI that are reported, how they are reported, the health care facilities that report them, and how they are publicly disclosed.

Proposed rules are available on the DHS website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>. For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: Office for Oregon Health Policy and Research, 500 Summer St. NE, Salem, OR 97301

Telephone: (503) 947-5250

Oregon Department of Education Chapter 581

Rule Caption: Prescribes requirements for school district inter-district transfer agreements.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.133

Proposed Adoptions: 581-021-0019

Last Date for Comment: 6-25-08, 5 p.m.

Summary: The rule prescribes requirements related to interdistrict transfer agreements used by school districts to transfer students from one district to another. The rule specifies the data that must be included in an agreement. The rule also provides that the Department of Education will provide a sample form.

Rules Coordinator: Paula Merritt

Address: 255 Capital St NE, Salem 97310

Telephone: (503) 947-5746

Rule Caption: Prescribes requirements for school district relating to anabolic steroids and performance enhancing substances.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 342.721 & 342.726

Proposed Adoptions: 581-022-0416

Last Date for Comment: 6-25-08, 5 p.m.

Summary: The rule requires school districts to utilize evidence-based programs such as ATLAS and ATHENA. The rule also requires school district coaches and athletic directors to receive training every four years.

Rules Coordinator: Paula Merritt

Address: 255 Capital St NE, Salem 97310

Telephone: (503) 947-5746

Rule Caption: Modifies rules relating to education service districts.

Stat. Auth.: ORS 334.217

Stats. Implemented: ORS 334

Proposed Amendments: 581-024-0191, 581-024-0205, 581-024-0206, 581-024-0208, 581-024-0210, 581-024-0215, 581-024-0226, 581-024-0228, 581-024-0231, 581-024-0235, 581-024-0240, 581-024-0245, 581-024-0250, 581-024-0252, 581-024-0255, 581-024-0257, 581-024-0260, 581-024-0262, 581-024-0265, 581-024-0270, 581-024-0275, 581-024-0280, 581-024-0285, 581-024-0290, 581-024-0300

Proposed Repeals: 581-024-0212, 581-024-0225, 581-024-0288

Last Date for Comment: 6-25-08, 5 p.m.

Summary: Chapter 828, Oregon Laws 2005 was enacted by the legislature. The legislation modified requirements for education

service districts. The rule amendments reflect these changes. The amendments also clarify rule language relating to ESDs.

Rules Coordinator: Paula Merritt

Address: 255 Capital St NE, Salem 97310

Telephone: (503) 947-5746

Rule Caption: Modifies rules relating to standards for elementary and secondary schools.

Stat. Auth.: 326.051 & 329.075

Stats. Implemented: ORS 329

Proposed Adoptions: 581-021-0500

Proposed Amendments: 581-022-0102, 581-022-0606, 581-022-0612, 581-022-0705, 581-022-0807, 581-022-1020, 581-022-1060, 581-022-1065, 581-022-1131, 581-022-1140, 581-022-1210, 581-022-1340, 581-022-1350, 581-022-1620, 581-022-1630, 581-022-1670, 581-022-1710, 581-022-1720, 581-022-1730, 581-022-1920

Proposed Repeals: 581-021-0211, 581-022-0803, 581-022-1110, 581-022-1111, 581-022-1115, 581-022-1120, 581-022-1930

Proposed Renumberings: 581-022-1735 to 581-054-0007

Proposed Ren. & Amends: 581-022-1732 to 581-045-0585, 581-011-0085 to 581-022-1622

Last Date for Comment: 6-25-08, 5 p.m.

Summary: The 2007 Oregon Legislature passed HB 2263 which revised ORS chapter 329. This included the abolishment of the Certificate of Initial Mastery

and the Certificate of Advanced Mastery and other changes. The proposed rulemaking implements these changes. The proposed rulemaking also clarifies what is part of the standards for public elementary and secondary schools.

Rules Coordinator: Paula Merritt

Address: 255 Capital St NE, Salem 97310

Telephone: (503) 947-5746

Oregon Film and Video Office Chapter 951

Rule Caption: Define "Eligibility Determination" to meet legislative change.

Stat. Auth.: ORS 284.335 & 284.368

Stats. Implemented: ORS 284.367 & 284.368

Proposed Amendments: 951-002-0010

Last Date for Comment: 6-23-08

Summary: Projected spending in Oregon on the production is reasonably anticipated to equal or exceed US \$750,000.

Rules Coordinator: Susan Haley

Address: Oregon Film and Video Office, 121 SW Salmon St., Suite 1205, Portland, OR 97204

Telephone: (503) 229-5832

Rule Caption: Clarify payment options and delete language around credits for July 2005.

Stat. Auth.: ORS 284.335 & 315.514

Stats. Implemented: ORS 315.514

Proposed Amendments: 951-003-0005

Last Date for Comment: 6-23-08

Summary: Contributions may be made only by check or direct wire. Qualifying contributions for July 2005 are no longer applicable.

Rules Coordinator: Susan Haley

Address: Oregon Film and Video Office, 121 SW Salmon St., Suite 1205, Portland, OR 97204

Telephone: (503) 229-5832

Oregon Housing and Community Services Chapter 813

Rule Caption: Adds eligibility and the application process for the Housing Preservation Community Incentive Fund.

NOTICES OF PROPOSED RULEMAKING

Date: 6-18-08
Time: 11 a.m.
Location: NMOB, Suite B
725 Summer St. NE
Salem, OR 97301-1266

Hearing Officer: Loren Shultz
Stat. Auth.: ORS 458.705 - 458.740
Stats. Implemented: ORS 458.705 - 458.740
Proposed Adoptions: 813-140-0096
Proposed Amendments: 813-140-0010, 813-140-0050, 813-140-0090
Last Date for Comment: 6-22-08, 5 p.m.

Summary: 813-140-0010 Adds terms and definitions for the Housing Preservation Community Incentive Fund. Administrative changes such as alphabetizing the terms and definitions.

813-140-0050 Removes project listed on the Oregon Economic and Community Development's Needs and Issues Inventory as an eligible project.

813-140-0090 Adds Housing Preservation Community Incentive Fund loans as a loan that the Department may make. Establishes the interest rate and term.

813-140-0096 Establishes the application process for participating in the Housing Preservation Community Incentive Fund.

Rules Coordinator: Sandy McDonnell
Address: North Mall Office Building, 725 Summer Street NE, Suite B, Salem OR 97301-1266
Telephone: (503) 986-2012

Oregon Liquor Control Commission
Chapter 845

Rule Caption: Adopt 14 employment criminal records check and fitness determination rules to comply with HB 2157.

Date: 6-23-08
Time: 10 a.m.–12 p.m.
Location: 9079 SE McLoughlin Blvd.
Portland, OR 97222

Hearing Officer: Jennifer Huntsman
Stat. Auth.: ORS 181.534, 471.030 & 471.040, 471.730
Other Auth.: HB 2175
Stats. Implemented: ORS 181.534 & 471.695
Proposed Adoptions: 845-002-0200, 845-002-0210, 845-002-0220, 845-002-0230, 845-002-0240, 845-002-0250, 845-002-0260, 845-002-0270, 845-002-0280, 845-002-0290, 845-002-0300, 845-002-0310, 845-002-0320, 845-002-0330
Last Date for Comment: 7-7-08

Summary: The Commission intends to adopt 14 new rules to bring us into compliance with HB (House Bill) 2157. The Commission currently conducts Criminal Records Checks on certain subject individuals who are employed or applying for employment with the Commission pursuant to our statutory authority (ORS 471.695). There will be no change to our existing policy and procedure; HB 2157 requires that our existing process be codified in administrative rule. These rules control the Commission's acquisition of information about a subject individual's criminal history through criminal records checks and other means and its use of that information to determine whether the subject individual is fit to provide services to the Commission as an employee, volunteer, contractor or vendor in a position covered by OAR 845-002-0220. The fact that the Commission approves a subject individual as fit does not guarantee the individual a position as a Commission employee, volunteer, contractor or vendor.

Rules Coordinator: Jennifer Huntsman
Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222
Telephone: (503) 872-5004

Oregon Medical Board
Chapter 847

Rule Caption: Increase assessment for Oregon Health Professionals Program.

Stat. Auth.: ORS 677.265 & 677.677
Stats. Implemented: ORS 677.265 & 677.677
Proposed Amendments: 847-005-0005
Last Date for Comment: 6-28-08
Summary: 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
Address: Board of Medical Examiners, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

Rule Caption: Require complete renewal form by deadline and establish reasons to revoke or suspend license.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265
Proposed Adoptions: 847-008-0036
Proposed Amendments: 847-008-0005, 947-008-0040
Last Date for Comment: 6-28-08

Summary: Proposed rule amendments clarify and update language on annual and 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
Address: Board of Medical Examiners, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

Rule Caption: Define official action against licensee for reports to Board per ORS 677.415.

Stat. Auth.: ORS 677.190 & 677.265
Stats. Implemented: ORS 677.188, 677.190, 677.265 & 677.415
Proposed Amendments: 847-010-0073
Last Date for Comment: 6-28-08

Summary: Proposed rule amendment clarifies what constitutes an official action taken against a licensee that Board licensees and health care facilities must report to the Board per ORS 677.415. The rule amendment also states that a report to the Board's Diversion Program (HPP) does not meet the reporting requirement — the report must be made to the Board's Investigations Department, Medical Director, or Executive Director.

Rules Coordinator: Diana M. Dolstra
Address: Board of Medical Examiners, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

Rule Caption: Increase fees charged to copy and mail patient records.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265
Proposed Amendments: 847-012-0000
Last Date for Comment: 6-28-08

Summary: Amendment to the administrative rule conforms with Senate Bill 591 (2007), which increases the fees that can be charged to copy and mail patient records to a requester.

Rules Coordinator: Diana M. Dolstra
Address: Board of Medical Examiners, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

Rule Caption: LLMF applicant must have practiced medicine and PG training must be approved for exam waiver.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 847-020-0140, 847-020-0160, 847-020-0170

Last Date for Comment: 6-28-08

Summary: 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

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

Telephone: (971) 673-2713

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Rule Caption: Add Lidocaine as intraosseous infusion anesthetic under EMT-I scope of practice.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Proposed Amendments: 847-035-0030

Last Date for Comment: 6-28-08

Summary: Proposed rule amendment adds the administration of Lidocaine as an intraosseous infusion anesthetic under the EMT-Intermediate (EMT-I) scope of practice.

Rules Coordinator: Diana M. Dolstra

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

Telephone: (971) 673-2713

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Rule Caption: Denial or investigation of physician requesting approval as supervising physician.

Stat. Auth.: ORS 377.265

Stats. Implemented: ORS 677.265 & 677.510

Proposed Amendments: 847-050-0037

Last Date for Comment: 6-28-08

Summary: Amendment to the administrative rule 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

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

Telephone: (971) 673-2713

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Rule Caption: Establish acupuncture exam limits and change time-frame requirements for alternate pathway applicants.

Stat. Auth.: ORS 677.265 & 677.759

Stats. Implemented: ORS 677.265, 677.759 & 677.780

Proposed Amendments: 847-070-0005, 847-070-0016

Last Date for Comment: 6-28-08

Summary: 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

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

Telephone: (971) 673-2713

Oregon State Lottery Chapter 177

Rule Caption: Update Division 46 Lottery Games General Operating Rules, make housekeeping changes, and clarify drawing requirements.

Date:
6-19-08

Time:
10:30-11 a.m.

Location:
Oregon Lottery
500 Airport Rd. SE
Salem, OR

Hearing Officer: Mark Hohlt

Stat. Auth.: ORS 461

Other Auth.: Oregon Constitution, Article XV, Sec. 4(4)

Stats. Implemented: ORS 461.020, 461.210, 461.220, 461.230, 461.240, 461.250 & 461.260

Proposed Adoptions: 177-046-0015

Proposed Amendments: 177-046-0010, 177-046-0020, 177-046-0030, 177-046-0040, 177-046-0050, 177-046-0060, 177-046-0070, 177-046-0080, 177-046-0090, 177-046-0100, 177-046-0120, 177-046-0130, 177-046-0140, 177-046-0150, 177-046-0160, 177-046-0170

Last Date for Comment: 6-19-08, 11 a.m.

Summary: The Oregon State Lottery has initiated permanent rule-making to amend the above referenced administrative rules and to adopt OAR 177-016-0015 which sets forth definitions generally applicable to Division 46 rules. Most of the amendments are for general housekeeping purposes, including grammatical changes, the addition of captions, and clarification of meaning. OAR 177-046-0080 is being amended to clarify and update Lottery procedures and auditing requirements for drawings, including distinguishing between the requirements for electronic drawings and manual drawings.

Rules Coordinator: Mark W. Hohlt

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

Telephone: (503) 540-1417

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Rule Caption: Update Division 10 General Provisions Rules, make housekeeping changes, amend unclaimed prize and trademark rules.

Date:
6-19-08

Time:
10-10:30 a.m.

Location:
Oregon Lottery
500 Airport Rd. SE
Salem, OR

Hearing Officer: Mark Hohlt

Stat. Auth.: ORS 461

Other Auth.: Oregon Constitution, Article XV, Sec. 4(4)

Stats. Implemented: ORS 461.020, 461.150, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260, 461.715 & 192.440

Proposed Amendments: 177-010-0003, 177-010-0007, 177-010-0025, 177-010-0045, 177-010-0050, 177-010-0080, 177-010-0085, 177-010-0090, 177-010-0110, 177-010-0120

Last Date for Comment: 6-19-08, 10:30 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, the removal of redundant materials, and clarification of meaning.

OAR 177-010-0007 is being amended to specify when rulemaking notices will be delivered to the Capitol Press Room. OAR 177-010-0085 is being amended to authorize the Director to establish a shorter prize claim period in any Lottery game. OAR 177-010-0110 is being amended to clarify and update requirements and procedures or the public display, use, or publication of Lottery trademarks and service marks.

Rules Coordinator: Mark W. Hohlt

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

Telephone: (503) 540-1417

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Update reference Attorney General's Model Rules; Adopt Model Rule Confidentiality and Inadmissibility of Mediation Communications.

Date: 6-19-08 **Time:** 11-11:30 a.m. **Location:** Oregon Lottery
500 Airport Rd. SE
Salem, OR

Hearing Officer: Mark Hohlt
Stat. Auth.: ORS 461
Other Auth.: Oregon Constitution, Article XV, Sec. 4(4)
Stats. Implemented: ORS 183.341 & 36.224
Proposed Adoptions: 177-010-0011
Proposed Amendments: 177-010-0009
Last Date for Comment: 6-19-08, 11:30 a.m.

Summary: The Oregon State Lottery has initiated permanent rule-making to amend OAR 177-010-0009 to update the reference to the Attorney general's Model Rules of Procedure for Rulemaking, Declaratory Rulings, and Collaborative Dispute Resolution in effect May 12, 2008, or as of such later date as of the adoption of these rules, and to adopt OAR 177-010-0011 regarding the confidentiality and inadmissibility of mediation communications, which is also a model rule promulgated by the Oregon Attorney General.

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

Oregon Student Assistance Commission
Chapter 575

Rule Caption: Modify OOG/SRM rules concerning potential overawards and comply with statutes related to domestic partnerships.

Date: 7-25-08 **Time:** 9:30 a.m. **Location:** Student Assistance Commission
1500 Valley River Dr.
Suite 100
Eugene, OR 97401

Hearing Officer: Bridget Burns, Commission Chair
Stat. Auth.: ORS 348
Other Auth.: HB 2007A, Ch. 99 OL 2007
Stats. Implemented: ORS 348
Proposed Amendments: Rules in 575-031
Last Date for Comment: 7-25-08

Summary: Certain rules for the Oregon Opportunity Grant that appear in section OAR 575, Division 31, need to be modified to accommodate students who are in a registered domestic partnership or the children of parents who are in a registered domestic partnership. Effective January 1, 2008, House Bill 2007 (chapter 99 of 2007 Oregon Laws) requires state agencies to make every effort possible to accommodate to a registered domestic partner to the same extent that a spouse would be entitled to benefits. This includes any privilege, immunity, right or benefit granted by statute, administrative or court rule, policy, common law or any other law to an individual because the individual is or was in a domestic partnership or to a child whose parent is a member of a domestic partnership.

Certain sections of OAR 575, Division 31, need to be modified to further clarify components of the Shared Responsibility Model for determining Oregon Opportunity grant awards and address situations that may create potential overawards of state funds.

Rules Coordinator: Susanne D. Ney
Address: Oregon Student Assistance Commission, 1500 Valley River Dr., Suite 100, Eugene, OR 97401
Telephone: (541) 687-7394

Oregon Student Assistance Commission,
Office of Degree Authorization
Chapter 583

Rule Caption: Revises OAR 583-030 sections relating to jurisdiction of Office of Degree Authorization.

Date: 7-25-08 **Time:** 9:30 a.m. **Location:** Student Assistance Commission
1500 Valley River Dr.
Suite 100
Eugene, OR 97401

Hearing Officer: Bridget Burns, Commission Chair
Stat. Auth.: ORS 348.594 et seq.
Stats. Implemented: ORS 348.594 et seq.
Proposed Ren. & Amends: Rules in 583-030
Last Date for Comment: 7-25-08
Summary: Revises rules related to ODA jurisdiction and review process for certain degree-granting institutions.
Rules Coordinator: Susanne D. Ney
Address: Student Assistance Commission, Office of Degree Authorization, 1500 Valley River Dr., Suite 100, Eugene, OR 97401
Telephone: (541) 687-7394

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 Amendments: 579-020-0006
Last Date for Comment: 6-23-08
Summary: Amend fees charged to students for special uses of facilities, services or supplies at Eastern Oregon University.
Rules Coordinator: Lara Moore
Address: Oregon University System, Eastern Oregon University, One University Blvd., La Grande, OR 97850
Telephone: (541) 962-3368

Oregon University System,
University of Oregon
Chapter 571

Rule Caption: Simplify and clarify articles and activities prohibited at athletic facilities.
Date: 6-25-08 **Time:** 11 a.m. **Location:** Umpqua River Rm.
EMU, University of Oregon
Eugene, OR

Hearing Officer: Deb Eldredge
Stat. Auth.: ORS 351 & 352
Stats. Implemented: ORS 351.065 & 352.010
Proposed Amendments: 571-050-0011
Last Date for Comment: 6-25-08, 5 p.m.
Summary: 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
Address: 1226 University of Oregon Eugene, OR 97403
Telephone: (541) 346-3082

Parks and Recreation Department
Chapter 736

Rule Caption: ATV rules to implement Legislatively-required process for issuing ATV operator and operating permits, rider fit standards, and safety and education training.
Date: 7-10-08 **Time:** 6-8 p.m. **Location:** Florence Event Ctr.
Conference Rm.
715 Quince St.
Florence, OR

7-14-08 6-8 p.m. Bend Comfort Inn
62065 SE 27th
Bend, OR

7-15-08 6-8 p.m. Geiser Grand Hotel,
Swan Rm.
Baker City, OR

NOTICES OF PROPOSED RULEMAKING

7-23-08 6-8 p.m. OPRD Headqtrs., Rm. 124
725 Summer St. NE
Salem, OR

7-24-08 6-8 p.m. Medford City Library
205 S Central Ave
Medford, OR

Hearing Officer: Ron Price
Stat. Auth.: ORS 183 & 390.124
Other Auth.: ORS 390.585

Stats. Implemented: ORS 390.124
Proposed Adoptions: 736-004-0090, 736-004-0095, 736-004-0100, 736-004-0105, 736-004-0110, 736-004-0115

Proposed Amendments: 736-004-0005, 736-004-0010, 736-004-0015, 736-004-0020, 736-004-0025, 736-004-0030, 736-004-0045, 736-004-0060, 736-004-0062, 736-004-0065, 736-004-0070, 736-004-0080, 736-004-0085

Proposed Repeals: 736-004-0055, 736-004-0075

Last Date for Comment: 7-25-08

Summary: Amend OPRD ATV rule to implement Legislatively required:

- Process for issuing ATV operator and operating permits;
- Phased in mandatory safety and education training for riders of off highway vehicles or all terrain vehicles;
- “Rider fit” standards to establish if rider is of adequate size to operate an ATV.

Rules Coordinator: Joyce Merritt
Address: Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301
Telephone: (503) 986-0756

Rule Caption: General Park Area Rules minor changes re: metal detecting, found property, hunting at Wapato Access (Willamette River Greenway), and management title change updates.

Stat. Auth.: ORS 309.180

Stats. Implemented: ORS 390.180

Proposed Amendments: 736-010-0005 – 736-010-0065, 736-010-0040, 736-010-0055

Last Date for Comment: 6-30-08

Summary: Amend to clarify use of metal detectors on park property.

Amend to increase the limit for found property from \$20 to \$100 in accordance with ORS 98.005.

Amend to clarify that hunting is allowed rather than permitted with an actual permit, and to extend hunting exclusion for Wapato Access to full river miles length of the access.

Amend to update management titles to align with new management organizational structure.

Rules Coordinator: Joyce Merritt
Address: Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301
Telephone: (503) 986-0756

**Secretary of State,
Business Services Division
Chapter 167**

Rule Caption: Establish rules to conduct criminal background checks of employees, contractors or volunteers.

Date:	Time:	Location:
6-25-08	1-3 p.m.	Public Services Bldg. Basement Rm. B 255 Capitol St. NE Salem, OR 97310

Hearing Officer: Rob Rickard
Stat. Auth.: ORS 181.534, 177.075, 183.452 & 174.111
Stats. Implemented: ORS 181.534(9)&(11)
Proposed Adoptions: 167-050-0100 – 167-050-0220
Last Date for Comment: 6-25-08, 5 p.m.

Summary: 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
Address: Secretary of State, Business Services Division, 255 Capitol St. NE, Suite 180, Salem, OR 97310
Telephone: (503) 986-2357

Rule Caption: Establish recruitment and selection rules.

Date:	Time:	Location:
6-25-08	1-3 p.m.	Public Services Bldg. Basement Rm. B 255 Capitol St. NE Salem, OR 97310

Hearing Officer: Rob Rickard
Stat. Auth.: ORS 177.050

Stats. Implemented: ORS 177.050

Proposed Adoptions: 167-055-0100

Last Date for Comment: 6-25-08, 5 p.m.

Summary: 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
Address: Secretary of State, Business Services Division, 255 Capitol St. NE, Suite 180, Salem, OR 97310
Telephone: (503) 986-2357

Rule Caption: Define requirements and fees associated with a Human resources related public records request.

Date:	Time:	Location:
6-25-08	1-3 p.m.	Public Services Bldg. Basement Rm. B 255 Capitol St NE Salem, OR 97310

Hearing Officer: Rob Rickard
Stat. Auth.: ORS 192.410, 192.420, 192.430 & 192.440
Stats. Implemented: ORS 192.502

Proposed Adoptions: 167-060-0100

Last Date for Comment: 6-25-08, 5 p.m.

Summary: 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 rule of procedures.

Rules Coordinator: Robin Rickard
Address: Secretary of State, Business Services Division, 255 Capitol St. NE, Suite 180, Salem, OR 97310
Telephone: (503) 986-2357

**Secretary of State,
Elections Division
Chapter 165**

Rule Caption: Clarifies Deadline for Filling Vacancy in Nomination to Nonpartisan Office or Vacancy in Nonpartisan Office.

Stat. Auth.: ORS 246.150 & 249.205
Stats. Implemented: ORS 249.205
Proposed Amendments: 165-010-0110
Last Date for Comment: 6-23-08

Summary: This proposed 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 800th 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

NOTICES OF PROPOSED RULEMAKING

Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310
Telephone: (503) 986-1518

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Rule Caption: Amends method for Submitting Required Accounts to Elections Division.

Stat. Auth.: ORS 246.150 & 260.262

Stats. Implemented: ORS 260.262

Proposed Amendments: 165-014-0100

Last Date for Comment: 6-23-08, 5 p.m.

Summary: This rule is being noticed to provide opportunity for public comment after the Elections Division received sufficient requests to present oral testimony under ORS 183.335(3)(a).

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

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

Telephone: (503) 986-1518

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Veterinary Medical Examining Board Chapter 875

Rule Caption: Defines 'veterinary technician' as a person licensed by the Board.

Stat. Auth.: ORS 686.040 & 686.210

Stats. Implemented: ORS 475.190, 609.405, 686.130, 686.225 & 686.510

Proposed Amendments: 875-005-0005

Last Date for Comment: 7-18-08

Summary: Clarifies that a 'veterinary technician' is an individual licensed as a Certified Veterinary Technician by the Board.

Rules Coordinator: Lori V. Makinen

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

Telephone: (971) 673-0224

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Rule Caption: Adds controlled drug provisions to Unprofessional/Dishonorable Conduct.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.130

Proposed Amendments: 875-011-0010

Last Date for Comment: 7-18-08

Summary: Adds non-veterinary prescribing, use, theft or diversion of controlled drugs to conduct subject to board discipline.

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: Requires posting of veterinary and certified veterinary technician licenses.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.040, 686.020 & 686.130

Proposed Amendments: 875-015-0020

Last Date for Comment: 7-18-08

Summary: Requires facilities to publicly display licenses and certified veterinary technicians, including copies of relief or temporary licensees. Requires mobile practice licensees to provide legible proof of licensure upon request.

Rules Coordinator: Lori V. Makinen

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

Telephone: (971) 673-0224

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Rule Caption: Requires on-the-job applicants for the Veterinary Technician National Exam to provide proof of veterinary experience.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.350 & 686.370

Proposed Amendments: 875-030-0010

Last Date for Comment: 7-18-08

Summary: Requires VTNE 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

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

Telephone: (971) 673-0224

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Rule Caption: Adds provision relating to induction of anesthesia to duties of Certified Veterinary Technicians.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.350 & 686.370

Proposed Amendments: 875-030-0040

Last Date for Comment: 7-18-08

Summary: Allows certified Veterinary Technicians to place an endotracheal tube for delivery of oxygen and anesthetic gas to patient.

Rules Coordinator: Lori V. Makinen

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

Telephone: (971) 673-0224

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Rule Caption: Adds to duties that may not be performed by persons not licensed as Certified Veterinary Technicians.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.350 & 686.370

Proposed Amendments: 875-030-0050

Last Date for Comment: 7-18-08

Summary: Persons not certified as Veterinary Technicians may not place an endotracheal tube for purposes of anesthesia or perform dental extractions.

Rules Coordinator: Lori V. Makinen

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

Telephone: (971) 673-0224

ADMINISTRATIVE RULES

Appraiser Certification and Licensure Board Chapter 161

Rule Caption: Permanent changes regarding 2008 Edition of USPAP, licensing and registration requirements and general house-keeping.

Adm. Order No.: ACLB 1-2008

Filed with Sec. of State: 5-13-2008

Certified to be Effective: 5-13-08

Notice Publication Date: 3-1-2008

Rules Amended: 161-002-0000, 161-003-0020, 161-006-0175, 161-010-0010, 161-010-0035, 161-010-0045, 161-010-0055, 161-010-0080, 161-020-0110, 161-025-0025, 161-025-0030, 161-025-0060, 161-050-0000

Subject: Permanently amends Oregon Administrative Rule Chapter 161, Division 2, regarding definitions, Division 3 regarding fees, Division 6 regarding enforcement guidelines, Division 10 regarding licensure and certification requirements, Division 20 regarding education requirements, Division 25, regarding scope of practice, Appraisal Standards and USPAP, and Division 50 regarding temporary non-resident registration.

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

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

(35) "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.

ADMINISTRATIVE RULES

(36) "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 proceeding (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.

(37) "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.

(38) "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

161-003-0020

Fees

- (1) Examination Fee Actual Fee;
- (2) Application Fee \$75;
- (3) Fee for Certificate or License Issued (two years) \$550;
- (4) Fee for Certificate of License Renewed (two years) \$500;
- (5) Fee for Duplicate Certificate/License \$10;
- (6) Fee for Inactive Certificate or License (two years) \$100;
- (7) Fee for Renewal of Inactive Certificate or License (two years)

\$100;

- (8) Fee for Reactivation of Inactive Certificate or License \$60;
- (9) Fee for Late License/Certificate Renewal (in addition to renewal fee) \$50;
- (10) Fee for Temporary Registration \$100;
- (11) Annual Federal Registry Fee (set by the ASC of the FFIEC)

Actual Fee;

- (12) Appraiser Assistant Registration \$75;
- (13) Appraiser Assistant Registration Renewal \$75;
- (14) FBI Criminal Background Check Actual Fee;
- (15) Fee for a certified copy of a certificate-of-good-standing \$20.
- (16) Application Fee for Qualifying Education Course \$100
- (17) Application Fee for Continuing Education Course \$50.

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 3-1991(Temp), f. & cert. ef. 8-29-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-001-0020; ACLB 4-1994, f. & cert. ef. 7-27-94; 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 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 1-2008, f. & cert. ef. 5-13-08

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) The Notice 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

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/Uncertified 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.

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

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

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that requirement, each applicant shall have successfully completed the 15-hour Appraisal Foundation's National USPAP Course, or its equivalent, within two (2) 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

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 two (2) 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

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 two (2) 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

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 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 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. 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-

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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

161-020-0110

Qualifying Education Course Content Guidelines

(1) General Guidelines:

(a) The course must be a real estate appraisal course that involves a minimum of fifteen classroom hours of instruction (including examination time) on acceptable topics;

(b) The course must generally be broad in scope and must cover various principles, concepts, standards, practices and/or methods that are applicable generally to the performance of a wide range of appraisal assignments that will commonly be encountered by licensed or certified appraisers. The course must be intended to provide the student with a broad-based foundation of knowledge and skills in real estate appraising;

(c) Coverage in a course of additional specific topics not listed as typical specific topics under the categories of acceptable courses will not exclude that course from consideration provided that:

(A) The principal focus of the course is not on such additional topics;

(B) The additional topics covered are appropriate (consistent with course learning objectives); and

(C) The course contains not less than fifteen classroom hours of instruction on acceptable topics. However, the course must still be consistent with the parameters described in these rules.

(d) The section titled "Unacceptable Courses" in these rules describes specifically the categories of courses that are not acceptable as qualifying education under these rules;

(e) Courses will be evaluated based on their content without regard to the course title;

(f) The following factors shall be used to convert university, college, junior college and community college course credits into classroom hours:

(A) One (1) semester credit equals fifteen (15) classroom hours

(B) One (1) quarter credit equals ten (10) classroom hours.

(2) Qualifying Education Requirements for Licensing and/or Certification:

(a) Only courses approved by the Administrator will be credited toward the education requirements. Approved courses have been assigned to curricula as follows:

(A) Basic Appraisal Principles;

(B) Basic Appraisal Procedures;

(C) Residential Market Analysis and Highest and Best Use;

(D) Residential Appraiser Site Valuation and Cost Approach;

(E) Residential Sales Comparison and Income Approaches;

(F) Residential Report Writing and Case Studies;

(G) Statistics, Modeling and Finance;

(H) Advanced Residential Applications and Case Studies;

(I) General Appraiser Market Analysis and Highest and Best Use;

(J) General Appraiser Sales Comparison Approach;

(K) General Appraiser Site Valuation and Cost Approach;

(L) General Appraiser Income Approach;

(M) General Appraiser Report Writing and Case Studies;

(N) The Appraisal Foundation's National USPAP Course or its equivalent;

(O) Elective courses.

(b) For state licensed appraisers, courses in the following categories and credit hours must be completed with the successful passage of an examination, as specified in these rules:

(A) Course(s) on Basic Appraisal Principles (30 hours in not less than 15 hour increments);

(B) Course(s) on Basic Appraisal Procedures (30 hours in not less than 15 hour increments);

(C) Course(s) on Residential Market Analysis and Highest and Best Use (15 hours);

(D) Course(s) on Residential Appraiser Site Valuation and Cost Approach (15 hours);

(E) Course(s) on Residential Sales Comparison and Income Approaches (30 hours in no less than 15 hour increments);

(F) Course(s) on Residential Report Writing and Case Studies (15 hours)

(G) The Appraisal Foundation's National USPAP Course or its equivalent (15 hours).

(c) For state certified residential appraisers, courses in the following categories and credit hours must be completed with the successful passage of an examination, as specified in these rules:

(A) Course(s) on Basic Appraisal Principles (30 hours in not less than 15 hour increments);

(B) Course(s) on Basic Appraisal Procedures (30 hours in not less than 15 hour increments);

(C) Course(s) on Residential Market Analysis and Highest and Best Use (15 hours);

(D) Course(s) on Residential Appraiser Site Valuation and Cost Approach (15 hours);

(E) Course(s) on Residential Sales Comparison and Income Approaches (30 hours in no less than 15 hour increments);

(F) Course(s) on Residential Report Writing and Case Studies (15 hours);

(G) Course(s) on Statistics, Modeling and Finance (15 hours);

(H) Course(s) on Advanced Residential Applications and Case Studies (15 hours);

(I) Electives (20 hours);

(J) The Appraisal Foundation's National USPAP Course or its equivalent (15 hours).

(d) For state certified general appraisers, courses in the following categories and credit hours must be completed with the successful passage of an examination, as specified in these rules:

(A) Course(s) on Basic Appraisal Principles (30 hours in not less than 15 hour increments);

(B) Course(s) on Basic Appraisal Procedures (30 hours in not less than 15 hour increments);

(C) Course(s) on General Appraiser Market Analysis and Highest and Best Use (30 hours in not less than 15 hour increments);

(D) Course(s) on Statistics, Modeling and Finance (15 hours);

(E) Course(s) on General Appraiser Sales Comparison Approach (30 hours in not less than 15 hour increments);

(F) Course(s) on General Appraiser Site Valuation and Cost Approach (30 hours in not less than 15 hour increments);

(G) Course(s) on General Appraiser Income Approach (60 hours in not less than 15 hour increments);

(H) Course(s) on General Appraiser Report Writing and Case Studies (30 hours in not less than 15 hour increments);

(I) Electives (30 hours in not less than 15 hour increments);

(J) The Appraisal Foundation's National USPAP Course or its equivalent (15 hours).

(3) Acceptable Courses. Listed below are the categories of courses that are acceptable under these rules:

(a) Courses on Basic Appraisal Principles (30 hours). A course(s) in this category must be broad in scope and focus on basic real estate appraisal concepts, principles, and methods that are applicable generally to the appraisal of most types of real estate. Basic Appraisal Principles courses would substantially include the following specific topics:

(A) Real Property Concepts and Characteristics:

(i) Basic Real Property Concepts;

(ii) Real Property Characteristics;

(iii) Legal Description.

(B) Legal Consideration:

(i) Forms of Ownership;

(ii) Public and Private Controls;

(iii) Real Estate Contracts;

(iv) Leases.

(C) Influences on Real Estate Values:

(i) Governmental;

(ii) Economic;

(iii) Social;

(iv) Environmental, Geographic and Physical.

(D) Types of Value:

(i) Market Value;

(ii) Other Value Types.

(E) Economic Principles:

(i) Classical Economic Principles;

(ii) Application and Illustrations of the Economic Principles.

(F) Overview of Real Estate Markets and Analysis:

(i) Market Fundamentals, Characteristics, and Definitions;

(ii) Supply Side Analysis;

(iii) Demand Analysis;

(iv) Use of Market Analysis;

(G) Ethics and How They Apply in Appraisal Theory and Practice

(b) Courses on Basic Appraisal Procedures (30 hours). A course(s) in this category must be broad in scope and focus on basic real estate appraisal procedures that are applicable generally to the appraisal of most types of

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real estate. Basic Appraisal Procedures courses would substantially include the following specific topics:

- (A) Overview of Approaches to Value;
- (B) Valuation Procedures:
 - (i) Defining the Problem;
 - (ii) Collecting and Selecting Data;
 - (iii) Analyzing;
 - (iv) Reconciling and Final Value Opinion;
 - (v) Communicating the Appraisal.
- (C) Property Description:

- (i) Geographic Characteristics of the Land/Site;
- (ii) Geologic Characteristics of the Land/Site;
- (iii) Location and Neighborhood Characteristics;
- (iv) Land/Site Considerations for Highest and Best Use;
- (v) Improvements- Architectural Styles and Types of Construction.
- (D) Residential Applications
- (c) Courses on Residential Market Analysis and Highest and Best Use

(15 hours) that would substantially include the following specific topics:

- (A) Residential Markets and Analysis:
 - (i) Market Fundamentals, Characteristics and Definitions;
 - (ii) Supply Side Analysis;
 - (iii) Demand Analysis;
 - (iv) Use of Market Analysis.
- (B) Highest and Best Use:
 - (i) Test Constraints;
 - (ii) Application of Highest and Best Use;
 - (iii) Special Considerations;
 - (iv) Market Analysis;
 - (v) Case Studies.

(d) Courses on Residential Appraiser Site Valuation and Cost Approach (15 hours) that would substantially include the following specific topics:

- (A) Site Valuation:
 - (i) Methods;
 - (ii) Case Studies.
- (B) Cost Approach:
 - (i) Concepts and Definitions;
 - (ii) Replacement/Reproduction Cost New;
 - (iii) Accrued Depreciation;
 - (iv) Methods of Estimating Accrued Depreciation;
 - (v) Case Studies.
- (e) Courses on Residential Sales Comparison and Income Approaches

(30 hours) that would substantially include the following specific topics:

- (A) Valuation Principles & Procedures - Sales Comparison Approach;
- (B) Valuation Principles & Procedures - Income Approach;
- (C) Finance and Cash Equivalency;
- (D) Financial Calculator Introduction;
- (E) Identification, Derivation and Measurement of Adjustments;
- (F) Gross Rent Multipliers;
- (G) Partial Interests;
- (H) Reconciliation;
- (I) Case Studies and Applications.

(f) Courses on Residential Report Writing and Case Studies (15 hours) that would substantially include the following specific topics:

- (A) Writing and Reasoning Skills;
- (B) Common Writing Problems;
- (C) Form Reports;
- (D) Report Options and USPAP Compliance;
- (E) Case Studies.

(g) Courses on Statistics, Modeling and Finance (15 hours) that would include the following specific topics:

- (A) Statistics;
- (B) Valuation Models (AVM's and Mass Appraisal);
- (C) Real Estate Finance.

(h) Courses on Advanced Residential Applications and Case Studies (15 hours) that would substantially include the following specific topics:

- (A) Complex Property, Ownership and Market Conditions;
- (B) Deriving and Supporting Adjustments;
- (C) Residential Market Analysis;
- (D) Advanced Case Studies.

(i) Courses on General Appraiser Market Analysis and Highest and Best Use (30 hours) that would substantially include the following specific topics:

- (A) Real Estate Markets and Analysis;
- (i) Market Fundamentals, Characteristics and Definitions;

- (ii) Supply Side Analysis;
- (iii) Demand Analysis;
- (iv) Use of Market Analysis.
- (B) Highest and Best Use
 - (i) Test Constraints;
 - (ii) Application of Highest and Best Use;
 - (iii) Special Considerations;
 - (iv) Market Analysis;
 - (v) Case Studies.

(j) Courses on General Appraiser Sales Comparison Approach (30 hours) that would substantially include the following specific topics:

- (A) Value Principles;
- (B) Procedures;
- (C) Identification and Measurement of Adjustments;
- (D) Reconciliation;
- (E) Case Studies.

(k) Courses on General Appraiser Site Valuation and Cost Approach (30 hours) that would substantially include the following specific topics:

- (A) Site Valuation:
 - (i) Methods;
 - (ii) Case Studies.
- (B) Cost Approach:
 - (i) Concepts and Definitions;
 - (ii) Replacement/Reproduction Cost New;
 - (iii) Accrued Depreciation;
 - (iv) Methods of Estimating Accrued Depreciation;
 - (v) Case Studies.

(l) Courses on General Appraiser Income Approach (60 hours) that would substantially include the following specific topics:

- (A) Overview;
- (B) Compound Interest;
- (C) Lease Analysis;
- (D) Income Analysis;
- (E) Vacancy and Collection Loss;
- (F) Estimating Operating Expenses and Reserves;
- (G) Reconstructed Income and Expense Statement;
- (H) Stabilized Net Operating Income Estimate;
- (I) Direct Capitalization;
- (J) Discounted Cash Flow;
- (K) Yield Capitalization;
- (L) Partial Interests;
- (M) Case Studies.

(m) Courses on General Appraiser Report Writing and Case Studies (30 hours) that would substantially include the following specific topics:

- (A) Writing and Reasoning Skills;
- (B) Common Writing Problems;
- (C) Report Options and USPAP Compliance;
- (D) Case Studies.

(n) Courses eligible for approval as elective courses for Qualifying Education. These courses are considered more appropriate for Continuing Education than for Qualifying Education under these rules, but can qualify as elective if they are at least 15 hours in duration and an exam is required. Courses must focus primarily on advanced concepts/methods, a specialized aspect of real estate appraising, or appraising one specific type of property. Examples of course topics may include, but are not limited to the following:

- (A) Real Estate Investment Analysis;
- (B) Feasibility Analysis;
- (C) Condemnation Appraising/Right of Way Appraising;
- (D) Review Appraising;
- (E) Mass Appraisal;
- (F) Subdivision Analysis;
- (G) Litigation/Testifying as Expert Witness;
- (H) Appraising Condominiums;
- (I) Appraising Manufactured Housing;
- (J) Appraising Multi-Family Housing;
- (K) Appraising Office Buildings;
- (L) Appraising Farms;
- (M) Appraising Land;
- (N) Appraising Machinery and Equipment.

(o) Courses on the Uniform Standards of Professional Appraisal Practice (USPAP):

(A) The Appraisal Foundation's National USPAP Course or its equivalent are the only acceptable courses for this category.

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(4) Courses not eligible for approval as Qualifying Education. These types of courses are considered more appropriate for Continuing Education than for Qualifying Education under these rules. Courses which focus all or a vast majority of their instruction on only one comparatively narrow aspect of real estate appraising and which examine that one aspect in depth. These types of courses focus on the following topics:

- (a) Estimating Building Costs;
- (b) Estimating Accrued Depreciation;
- (c) Cash Equivalency;
- (d) Ellwood Mortgage-Equity Analysis;
- (e) Use of Financial Calculators in Appraising;
- (f) Valuation of Partial Interests.

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

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ALCB 2-1994(Temp), f. & cert. ef. 5-2-94; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 4-1994, f. & cert. ef. 7-27-94; 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 3-1999, f. 9-23-99, cert. ef. 1-1-00; ALCB 2-2002, f. & cert. ef. 5-30-02; 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 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2008, f. & cert. ef. 5-13-08

161-025-0025

Supervising Appraiser (SA)

(1) A State Licensed Appraiser may have no more than one registered appraiser assistant at a time. Effective January 1, 2010, only qualified State Certified Residential Appraisers and State Certified General Appraisers may supervise Registered Appraiser Assistants.

(2) The supervising appraiser must directly supervise the registered appraiser assistant in each assignment to ensure that the results of each assignment comply with USPAP and all applicable appraisal laws and rules. To do so, the supervising appraiser must:

(a) Ensure that the appraiser assistant gains sufficient knowledge, skills and abilities that will enable them to do all of the following:

- (A) Define the appraisal problem.
 - (i) Identify and locate the real estate;
 - (ii) Identify the property rights to be valued;
 - (iii) Identify the use of the appraisal
 - (iv) Define value(s) to be estimated;
 - (v) Establish date(s) of value estimate(s);
 - (vi) identify and describe the scope of the appraisal; and
 - (vii) identify and describe limiting conditions or limitations.
- (B) Conduct preliminary analysis, select and collect applicable data.

(i) Identify general data (regional, city and neighborhood) — social, economic, governmental and environmental factors;

(ii) Identify specific data (subject and comparables) — site and improvement, cost and depreciation, income/expense and capitalization rate, history of ownership and use of property; and

(iii) Identify competitive supply and demand (the subject market) — inventory of competitive properties, sales and listings, vacancies and offerings, absorption rates, demand studies.

(C) Conduct an analysis of the subject property which includes:

- (i) Site/improvements;
- (ii) Size;
- (iii) Costs;
- (iv) Elements of comparison; and
- (v) units of comparison.

(D) Conduct highest and best use analysis (specified in terms of use, time and market participants).

- (i) Land as if vacant and available; and
- (ii) Property as improved (existing or proposed).

(E) Estimate land value, including on-site improvements.

(F) Estimate value of the property using each of the three approaches to value — cost, sales comparison and income capitalization.

(G) Reconcile each value indication and reconcile the final value estimate.

(H) Report estimate(s) of value(s) as defined.

(b) Review each appraisal report the appraiser assistant prepares to ensure accuracy and reliability;

(c) Ensure that the appraisal report includes proper disclosure regarding the inspection of the subject and the comparable sales as required by OAR 161-025-0060(3).

(d) Make a clear and prominent disclosure of real estate appraisal assistance in each appraisal report by identifying each individual category of experience that the appraiser assistant provided as outlined in OAR 161-025-0025(2)(a)(A through H); and

(e) Accept responsibility for the appraisal report by signing and certifying that the report has been prepared in compliance with USPAP.

(f) Ensure that the appraiser assistant will be granted experience credit by doing the following:

(A) Verifying that the appraiser assistant is currently registered with the Board. Experience gained prior to registration or after a registration has lapsed will not be credited toward the experience hours required to become licensed/certified.

(B) Verifying that all appraisal experience is properly documented on the Appraiser Assistant Experience Log on an ongoing basis by ensuring that the Appraiser Assistant:

(i) Make entries when each assignment is completed to ensure that the log is complete and accurate.

(ii) Maintain a separate experience log for each supervising appraiser.

(C) Reviewing documentation on a monthly basis — reviewing the log, approve or disapprove log entries and edit as required, sign the log, have the appraiser assistant sign the log, and have the appraiser assistant maintain the ongoing log for any future application.

(D) Allowing the appraiser assistant to obtain copies of any appraisal reports on which they provided assistance.

(3) Any licensee who has been disciplined by the Board for violation(s) of ORS Chapter 674 and/or OAR Chapter 161 pursuant to a final order of the Board issued after June 1, 2004, may not supervise appraiser assistants as provided by the following presumptive guidelines unless substantial and compelling reasons exist to depart from these guidelines as determined by the Administrator or the Board:

(a) First Board Action: No restriction unless the first board action results in suspension or revocation or the final order in the action otherwise restricts the licensee's eligibility to act as a supervising appraiser.

(b) Second Board Action: Restricted from acting as a supervising appraiser for 24 months immediately following the date of the final order except as otherwise provided in the order.

(c) Third Board Action or any Board action resulting in suspension or revocation: Permanently restricted from acting as a supervising appraiser immediately following the date of the final order except as otherwise provided in the order.

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

Stats. Implemented: ORS 674

Hist.: 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 4-2007, f. 11-1-07, cert. ef. 1-1-08; ACLB 1-2008, f. & cert. ef. 5-13-08

161-025-0030

Appraiser Assistant

The appraiser assistant must register with the Board in order to receive experience credit towards obtaining a real estate appraiser license or certificate.

(1) An appraiser assistant must work under the direct supervision of an Oregon licensee.

(2) The appraiser assistant, before performing an assignment for a supervising appraiser, must have the knowledge and experience to complete the assignment competently.

(3) All appraisal work completed by an appraiser assistant shall be prepared in compliance with USPAP and these administrative rules.

(4) An appraiser assistant may assist in the preparation of any and all components of the appraisal.

(5) An appraiser assistant must not sign, co-sign or issue an appraisal report.

(6) Any appraiser assistant who has provided professional assistance to a supervising appraiser who is signing and issuing the appraisal report must be identified in the report and the extent of the assistance provided must be disclosed in the report as described in OAR 161-025-0025(2)(d).

(7) When inspecting a property, the appraiser assistant must not misrepresent their status and at all times clearly identify themselves as a registered appraiser assistant.

(8) The scope of practice for the appraiser assistant is the appraisal of those properties which the supervising appraiser is permitted to appraise.

(9) An appraiser assistant will only be granted experience credit if they have demonstrated that they have provided substantial professional real estate appraisal assistance in all categories of experience as outlined in OAR 161-025-0025(4)(a)(A through H).

(10) The appraiser assistant is entitled to obtain copies of any appraisal reports on which they provided professional real estate appraisal assistance.

(11) The appraiser assistant may have more than one supervising appraiser, each of whom must sign the Appraiser Assistant Registration Application. If the appraiser assistant subsequently adds or changes a supervising appraiser, the appraiser assistant must submit a Change or Add

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Supervising Appraiser form, signed by the new supervising appraiser(s) along with a copy of the Supervising Appraiser's Endorsement. Any experience gained with a new supervising appraiser prior to confirmation from the Board that the registration has been amended to include the new supervising appraiser(s) will not count as experience credit towards obtaining a real estate appraiser license or certificate.

(12) Appraiser Assistance Logs must be prepared and maintained as described in OAR 161-025-0025(2)(f)(B) and (C). Separate appraisal logs must be maintained for each supervising appraiser.

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 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 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 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2008, f. & cert. ef. 5-13-08

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 testifying or presenting evidence in an administrative or judicial proceeding, must base their testimony or evidence only upon a written report on the appraisal or on an appraisal report that was prepared and documented in compliance with USPAP and ORS 674.410.

(6) 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.

(7) All licensees must list their certificate or license number in each appraisal report.

(8) 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).

(9) 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. 7-1-98; 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; 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 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

161-050-0000

Temporary Non-Resident Registration of Out-of-State Appraisers

(1) The Board will recognize temporarily the certificate or license of an appraiser issued by another state if:

- (a) The appraiser is a non-resident of Oregon;
- (b) The appraiser's business is of a temporary nature; and

(c) The appraiser registers with the Board.

(2) Any out-of-state appraiser desiring to conduct real estate appraisal activity within the State of Oregon, must submit an application for temporary registration on a form prescribed by the Board. The application must include:

(a) The required registration fee; and

(b) An irrevocable consent to service form appointing the Board Administrator 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.

(3) The applicant must also request a license history from the applicant's resident state indicating applicant is currently in good standing. This verification must be submitted directly to the Board office by the applicant's resident state licensing authority. Alternatively, the Board may obtain a National Registry Appraiser License History Report.

(4) The non-resident registration is only valid for a single appraisal assignment within the state.

(5) A single appraisal assignment may include one or more properties under one contract for a single client.

[ED. NOTE: Forms 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 3-1993(Temp), f. & cert. ef. 4-28-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2008, f. & cert. ef. 5-13-08

Board of Naturopathic Examiners Chapter 850

Rule Caption: Amends language on reinstatement, lapsed license and changes renewal fee to annual.

Adm. Order No.: BNE 3-2008

Filed with Sec. of State: 4-21-2008

Certified to be Effective: 6-10-08

Notice Publication Date: 3-1-2008

Rules Amended: 850-030-0020, 850-030-0035, 850-030-0090, 850-030-0195

Subject: Amendments will bring OAR 850 in line with ORS 685 regarding the status of a license that has not been renewed and will change active status license fees will be due annually rather than biennially (no fee increase).

Rules Coordinator: Anne Walsh—(503) 731-4045

850-030-0020

State and Nationwide Criminal Records Checks, Fitness Determinations

(1) The purpose of these rules is to provide for the reasonable screening of applicants and licensees in order to determine if they have a history of criminal behavior such that they are not fit to be granted or hold a license that is issued by the Board.

(2) These rules are to be applied when evaluating the criminal history of an applicant or licensee and conducting fitness determinations based upon such history. The fact that an applicant or licensee has cleared the criminal history check does not guarantee the granting or renewal of a license.

(3) The Board may require fingerprints of all applicants for an initial license as a naturopathic physician, licensees applying to reinstate a lapsed license, and licensees under investigation to determine the fitness of an applicant or licensee. These fingerprints will be provided on prescribed forms made available by the Board. Fingerprints may be obtained at a law enforcement office or at a private service acceptable to the Board; the Board will submit fingerprints to the Oregon Department of State Police to conduct a Criminal History Check and a National Criminal History Check. Any original fingerprint cards will subsequently be destroyed by the Oregon Department of State Police.

(4) The Board determines whether an applicant or licensee is fit to be granted a license based on the criminal records background check, any false statements made by the applicant or licensee regarding the criminal history of the individual, any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent information obtained as part of an investigation. If an applicant is determined to be unfit, the applicant may not be granted a license. If a licensee is determined to be unfit the licensee's license may not be reinstated. The Board may

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make a fitness determination conditional upon applicant's or licensee's acceptance of probation, conditions, limitations, or other restrictions upon licensure.

(5) Except as otherwise provided in section (2), in making the fitness determination the Board considers:

- (a) The nature of the crime;
- (b) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the applicant's or licensee's present or proposed license; and

(d) Intervening circumstances relevant to the responsibilities and circumstances of the license. Intervening circumstances include but are not limited to:

- (A) The passage of time since the commission of the crime;
- (B) The age of the applicant or licensee at the time of the crime;
- (C) The likelihood of a repetition of offenses or of the commission of another crime;
- (D) The subsequent commission of another relevant crime;
- (E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(F) A recommendation of an employer.

(6) All requested background checks include available state and national data, unless obtaining one or the other is an acceptable alternative.

(7) In order to conduct the Oregon and National Criminal History Check and fitness determination, the Board may require additional information from the licensee or applicant as necessary, such as but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.

(8) Criminal offender information is confidential. Dissemination of information received under ORS 181.534 is only to people with a demonstrated and legitimate need to know the information. The information is part of the investigation of an applicant or licensee and as such is confidential pursuant to ORS 676.175(1).

(9) The Board will permit the individual for whom a fingerprint-based criminal records check was conducted to inspect the individual's own state and national criminal offender records and, if requested by the subject individual, provide the individual with a copy of the individual's own state and national criminal offender records.

(10) The Board may consider any conviction of any violation of the law for which the court could impose a punishment and in compliance with ORS 670.280. The Board may also consider any arrests, court records, or other information that may be indicative of an individual's inability to perform as a licensee with care and safety to the public.

(11) If an applicant or licensee is determined not to be fit for a license, the applicant or licensee is entitled to a contested case process pursuant to ORS 183.413-470. Challenges to the accuracy or completeness of information provided by the Oregon Department of State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Oregon Department of State Police, Federal Bureau of Investigation, or reporting agency and not through the contested case process pursuant to ORS 183. If an individual successfully contests the accuracy or completeness of information provided by the Oregon State Police, the FBI or other reporting agency, the Board will conduct a new criminal history check upon submission of a new request.

(12) If the applicant discontinues the application process or fails to cooperate with the criminal history check process, the application is considered incomplete.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.195

Hist.: BNE 2-2007, f. & cert. ef. 6-12-07; BNE 3-2008, f. 4-21-08, cert. ef. 6-10-08

850-030-0035

Fees for Licensure, Examination and Certification

(1) The fee to apply to take the jurisprudence and formulary examinations to be eligible for licensure shall be \$150.

(2) The fee for an initial license to practice naturopathic medicine (including reciprocity) shall be \$150.

(3) The fee for an initial certificate of special competency in natural childbirth shall be \$60.

(4) The annual license renewal fee for an active Naturopathic license shall be \$275.

(5) The annual license renewal fee for an inactive license shall be \$125.

(6) The annual renewal fee for a retired license shall be \$15.

(7) The annual renewal fee for a certificate of special competency in natural childbirth shall be \$60.

(8) A late fee of \$75 will be charged for any renewal that does not meet the December 15 deadline per OAR 850-030-0195.

(9) The fee to reinstate a lapsed license to active status within 12 months of being lapsed shall be \$275 plus a restoration fee of \$150.

Stat. Auth.: ORS 685.100(6)(b) & 685.100(6)(c)

Stats. Implemented: ORS 685.100 & 685.102

Hist.: NE 1-1987(Temp), f. 9-17-87, ef. 10-1-87; NE 1-1988, f. & cert. ef. 3-15-88; NE 1-1996, f. & cert. ef. 10-18-96; NE 2-1997(Temp), f. 12-1-97, cert. ef. 12-2-97 thru 5-31-98; BNE 1-1998(Temp), f. 7-15-98, cert. ef. 8-3-98 thru 1-30-99; BNE 2-1998, f. 7-31-98, cert. ef. 8-3-98; BNE 2-1999, f. & cert. ef. 9-24-99; BNE 5-2000, f. & cert. ef. 12-6-00; BNE 4-2003, f. & cert. ef. 10-9-03; Renumbered from 850-010-0035, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 3-2008, f. 4-21-08, cert. ef. 6-10-08

850-030-0090

Expiration and Renewal of Licenses and Certificates in Natural Childbirth

(1) Unless renewed to the Executive Director or designated staff of the Board on a form provided by the Board, all licenses to practice naturopathic medicine in Oregon automatically lapse on December 31 of every year.

(2) The renewal form must be returned to the Board office by December 15 and include:

(a) The completed and signed renewal application form furnished by the Board;

(b) The completed and signed CE affidavit form; and

(c) The annual fee for an active, inactive or retired license; and

(d) The annual fee for a natural childbirth certificate if one is held by the licensee.

Stat. Auth.: ORS 685

Stats. Implemented: ORS 685.100

Hist.: NE 2, f. 6-7-59; NE 2-1980, f. & ef. 9-11-80; NE 1-1984, f. & ef. 1-3-84; NE 1-1987(Temp), f. 9-17-87, ef. 10-1-87; NE 1-1988, f. & cert. ef. 3-15-88; NE 1-1996, f. & cert. ef. 10-18-96; BNE 3-1999, f. & cert. ef. 11-1-99; Renumbered from 850-010-0090, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 3-2008, f. 4-21-08, cert. ef. 6-10-08

850-030-0195

License Renewal Requirements

All Naturopathic physicians licensed under ORS Chapter 685, whether active or inactive or retired must complete an annual renewal form furnished by the Board. Specific requirements for each license status, renewal procedures and requirements are as follows:

(1) A Naturopathic physician holding an initial license:

(a) Must complete the renewal form furnished by the Board; and

(b) Pay the biennial renewal fee according to OAR 850-030-0090 and 850-030-0035; and

(c) Is exempt from completing CE in the initial year of licensure.

(2) A licensee doing an accredited residency for at least six months in the calendar year must:

(a) Complete the annual renewal form furnished by the Board; and

(b) Pay the biennial renewal fee according to OAR 850-030-0090 and 850-030-0035; and

(c) Provide proof of an accredited residency to meet the CE requirement for an active license.

(3) A Naturopathic physician holding a certificate to practice natural childbirth must complete at least 15 hours of CE each year in obstetrics and sign an affidavit furnished by the Board confirming these hours. Seven of the 15 hours in obstetrics may be used to satisfy the requirement of an active license in 850-030-0195(4). The licensee must provide proof of current certification in neonatal resuscitation annually with the renewal.

(4) To maintain an active license, a licensee must:

(a) Complete the annual renewal form furnished by the Board; and

(b) Pay the biennial renewal fee according to OAR 850-030-0090 and 850-030-0035; and

(c) Complete at least 25 hours of Board approved CE per OAR 850-040-0210 each year and submit a signed affidavit furnished by the Board confirming this. At least five of the required 25 CE hours must be in the pharmacology of legend drugs.

(5) A Naturopathic physician holding an inactive license must:

(a) Complete the renewal form furnished by the Board; and

(b) Pay the annual renewal fee per OAR 850-030-0035; and

(c) Complete at least 10 hours of Board approved CE each year and submit a signed affidavit furnished by the Board confirming these hours.

(6) A retired status Naturopathic license, upon completing the renewal form furnished by the Board and paying the annual renewal fee for a retired license is not required to complete CE for renewal.

(7) By November 1, the Board will send to all licensees an annual renewal form to the last mailing address on record. For a renewal to be

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timely, a licensee must submit to the Board a completed renewal application postmarked no later than December 15 each year. A completed renewal application consists of the completed renewal form, the biennial license fee if due, and the late fee, if appropriate, and the completed affidavit confirming completion of continuing education as required under sections (1) through (6) of this rule. Failure to meet the December 15 deadline shall result in a late fee of \$75, which must be submitted with the renewal application form. Any licensee who does not receive the renewal form by November 15 should notify the Board. It is the licensee's duty to obtain and submit the renewal form in a timely manner.

(8) The license of any licensee who fails to submit a completed renewal application by December 31 shall lapse, effective at midnight, December 31.

(9) Licensees must maintain for a period of at least five years, full and accurate records including verification of attendance to support hours reported on the signed affidavit.

(10) Each year the Board will audit a number of license renewals. These licensees will be asked to provide their CE documents to verify the signed affidavit. Licensee must provide CE records and verifications that will document compliance with the renewal requirements.

(11) To apply for reinstatement of a license from inactive to active status a licensee must:

(a) Complete the reinstatement form furnished by the Board; and

(b) Pay the appropriate fees per ORS 685.100 and OAR 850-030-0035, and

(c) Submit an affidavit confirming completion of continuing education as follows:

(A) If the license is inactive for 12 months or less, the licensee must demonstrate completion of 25 hours of approved continuing education during the past 12 months, with five of these hours in pharmacology; and

(B) If the license is inactive for more than one year, licensee must provide an additional five hours of approved continuing education for each subsequent year or partial year that the license was inactive, in addition to the 10 hours of CE required by OAR 850-030-0195(5).

(d) If license is inactive for more than five years, licensee must take and pass the state jurisprudence and formulary examinations furnished by the Board.

(12) After January 1, the Board may reinstate a license that has been lapsed for one year or less, upon submission of the affidavit of continuing education as required for an active license, completion of the renewal form furnished by the Board and paying the appropriate fees per ORS 685.100 and OAR 850-030-0035.

(13) Any licensee who has allowed a license to lapse for more than 12 months must apply and meet the qualifications under ORS 685.060 through 685.085 for licensure.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.100

Hist.: BNE 1-2003, f. & cert. ef. 2-14-03; Renumbered from 850-010-0195, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 3-2008, f. 4-21-08, cert. ef. 6-10-08

Bureau of Labor and Industries Chapter 839

Rule Caption: Amends the prevailing rates of wage for the period beginning January 1, 2008.

Adm. Order No.: BLI 10-2008

Filed with Sec. of State: 4-22-2008

Certified to be Effective: 4-23-08

Notice Publication Date:

Rules Amended: 839-025-0750

Subject: The rule adopts prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for specified residential projects for the dates specified.

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

839-025-0750

Residential Prevailing Wage Rate Determinations

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in the following residential rate determinations are the prevailing rates of wage for workers upon said public works projects for the periods of time specified:

(a) *Special Prevailing Wage Rate Determination for Residential Project, Lava Court Project, Project #2007-01*, dated October 30, 2007, for the period of November 2, 2007 through June 30, 2008.

(b) *Special Prevailing Wage Rate Determination-Second Rate Extension for Residential Project, New Winds Project, Project #2006-02,*

Rate Extension dated August 15, 2006, for the period of April 23, 2008 through June 30, 2008.

(2) Copies of the rates referenced in section (1) of this rule 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 listed in the blue pages of the phone book. Copies may also 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

Stats. Implemented: ORS 279C.815

Hist.: BLI 5-1999, f. 6-30-99, cert. ef. 7-1-99; BLI 7-1999, f. 8-26-99, cert. ef. 9-15-99; BLI 8-1999, f. & cert. ef. 9-8-99; BLI 10-1999, f. 9-14-99, cert. ef. 9-17-99; BLI 11-1999, f. 9-22-99, cert. ef. 9-27-99; BLI 6-2000, f. 2-14-00, cert. ef. 2-15-00; BLI 12-2000, f. 5-24-00, cert. ef. 7-1-00; BLI 18-2000, f. & cert. ef. 9-1-00; BLI 21-2000, f. 9-15-00, cert. ef. 9-22-00; BLI 23-2000, f. & cert. ef. 9-25-00; BLI 24-2000, f. 10-30-00, cert. ef. 11-1-00; BLI 2-2001, f. & cert. ef. 1-24-01; BLI 6-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 7-2001, f. 7-20-01, cert. ef. 7-24-01; BLI 9-2001, f. 7-31-01, cert. ef. 8-1-01; BLI 10-2001, f. 8-14-01, cert. ef. 8-15-01; BLI 11-2001, f. & cert. ef. 8-22-01; BLI 13-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 6-2002, f. 3-14-02, cert. ef. 3-15-02; BLI 7-2002, f. 3-22-02, cert. ef. 3-25-02; BLI 11-2002, f. & cert. ef. 5-23-02; BLI 13-2002, f. 6-26-02, cert. ef. 7-1-02; BLI 14-2002, f. 8-23-02, cert. ef. 10-1-02; BLI 2-2003, f. & cert. ef. 3-28-03; BLI 2-2004, f. 4-23-04, cert. ef. 5-1-04; BLI 3-2004, f. 5-18-04, cert. ef. 5-19-04; BLI 4-2004, f. & cert. ef. 5-24-04; BLI 5-2004, f. 6-23-04, cert. ef. 6-24-04; BLI 7-2004, f. 7-14-04, cert. ef. 7-15-04; BLI 13-2004, f. & cert. ef. 10-19-04; BLI 14-2004, f. 10-29-04, cert. ef. 11-1-04; BLI 16-2004, f. 11-8-04, cert. ef. 11-10-04; Renumbered from 839-016-0750, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 9-2005, f. 4-15-05, cert. ef. 4-18-05; BLI 10-2005, f. & cert. ef. 5-2-05; BLI 11-2005, f. 5-31-05, cert. ef. 6-1-05; BLI 12-2005, f. & cert. ef. 6-21-05; BLI 13-2005, f. 6-30-05, cert. ef. 7-1-05; BLI 14-2005, f. & cert. ef. 7-22-05; BLI 15-2005, f. 8-9-05, cert. ef. 8-10-05; BLI 17-2005, f. 8-26-05, cert. ef. 8-29-05; BLI 23-2005, f. 10-26-05, cert. ef. 10-28-05; BLI 25-2005, f. 12-22-05, cert. ef. 12-23-05; BLI 6-2006, f. 3-9-06, cert. ef. 3-13-06; BLI 22-2006, f. 6-16-06, cert. ef. 7-1-06; BLI 27-2006, f. 7-17-06, cert. ef. 7-18-06; BLI 30-2006, f. 8-16-06, cert. ef. 8-18-06; BLI 31-2006, f. 9-8-06, cert. ef. 9-11-06; BLI 44-2006, f. 12-18-06, cert. ef. 1-1-07; BLI 17-2007, f. & cert. ef. 7-2-07; BLI 30-2007, f. 11-1-07, cert. ef. 11-2-07; BLI 10-2008, f. 4-22-08, cert. ef. 4-23-08

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Rule Caption: Amends the prevailing rates of wage for the period beginning January 1, 2008.

Adm. Order No.: BLI 11-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

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 January 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 January 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 January 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 January 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 December 21, 2007).

(c) Amendments/Corrections to January 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 January 4, 2008).

(d) Amendments/Corrections to January 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 February 15, 2008).

(e) Amendments/Corrections to January 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 March 7, 2008).

(f) Amendment to Oregon Determination 2008-01 (effective April 1, 2008).

ADMINISTRATIVE RULES

(g) Amendments/Corrections to January 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 April 1, 2008).

(h) Amendments/Corrections to January 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 April 4, 2008).

(i) Amendments/Corrections to January 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 April 18, 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 January 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. 9-25-07 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

Rule Caption: Amends the prevailing rates of wage for the period beginning January 1, 2008.

Adm. Order No.: BLI 12-2008

Filed with Sec. of State: 4-30-2008

Certified to be Effective: 4-30-08

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 January 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 January 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 January 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 January 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 December 21, 2007).

(c) Amendments/Corrections to January 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 January 4, 2008).

(d) Amendments/Corrections to January 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 February 15, 2008).

(e) Amendments/Corrections to January 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 March 7, 2008).

(f) Amendment to Oregon Determination 2008-01 (effective April 1, 2008).

(g) Amendments/Corrections to January 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 April 1, 2008).

(h) Amendments/Corrections to January 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 April 4, 2008).

(i) Amendments/Corrections to January 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 April 18, 2008).

(j) Amendments/Corrections to January 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 April 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 January 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,

ADMINISTRATIVE RULES

cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08

Rule Caption: Clarifies licensing requirements for employees of Farm Labor Contractors/Indorsements.

Adm. Order No.: BLI 13-2008(Temp)

Filed with Sec. of State: 5-2-2008

Certified to be Effective: 5-5-08 thru 11-1-08

Notice Publication Date:

Rules Amended: 839-015-0141

Subject: This rule amendment clarifies that one of the conditions for being licensed as a farm or forest labor contractor subject to an employee indorsement under the Farm Labor Contractor law includes that the employee is not otherwise licensed under the farm Labor Contractor law.

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

839-015-0141

Licensing Requirements for Employees of Contractor/Indorsements

(1) The employee of a farm or forest labor contractor who is licensed under ORS 658.405 to 658.503 may be licensed as a farm or forest labor contractor subject to an employee indorsement if the employee continuously meets all of the following conditions:

(a) The employee's employer has filed with the Commissioner of the Bureau of Labor and Industries a signed statement, in a form required by the commissioner, agreeing to sponsor the application and to notify the commissioner promptly upon termination of the employment of the employee;

(b) The employee engages in activities that would require licensing as a farm or forest labor contractor solely on behalf of the employer;

(c) The employee does not personally employ any workers and is not responsible for paying any workers;

(d) The employer maintains proof of financial responsibility pursuant to ORS 658.415(3);

(e) The employer's license remains in good standing; and

(f) The employee meets all of the conditions for licensing as a farm or forest labor contractor provided for in OAR 839-015-0140; and

(g) The employee is not otherwise licensed in any manner as a farm or forest labor contractor under these rules.

(2) A farm or forest labor contractor subject to an employee indorsement acting in compliance with section (1) of this rule need not comply with OAR 839-015-0140(7), (9) and (10) insofar as the employer has complied with these provisions.

(3) The license of a farm or forest labor contractor subject to the employee indorsement shall state on its face the conditions contained in this rule and shall state further that the bearer of the license is licensed to act only as conditioned by this rule.

(4) The license of a farm or forest labor contractor subject to an employee indorsement shall terminate immediately upon the termination of the employment relationship with the employer who sponsored the employee's application. The employee shall submit the license to the bureau forthwith.

(5) A license subject to an employee indorsement may be terminated either by the employee or by the sponsoring employer by notifying the bureau in writing that either wishes to terminate the license or that the conditions specified in section (1) of this rule are no longer met.

(6) The license subject to an employee indorsement terminates upon receipt by the bureau of notice referred to in section (5). The employer's joint and several liability for actions taken by the employee under color of the employee's license pursuant to Ch. 73, Sec. 3(6), 1995 Oregon Laws, extends to any actions taken by the employee before the original license is surrendered to the bureau.

Stat. Auth.: OL Ch. 73, Sec. 3, 1995

Stats. Implemented: ORS 658.405 - 658.503

Hist.: BL 2-1996, f. & cert. ef. 1-9-96; BLI 13-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 11-1-08

Construction Contractors Board Chapter 812

Rule Caption: Amended to adopt revised forms, meet new requirements, housekeeping, and revise appeal process.

Adm. Order No.: CCB 7-2008

Filed with Sec. of State: 4-28-2008

Certified to be Effective: 5-1-08

Notice Publication Date: 4-1-2008

Rules Adopted: 812-009-0435

Rules Amended: 812-001-0120, 812-001-0160, 812-001-0200, 812-009-0400, 812-009-0420, 812-012-0130

Rules Repealed: 812-001-0200(T), 812-012-0130(T)

Subject: OAR 812-001-0120 is amended to adopt the current version of the Attorney General's uniform and Model Rules of Procedure.

OAR 812-001-0160 is amended to delete the word "tape" before the word "recording" since tapes are no longer used for hearings.

OAR 812-001-0200 is amended to adopt the revised version of the forms: "Information Notice to Owner About Construction Liens" and "Consumer Protection Notice."

OAR 812-009-0400 is amended to add "Dispute Resolution" to the title to avoid confusion and to revise the date written response to exceptions are due to the agency and to delete the word "tape" and replace it with the word "recording" since tapes are no longer used for hearings.

OAR 812-009-0420 is amended to delete the written arguments language since the exceptions are the respondent's written arguments and adds a notification requirement in the exceptions from the respondent that they intend to rely on oral testimony. The changes to the rule flesh out how the procedure will work in Enforcement cases, as is currently done for DRS cases.

OAR 812-009-0435 is adopted to establish procedures for rescheduling of cases on appeal before the Appeal Committee.

OAR 812-012-0130 is amended to delete 812-012-0130(2) because it places contractors in an unworkable position as it relates to delivery of CCB "Consumer Protection Notice" and "Notice of Procedure" documents when contracting to perform small repair projects. In many cases, these oral agreements are made by telephone and the work is performed when owners are not present at the job sites. Small electrical, plumbing and glazing repair projects, for example, are often ordered by consumers over the telephone. The only written document is the invoice prepared by the contractor at the conclusion of the work. This is often impossible as these deals are often made over the telephone.

Rules Coordinator: Catherine Dixon—(503) 378-4621, ext. 4077

812-001-0120

Uniform and Model Rules

The Construction Contractors Board adopts the Attorney General's Uniform and Model Rules of Procedure, OAR 137-001-0005 to 137-005-0070, revised January 1, 2008, with the following exceptions: 137-003-0015, 137-005-0060, and 137-005-0070.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 183.341

Hist.: 1BB 6-1980, f. & ef. 11-4-80; 1BB 1-1982, f. 3-31-82, ef. 4-1-82; 1BB 4-1982, f. & ef. 10-7-82; 1BB 1-1983, f. & ef. 3-1-83; 1BB 2-1983, f. & ef. 7-6-83; 1BB 3-1984, f. & ef. 5-11-84; 1BB 1-1986, f. & ef. 5-30-86; BB 3-1988, f. 11-23-88, cert. ef. 12-1-88; CCB 1-1989, f. & cert. ef. 11-1-89; CCB 4-1990, f. 10-30-90, cert. ef. 11-1-90; CCB 2-1992, f. & cert. ef. 4-15-92; CCB 3-1992(Temp), f. & cert. ef. 4-15-92; CCB 5-1992, f. 7-31-92, cert. ef. 8-1-92; CCB 7-1992, f. & cert. ef. 12-4-92; CCB 1-1994, f. 6-23-94, cert. ef. 7-1-94; CCB 2-1995, f. 6-6-95 cert. ef. 6-15-95; CCB 2-1996, f. & cert. ef. 6-18-96; CCB 4-1997, f. & cert. ef. 11-3-97; CCB 1-1999, f. 3-29-99, cert. ef. 4-1-99; CCB 6-2001, f. & cert. ef. 9-27-01; CCB 8-2004, f. & cert. ef. 10-1-04; Renumbered from 812-001-0003, CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 5-2006, f. & cert. ef. 3-30-06; CCB 7-2008, f. 4-28-08, cert. ef. 5-1-08

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.

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(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 documents.

(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) Charge as determined by preparation time and production cost for mailing labels of licensees.

(g) \$10 per half-hour unit or portion of a half-hour unit for research or copying of records for each request from a person beginning with the 31st minute of research or copying time.

Stat. Auth.: ORS 293.445, 670.310 & 701.235

Stats. Implemented: ORS 192.430, 293.445, 701.235 & 701.250

Hist.: 1BB 1-1983, f. & ef. 3-1-83; 1BB 3-1984, f. & ef. 5-11-84; 1BB 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

812-001-0200

Consumer Notices Adoption

(1) In order to comply with the requirement to adopt an information notice to owner under ORS 87.093, the Construction Contractors Board adopts the form entitled "Information Notice to Owner About Construction Liens," as revised December 20, 2007. This form may be obtained from the agency.

(2) In order to comply with the requirement to adopt a consumer notice form under ORS 701.330(1), the board adopts the form "Consumer Protection Notice" as revised December 20, 2007.

(3) In order to comply with the requirement to adopt a "Information Notice to Property Owners About Construction Responsibilities" form under ORS 701.325(3), the board adopts the form "Information Notice to Property Owners About Construction Responsibilities" as revised December 4, 2007.

(4) In order to comply with the requirement to adopt a notice of procedure form under ORS 701.330(2), the board adopts the form "Notice of Procedure" dated December 4, 2007.

(5) The board adopts the form "Notice of Compliance with Homebuyer Protection Act" (HPA) as revised December 16, 2003.

(6) The board adopts the form "Model Features for Accessible Homes" dated December 4, 2007.

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

Stats. Implemented: ORS 87.093, 701.235, 701.325, 701.330 & 701.530

Hist.: 1BB 4-1981, f. 11-24-81, ef. 1-1-82; 1BB 3-1982, f. 6-4-82, ef. 1-1-83; 1BB 1-1983, f. & ef. 3-1-83; Renumbered from 812-011-0076; 1BB 3-1983, f. 10-5-83, ef. 10-15-83; BB 2-1987, f. & ef. 7-2-87; CCB 1-1989, f. & cert. ef. 11-1-89; CCB 5-1992, f. 7-31-92, cert. ef. 8-1-92; CCB 1-1999, f. 3-29-99, cert. ef. 4-1-99; CCB 5-1999, f. & cert. ef. 9-10-99; CCB 6-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-17-00; CCB 9-2000, f. & cert. ef. 9-24-00; CCB 7-2002, f. 6-26-02, cert. ef. 7-1-02; CCB 11-2002, f. 12-20-02, cert. ef. 12-23-02; CCB 3-2003(Temp), f. & cert. ef. 3-11-03 thru 9-6-03; CCB 4-2003, f. & cert. ef. 6-3-03; CCB 11-2003, f. 12-5-03, cert. ef. 1-1-04; CCB 12-2003(Temp), f. & cert. ef. 12-9-03 thru 6-6-04; CCB 13-2003(Temp), f. 12-19-03, cert. ef. 1-1-04 thru 6-14-04; CCB 2-2004, f. 2-27-04, cert. ef. 3-1-04; CCB 4-2004, f. 5-28-04, cert. ef. 6-1-04; CCB 5-2004(Temp), f. & cert. ef. 6-1-04 thru 11-28-04; CCB 7-2004, f. 8-26-04, cert. ef. 9-1-04; Renumbered from 812-001-0020, CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 1-2006(Temp), f. & cert. ef. 1-11-06 thru 7-10-06; CCB 5-2006, f. & cert. ef. 3-30-06; CCB 5-2007, f. 6-28-07, cert. ef. 7-1-07; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 1-2008(Temp), f. & cert. ef. 1-2-08 thru 6-29-08; CCB 7-2008, f. 4-28-08, cert. ef. 5-1-08

812-009-0400

Exceptions to Agency Orders, Dispute Resolution Complaints

(1) After a contested case complaint hearing, the complainant or respondent may file written exceptions if they believe that the administrative law judge made a procedural error or that the proposed order is not supported by evidence received at the hearing.

(2)(a) To be considered, the first exceptions must be received by the agency within 21 days from the date of mailing the proposed order.

(b) If one party files timely exceptions, the opposing party may also file exceptions if those exceptions are received by the agency within 14 days from the date the agency mails a copy of the first exceptions to the opposing party.

(3)(a) If written exceptions are not timely received, the order will become final under OAR 812-009-0160.

(b) If exceptions are timely received, the matter will be set for consideration by the Board's Appeal Committee at a regular meeting of the committee.

(4) The exceptions must substantially conform to the requirements of OAR 812-009-0430.

(5) Copies of exceptions filed will be mailed to the other side who may respond to the exceptions. Response and any written argument for or against the proposed order will be accepted up to 15 days before the case is referred to the Committee for scheduling if the original exceptions were timely received.

(6)(a) If a party filing exceptions intends to rely on oral testimony given at the hearing, the party must include in the exceptions:

(A) A notice of the intention to rely on oral testimony; and

(B) A request for a copy of the audio recording of the hearing with the fee required under OAR 812-001-0160.

(b) After receipt, exceptions containing a notice of an intention to reply on oral testimony under subsection (6)(a) of this rule, the agency must send a copy of the audio recording of the hearing to the party that did not file the exceptions without charge unless that party also filed exceptions that included a notice of intention to rely on oral testimony.

(c) The party that filed the notice of intention to rely on oral testimony must prepare a typed transcript of the portions of the hearing testimony that the party contends support the exceptions. The party must deliver the transcript to the agency within 21 days from the date the agency mails the audio recording of the hearing to the party.

(d) The agency must mail a copy of the transcript to the other party to the complaint.

(7)(a) The party opposing the exceptions may prepare a typed transcript of the portions of the hearing testimony that the party contends support opposition to the exceptions. The opposing party must deliver the transcript to the agency within 21 days from the date the agency mailed the transcript under subsection (6)(d) of this rule.

(b) The agency must mail a copy of the transcript prepared under section (7) of this rule to the party that filed the exceptions.

(8) The Appeal Committee may refuse to consider evidence of oral testimony submitted by a party if the party does not comply with the requirements of sections (6) and (7) of this rule.

(9) The complainant and respondent may appear before the members of the Committee to argue for or against the proposed order.

(10) The agency may waive or extend the time limits in sections (5) through (7) of this rule on a showing of good cause by the person requesting the waiver.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 183.460 & 701.260

Hist.: CCB 8-1998, f. 10-29-98, cert. ef. 11-1-98; CCB 3-2000(Temp), f. 3-10-00, cert. ef. 3-10-00 thru 7-22-00; CCB 4-2000, f. & cert. ef. 5-2-00; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 2-2001, f. & cert. ef. 4-6-01; CCB 2-2003, f. & cert. ef. 3-4-03; CCB 7-2003, f. & cert. ef. 8-8-03; CCB 9-2004, f. & cert. ef. 12-10-04; CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 7-2008, f. 4-28-08, cert. ef. 5-1-08

812-009-0420

Exceptions to Agency Orders, Enforcement

(1) After a contested case enforcement hearing, the respondent may file written exceptions if the respondent does not believe the proposed order is supported by the evidence received at the hearing. To be considered, exceptions must be received by the agency within 21 days of the date of mailing of the proposed order. If written exceptions are not timely received, the agency may issue a final order as proposed.

(2) If exceptions are timely received, the matter will be set for consideration by the Appeal Committee at its next meeting for which agenda space is available.

(3)(a) If the respondent intends to rely on oral testimony given at the hearing, the respondent must include in the exceptions:

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(A) A notice of intention to rely on oral testimony; and
(B) A request for a copy of the audio recording of the hearing with the fee required under OAR 812-001-0160.

(b) The respondent must prepare a typed transcript of the portions of the hearing testimony that the respondent contends support the exceptions. The respondent must deliver the transcript to the agency within 21 days from the date the agency mails the copy of the audio recording of the hearing to the respondent.

(4) The Appeal Committee may refuse to consider evidence of oral testimony submitted by respondent if the respondent does not comply with the requirements of section (3) of this rule.

(5) The respondent may appear before the members of the Appeal Committee to argue against the proposed order, if the agency receives written notice of intent to do so before the Appeal Committee meeting date. Oral argument will be permitted only if the original exceptions were timely received.

Stat. Auth.: ORS 183.310, 670.310 & 701.235
Stats. Implemented: ORS 183.460 & 701.260
Hist.: CCB 8-1998, f. 10-29-98, cert. ef. 11-1-98; CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 7-2008, f. 4-28-08, cert. ef. 5-1-08

812-009-0435

Rescheduling of Exceptions Before the Appeal Committee

If a party requests in writing to reschedule the case scheduled before the Appeal Committee, the request may be granted if:

(1) The request is promptly made after the party receives the notice of the scheduling of the matter before the Appeal Committee or is promptly made after emergency or unforeseen circumstances arise;

(2) The party establishes circumstances that prevent attendance by the party at the scheduled Appeal Committee meeting; and

(3) The circumstances preventing attendance at the Appeal Committee meeting are beyond the reasonable control of the requesting party.

Stat. Auth.: ORS 670.310 & 701.235
Stats. Implemented: ORS 183.413 - 183.470 & 701.260
Hist.: CCB 7-2008, f. 4-28-08, cert. ef. 5-1-08

812-012-0130

Delivery and Proof of Delivery of Consumer Notice

(1) If a contractor is required to have a written contract under ORS 701.305, the consumer notices described in OAR 812-001-0200(1), (2) and (4) shall be delivered on or before the date the contract is entered into.

(2) The contractor shall maintain proof of delivery of the Consumer Protection Notice, Notice of Procedure, and the notice required under ORS 87.093, if required, for a period of two years after the contract was entered into. Proof of delivery of the notices shall include, but not be limited to:

(a) A signed copy of the notices;

(b) An unambiguous phrase in the written contract that acknowledges receipt of the notices and that is initialed by the owner; or

(c) Copies of the written contract, if the notices are fully contained in the written contract.

Stat. Auth.: ORS 670.310, 701.235, 701.305 & 701.330
Stats. Implemented: 701.305 & 701.330
Hist.: CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 4-2008(Temp), f. & cert. ef. 1-18-08 thru 7-15-08; CCB 7-2008, f. 4-28-08, cert. ef. 5-1-08

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Rule Caption: Amended to adopt revised forms, meet new requirements, housekeeping, and revise appeal process.

Adm. Order No.: CCB 8-2008

Filed with Sec. of State: 4-28-2008

Certified to be Effective: 7-1-08

Notice Publication Date: 4-1-2008

Rules Amended: 812-003-0260

Subject: OAR 812-003-0260 is amended to require contractors to fill in the certification section for applicant's seeking an endorsement as a commercial general or commercial specialty contractor that their key employees have the requisite experience or education required in ORS 701.081 and 701.084.

Rules Coordinator: Catherine Dixon—(503) 378-4621, ext. 4077

812-003-0260

Application for New License

(1) Each entity must complete an application form prescribed by the agency. Information provided on the form must include, but not be limited to:

(a) Name of business entity, all additional business names, including assumed business names, under which business as a contractor is conducted, and Corporation Division registry numbers (if applicable);

(b) Mailing and location address of the business entity;

(c) Legal name, date of birth and driver license number of:

(A) The owner of a sole proprietorship;

(B) All partners of a general partnership or limited liability partnership;

(C) All joint venturers of a joint venture;

(D) All general partners of a limited partnership;

(E) For corporations with a market capitalization of less than \$300 million, all corporate officers of a corporation;

(F) All trustees of a trust;

(G) The manager and all members of a manager-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph;

(H) All members of a member-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph; or

(I) The responsible managing individual designated by the applicant.

(d) Social security number of the owner of a sole proprietorship or partners, if partners are human beings, in a general partnership;

(e) Class of independent contractor license and employer account numbers as required under OAR 812-003-0250;

(f) License endorsement sought, as provided for under OAR 812-003-0131;

(g) The identification number of the responsible managing individual who has completed the education and passed the examination required under ORS 701.122 or is otherwise exempt under Division 6 of these rules;

(h) The Standard Industrial Classification (SIC) numbers of the main construction activities of the entity;

(i) Names and certification numbers of all certified home inspectors if the entity will do work as a home inspector under ORS 701.350;

(j) For each person described in subsection (1)(c) of this section, the following information if related to construction activities:

(A) If unsatisfied on the date of application, a copy of a final judgment by a court in any state entered within five years preceding the application date that requires the person to pay money to another person or to a public body;

(B) If unsatisfied on the date of application, a copy of a final order by an administrative agency in any state issued within five years preceding the application date that requires the person to pay money to another person or public body;

(C) If pending on the date of application, a copy of a court complaint filed in any state that alleges that the person owes money to another person or public body; or

(D) If pending on the date of application, a copy of an administrative notice of action issued in any state that alleges that the person owes money to another person or public body.

(k) For each person described in subsection (1)(c) of this section, the following information if related to construction activities:

(A) A copy of a judgment of conviction for a crime listed in ORS 701.098(1)(h), entered within five years preceding the application date; or

(B) A copy of an indictment for a crime listed in ORS 701.098(1)(h), entered within five years preceding the application date.

(C) In addition to documents required in paragraphs (1)(k) (A) and (B) of this section, copies of police reports, parole or probation reports indicating parole or probation officer's name and phone number, and letters of reference.

(l) Independent contractor certification statement and a signed acknowledgment that if the licensee qualifies as an independent contractor the licensee understands that the licensee and any heirs of the licensee will not qualify for workers' compensation or unemployment compensation unless specific arrangements have been made for the licensee's insurance coverage and that the licensee's election to be an independent contractor is voluntary and is not a condition of any contract entered into by the licensee;

(m) Signature of owner, partner, joint venturer, corporate officer, member or trustee, signifying that the information provided in the application is true and correct; and

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(n) A certification section for applicants seeking an endorsement as commercial general or commercial specialty contractors that the applicant's key employees have the requisite experience or education, as required by ORS 701.081 and 701.084.

(2) A complete license application includes but is not limited to:

(a) A completed application form as provided in section (1) of this rule;

(b) The new application license fee as required under OAR 812-003-0140;

(c) A properly executed bond, letter of credit or assignment of savings as required under OAR 812-003-0152, 812-003-0153, or 812-003-0155; and

(d) The certification of insurance coverage as required under OAR 812-003-0200.

(3) The agency may return an incomplete license application to the applicant with an explanation of the deficiencies.

(4) All entities listed in section (1) of this rule that are otherwise required to be registered with the Oregon Corporation Division must be registered with the Oregon Corporation Division and be active and in good standing. All assumed business names used by persons or entities listed in section (1) of this rule must be registered with the Oregon Corporation Division as the assumed business name of the person or entity using that name.

Stat. Auth.: ORS 670.310, 701.235
Stats. Implemented: ORS 25.270, 25.785, 25.990, 701.035, 701.050, 701.056, 701.068, 701.073, 701.081, 701.088, 701.122
Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 3-2005, f. & cert. ef. 8-24-05; CCB 6-2006, f. 5-25-06, cert. ef. 6-1-06; CCB 8-2006, f. & cert. ef. 9-5-06; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 6-2007, f. 8-29-07, cert. ef. 9-1-07; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 5-2008, f. 2-29-08, cert. ef. 7-1-08; CCB 6-2008, f. & cert. ef. 3-24-08; CCB 8-2008, f. 4-28-08, cert. ef. 7-1-08

Department of Agriculture Chapter 603

Rule Caption: Identifies weed seeds that are adulterants in wild bird feed.

Adm. Order No.: DOA 14-2008

Filed with Sec. of State: 5-15-2008

Certified to be Effective: 1-1-09

Notice Publication Date: 2-1-2008

Rules Adopted: 603-058-0032

Subject: These rules are established to reflect changes made by the 2007 Legislative Assembly through HB 2289 to make viable noxious weed seeds an adulterant in wild bird feeds. Adopts by reference the Prohibited and Restricted noxious weed lists in OAR 603-056-0205. Provides limited enforcement in 2008 if the product is registered with the Department.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-058-0032

Adulterants

(1) Wild Bird Feed. Pursuant to ORS 633.045(7), a person may not sell or otherwise distribute wild bird feed containing viable noxious weed seeds that exceed the amounts stated in this rule.

(2) Wild bird feed is defined in ORS 633.006(20).

(3) Wild bird feed sold or distributed to the final consumer shall contain:

(a) No viable prohibited noxious weed seed listed in OAR 603-056-0205(1) Prohibited noxious weed seeds.

(b) No more viable restricted noxious weed seed than the maximum allowable number of seeds per pound specified by species in OAR 603-056-0205(2) Restricted noxious weed seeds.

Stat. Auth.: ORS 633.045
Stats. Implemented:
Hist.: DOA 14-2008, f. 5-15-08, cert. ef. 1-1-09

Department of Agriculture, Oregon Processed Vegetable Commission Chapter 647

Rule Caption: Amend Commission assessment rates.

Adm. Order No.: OPVC 2-2008

Filed with Sec. of State: 5-2-2008

Certified to be Effective: 6-1-08

Notice Publication Date: 4-1-2008

Rules Amended: 647-010-0010

Subject: These rules establish the assessment rates necessary to fund Commission research projects.

Rules Coordinator: John McCulley—(503) 370-7019

647-010-0010

Assessments

(1) Any first purchaser shall deduct and withhold an assessment of the following amounts from each of the above named vegetable crops:

(a) Beans — \$.890 per ton based on the net weight of the beans delivered.

(b) Sweet Corn — \$.361 per ton based on the gross weight of the sweet corn delivered.

(c) Table Beets — \$.343 per ton based on the net weight of the table beets delivered.

(d) Carrots — \$.086 per ton based on the net weight of the carrots delivered.

(e) Broccoli — \$1.948 per ton based on the net weight of the broccoli delivered.

(f) Cauliflower — \$.690 per ton based on the net weight of the cauliflower delivered.

(2) From the price paid to the producer thereof, after June 1, 2008 for all of the above named vegetables for processing and grown in Oregon.

Stat. Auth.: ORS 576.051 - 576.595
Stats. Implemented: ORS 576.051 - 576.595
Hist.: PVC 2-1985, f. 7-17-85, ef. 7-22-85; PVC 1-1986, f. 5-30-86, ef. 6-1-86; PVC 2-1987, f. & ef. 6-16-87; PVC 1-1988, f. 4-22-88, cert. ef. 6-1-88; PVC 1-1989, f. 5-4-89, cert. ef. 6-1-89; PVC 1-1990, f. 4-24-90, cert. ef. 6-1-90; PVC 1-1991, f. 5-7-91, cert. ef. 6-1-91; PVC 1-1992, f. 4-15-92, cert. ef. 6-1-92; PVC 1-1993, f. 4-28-93, cert. ef. 6-21-93; PVC 1-1994, f. 4-22-94, cert. ef. 6-21-94; PVC 2-1995, f. 5-24-95, cert. ef. 6-1-95; PVC 1-1996, f. 5-14-96, cert. ef. 6-1-96; PVC 1-1997, f. 5-6-97, cert. ef. 6-1-97; OPVC 1-1998, f. 5-28-98, cert. ef. 6-1-98; OPVC 2-1999, f. 4-26-99, cert. ef. 6-1-99; OPVC 1-2000, f. 5-2-00, cert. ef. 6-1-00; OPVC 2-2001, f. 5-15-01, cert. ef. 6-1-01; OPVC 1-2002, f. 4-26-02, cert. ef. 6-1-02; OPVC 1-2003, f. 5-8-03, cert. ef. 6-1-03; OPVC 2-2004, f. 5-11-04, cert. ef. 6-1-04; OPVC 1-2005, f. 5-13-05, cert. ef. 6-1-05; OPVC 1-2006, f. 5-9-06, cert. ef. 6-1-06; OPVC 1-2007, f. 5-14-07, cert. ef. 6-1-07; OPVC 2-2008, f. 5-2-08, cert. ef. 6-1-08

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.

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

Filed with Sec. of State: 4-18-2008

Certified to be Effective: 4-18-08 thru 10-15-08

Notice Publication Date:

Rules Adopted: 441-505-3045, 441-720-0385, 441-730-0245, 441-850-0040

Subject: These temporary 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 homeowner. 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 Service, 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—(503) 947-7484

441-505-3045

Contents of Foreclosure Notices

The sender of a notice form required by 2008 Or Laws, ch. 19, § 20 must enter in the form and format adopted by this rule:

(1) The statewide telephone contact number for handling consumer queries as 800-SAFENET (800-723-3638)

(2) The telephone number of the Oregon State Bar's Lawyer Referral Service as 503-684-3763;

(3) The Oregon State Bar's Lawyer Referral Service toll-free number as 800-452-7636;

(4) The website address of the Oregon State Bar as <http://www.osbar.org>;

(5) The website address for the organization providing more information and a directory of legal aid programs as <http://www.oregonlawhelp.org>

ADMINISTRATIVE RULES

Stat. Auth.: 2008 OL, ch. 19, § 20
Stat. Implemented: 2008 OL, ch. 19, § 20
Hist.: FCS 2-2008(Temp), f. & cert. ef. 4-18-08 thru 10-15-08

441-720-0385

Contents of Foreclosure Notices

The sender of a notice form required by 2008 Or Laws, ch. 19, § 20 must enter in the form and format adopted by this rule:

(1) The statewide telephone contact number for handling consumer queries as 800-SAFENET (800-723-3638).

(2) The telephone number of the Oregon State Bar's Lawyer Referral Service as 503-684-3763;

(3) The Oregon State Bar's Lawyer Referral Service toll-free number as 800-452-7636;

(4) The website address of the Oregon State Bar as <http://www.osbar.org>;

(5) The website address for the organization providing more information and a directory of legal aid programs as <http://www.oregonlawhelp.org>

Stat. Auth.: 2008 OL, ch. 19, § 20
Stat. Implemented: 2008 OL, ch. 19, § 20
Hist.: FCS 2-2008(Temp), f. & cert. ef. 4-18-08 thru 10-15-08

441-730-0245

Contents of Foreclosure Notices

The sender of a notice form required by 2008 Or Laws, ch. 19, § 20 must enter in the form and format adopted by this rule:

(1) The statewide telephone contact number for handling consumer queries as 800-SAFENET (800-723-3638).

(2) The telephone number of the Oregon State Bar's Lawyer Referral Service as 503-684-3763;

(3) The Oregon State Bar's Lawyer Referral Service toll-free number as 800-452-7636;

(4) The website address of the Oregon State Bar as <http://www.osbar.org>;

(5) The website address for the organization providing more information and a directory of legal aid programs as <http://www.oregonlawhelp.org>

Stat. Auth.: 2008 OL, ch. 19, § 20
Stat. Implemented: 2008 OL, ch. 19, § 20
Hist.: FCS 2-2008(Temp), f. & cert. ef. 4-18-08 thru 10-15-08

441-850-0040

Contents of Foreclosure Notices

The sender of a notice form required by 2008 Or Laws, ch. 19, § 20 must enter in the form and format adopted by this rule:

(1) The statewide telephone contact number for handling consumer queries as 800-SAFENET (800-723-3638)

(2) The telephone number of the Oregon State Bar's Lawyer Referral Service as 503-684-3763;

(3) The Oregon State Bar's Lawyer Referral Service toll-free number as 800-452-7636;

(4) The website address of the Oregon State Bar as <http://www.osbar.org>;

(5) The website address for the organization providing more information and a directory of legal aid programs as <http://www.oregonlawhelp.org>

Stat. Auth.: 2008 OL, ch. 19, § 20
Stat. Implemented: 2008 OL, ch. 19, § 20
Hist.: FCS 2-2008(Temp), f. & cert. ef. 4-18-08 thru 10-15-08

Rule Caption: Mortgage lending deceptive practices, including advertising and transactions with borrowers.

Adm. Order No.: FCS 3-2008

Filed with Sec. of State: 5-2-2008

Certified to be Effective: 5-7-08

Notice Publication Date: 3-1-2008

Rules Adopted: 441-870-0080

Rules Amended: 441-860-0010, 441-870-0030

Subject: Existing language in two rules concerning deceptive advertising practices are moved to a new rule specifically about advertising. Additional deceptive advertising practices are described in this new rule. Failure to disclose relationships with builders or realtors to borrowers is a deceptive practice.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-860-0010

Definitions

As used in OAR chapter 441, divisions 850 to 885, unless the context otherwise requires:

(1) "Advertising" is any distribution of information regarding loan products by or under the direction of a mortgage banker or mortgage broker to members of the public, which may appear:

(a) In newspapers, magazines, leaflets, flyers, catalogs, direct mail literature, or other printed material;

(b) On radio or television;

(c) On an insider or outside sign or display, or a window display;

(d) In a facsimile;

(e) In point-of-sale literature, price tags, signs, and billboards; or

(f) Online, such as on the Internet, or via email.

(2) "At least as prominently disclosing" means displaying in the same or most similar type, size, font, color, and general location in the advertisement as the featured term.

(3) "Branch Office" is a location, separate from the principal place of business of the licensee, where a licensee or persons authorized to act on behalf of a licensee perform the activities described in ORS 59.840(5)(a) and 59.840(7)(a).

(4) "Certified Authority" is an organization certified by the Director to approve or provide, or both, loan originator entry level and continuing education and tests.

(5) "Clients' Trust Account" is the account held in a federally-insured financial institution into which Trust Funds, as defined in OAR 441-875-0010(6), are deposited.

(6) "Employee" is any individual who has an employment relationship, acknowledged by both the employee and the licensee, which meets the following conditions:

(a) The employee receives payment or is paid by the licensee in a manner wherein deductions for Federal Unemployment Tax, Federal Insurance Contributions Act, and other such federal and state taxes have been withheld by the licensee;

(b) The licensee has the right to hire and terminate the employee, and hire and terminate the employee's assistants;

(c) The licensee provides the methods and procedures for performing the employee's services; and

(d) The licensee supervises the employee in the conduct of the employee's business and supervises the employee's compliance with applicable law and rules and the employee may not act in any capacity as an employee or independent contractor for another licensee.

(7) "Engaged in the business of making loans secured by an interest in real estate" is making more than 10 loans secured by an interest in residential real estate in any twelve-month period.

(8) "Independent Accountant" is a certified public accountant (CPA) or public accountant (PA) who holds an Oregon permit pursuant to ORS 673.150 or similar permit or license from another state or province.

(9) "Licensee" is a person that holds a license issued under ORS 59.840 to 59.980 to conduct activity as a mortgage broker or mortgage banker.

(10) "Loan terms" include, but are not limited to:

(a) The provisions related to the payment amounts, expressed either as a percentage or dollar amount;

(b) The length of the loan;

(c) The market or fully indexed rate;

(d) The start rate;

(e) The life cap rate; and

(f) Negative amortization.

(11) "Material Litigation" is any past or pending litigation, which would be relevant to the Director's action on an application for a mortgage broker or mortgage banker license, including but not limited to the following types of litigation:

(a) Any conviction within the previous ten years from the date of the application, of a misdemeanor, an essential element of which is fraud, or for any felony;

(b) Any pending misdemeanor charge, an essential element of which is fraud, or any felony charge;

(c) Any civil action within the previous ten years from the date of the application, including suits filed in civil court, administrative actions, arbitration proceedings, or alternative dispute resolutions, involving allegations of financial misconduct and compensatory damages of \$10,000 or more;

(d) Any pending civil action including suits filed in civil court, administrative actions, arbitration, or alternative dispute resolution, involving allegations of financial misconduct and compensatory damages of \$10,000 or more; and

(e) Any bankruptcy filing or declaration of bankruptcy within the previous ten years from the date of the application.

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(12) "Negotiating a Loan" and "Negotiating Terms of a Loan" are discussions in any manner with a borrower or potential borrower concerning Loan Terms or other costs associated with the loan, or the preparation of any loan application forms.

(13)(a) "Notification Date" is the date the director receives the first initial, renewal, or amended mortgage banker/broker licensee application which lists the loan originator's name. For an existing licensee, the notification to the Director of a person functioning as a loan originator is considered an amended application and establishes the notification date for that loan originator.

(b) For a loan originator not subject to continuing education requirements while employed by an exempt entity, but who was previously the subject of notification to the director as a loan originator, the date of the director's receipt of an initial, renewal or amended application which again lists that loan originator's name is a new Notification Date for that loan originator.

(14) "Principal Place of Business" is that location, designated by the Licensee, where the owners, officers, directors or other control persons conduct the business of the Licensee and maintain the books and records of the Licensee.

(15) "Provider" is a person who has been approved by the Certified Authority to provide entry-level or continuing education and tests, or both, to a loan originator.

Stat. Auth.: ORS 59.900(1)
Stats. Implemented: ORS 59.840, 59.845, 59.935, 59.945, 59.975, 59.977
Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 4-1999, f. & cert. ef. 12-23-99; FCS 10-2001, f. 12-24-01, cert. ef. 1-1-02; FCS 2-2004, f. & cert. ef. 8-5-04; FCS 1-2007, f. & cert. ef. 1-17-07; FCS 3-2008, f. 5-2-08, cert. ef. 5-7-08

441-870-0030

Borrower Transactions

"Manipulative, Deceptive or Fraudulent Device or Contrivance" and "Fraudulent, Deceptive, or Manipulative Act or Practice" include, but are not limited to, the following:

(1) Any representation or guarantee to a customer by a licensee or a person acting on behalf of a licensee that a loan can be secured by a date certain;

(2) Entering into a lock agreement for a specific interest rate or advertising the availability of a lock agreement for a specific interest rate unless:

(a) The agreement or advertisement also specifies the terms of the lock agreement including the length of the lock period and the costs to the borrower associated with the lock agreement; and

(b) The licensee can demonstrate that they have successfully closed loans under lock agreements, which provided for similar interest rates within similar time frames;

(c) For purposes of this rule, a "lock agreement" is defined as an agreement with a borrower made by a licensee, in which the licensee agrees that, for a specified period of time, a specific interest rate or other financing term will be the rate or term at which it will make a loan available to that borrower.

(3) Any representation made to a customer by a licensee or employee of a licensee that interest rates, points, or other financing terms are available at the time the representation was made unless the interest rates, points, or terms are actually available within the time frame represented from:

(a) A lender with whom the licensee maintains a correspondent or loan brokerage agreement;

(b) A person exempt from licensing pursuant to ORS 59.840(7)(b)(A) or (B); or

(c) One or more persons, other than persons enumerated in ORS 59.035(4), provided that the licensee has a written commitment from such persons to fund the mortgage loan at the interest rate, points or other financing term offered to the borrower.

(4) Failing to disclose in writing to a borrower before negotiating loan terms for a mortgage loan that the person, licensee, or loan originator has a verbal or written contract, joint venture agreement or any other type of understanding with a builder or a realtor who is a party to the transaction and that this relationship may result in the borrower getting less favorable loan terms.

(5) Failing to refund within 72 hours of rejecting a loan, the advance fees paid which have not been distributed pursuant to a signed loan agreement or, in the event the loan agreement does not contain provisions for acceptance and distribution of advance fees, pursuant to a fee agreement;

(6) Failing to account, after reasonable notice, to any person whose property secures a loan made by the licensee for any money which that person has paid to the licensee for the payment of third party obligations

including but not limited to, appraisal fees, title search fees, taxes, and insurance premiums;

(7) If a borrower is unable to obtain a loan for any reason, failing to comply within 30 working days to a written request by the borrower made within 90 days of notice that the loan will not be obtained, for copies of any appraisal, title report, or credit report (unless the agreement between the licensee and the credit service prohibits such distribution) paid for by the borrower;

(8) Providing a savings statement to the borrower, unless:

(a) The amount of savings the borrower will realize can be projected with certainty;

(b) The amount of savings actually realized is within \$1000.00 of the amount projected;

(c) The savings statement includes a disclaimer that the actual amount of savings may vary; and

(d) The savings statement shows changing payments over the life of the loan when the loan being offered is an adjustable rate product.

(e) "Savings Statements" are defined as written material given to the consumer which outline how much a consumer may save in interest costs if they make additional payments above the required minimum monthly payment on their proposed or current mortgage.

(9) Requiring or permitting consumers to sign promissory notes and trust deeds prior to:

(a) The loan receiving final written loan approval;

(b) Full disclosure to the consumer of repayment terms; and

(c) The lender having funds available to fund the loan.

(10) Delaying release of loan funds to the borrower, the borrower's approved representative or escrow for more than one business day following recording of the lien.

Stat. Auth.: ORS 59.900

Stats. Implemented: ORS 59.865

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1994, f. 11-4-94, cert. ef. 11-15-94; FCS 4-1999, f. & cert. ef. 12-23-99; FCS 10-2001, f. 12-24-01, cert. ef. 1-1-02; FCS 3-2008, f. 5-2-08, cert. ef. 5-7-08

441-870-0080

Advertising

(1) Advertising containing any of the following is false, misleading or deceptive:

(a) A statement or representation of a specific installment amount in repayment of a loan without as least as prominently disclosing the following information about the loan:

(A) Principal amount;

(B) Annual percentage rate;

(C) Whether the interest rate is fixed or variable, and if variable, the loan terms;

(D) Number, amount and period of payments scheduled to the date of maturity; and

(E) Balance due at maturity (balloon payment) if not fully amortized;

(b) An interest rate without as least as prominently disclosing the annual percentage rate of the note;

(c) A statement or representation that the person can make or negotiate "low doc/no doc", "no income/no asset", "alt doc", "stated income", "stated asset", "no ratio" or similar loan products without at least as prominently disclosing that these products may have a higher interest rate, more points, or more fees than other products that require income documentation;

(d) An interest rate or annual percentage rate expressed in less than three decimal places, provided that ending zeros following the decimal point may be omitted;

(e) An offer to procure, arrange, or otherwise assist a borrower to obtain a mortgage loan on terms which the person cannot, does not intend, or does not want to provide, or which the person knows or should know cannot be reasonably provided;

(f) A statement or representation that all or most borrowers may or will qualify for a loan or that persons with bad credit histories or no credit histories may or will qualify for this loan unless the person can demonstrate that borrowers with bad credit or no credit have been routinely and successfully qualified for loans by that lender;

(g) Any statement or representation that would be in violation of federal Regulation X regarding kickbacks and unearned fees (24 CFR 3500.14), including soliciting referrals with a promise to pay the advertising costs of any settlement provider;

(h) Any statement or representation that would be in violation of federal Regulation Z regarding advertising (12 CFR 226.24);

(i) The phrase "wholesale rates" when the advertising is directed to or accessible by the public;

ADMINISTRATIVE RULES

(j) Any statement or representation about a loan that carries the potential for negative amortization without clearly identifying that potential and without at least as prominently disclosing:

- (A) The market or fully indexed rate;
- (B) The term of the reduced payments;
- (C) The term of the entire loan; and
- (D) The annual percentage rate;

(k) Official looking emblems or logos, such as eagles, crests, or flags, which resemble a format similar to that used by any governmental agency;

(l) Envelopes which resemble an official government mailing, from entities such as the I.R.S., U.S. Treasury, a State Taxing Authority, or other governmental mailer;

(m) Slogans such as "Buy U.S. Savings Bonds" without at least as prominently disclosing that the mailing is an advertisement and not from a government agency;

(n) The name or logo of a financial institution or the holder of an existing loan when the person responsible for the advertisement or named in the advertisement has no association, affiliation or cooperative agreement with the financial institution or holder of the loan, without at least as prominently disclosing that person's name and the following statements:

- (A) "This is an advertisement";
- (B) "This is an offer for a new loan"; and
- (C) "This offer is not related to your existing mortgage lender or holder of your loan".

(o) Terms such as "verified as eligible", "preapproved", "prequalified" or similar words or phrases, without at least as prominently disclosing language that describes prerequisites to qualify for the loan, including, but not limited to, income verification, credit check, and property appraisal or evaluation.

(2) All advertisements a licensee disseminates by any means must contain the licensee's Oregon-issued license number, the licensee's name (or a DBA) that conforms to a name on file with the director.

Stat. Auth.: ORS 59.900, 59.945
Stat. Implemented: ORS 59.865, 59.930, 59.945
Hist.: FCS 3-2008, f. 5-2-08, cert. ef. 5-7-08

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Rule Caption: Adopts content of report of mortgage banker or broker's residential mortgage activity.

Adm. Order No.: FCS 4-2008(Temp)

Filed with Sec. of State: 5-7-2008

Certified to be Effective: 5-7-08 thru 10-31-08

Notice Publication Date:

Rules Adopted: 441-865-0022

Subject: This temporary rule implements Senate Bill 1064, passed in the 2008 supplemental legislative session. This temporary rule specifies what data the department will collect for the initial report on residential mortgage activity. Under this rule, mortgage brokers and mortgage bankers must submit information on the number of loan originators the broker or banker employs. Mortgage brokers and bankers must also report the types of loans made, the purpose of the loans, and the loans' features (e.g., variable interest rates, prepayment penalties, etc.). Mortgage brokers and bankers must submit the initial report by June 30, 2008. The rule applies to residential mortgage activity from January 1, 2007 to December 31, 2007.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-865-0022

Residential Mortgage Lending Reports

Each mortgage banker and mortgage broker licensed during the period of time described in section (18) of this rule must file a report concerning the banker's or broker's business and operations in Oregon related to residential mortgage transactions closed during the period described in section (18) of this rule. The report must include, but need not be limited to, the following information:

- (1) The total number and dollar amount of first-lien mortgage loans.
- (2) The total number and dollar amount of subordinate-lien mortgage loans including, but not limited to, home equity lines of credit.
- (3) The total number and dollar amount of mortgage loans insured or guaranteed by a federal agency.
- (4) The total number and dollar amount of closed mortgage loans not insured or guaranteed by a federal agency and having a fixed periodic payment of principal and interest throughout the mortgage term.
- (5) The total number and dollar amount of interest-only mortgage loans.

(6) The total number and dollar amount of negative amortization mortgage loans.

(7) The total number and dollar amount of adjustable rate mortgage loans.

(8) The total number and dollar amount of loans with a prepayment penalty in the contract at the time of closing.

(9) The total number and dollar amount of mortgage loans closed for the purchase of an owner-occupied residential dwelling.

(10) The total number and dollar amount of mortgage loans closed for the purpose of refinancing an existing mortgage loan.

(11) The total number and dollar amount of loans that were originated based on all of the following factors—

- (a) Income documentation;
- (b) Employment documentation, and;
- (c) Asset documentation.;

(12) The total number and dollar amount of loans that were originated based on one or two of the following factors—

- (a) Income documentation;
- (b) Employment documentation; or
- (c) Asset documentation.

(13) The total number and dollar amount of loans that were not originated based on any of the following factors—

- (a) Income documentation
- (b) Employment documentation; or
- (c) Asset documentation.

(14) The total number and dollar amount of loans with a loan-to-value ratio of 80% or lower made to an individual having a median credit bureau risk score of 620 or above.

(15) The total number and dollar amount of loans with a loan-to-value ratio of 80% or lower made to an individual having a median credit bureau risk score below 620.

(16) The total number and dollar amount of loans with a loan-to-value ratio of greater than 80% made to an individual having a median credit bureau risk score of 620 or above.

(17) The total number and dollar amount of loans with a loan-to-value ratio of greater than 80% made to an individual having a median credit bureau risk score below 620.

(18)(a) Each mortgage banker and mortgage broker must file a report containing the information listed in sections (1) through (17) of this rule on or before August 30, 2008.

(b) Sections (1) through (17) of this rule apply to loans closed between January 1, 2007, to December 31, 2007.

(19) For purposes of this rule—

(a) "Loan-to-value ratio" means the ratio between the amount of a mortgage loan and the value of the property pledged as security, expressed as a percentage.

(b) "Residential mortgage transaction" has the same meaning as ORS 59.840.

Stat. Auth.: 2008 OL Ch. 38, § 1
Stat. Implemented: 2008 OL Ch. 38, § 1
Hist.: FCS 4-2008(Temp), f. & cert. ef. 5-7-08 thru 10-31-08

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Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Rulemaking Relating to Health Insurance and Association Groups.

Adm. Order No.: ID 6-2008

Filed with Sec. of State: 4-18-2008

Certified to be Effective: 4-18-08

Notice Publication Date: 3-1-2008

Rules Adopted: 836-053-0007, 836-053-0081

Rules Amended: 836-053-1400

Subject: This rulemaking implements 2007 legislation that exempts small employer groups covered by association health plans from small employer health insurance requirements and requires DCBS to monitor association health plan data. This rulemaking also establishes compliance procedures for statutory requirements relating to associations and group health insurance coverage.

Rules Coordinator: Sue Munson—(503) 947-7272

ADMINISTRATIVE RULES

836-053-0007

Approval and Certification of Associations, Trusts, Discretionary Groups and MEWAs

(1) An insurer must obtain approval of an association, trust, discretionary group or MEWA when an association, trust, discretionary group or MEWA applies for coverage if the association, trust, discretionary group or MEWA is not an approved group policyholder as defined in ORS 743.522.

(2) An insurer must certify that an association, trust, discretionary group or MEWA continues to meet the requirements of ORS 743.522 when an association, trust, discretionary group or MEWA applies for coverage if the association, trust, discretionary group or MEWA is an approved group policyholder as defined in ORS 743.522.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 743.522

Hist.: ID 8-2007(Temp), f. 10-24-07, cert. ef. 10-25-07 thru 4-18-08; ID 6-2008, f. & cert. ef. 4-18-08

836-053-0081

Association Health Plans; Requirements Regarding Small Employer Group Members

(1) The carrier of an association health plan shall determine whether the plan maintains the 95 percent retention rate required by ORS 743.734(7) not less than once in any 12-month rating period or plan year. The carrier shall report to the Director any association health plan for which the retention rate is less than 95 percent not later than the end of the first quarter following the 12-month rating period or plan year. The carrier of an association health plan shall also provide additional information regarding the association health plan pursuant to ORS 731.296, when requested by the Director.

(2) The carrier of an association health plan shall determine whether the plan maintains the 95 percent rate of retention of member employers of an association health plan required by ORS 743.734(7) according to the following formula, in the following sequence:

(a) By determining the total number of member employers covered by the association health plan on the date one year prior to the plan year anniversary date;

(b) By determining the number of member employers covered by an association health plan on the date one year prior to the determination date that terminated coverage during the year preceding the determination date for a reason stated in ORS 743.734(8);

(c) By subtracting the number determined in subsection (b) of this section from the number determined in subsection (a) of this section;

(d) By determining the number of member employers covered by an association health plan on the date one year prior to the determination date that terminated coverage during the year preceding the determination date for any reason other than those stated in ORS 743.734(8);

(e) By subtracting the number determined in subsection (d) of this section from the number determined in subsection (c) of this section; and

(f) Determining the retention rate by dividing the number determined in subsection (e) of this section by the number determined in subsection (c) of this section.

(3) When an association offers coverage to member employers through two or more association health plans issues by two or more carriers, the association may maintain the 95 percent retention rate required by ORS 743.734(7) either with respect to the association health plan provided by each carrier or with respect to all association health plans offered through the association.

(4) For the purpose of ORS 743.734(7)(b)(A), the initial premium rate requirement is the rate that applies to each small employer member group upon its initial enrollment in the association health plan.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 731.296, 743.734, 743.748

Hist.: ID 8-2007(Temp), f. 10-24-07, cert. ef. 10-25-07 thru 4-18-08; ID 6-2008, f. & cert. ef. 4-18-08

836-053-1400

Format and Instructions for Report Required by ORS 743.748

(1) A carrier shall submit the information required by ORS 743.748 electronically in the format and according to the directions established by the Director of the Department of Consumer and Business Services and made available on the website of the Insurance Division, and according to the provisions of this rule.

(2) The following terms used in ORS 743.748 have the following meanings for the purpose of the information required by ORS 743.748. References in this section to specific schedules and instructions are to schedules and instructions for the NAIC health annual statement blank. The terms are defined as follows:

(a) "Average amount of premiums per member per month" means total earned premiums as reported on the exhibit of premiums, enrollment and utilization divided by the total member months for the required reporting year.

(b) "Carrier's annual report" is the carrier's annual statement submitted as required by ORS 731.574.

(c) "Medical loss ratio" means the total medical claims cost divided by the total premiums earned, both as reported on the exhibit of premiums, enrollment and utilization.

(d) "Percentage change in the average premium per member per month" means the average amount of premiums per member per month for the reporting year less the average premium per member per month for the preceding reporting year divided by the average premium per member per month for the preceding reporting year.

(e) "Total amount of costs for claims" means incurred claims as reported by the carrier on the exhibit of premiums, enrollment and utilization in its annual statement. If the annual statement blank used by a carrier does not include an exhibit of premiums, enrollment and utilization, the carrier shall derive the answer from its records, using the instructions for the exhibit of premiums, enrollment and utilization for reporting the information.

(f) "Total amount of premiums" means earned premium as reported by the carrier on the exhibit of premiums, enrollment and utilization in its annual statement. If the annual statement blank used by a carrier does not include an exhibit of premiums, enrollment and utilization, the carrier shall derive the answer from its records, using the instructions for the exhibit of premiums, enrollment and utilization for reporting the information.

(g) "Total number of members" means total number of members as of December 31 of the reporting year, as reported by the carrier in its annual statement. If the annual statement blank used by a carrier does not include an exhibit of premiums, enrollment and utilization, the carrier shall derive the answer from its records, using the instructions for the exhibit of premiums, enrollment and utilization for reporting the information.

(3) A carrier shall submit the following information by total for all comprehensive hospital and medical products nationwide, for all such products in each Oregon market segment and for the carrier's association health plans as described in ORS 743.734(7):

(a) Number of members.

(b) Number of member months.

(c) Premiums earned.

(d) Medical claims costs.

(e) Medical loss ratio.

(f) Average premium per member per month for the reporting year.

(g) Average premium per member per month for the preceding reporting year.

(h) Percentage change in premium per member per month from the preceding reporting year.

Stat. Auth.: ORS 731.244, 743.748

Stats. Implemented: ORS 743.748

Hist.: ID 7-2006, f. & cert. ef. 4-14-06; ID 8-2007(Temp), f. 10-24-07, cert. ef. 10-25-07 thru 4-18-08; ID 6-2008, f. & cert. ef. 4-18-08

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**Department of Consumer and Business Services,
Oregon Occupational Safety and Health Division
Chapter 437**

Rule Caption: Adopt changes to Personal Protective Equipment (PPE) standard in General Industry, Construction, Agriculture and Maritime.

Adm. Order No.: OSHA 5-2008

Filed with Sec. of State: 5-1-2008

Certified to be Effective: 5-15-08

Notice Publication Date: 4-1-2008

Rules Amended: 437-002-0120, 437-003-0001, 437-004-1005, 437-005-0001, 437-005-0002, 437-005-0003

Subject: Oregon OSHA adopted the Federal OSHA changes as they appear in the November 15, 2007 Federal Register, into Division 2/I, Personal Protective Equipment, Division 3/E, Personal Protective and Life Saving Equipment, and Division 5, Maritime Activities. The changes codify and clarify the employers' responsibility to provide and pay for the protective equipment that is necessary for employees to perform their jobs safely.

In addition to the Federal OSHA changes, Oregon OSHA proposes to replace the existing language in Division 4/I, Protective Equip-

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ment, with language comparable to the new Federal OSHA language for clarity.

Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0120

Adoption by Reference

In addition to and not in lieu of any other health and safety codes contained in OAR Chapter 437, the Department adopts by reference the following federal rules as printed in the **Code of Federal Regulations, 29 CFR 1910**, revised as of 7/1/03, and any subsequent amendments published in the Federal Register and listed below:

(1) 29 CFR 1910.132 General requirements, published 6/27/74, Federal Register, vol. 39, p. 23502; amended 6/30/93, FR vol. 58, no. 124, p. 35306; 4/6/94, FR vol. 59, no. 66, p. 16360; amended with AO 12-2001, Oregon note added, f. and ef. 10/26/01; 11/15/07, FR vol. 72, no. 220, p. 64342.

(2) 29 CFR 1910.133 Eye and face protection, published 6/27/74, Federal Register, vol. 39, p. 23502; 4/6/94, FR vol. 59, no. 66, p. 16360; 3/7/96, FR vol. 61, no. 46, p. 9236; 5/2/96, FR vol. 61, p. 19547.

(3) 29 CFR 1910.134 Respiratory protection, published 1/8/98, Federal Register, vol. 63, no. 5, p. 1270; 4/23/98, FR vol. 63, no. 78, p. 20098; 8/4/04, FR vol. 69, p. 46986; 4/3/06, FR vol. 71, no. 63, p. 16669; 8/24/06, FR vol. 71, no. 164, p. 50122.

(4) 29 CFR 1910.135 Occupational head protection, published 4/6/94, Federal Register, vol. 59, no. 66, p. 16362; 3/7/96, FR vol. 61, no. 46, p. 9238; 5/2/96, FR vol. 61, p. 19547.

(5) 29 CFR 1910.136 Occupational foot protection, published 4/6/94, Federal Register, vol. 59, no. 66, p. 16362; 3/7/96, FR vol. 61, no. 46, p. 9238; 5/2/96, FR vol. 61, p. 19547; 5/9/96; FR vol. 61, p. 21228.

(6) 29 CFR 1910.137 Electrical protective equipment, published 6/27/74, Federal Register, vol. 39, p. 23502; amended 1/31/94, FR vol. 59, no. 20, pp. 4435-7.

(7) 29 CFR 1910.138 Hand Protection, published 4/6/94, Federal Register, vol. 59, no. 66, p. 16362.

(8) 29 CFR 1910.139 Respiratory protection for M. tuberculosis, published 6/27/74, Federal Register, vol. 39, p. 23502; amended 10/24/78, FR vol. 43, p. 49748; 2/10/84, FR vol. 49, p. 5322; 4/30/84, FR vol. 49, p. 18295; 6/30/93, FR vol. 58, no. 124, p. 35309; 1/8/98, FR vol. 63, no. 5, p. 1270. Removed, 12/3/03, FR vol. 68, p. 75776-75780 (OR-OSHA Admin. Order 1-2004, f. 3/26/04, ef. 7/1/04).

(9) Appendices. Appendix A — References for further information (nonmandatory). Appendix B — Nonmandatory compliance guidelines for hazard assessment and personal protective equipment selection.

NOTE: These standards are available from the Oregon Occupational Safety and Health Division (OR-OSHA), Department of Consumer and Business Services; and the **United States Government Printing Office.**

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

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

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 9-1993, f. 7-29-93, cert. ef. 9-15-93; OSHA 3-1994, f. & cert. ef. 8-1-94; OSHA 3-1997, f. & cert. ef. 3-28-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 1-2004, f. 3-26-04, cert. ef. 7-1-04; OSHA 5-2004, f. & cert. ef. 11-19-04; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08

437-003-0001

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal rules as printed in the **Code of Federal Regulations, 29 CFR 1926**, revised as of 7/1/99, and any subsequent amendments published in the Federal Register as listed below:

(1) Subdivision A — GENERAL:

(a) 29 CFR 1926.1 Purpose and Scope, published 2/9/79, Federal Register (FR), vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.2 Variances from safety and health standards, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.3 Inspections — right of entry, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(2) Subdivision B — GENERAL INTERPRETATIONS:

(a) 29 CFR 1926.10 Scope of subpart, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.11 Coverage under section 103 of the act distinguished, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.12 Reorganization plan No. 14 of 1950, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.13 Interpretation of statutory terms, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.14 Federal contracts for 'mixed' types of performance, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.15 Relationship to the service contract act; Walsh-Healey Public Contracts Act, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.16 Rules of construction, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(3) Subdivision C — GENERAL SAFETY AND HEALTH PROVISIONS

(a) 29 CFR 1926.20 General safety and health provisions, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.21 Safety training and education, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.22 Recording and reporting of injuries (Reserved)

(d) 29 CFR 1926.23 First aid and medical attention, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.24 Fire protection and prevention, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.25 Housekeeping, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.26 Illumination, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.27 Sanitation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.28 Personal protective equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(j) 29 CFR 1926.29 Acceptable certifications, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(k) 29 CFR 1926.30 Shipbuilding and ship repairing, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9249.

(l) 29 CFR 1926.31 Incorporation by reference, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9249; 6/18/98, FR vol. 63, no. 117, p. 33468.

(m) 29 CFR 1926.32 Definitions, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35078.

(n) 29 CFR 1926.33 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, no. 46, p. 31427.

(o) 29 CFR 1926.34 Means of egress, published 6/30/93, Federal Register, vol. 58, no. 124, p. 35083.

(4) Subdivision D — OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS:

(a) 29 CFR 1926.50 Medical services and first aid, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/18/98, FR vol. 63, no. 117, p. 33469.

(b) 29 CFR 1926.51 Sanitation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35084.

(c) 29 CFR 1926.52 Occupational noise exposure, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.53 Ionizing radiation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.54 Nonionizing radiation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.55 Gases, vapors, fumes, dusts, and mists, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 10/17/86, FR vol. 51, p. 37007; 12/4/87, FR vol. 52, p. 46312; 11/4/96, FR vol. 61, no. 214, p. 56856; 1/10/97, FR vol. 62, no. 7, p. 1619.

(g) 29 CFR 1926.56 Illumination, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.57 Ventilation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35099; 3/7/96, FR vol. 61, no. 46, p. 9250; 1/8/98, FR vol. 63, no. 5, p. 1295.

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(i) 29 CFR 1926.58 Reserved, §1926.58, Asbestos, tremolite, anthophyllite and actinolite is redesignated as §1926.1101, Asbestos, and §1926.58 is reserved (8/10/94, FR vol. 59, no. 153, pp. 41131-62).

(j) 29 CFR 1926.59 Hazard Communication, published 8/24/87, FR vol. 52, p. 31852; amended 12/4/87, FR vol. 52, 46075; 4/27/88, FR vol. 53, no. 81, pp. 15033-15035; stay lifted on 2/17/89, FR vol. 54, p. 6886; 2/9/94, FR vol. 59, no. 27, pp. 6126-6184; 4/13/94, FR vol. 59, no. 71, pp. 17478-17479; 12/22/94, FR vol. 59, no. 245, p. 65947; 6/20/96, FR vol. 61, p. 31427.

(k) 29 CFR 1926.60 Methylenedianiline (MDA), published 8/10/92, FR vol. 57, no. 154, pp. 35681-35695; 6/20/96, FR vol. 61, p. 31427; 1/8/98, FR vol. 63, no. 5, p. 1296; 12/6/04, FR vol. 69, p. 70373; 1/5/05, FR vol. 69, p. 1111; 4/3/06, FR vol. 71, no. 63, p. 16669; 8/24/06, FR vol. 71, no. 164, p. 50122.

(l) 29 CFR 1926.61 Retention of DOT markings, placards and labels, published 7/19/94, FR vol. 59, no. 137, pp. 36700; 6/20/96, FR vol. 61, p. 31427.

(m) 29 CFR 1926.62 Lead, published 5/4/93, FR vol. 58, no. 84, pp. 26626-26649; 1/8/98, FR vol. 63, no. 5, p. 1296; 1/5/05, FR vol. 69, p. 1111; 4/3/06, FR vol. 71, no. 63, p. 16669.

NOTE: Cadmium has been redesignated as §1926.1127.

(n) 29 CFR 1926.65 Hazardous Waste Operations and Emergency Response

NOTE: Division 2/H, 1910.120, Hazardous Waste Operations and Emergency Response, applies to Construction.

(5) Subdivision E — PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT:

(a) 29 CFR 1926.95 Criteria for personal protective equipment, published 6/30/93, Federal Register, vol. 58, p. 35152; 11/15/07, FR vol. 72, no. 220, p. 64342.

(b) 29 CFR 1926.100 Head protection, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.101 Hearing protection, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.102 Eye and face protection, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35160.

(e) 29 CFR 1926.103 Respiratory protection, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 1/8/98, FR vol. 63, no. 5, p. 1297.

NOTE: 29 CFR 1926.104 Removed, 8/9/94, FR vol. 59, no. 152, p. 40729.

(f) 29 CFR 1926.105 Reserved, 8/9/94, FR vol. 59, no. 152, p. 40729.

(g) 29 CFR 1926.106 Working over or near water, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.107 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 8/9/94, FR vol. 59, no. 152, p. 40729.

(6) Subdivision F — FIRE PROTECTION AND PREVENTION

(a) 29 CFR 1926.150 Fire protection, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.151 Fire prevention, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, p. 25318.

(c) 29 CFR 1926.152 Flammable and combustible liquids, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/18/98, FR vol. 63, no. 117, p. 33469; 6/30/93, FR vol. 58, no. 124, p. 35162.

(d) 29 CFR 1926.153 Liquefied petroleum gas (LP-Gas), published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35170.

(e) 29 CFR 1926.154 Temporary heating devices, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.155 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(7) Subdivision G — SIGNS, SIGNALS, AND BARRICADES:

(a) 29 CFR 1926.200 Accident prevention signs and tags, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35173; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(b) 29 CFR 1926.201 Signaling, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(c) 29 CFR 1926.202 Barricades, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(d) 29 CFR 1926.203 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(8) Subdivision H — MATERIALS HANDLING, STORAGE, USE AND DISPOSAL:

(a) 29 CFR 1926.250 General requirements for storage, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 8/9/94, FR vol. 59, no. 152, p. 40729; 6/30/93, FR vol. 58, no. 124, p. 35173.

(b) 29 CFR 1926.251 Rigging equipment for material handling, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35173.

(c) 29 CFR 1926.252 Disposal of waste materials, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(9) Subdivision I — TOOLS — HAND AND POWER:

(a) 29 CFR 1926.300 General requirements, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35076; 3/7/96, FR vol. 61, no. 46, p. 9250.

(b) 29 CFR 1926.301 Hand tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.302 Power operated hand tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35175.

(d) 29 CFR 1926.303 Abrasive wheels and tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35175.

(e) 29 CFR 1926.304 Woodworking tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9251.

(f) 29 CFR 1926.305 Jacks — lever and ratchet, screw, and hydraulic, published Federal Register vol. 58, no. 124, p. 35176.

(10) Subdivision J — WELDING AND CUTTING:

(a) 29 CFR 1926.350 Gas welding and cutting, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35179.

(b) 29 CFR 1926.351 Arc welding and cutting, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, p. 25318.

(c) 29 CFR 1926.352 Fire prevention, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.353 Ventilation and protection in welding, cutting, and heating, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35179.

(e) 29 CFR 1926.354 Welding, cutting, and heating in way of preservative coatings, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(11) Subdivision K — ELECTRICAL:

(a) 29 CFR 1926.400 Introduction, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(b) 29 CFR 1926.401 (Reserved)

(c) 29 CFR 1926.402 Applicability, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(d) 29 CFR 1926.403 General requirements, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(e) 29 CFR 1926.404 Wiring design and protection, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; amended with AO 5-2002, repeal (b)(1), f. 6/28/02, ef. 10/1/03.

(f) 29 CFR 1926.405 Wiring methods, components, and equipment for general use, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(g) 29 CFR 1926.406 Specific purpose equipment and installations, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(h) 29 CFR 1926.407 Hazardous (classified) locations, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(i) 29 CFR 1926.408 Special systems, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(j) 29 CFR 1926.409 (Reserved).

(k) 29 CFR 1926.415 (Reserved).

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(l) 29 CFR 1926.416 General requirements, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; 6/30/93, FR vol. 58, no. 124, p. 35179; 3/7/96, FR vol. 61, no. 46, p. 9251; 8/12/96, FR vol. 61, no. 156, p. 41738.

(m) 29 CFR 1926.417 Lockout and tagging of circuits, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; 6/30/93, FR vol. 58, no. 124, p. 35181; 3/7/96, FR vol. 61, no. 46, p. 9251; 8/12/96, FR vol. 61, no. 156, p. 41739.

(n) 29 CFR 1926.418 (Reserved).

(o) 29 CFR 1926.430 (Reserved).

(p) 29 CFR 1926.431 Maintenance of equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(q) 29 CFR 1926.432 Environmental deterioration of equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(r) 29 CFR 1926.443 — 29 CFR 1926.440 (Reserved).

(s) 29 CFR 1926.441 Battery locations and battery charging, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(t) 29 CFR 1926.442 — 29 CFR 1926.448 (Reserved).

(u) 29 CFR 1926.449 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(12) Subdivision L — SCAFFOLDING:

(a) 29 CFR 1926.450 Scope, application and definitions applicable to this subpart, published 8/30/96, FR vol. 61, no. 170, p. 46104.

(b) 29 CFR 1926.451 General requirements, published 8/30/96, FR vol. 61, no. 170, p. 46107; 11/25/96, FR vol. 61, no. 228, p. 59831.

(c) 29 CFR 1926.452 Additional requirements applicable to specific types of scaffolds, published 8/30/96, FR vol. 61, no. 170, p. 46113.

(d) 29 CFR 1926.453 Aerial lifts, published 8/30/96, FR vol. 61, no. 170, p. 46116; 11/25/96, FR vol. 61, no. 228, p. 59832.

(e) 29 CFR 1926.454 Training, published 8/30/96, FR vol. 61, no. 170, p. 46117.

(f) Appendix A to Subpart L Scaffold Specifications, published 8/30/96, FR vol. 61, no. 170, p. 46117.

(g) Appendix B to Subpart L Criteria for determining the feasibility of providing safe access and fall protection for scaffold erectors and dismantlers (Reserved), published 8/30/96, FR vol. 61, no. 170, p. 46122.

(h) Appendix C to Subpart L List of National Consensus Standards, published 8/30/96, FR vol. 61, no. 170, p. 46122.

(i) Appendix D to Subpart L List of training topics for scaffold erectors and dismantlers, published 8/30/96, FR vol. 61, no. 170, p. 46122.

(j) Appendix E to Subpart L Drawing and illustrations, published 8/30/96, FR vol. 61, no. 170, p. 46122; 11/25/96, FR vol. 61, no. 228, p. 59832.

(13) Subdivision M — FALL PROTECTION:

(a) 29 CFR 1926.500 Scope, application, and definitions applicable to this subpart. Amended 8/9/94, FR vol. 59, no. 152, p. 40730-40731; 1/18/01, FR vol. 66, no. 12, p. 5265; 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02.

(b) 29 CFR 1926.501 Duty to have fall protection. Amended 8/9/94, FR vol. 59, no. 152, p. 40732-40733; amended 2/5/01 (Oregon Exceptions); amended with AO 6-2002, f. and ef. 7/19/02.

(c) 29 CFR 1926.502 Fall protection systems criteria and practices. Amended 8/9/94, FR vol. 59, no. 152, p. 40733-40738; amended with AO 6-2002, f. and ef. 7/19/02.

(d) 29 CFR 1926.503 Training requirements. Amended 8/9/94, FR vol. 59, no. 152, p. 40738; REPEALED with AO 6-2002, f. and ef. 7/19/02, replaced with OI.

(e) Appendix A to Subpart M Determining Roof Widths, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; amended 8/9/94, FR vol. 59, no. 152, p. 40738-40742.

(f) Appendix B to Subpart M Guardrail Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743.

(g) Appendix C to Subpart M Personal Fall Arrest Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743-40746.

(h) Appendix D to Subpart M Positioning Device Systems, published 8/9/94, FR vol. 59, no. 152, p. 40746.

(14) Subdivision N — CRANES, DERRICKS, HOISTS, ELEVATORS, AND CONVEYORS

(a) 29 CFR 1926.550 Cranes and derricks, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 4/6/82,

FR vol. 47, p. 14706; 8/2/88, FR vol. 53, p. 29139; 4/18/89, FR vol. 54, no. 73, p. 15405; 8/9/94, FR vol. 59, no. 152, p. 40730; 6/30/93, FR vol. 58, no. 124, p. 35183.

(b) 29 CFR 1926.551 Helicopters, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.552 Material hoists, personnel hoists, and elevators, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.553 Base-mounted drum hoist, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.554 Overhead hoists, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.555 Conveyors, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(15) Subdivision O — MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS

(a) 29 CFR 1926.600 Equipment, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35183.

(b) 29 CFR 1926.601 Motor vehicles, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; REPEALED by OR-OSHA Admin. Order 6-2007, f. 9/26/07, ef. 9/26/07.

(c) 29 CFR 1926.602 Material handling equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35183; 12/1/98, FR vol. 63, no. 230, p. 66274; amended by AO 7-2003, f. 12/5/03, ef. 12/5/03.

(d) 29 CFR 1926.603 Pile driving equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.604 Site clearing, published 6/24/74, FR vol. 39, p. 22801; amended 7/22/77, FR vol. 42, p. 37674.

(f) 29 CFR 1926.605 Marine operations and equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.606 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(16) Subdivision P — EXCAVATIONS:

(a) 29 CFR 1926.650 Scope, application, and definitions applicable to this subdivision, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 10/31/89, FR vol. 54, no. 209, pp. 45959-45961.

(b) 29 CFR 1926.651 General requirements, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 10/31/89, FR vol. 54, no. 209, pp. 45960-45961; 8/9/94, FR vol. 59, no. 152, p. 40730.

(c) 29 CFR 1926.652 Requirements for protective systems, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 10/31/89, FR vol. 54, no. 209, pp. 45961-45962.

(d) Appendices A-F to Subdivision P, Excavations, published 10/31/89, FR vol. 54, no. 209, pp. 45962-45991.

(17) Subdivision Q — CONCRETE AND MASONRY CONSTRUCTION

(a) 29 CFR 1926.700 Scope, application and definitions applicable to this subpart, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/16/88, FR vol. 53, p. 22612; 10/18/90, FR vol. 55, no. 202, p. 42326.

(b) 29 CFR 1926.701 General requirements, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/16/88, FR vol. 53, p. 22612; 8/9/94, FR vol. 59, no. 152, p. 40730.

(c) 29 CFR 1926.702 Requirements for equipment and tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/16/88, FR vol. 53, p. 22612.

(d) 29 CFR 1926.703 Requirements for cast-in-place concrete, published 6/16/88, FR vol. 53, p. 22612.

(e) 29 CFR 1926.704 Requirements for precast concrete, published 6/16/88, FR vol. 53, p. 22612; amended 10/5/89, FR vol. 54, no. 192, p. 41088.

(f) 29 CFR 1926.705 Requirements for lift-slab construction operations, published 6/16/88, FR vol. 53, p. 22612; amended 10/18/90, FR vol. 55, no. 202, p. 42326.

(g) Appendix A to 1926.705 Lift-slab operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.

(h) 29 CFR 1926.706 Requirements for masonry construction, published 6/16/88, FR vol. 53, p. 22612; amended with OR-OSHA Admin. Order 1-2003, f. 1/30/03, ef. 4/30/03.

(18) Subdivision R — STEEL ERECTION

(a) 29 CFR 1926.750 Scope, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

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- (b) 29 CFR 1926.751 Definitions, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (c) 29 CFR 1926.752 Site layout, site-specific erection plan and construction sequence, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (d) 29 CFR 1926.753 Hoisting and rigging, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (e) 29 CFR 1926.754 Structural steel assembly, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04; amended 1/18/06, FR vol. 71, no. 11, p. 2879; 4/3/06, FR vol. 71, no. 63, p. 16669.
- (f) 29 CFR 1926.755 Column anchorage, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (g) 29 CFR 1926.756 Beams and columns, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (h) 29 CFR 1926.757 Open web steel joists, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (i) 29 CFR 1926.758 Systems-engineered metal buildings, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (j) 29 CFR 1926.759 Falling object protection, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (k) 29 CFR 1926.760 Fall protection, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (l) 29 CFR 1926.761 Training, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (m) Appendix A to Subpart R Guidelines for establishing the components of a site-specific erection plan: Nonmandatory Guidelines for Complying with §1926.752(e), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (n) Appendix B to Subpart R Reserved.
- (o) Appendix C to Subpart R Illustrations of bridging terminus points: Nonmandatory Guidelines for Complying with §1926.757(a)(10) and §1926.757(c)(5), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (p) Appendix D to Subpart R Illustration of the use of control lines to demarcate controlled decking zones (CDZs): Nonmandatory Guidelines for Complying with §1926.760(c)(3), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (q) Appendix E to Subpart R Training: Nonmandatory Guidelines for Complying with §1926.761, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (r) Appendix F to Subpart R Perimeter columns: Nonmandatory Guidelines for Complying with §1926.756(e) to Protect the Unprotected Side or Edge of a Walking/Working Surface, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (s) Appendix G to Subpart R Fall protection systems criteria and practices from §1926.502: Nonmandatory Guidelines for Complying with Complying with §1926.760(d), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (t) Appendix H to Subpart R Double connections: Illustration of a clipped end connection and a staggered connection: Non-Mandatory Guidelines for Complying with Complying with §1926.756(c)(1), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.
- (19) Subdivision S — UNDERGROUND CONSTRUCTION, CAISSONS, COFFERDAMS, AND COMPRESSED AIR
- (a) 29 CFR 1926.800 Tunnels and shafts, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940. Underground Construction, published 6/2/89, FR vol. 54, no. 105, p. 23824; 1/8/98, FR vol. 63, no. 5, p. 1297; 4/3/06, FR vol. 71, no. 63, p. 16669.
- (b) 29 CFR 1926.801 Caissons, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.802 Cofferdams, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.803 Compressed air, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, p. 25318.
- (e) 29 CFR 1926.804 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (f) Appendix A to Subpart S Decompression Tables, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (20) Subdivision T — DEMOLITION
- (a) 29 CFR 1926.850 Preparatory operations, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.851 Stairs, passageways, and ladders, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.852 Chutes, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.853 Removal of materials through floor openings, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.854 Removal of walls, masonry sections, and chimneys, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.855 Manual removal of floors, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.856 Removal of walls, floors, and materials with equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (h) 29 CFR 1926.857 Storage, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.858 Removal of steel construction, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (j) 29 CFR 1926.859 Mechanical demolition, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.860 Selective demolition by explosives, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (21) Subdivision U — BLASTING AND USE OF EXPLOSIVES
- (a) 29 CFR 1926.900 General provisions, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.901 Blaster qualifications, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.902 Surface transportation of explosives, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35311.
- (d) 29 CFR 1926.903 Underground transportation of explosives, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.904 Storage of explosives and blasting agents, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35311.
- (f) 29 CFR 1926.905 Loading of explosives or blasting agents, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35184.
- (g) 29 CFR 1926.906 Initiation of explosive charges — electric blasting, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/18/98, FR vol. 63, no. 117, p. 33469.
- (h) 29 CFR 1926.907 Use of safety fuse, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.908 Use of detonating cord, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (j) 29 CFR 1926.909 Firing the blast, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.910 Inspection after blasting, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (l) 29 CFR 1926.911 Misfires, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.
- (m) 29 CFR 1926.912 Underwater blasting, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

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(n) 29 CFR 1926.913 Blasting in excavation work under compressed air, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(o) 29 CFR 1926.914 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35184, 35311.

(22) Subdivision V — POWER TRANSMISSION AND DISTRIBUTION

(a) 29 CFR 1926.950 General requirements, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.951 Tools and protective equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 8/9/94, FR vol. 59, no. 152, p. 40730.

(c) 29 CFR 1926.952 Mechanical equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.953 Material handling, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.954 Grounding for protection of employees, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.955 Overhead lines, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.956 Underground lines, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.957 Construction in energized substations, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.958 External load helicopters, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(j) 29 CFR 1926.959 Lineman's body belts, safety straps, and lanyards, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(k) 29 CFR 1926.960 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(23) Subdivision W — ROLLOVER PROTECTIVE STRUCTURES: OVERHEAD PROTECTION

(a) 29 CFR 1926.1000 Rollover protective structures (ROPS) for material handling equipment, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.1001 Minimum performance criteria for rollover protective structure for designated scrapers, loaders, dozers, graders, and crawler tractors, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9251; 12/29/05, FR vol. 70, no. 249, p. 76979; 2/28/06, FR vol. 71, no. 39, p. 9909; 7/20/06, FR vol. 71, no. 139, p. 41127..

(d) 29 CFR 1926.1003 Overhead protection for operators of agricultural and industrial tractors, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9251; 12/29/05, FR vol. 70, no. 249, p. 76979; 2/28/06, FR vol. 71, no. 39, p. 9909.

(24) Subdivision X — STAIRWAYS AND LADDERS

(a) 29 CFR 1926.1050 Scope, application and definitions applicable to this Subdivision, published 11/14/90, Federal Register, vol. 55, no. 220, p. 47687; amended 1/23/91, FR vol. 56, no. 15, p. 2585; 6/30/93, FR vol. 58, no. 124, p. 35184.

(b) 29 CFR 1926.1051 General requirements, published 11/14/90, FR vol. 55, no. 220, p. 47688.

(c) 29 CFR 1926.1052 Stairways, published 11/14/90, FR vol. 55, no. 220, p. 47688; amended 1/23/91, FR vol. 56, no. 15, p. 2585; 2/7/91, FR vol. 56, no. 26, p. 5061; 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.

(d) 29 CFR 1926.1053 Ladders, published 11/14/90, FR vol. 55, no. 220, p. 47689; amended 1/23/91, FR vol. 56, no. 15, p. 2585; 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.

(e) 29 CFR 1926.1054 (Reserved);

(f) 29 CFR 1926.1055 (Reserved);

(g) 29 CFR 1926.1056 (Reserved);

(h) 29 CFR 1926.1057 (Reserved);

(i) 29 CFR 1926.1058 (Reserved);

(j) 29 CFR 1926.1059 (Reserved).

(k) 29 CFR 1926.1060 Training requirements, published 11/14/90, FR vol. 55, no. 220, p. 47691.

(25) Subdivision Z — TOXIC AND HAZARDOUS SUBSTANCES

(a) 29 CFR 1926.1101 Asbestos, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/20/86, FR vol. 51, p. 22612; 10/17/86, FR vol. 52, p. 17756; 7/20/88, FR vol. 53, no. 138, p. 27346; 9/14/88, FR vol. 53, p. 35627; 9/23/88, FR vol. 53, no. 185, p. 37080; 7/21/89, FR vol. 54, no. 139, p. 30705, 12/20/89, FR vol. 54, no. 243, pp. 52027-52028; 2/5/90, FR vol. 55, no. 24, p. 3792; 12/10/90, FR vol. 55, no. 237, pp. 50685-50687; 9/4/91, FR vol. 56, no. 171, pp. 43699-43700; 3/5/92, FR vol. 57, no. 44, p. 7878; 6/8/92, FR vol. 57, no. 110, pp. 24330-1; 6/30/92, FR vol. 57, no. 126, p. 29119; 8/10/94, FR vol. 59, no. 153, pp. 41131-62; 6/29/95, FR vol. 60, no. 125, pp. 33983-34002; 7/13/95, FR vol. 60, p. 36043; 9/29/95, FR vol. 60, p. 50411; 8/23/96, FR vol. 61, no. 165, p. 43454; 1/8/98, FR vol. 63, no. 5, p. 1298; 4/23/98, FR vol. 63, no. 78, p. 20099; 6/29/98, FR vol. 63, no. 124, p. 35137; 1/5/05, FR vol. 69, p. 1111; 4/3/06, FR vol. 71, no. 63, p. 16669; 8/24/06, FR vol. 71, no. 164, p. 50122.

(b) 29 CFR 1926.1126 Chromium (VI), published 2/28/06, Federal Register, vol. 71, no. 39, p. 10100; 6/23/06, FR vol. 71, no. 121, p. 36008.

(c) 29 CFR 1926.1127 Cadmium, published 9/14/92, FR vol. 57, no. 178, pp. 42453-42463; amended 4/23/93, FR vol. 58, no. 77, p. 21778; 1/3/94, FR vol. 59, no. 1, p. 215; 6/20/96, FR vol. 61, p. 31427; 1/8/98, FR vol. 63, no. 5, p. 1298; 1/5/05, FR vol. 69, p. 1111; 4/3/06, FR vol. 71, no. 63, p. 16669; 8/24/06, FR vol. 71, no. 164, p. 50122.

(d) 29 CFR 1926.1152 Methylene Chloride, published 1/10/97, Federal Register, vol. 62, no. 7, p. 1619; 10/20/97, FR vol. 62, p. 54382; 12/18/97, FR vol. 62, no. 243, p. 66275.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001-654.295

Hist.: APD 5-1989(Temp), f. 3-31-89, ef. 5-1-89; APD 8-1989, f. & ef. 7-7-89; APD 14-1989(Temp), f. 7-20-89, ef. 8-1-89; APD 15-1989, f. & ef. 9-13-89; OSHA 3-1990(Temp), f. & cert. ef. 1-19-90; OSHA 7-1990, f. & cert. ef. 3-2-90; OSHA 8-1990, f. & cert. ef. 3-30-90; OSHA 13-1990(Temp), f. 6-28-90, ef. 8-1-90; OSHA 19-1990, f. & cert. ef. 8-31-90; OSHA 27-1990, f. 12-12-90, cert. ef. 2-1-91; OSHA 6-1991, f. 3-18-91, cert. ef. 4-15-91; OSHA 7-1991, f. & cert. ef. 4-25-91; OSHA 15-1991, f. & cert. ef. 12-13-91; OSHA 16-1991, f. 12-16-91, cert. ef. 1-1-92; OSHA 6-1992, f. & cert. ef. 5-18-92; OSHA 11-1992, f. & cert. ef. 10-9-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 16-1993, f. & cert. ef. 11-1-93; OSHA 4-1994, f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 3-1995, f. & cert. ef. 2-22-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 6-1995, f. & cert. ef. 4-18-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 5-1996, f. & cert. ef. 11-29-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 2-1997, f. & cert. ef. 3-12-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 7-1997, f. & cert. ef. 9-15-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 6-1998, f. & cert. ef. 10-15-98; OSHA 7-1998, f. & cert. ef. 12-18-98; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 3-2000, f. & cert. ef. 2-8-00; OSHA 3-2001, f. & cert. ef. 2-5-01; OSHA 3-2002, f. 4-15-02, cert. ef. 4-18-02; OSHA 5-2002, f. 6-28-02 cert. ef. 10-1-03; OSHA 6-2002, f. & cert. ef. 7-19-02; OSHA 1-2003, f. 1-30-03 cert. ef. 4-30-03; OSHA 2-2003, f. & cert. ef. 1-30-03; OSHA 7-2003, f. & cert. ef. 12-5-03; OSHA 8-2003, f. 12-30-03 cert. ef. 1-1-04; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 2-2006, f. & cert. ef. 4-28-06; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 5-2006, f. 8-7-06, cert. ef. 1-1-07; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 6-2007, f. & cert. ef. 9-26-07; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08

437-004-1005

General Requirements

(1) Definitions. Contaminant — Any substance that causes or can cause physical harm to a person by contact with or entry into the body. Lanyard — A flexible line connected at one end to a body belt or harness and at the other end to an anchorage. Lifeline — A flexible line engineered to serve as an anchorage for personal fall arrest or fall restraint systems. Personal Fall Arrest System — a system that limits a person's fall to between 2 and 6 feet and prevents contact with a lower surface or obstacle. Personal Fall Prevention/Fall Restraint System — a system that prevents a person from falling more than 2 feet. This includes positioning systems. Personal protective equipment — Anything worn or used for protecting a person from personal injury or illness. Safety belt — A strap around a person's waist for attachment to a personal fall restraint system.

(2) Payment for protective equipment.

(a) Except as in paragraphs (b) through (e), employers must provide, at no cost to the employee, all protective equipment, including personal protective equipment (PPE). For purposes of this rule, employees of labor contractors, labor leasing companies and temporary labor providers are the employees of the using employer. The using employer must supply PPE in compliance with this rule.

(b) Employers do not have to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, if the employer allows employees to wear the items off the job site.

(c) When employers provide metatarsal guards and allow the employee, to use shoes or boots with built-in metatarsal protection, employers do not have to reimburse the employee for the shoes or boots.

(d) Employers do not have to pay for:

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(A) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(B) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(e) Employers must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(f) Where an employee provides their own adequate protective equipment the employer does not have to reimburse the employee for that equipment. (Also see paragraph (3))

This paragraph (2) is adopted on May 1, 2008. Employers must implement the PPE payment requirements no later than the effective date May 15, 2008.

Note: When another OR-OSHA standard specifies whether or not the employer must pay for specific equipment, that standard applies over this one.

(3) Employees' equipment. If employees provide their own protective equipment, the employer is responsible for assuring that it meets OR-OSHA standards and is right for the job and hazards. The employer also must assure that it is clean and in good repair.

(4) Storage. When not in use, store personal protective equipment so that it will be clean and ready for use.

(5) Bad equipment. Do not allow workers to use defective or damaged personal protective equipment.

(6) Skin. Where needed, provide and require the use of protective coverings, aprons, ointments, gloves or other effective protection to employees exposed to materials that are hazardous to their skin.

(7) Follow instruction. Wear and use personal protective equipment according to the manufacturer's instructions.

(8) Watches and jewelry. Employees working where they might contact moving parts of powered machinery or live parts of electrical equipment, must not wear rings, watches, earrings, bracelets or other things that could cause a hazard.

(9) Try controls first. Contain or eliminate hazards at the source by administrative or engineering controls. Employees must use personal protective equipment where this is not feasible or where there are still hazards.

(10) Universal requirements. Personal protective equipment must meet these requirements:

(a) Provide adequate protection against the particular hazards for which it is used.

(b) Fit securely and not interfere with the movements of the wearer.

(c) Employees can clean or disinfect it.

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08

437-005-0001

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal rules as printed in the **Code of Federal Regulations, 29 CFR 1915, revised as of 7/1/03**, and any subsequent amendments published in the Federal Register as listed below:

(1) Subdivision A:

(a) 29 CFR 1915.1. Purpose and authority, published 4/20/82, Federal Register (FR) vol. 47, p. 16984.

(b) 29 CFR 1915.2. Scope and application, published 4/20/82, FR vol. 47, p. 16984.

(c) 29 CFR 1915.3. Responsibility, published 4/20/82, FR vol. 47, p. 16984.

(d) 29 CFR 1915.4. Definitions, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(e) 29 CFR 1915.5. Incorporation by reference, published 5/24/96, FR vol. 61, no. 102, p. 26359; amended 7/3/02, FR vol. 67, no. 128, p. 44541; 9/15/04, FR vol. 69, p. 55667; 10/17/06, FR vol. 71, no. 200, p. 60843.

(f) 29 CFR 1915.6. Commercial diving operations, published 4/20/82, FR vol. 47, p. 16984.

(g) 29 CFR 1915.7. Competent person, published 4/20/82, FR vol. 47, p. 16984; amended 6/7/89, FR vol. 54, p. 24334; 7/25/94, FR vol. 59, p. 37856.

(2) Subdivision B:

(a) 29 CFR 1915.11. Scope, application and definitions applicable to this Subpart, published 4/20/82, FR vol. 47, p. 16984; amended 7/25/94, FR vol. 59, p. 37857.

(b) 29 CFR 1915.12. Precautions before entering confined and enclosed spaces and other dangerous atmospheres, published 4/20/82, FR

vol. 47, p. 16984; amended 7/1/93, FR vol. 58, no. 125, p. 35514; amended 7/25/94, FR vol. 59, p. 37858 ; 3/16/95, FR vol. 60, no. 51, p. 14218.

(c) 29 CFR 1915.13. Cleaning and other cold work, published 4/20/82, FR vol. 47, p. 16984; amended 7/25/94, FR vol. 59, p. 37859.

(d) 29 CFR 1915.14. Hot work, published 4/20/82, FR vol. 47, p. 16984; amended 7/25/94, FR vol. 59, p. 37860; 3/16/95, FR vol. 60, no. 51, p. 14218; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(e) 29 CFR 1915.15. Maintenance of safe conditions, published 4/20/82, FR vol. 47, p. 16984; amended 7/25/94, FR vol. 59, p. 37860; 3/16/95, FR vol. 60, no. 51, p. 14218; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(f) 29 CFR 1915.16. Warning signs and labels, published 4/20/82, FR vol. 47, p. 16984; amended 7/25/94, FR vol. 59, p. 37861.

Appendix A to Subpart B published 7/25/94, FR vol. 59, p. 37816; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

Appendix B to Subpart B published 7/25/94, FR vol. 59, p. 37816.

(3) Subdivision C:

(a) 29 CFR 1915.31. Scope & application of subdivision, published 4/20/82, FR vol. 47, p. 16984.

(b) 29 CFR 1915.32. Toxic cleaning solvents, published 4/20/82, FR vol. 47, p. 16984; 5/24/96, FR vol. 61, no. 102, p. 26351.

(c) 29 CFR 1915.33. Chemical paint & preservative remover, published 4/20/82, FR vol. 47, p. 16984; 5/24/96, FR vol. 61, no. 102, p. 26351.

(d) 29 CFR 1915.34. Mechanical paint removers, published 4/20/82, FR vol. 47, p. 16984; 5/24/96, FR vol. 61, no. 102, p. 26351.

(e) 29 CFR 1915.35. Painting, published 4/20/82, FR vol. 47, p. 16984; 5/24/96, FR vol. 61, no. 102, p. 26351; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(f) 29 CFR 1915.36. Flammable liquids, published 4/20/82, FR vol. 47, p. 16984.

(4) Subdivision D:

(a) 29 CFR 1915.51. Ventilation & protection in welding, cutting and heating, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(b) 29 CFR 1915.52. Fire prevention, published 4/20/82, FR vol. 47, p. 16984; REMOVED 9/15/04, FR vol. 69, p. 55667.

(c) 29 CFR 1915.53. Welding, cutting and heating of hollow metal containers & structure not covered by 1915.12, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(d) 29 CFR 1915.55. Gas welding & cutting, published 4/20/82, FR vol. 47, p. 16984.

(e) 29 CFR 1915.56. Arc welding and cutting, published 4/20/82, FR vol. 47, p. 16984.

(f) 29 CFR 1915.57. Uses of fissionable material in ship repairing and shipbuilding, published 4/20/82, FR vol. 47, p. 16984.

(5) Subdivision E:

(a) 29 CFR 1915.71. Scaffolds or staging, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(b) 29 CFR 1915.72. Ladders, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(c) 29 CFR 1915.73. Guarding of deck openings and edges, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(d) 29 CFR 1915.74. Access to vessels, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(e) 29 CFR 1915.75. Access to and guarding of dry docks and marine railways, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(f) 29 CFR 1915.76. Access to cargo spaces and confined spaces, published 4/20/82, FR vol. 47, p. 16984.

(g) 29 CFR 1915.77. Working surfaces, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(6) Subdivision F:

(a) 29 CFR 1915.91. Housekeeping, published 4/20/82, FR vol. 47, p. 16984.

(b) 29 CFR 1915.92. Illumination, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(c) 29 CFR 1915.93. Utilities, published 4/20/82, FR vol. 47, p. 16984.

(d) 29 CFR 1915.94. Work in confined or isolated spaces, published 4/20/82, FR vol. 47, p. 16984.

(e) 29 CFR 1915.95. Ship repairing and shipbuilding work on or in the vicinity of radar and radio, published 4/20/82, FR vol. 47, p. 16984; amended 4/30/84, FR vol. 49, p. 18295; 6/7/89, FR vol. 54, p. 24334.

(f) 29 CFR 1915.96. Work in or on lifeboats, published 4/20/82, FR vol. 47, p. 16984; amended 8/24/87, FR vol. 52, p. 31886.

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(g) 29 CFR 1915.97. Health and sanitation, published 4/20/82, FR vol. 47, p. 16984; amended 8/24/87, FR vol. 52, p. 31886; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(h) 29 CFR 1915.98. First aid, published 4/20/82, FR vol. 47 p. 16984.

NOTE: 29 CFR 1915.99, Hazard Communication, was redesignated as 1915.1200 on 7/1/93, FR vol. 58, no. 125, p. 35514.

(i) 29 CFR 1915.100. Retention of DOT markings, placards and labels, published 7/19/94, Federal Register, vol. 59, no. 137, p. 36700.

(7) Subdivision G:

(a) 29 CFR 1915.111. Inspection, published 4/20/ 82, FR vol. 47, p. 16984.

(b) 29 CFR 1915.112. Ropes, chains and slings, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(c) 29 CFR 1915.113. Shackles and hooks, published 4/20/82, FR vol. 47, p. 16984; amended 9/29/86, FR vol. 51, p. 34562.

(d) 29 CFR 1915.114. Chain falls and pull-lifts, published 4/20/82, FR vol. 47, p. 16984.

(e) 29 CFR 1915.115. Hoisting and hauling equipment, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(f) 29 CFR 1915.116. Use of gear, published 4/20/ 82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(g) 29 CFR 1915.117. Qualifications of operators, published 4/20/82, FR vol. 47, p. 16984.

(h) 29 CFR 1915.118. Tables, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(8) Subdivision H:

(a) 29 CFR 1915.131. General precautions, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(b) 29 CFR 1915.132. Portable electric tools, published 4/20/82, FR vol. 47, p. 16984.

(c) 29 CFR 1915.133. Hand tools, published 4/20/ 82, FR vol. 47, p. 16984.

(d) 29 CFR 1915.134. Abrasive wheels, published 4/20/82, FR vol. 47, p. 16984; 5/24/96, FR vol. 61, no. 102, p. 26351; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(e) 29 CFR 1915.135. Powder actuated fastening tools, published 4/20/82, FR vol. 47, p. 16984; 5/24/96, FR vol. 61, no. 102, p. 26351.

(f) 29 CFR 1915.136. Internal combustion engines other than ship's equipment, published 4/20/82, FR vol. 47, p. 16984.

(9) Subdivision I:

(a) 29 CFR 1915.151. Scope, application and definitions, published 5/24/96, FR vol. 61, no. 102, p. 26352.

(b) 29 CFR 1915.152. General requirements, published 5/24/96, FR vol. 61, no. 102, p. 26352; 6/13/96, FR vol. 61, p. 29957; amended 7/3/02, FR vol. 67, no. 128, p. 44541; 11/15/07, FR vol. 72, no. 220, p. 64342.

(c) 29 CFR 1915.153. Eye and face protection, published 5/24/96, FR vol. 61, no. 102, p. 26353.

(d) 29 CFR 1915.154. Respiratory protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.

(e) 29 CFR 1915.155. Head protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.

(f) 29 CFR 1915.156. Foot protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.

(g) 29 CFR 1915.157. Hand and body protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.

(h) 29 CFR 1915.158. Lifesaving equipment, published 5/24/96, FR vol. 61, no. 102, p. 26354; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(i) 29 CFR 1915.159. Personal fall arrest systems (PFAS), published 5/24/96, FR vol. 61, no. 102, p. 26355; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(j) 29 CFR 1915.160. Positioning device systems, published 5/24/96, FR vol. 61, no. 102, p. 26356; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

Appendix A to Subpart I, published 5/24/96, FR vol. 61, no. 102, p. 26356; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

Appendix B to Subpart I, published 5/24/96, FR vol. 61, no. 102, p. 26358; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(10) Subdivision J:

(a) 29 CFR 1915.161. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.

(b) 29 CFR 1915.162. Ship's boilers, published 4/ 20/82, FR vol. 47, p. 16984.

(c) 29 CFR 1915.163. Ship's piping systems, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(d) 29 CFR 1915.164. Ship's propulsion machinery, published 4/20/82, FR vol. 47, p. 16984.

(e) 29 CFR 1915.165. Ship's decking machinery, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(11) Subdivision K:

(a) 29 CFR 1915.171. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.

(b) 29 CFR 1915.172. Portable air receiver and other unfired pressure vessels, published 4/20/82, FR vol. 47, p. 16984; amended 9/29/86, FR vol. 51, p. 34562; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(c) 29 CFR 1915.173. Drums and containers, published 4/20/82, FR vol. 47, p. 16984.

(12) Subdivision L 29 CFR 1915.181. Electrical circuits and distribution boards, published 4/20/82, FR vol. 47, p. 16984; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(13) Subdivisions M-O (Reserved).

(14) Subdivision P:

(a) 29 CFR 1915.501. General provisions, published 9/15/04, FR vol. 69, p. 55667.

(b) 29 CFR 1915.502. Fire safety plan, published 9/15/04, FR vol. 69, p. 55667.

(c) 29 CFR 1915.503. Precautions for hot work, published 9/15/04, FR vol. 69, p. 55667.

(d) 29 CFR 1915.504. Fire watches, published 9/15/04, FR vol. 69, p. 55667.

(e) 29 CFR 1915.505. Fire response, published 9/15/04, FR vol. 69, p. 55667; 10/17/06, FR vol. 71, no. 200, p. 60843.

(f) 29 CFR 1915.506. Hazards of fixed extinguishing systems on board vessels and vessel sections, published 9/15/04, FR vol. 69, p. 55667.

(g) 29 CFR 1915.507. Land-side fire protection systems, published 9/15/04, FR vol. 69, p. 55667; 10/17/06, FR vol. 71, no. 200, p. 60843.

(h) 29 CFR 1915.508. Training, published 9/15/04, FR vol. 69, p. 55667.

(i) 29 CFR 1915.509. Definitions applicable to this subpart, published 9/15/04, FR vol. 69, p. 55667.

Appendix A to Subpart P, published 9/15/04, FR vol. 69, p. 55667.

(15) Subdivision Q-Y (Reserved).

(16) Subdivision Z:

(a) 29 CFR 1915.1000, Air Contaminants, published 7/1/93, FR vol. 58, no. 125, p. 35514; 11/4/96, FR vol. 61, p. 56856; 1/10/97, FR vol. 62, p. 1619; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(b) 29 CFR 1915.1001, Asbestos, published 7/1/93, FR vol. 58, no. 125, p. 35514; 8/10/94, FR vol. 59, no. 153, p. 41080; 6/29/95, FR vol. 60, no. 125, pp. 33974-34002; 7/13/95, FR vol. 60, p. 36043; 9/29/95, FR vol. 60, p. 50411; 8/23/96, FR vol. 61, p. 43454; 6/29/98, FR vol. 63, no. 124, p. 35137; amended 7/3/02, FR vol. 67, no. 128, p. 44541; 1/5/05, FR vol. 69, p. 1111; 4/3/06, FR vol. 71, no. 63, p. 16669; 8/24/06, FR vol. 71, no. 164, p. 50122.

Appendix A to 1915.1001, published 7/1/93, FR vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964; amended 6/29/95, FR vol. 60, p. 33972.

Appendix B to 1915.1001, published 7/1/93, FR vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964; amended 6/29/95, FR vol. 60, p. 33972.

Appendix C to 1915.1001, published 7/1/93, FR vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964; amended 7/3/02, FR vol. 67, no. 128, p. 44541.

Appendix D to 1915.1001, published 7/1/93, FR vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964.

Appendix E to 1915.1001, published 7/1/93, FR vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964; amended 6/29/95, FR vol. 60, p. 33972.

Appendix F to 1915.1001, published 7/1/93, FR vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964; amended 6/29/95, FR vol. 60, p. 33972.

Appendix G to 1915.1001, published 7/1/93, FR vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964.

Appendix H to 1915.1001, published 7/1/93, FR vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964; amended 6/29/95, FR vol. 60, p. 33972.

Appendix I to 1915.1001, published 7/1/93, FR vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964.

Appendix J to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.

Appendix K to 1915.1001, published 8/10/94, FR vol. 59, p. 40964; amended 6/29/95, FR vol. 60, p. 33972.

Appendix L to 1915.1001, published 7/1/93, vol. 58, p. 35553; amended 8/10/94, FR vol. 59, p. 40964; amended 2/21/95, FR vol. 60, p. 9624; amended 6/28/95, FR vol. 60, p. 33343; amended 6/29/95, FR vol. 60, p. 33972; amended 7/13/95, FR vol. 60, p. 36043; amended 9/29/95, FR vol. 60, p. 50411; amended 2/13/96, FR vol. 61, p. 5507; amended 8/23/96, FR vol. 61, p. 43454.

ADMINISTRATIVE RULES

(c) 29 CFR 1915.1002. Coal tar pitch volatiles; interpretation of term, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(d) 29 CFR 1915.1003. 13 Carcinogens (4-Nitrobiphenyl, etc.), published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(e) 29 CFR 1915.1004. alpha-Naphthylamine, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(f) 29 CFR 1915.1005. (Reserved)

(g) 29 CFR 1915.1006. Methyl chloromethyl ether, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(h) 29 CFR 1915.1007. 3,3'-Dichlorobenzidene (and its salts), published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(i) 29 CFR 1915.1008. bis-Chloromethyl ether, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(j) 29 CFR 1915.1009. beta-Naphthylamine, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(k) 29 CFR 1915.1010. Benzidine, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(l) 29 CFR 1915.1011. 4-Aminodiphenyl, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(m) 29 CFR 1915.1012. Ethyleneimine, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(n) 29 CFR 1915.1013. beta-Propiolactone, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(o) 29 CFR 1915.1014. 2-Acetylaminofluorene, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(p) 29 CFR 1915.1015. 4-Dimethylaminoazobenzene, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(q) 29 CFR 1915.1016. N-Nitrosodimethylamine, published 7/1/93, FR vol. 58, no. 125, p. 35514; 3/7/96, FR vol. 61, no. 46, p. 9245; 6/20/96, FR vol. 61, p. 31427.

(r) 29 CFR 1915.1017. Vinyl chloride, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(s) 29 CFR 1915.1018. Inorganic arsenic, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(t) 29 CFR 1915.1020 Access to employee exposure and medical records, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(u) 29 CFR 1915.1025. Lead, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(v) 29 CFR 1915.1026 Chromium (VI), published 2/28/06, Federal Register, vol. 71, no. 39, p. 10100; 6/23/06, FR vol. 71, no. 121, p. 36008.

(w) 29 CFR 1915.1027. Cadmium, published 9/14/92, FR vol. 57, no. 178, pp. 42388-42452; amended 4/23/93, FR vol. 58, no. 177, p. 21778; 1/3/94, FR vol. 59, no. 1, pp. 146-215; 6/20/96, FR vol. 61, p. 31427.

(x) 29 CFR 1915.1028. Benzene, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(y) 29 CFR 1915.1030. Bloodborne pathogens, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(z) 29 CFR 1915.1044. 1,2 dibromo-3-chloropropane, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(aa) 29 CFR 1915.1045. Acrylonitrile, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(bb) 29 CFR 1915.1047. Ethylene oxide, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(cc) 29 CFR 1915.1048. Formaldehyde, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(dd) 29 CFR 1915.1050. Methylenedianiline, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

(ee) 29 CFR 1915.1052 Methylene Chloride, published 1/10/97, Federal Register, vol. 62, no. 7, p. 1619.

(ff) 29 CFR 1915.1120 Access to employee exposure and medical records has been redesignated to §1915.1020.

(Note: 29 CFR 1915.99, Hazard Communication was redesignated as 1915.1200 on 7/1/93, FR vol. 58, no. 125, p. 35514.)

(gg) 29 CFR 1915.1200. Hazard communication, published 9/24/87, FR vol. 52, p. 31886; amended 4/27/88, FR vol. 53, p. 15035; 2/15/89, FR vol. 54, p. 6888; 6/7/89, FR vol. 54, p. 24334; 7/1/93, FR vol. 58, no. 125, p. 35514; 2/9/94, FR vol. 59, no. 27, pp. 6126-6184; 4/13/94, FR vol. 59, no. 71, pp. 17478-17479; 12/22/94, FR vol. 59, no. 245, p. 65947; 6/20/96, FR vol. 61, p. 31427.

(hh) 29 CFR 1915.1450. Occupational exposure to hazardous chemicals in laboratories, published 7/1/93, FR vol. 58, no. 125, p. 35514; 6/20/96, FR vol. 61, p. 31427.

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

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 10-1992, f. 9-24-92, cert. ef. 11-1-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 19-1993, f. & cert. ef. 12-29-93; OSHA 4-1994 f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 2-1995, f. & cert. ef. 1-25-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 5-1996, f. & cert. ef. 11-29-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 3-1997, f. & cert. ef. 3-28-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 7-1998, f. & cert. ef. 12-18-98; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 4-2001, f. & cert. ef. 2-5-01; OSHA 4-2003, f. & cert. ef. 5-6-03; OSHA 8-2004, f. & cert. ef. 12-30-04; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 1-2007, f. 1-9-07 cert. ef. 1-16-07; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08

437-005-0002

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal rules as printed in the Code of Federal Regulations, 29 CFR 1917, revised as of 7/1/97, and any subsequent amendments published in the Federal Register as listed below:

(1) Subdivision A:

(a) 29 CFR 1917.1 Scope and applicability, published 7/5/83, Federal Register (FR) vol. 48, p. 30909; amended 12/31/87, FR vol. 52, p. 36026; 12/31/87, FR vol. 52, p. 49624; 7/25/97, FR vol. 62, no. 143, p. 40196; 6/30/00, FR vol. 65, no. 127, p. 40938; 2/28/06, FR vol. 71, no. 39, p. 10100.

(b) 29 CFR 1917.2 Definitions, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40196; 6/30/00, FR vol. 65, no. 127, p. 40938.

(c) 29 CFR 1917.3 Incorporation by reference, published 7/25/97, FR vol. 62, no. 143, p. 40196; 6/30/00, FR vol. 65, no. 127, p. 40938.

(2) Subdivision B:

(a) 29 CFR 1917.11 Housekeeping, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40196.

(b) 29 CFR 1917.12 Slippery conditions, published 7/5/83, FR vol. 48, p. 30909.

(c) 29 CFR 1917.13 Slinging, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40197.

(d) 29 CFR 1917.14 Stacking of cargo and pallets, published 7/5/83, FR vol. 48, p. 30909.

(e) 29 CFR 1917.15 Coopering, published 7/5/83, FR vol. 48, p. 30909.

(f) 29 CFR 1917.16 Line handling, published 7/5/83, FR vol. 48, p. 30909.

(g) 29 CFR 1917.17 Railroad facilities, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40197.

(h) 29 CFR 1917.18 Log handling, published 7/5/83, FR vol. 48, p. 30909.

(i) 29 CFR 1917.19 Movement of barges and rail cars, published 7/5/83, FR vol. 48, p. 30909.

(j) 29 CFR 1917.20 Interference with communications, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40197.

(k) 29 CFR 1917.21 Open fires, published 7/5/83, FR vol. 48, p. 30909.

(l) 29 CFR 1917.22 Hazardous cargo (see 1917.2(p)), published 7/5/83, FR vol. 48, p. 30909.

(m) 29 CFR 1917.23 Hazardous atmospheres and substances (see 1917.2(p)), published 7/5/83, FR vol. 48, p. 30909; amended 7/13/84, FR vol. 49, p. 28551; 7/25/97, FR vol. 62, no. 143, p. 40197; 6/30/00, FR vol. 65, no. 127, p. 40938.

(n) 29 CFR 1917.24 Carbon monoxide, published 7/5/83, FR vol. 48, p. 30909; amended 7/13/84, FR vol. 49, p. 28551; 7/25/97, FR vol. 62, no. 143, p. 40197.

(o) 29 CFR 1917.25 Fumigants, pesticides, insecticides and hazardous preservatives (see 1917.2(p)), published 7/5/83, FR vol. 48, p. 30909; amended 7/13/84, FR vol. 49, p. 28551; 7/25/97, FR vol. 62, no. 143, p. 40197; 6/30/00, FR vol. 65, no. 127, p. 40938.

ADMINISTRATIVE RULES

(p) 29 CFR 1917.26 First aid and lifesaving facilities, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40197; 6/30/00, FR vol. 65, no. 127, p. 40938.

(q) 29 CFR 1917.27 Personnel, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40197; 6/30/00, FR vol. 65, no. 127, p. 40938.

(r) 29 CFR 1917.28 Hazard communication (see also §1917.1(a)(2)(vi)), published 7/5/83, FR vol. 48, p. 30909; amended 9/24/87, FR vol. 52, p. 31876; 4/27/88, FR vol. 53, p. 15035; 2/15/89, FR vol. 54, p. 6888; 6/7/89, FR vol. 54, p. 24334; 2/9/94, FR vol. 59, no. 27, pp. 6126-6184; 4/13/94, FR vol. 59, no. 71, pp. 17478-17479; 12/22/94, FR vol. 59, no. 245, p. 65947; 7/25/97, FR vol. 62, no. 143, p. 40198.

(s) 29 CFR 1917.29 Retention of DOT markings, placards and labels, published 7/19/94, Federal Register, vol. 59, no. 137, p. 36700.

(t) 29 CFR 1917.30 Emergency action plans, published 7/25/97, FR vol. 62, no. 143, p. 40198; 6/30/00, FR vol. 65, no. 127, p. 40938.

(3) Subdivision C

(a) 29 CFR 1917.41 House falls, published 7/5/83, FR vol. 48, p. 30909.

(b) 29 CFR 1917.42 Miscellaneous auxiliary gear, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40198; 6/30/00, FR vol. 65, no. 127, p. 40938.

(c) 29 CFR 1917.43 Powered industrial trucks, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40198; 6/30/00, FR vol. 65, no. 127, p. 40938.

(d) 29 CFR 1917.44 General rules applicable to vehicles, published 7/5/83, FR vol. 48, p. 30909; amended 9/25/87, FR vol. 52, p. 36026; 7/25/97, FR vol. 62, no. 143, p. 40199; 6/30/00, FR vol. 65, no. 127, p. 40938.

(e) 29 CFR 1917.45 Cranes and derricks (see also §1917.50), published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40199; 6/30/00, FR vol. 65, no. 127, p. 40938.

(f) 29 CFR 1917.46 Load indicating devices, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40199.

(g) 29 CFR 1917.47 Winches, published 7/5/83, FR vol. 48, p. 30909.

(h) 29 CFR 1917.48 Conveyors, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40200.

(i) 29 CFR 1917.49 Spouts, chutes, hoppers, bins, and associated equipment, published 7/5/83, FR vol. 48, p. 30909.

(j) 29 CFR 1917.50 Certification of marine terminal material handling devices (see also Mandatory Appendix IV, Part 1918 of this chapter), published 7/5/83, FR vol. 48, p. 30909; amended 7/13/84, FR vol. 49, p. 28551; 7/25/97, FR vol. 62, no. 143, p. 40200; 6/30/00, FR vol. 65, no. 127, p. 40938.

(k) 29 CFR 1917.51 Hand tools, published 7/5/83, FR vol. 48, p. 30909.

(4) Subdivision D:

(a) 29 CFR 1917.70 General, published 7/5/83, FR vol. 48, p. 30909.

(b) 29 CFR 1917.71 Terminals handling intermodal container or roll-on roll-off operations, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40200; 6/30/00, FR vol. 65, no. 127, p. 40938.

(c) 29 CFR 1917.72 (Reserved):

(d) 29 CFR 1917.73 Terminal facilities handling menhaden and similar species of fish (see also §1917.2, definition of hazardous cargo, materials, substance, or atmosphere), published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201; 6/30/00, FR vol. 65, no. 127, p. 40938.

(5) Subdivision E:

(a) 29 CFR 1917.91 Eye and face protection, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201.

(b) 29 CFR 1917.92 Respiratory protection, published 7/5/83, FR vol. 48, p. 30909; 6/30/00, FR vol. 65, no. 127, p. 40938.

(c) 29 CFR 1917.93 Head protection, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201.

(d) 29 CFR 1917.94 Foot protection, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201.

(e) 29 CFR 1917.95 Other protective measures, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201; 6/30/00, FR vol. 65, no. 127, p. 40938.

(f) 29 CFR 1917.96 Payment for protective equipment, published 11/15/07, FR vol. 72, no. 220, p. 64342.

(6) Subdivision F:

(a) 29 CFR 1917.111 Maintenance and load limits, published 7/5/83, FR vol. 48, p. 30909.

(b) 29 CFR 1917.112 Guarding of edges, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201; 6/30/00, FR vol. 65, no. 127, p. 40938.

(c) 29 CFR 1917.113 Clearance heights, published 7/5/83, FR vol. 48, p. 30909.

(d) 29 CFR 1917.114 Cargo doors, published 7/5/83, FR vol. 48, p. 30909.

(e) 29 CFR 1917.115 Platforms and skids, published 7/5/83, FR vol. 48, p. 30909.

(f) 29 CFR 1917.116 Elevators and escalators, published 7/5/83, FR vol. 48, p. 30909; amended 7/13/84, FR vol. 49, p. 28551.

(g) 29 CFR 1917.117 Manlifts, published 7/5/83, FR vol. 48, p. 30909; 6/30/00, FR vol. 65, no. 127, p. 40938.

(h) 29 CFR 1917.118 Fixed ladders, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201; 6/30/00, FR vol. 65, no. 127, p. 40938.

(i) 29 CFR 1917.119 Portable ladders, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201; 6/30/00, FR vol. 65, no. 127, p. 40938.

(j) 29 CFR 1917.120 Fixed stairways, published 7/5/83, FR vol. 48, p. 30909; 6/30/00, FR vol. 65, no. 127, p. 40938.

(k) 29 CFR 1917.121 Spiral stairways, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201; 6/30/00, FR vol. 65, no. 127, p. 40938.

(l) 29 CFR 1917.122 Employee exits, published 7/5/83, FR vol. 48, p. 30909; 6/30/00, FR vol. 65, no. 127, p. 40938.

(m) 29 CFR 1917.123 Illumination, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201.

(n) 29 CFR 1917.124 Dockboards (car and bridge plates), published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201; 6/30/00, FR vol. 65, no. 127, p. 40938.

(o) 29 CFR 1917.125 Guarding temporary hazards, published 7/5/83, FR vol. 48, p. 30909.

(p) 29 CFR 1917.126 River banks, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40201.

(q) 29 CFR 1917.127 Sanitation, published 7/5/83, FR vol. 48, p. 30909.

(r) 29 CFR 1917.128 Signs and marking, published 7/5/83, FR vol. 48, p. 30909.

(7) Subdivision G:

(a) 29 CFR 1917.151 Machine guarding, published 7/5/83, FR vol. 48, p. 30909; 6/30/00, FR vol. 65, no. 127, p. 40938.

(b) 29 CFR 1917.152 Welding, cutting and heating (hot work) (see also §1917.2, definition of hazardous cargo, materials, substance, or atmosphere), published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.

(c) 29 CFR 1917.153 Spray painting (see also §1917.2, definition of hazardous cargo, materials, substance, or atmosphere), published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.

(d) 29 CFR 1917.154 Compressed air, published 7/5/83, FR vol. 48, p. 30909.

(e) 29 CFR 1917.155 Air receivers, published 7/5/83, FR vol. 48, p. 30909.

(f) 29 CFR 1917.156 Fuel handling and storage, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.

(g) 29 CFR 1917.157 Battery charging and changing, published 7/5/83, FR vol. 48, p. 30909; 7/25/97, FR vol. 62, no. 143, p. 40202.

(h) 29 CFR 1917.158 Prohibited operations, published 7/5/83, FR vol. 48, p. 30909.

NOTE: These standards are available at the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, and the **United States Government Printing Office.**

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 10-1992, f. 9-24-92, cert. ef. 11-1-92; OSHA 4-1994 f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 9-1997, f. & cert. ef. 12-31-97; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 9-2000, f. & cert. ef. 10-10-00; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08

437-005-0003

Adoption by Reference.

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal rules as printed in the Code of Federal Regulations, 29 CFR 1918, revised as of 7/1/97, and any subsequent amendments published in the Federal Register as listed below:

ADMINISTRATIVE RULES

- (1) Subdivision A:
- (a) 29 CFR 1918.1 Scope and application, published 7/25/97, Federal Register (FR) vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938; 2/28/06, FR vol. 71, no. 39, p. 10100.
 - (b) 29 CFR 1918.2 Definitions, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (c) 29 CFR 1918.3 Incorporation by reference, published 7/25/97, FR vol. 62, no. 143, p. 40202.
- (2) Subdivision B:
- (a) 29 CFR 1918.11 Gear certification (see also §§1918.2 and 1918.51), published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (3) Subdivision C:
 - (a) 29 CFR 1918.21 General requirements, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (b) 29 CFR 1918.22 Gangways, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (c) 29 CFR 1918.23 Jacob's ladders, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (d) 29 CFR 1918.24 Fixed and portable ladders, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (e) 29 CFR 1918.25 Bridge plates and ramps (see also §1918.86), published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (f) 29 CFR 1918.26 Access to barges and river towboats, published 7/25/97, FR vol. 62, no. 143, p. 40202. - (4) Subdivision D:
 - (a) 29 CFR 1918.31 Hatch coverings, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (b) 29 CFR 1918.32 Stowed cargo and temporary landing surfaces, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (c) 29 CFR 1918.33 Deck loads, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (d) 29 CFR 1918.34 Other decks, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (e) 29 CFR 1918.35 Open hatches, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (f) 29 CFR 1918.36 Weather deck rails, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (g) 29 CFR 1918.37 Barges, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938. - (5) Subdivision E:
 - (a) 29 CFR 1918.41 Coaming clearances, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (b) 29 CFR 1918.42 Hatch beam and pontoon bridles, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (c) 29 CFR 1918.43 Handling hatch beams and covers, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938. - (6) Subdivision F:
 - (a) 29 CFR 1918.51 General requirements (see also §1918.11 and Appendix III of this part), published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (b) 29 CFR 1918.52 Specific requirements, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (c) 29 CFR 1918.53 Cargo winches, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (d) 29 CFR 1918.54 Rigging gear, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (e) 29 CFR 1918.55 Cranes (see also §1918.11), published 7/25/97, FR vol. 62, no. 143, p. 40202. - (7) Subdivision G:
 - (a) 29 CFR 1918.61 General (see also Appendix IV of this part), published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (b) 29 CFR 1918.62 Miscellaneous auxiliary gear, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (c) 29 CFR 1918.63 Chutes, gravity conveyors and rollers, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (d) 29 CFR 1918.64 Powered conveyors, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (e) 29 CFR 1918.65 Mechanically-powered vehicles used aboard vessels, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (f) 29 CFR 1918.66 Cranes and derricks other than vessel's gear, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (g) 29 CFR 1918.67 Notifying ship's officers before using certain equipment, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (h) 29 CFR 1918.68 Grounding, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (i) 29 CFR 1918.69 Tools, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (j) 29 CFR 1918.70 — 1918.80 (Reserved) - (8) Subdivision H:
 - (a) 29 CFR 1918.81 Slings, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (b) 29 CFR 1918.82 Building drafts, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (c) 29 CFR 1918.83 Stowed cargo, tiering and breaking down, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (d) 29 CFR 1918.84 Bulling cargo, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (e) 29 CFR 1918.85 Containerized cargo operations, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (f) 29 CFR 1918.86 Roll-on roll-off (Ro-Ro) operations (see also §1918.25), published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (g) 29 CFR 1918.87 Ship's cargo elevators, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (h) 29 CFR 1918.88 Log operations, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (i) 29 CFR 1918.89 Handling hazardous cargo (see also §§1918.2 and 1918.99), published 7/25/97, FR vol. 62, no. 143, p. 40202. - (9) Subdivision I:
 - (a) 29 CFR 1918.90 Hazard communication (see also §1918.1(b)(4)), published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (b) 29 CFR 1918.91 Housekeeping, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (c) 29 CFR 1918.92 Illumination, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (d) 29 CFR 1918.93 Hazardous atmospheres and substances (see also §1918.2(j)), published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (e) 29 CFR 1918.94 Ventilation and atmospheric conditions (see also §1918.2), published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (f) 29 CFR 1918.95 Sanitation, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (g) 29 CFR 1918.96 Maintenance and repair work in the vicinity of longshoring operations, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (h) 29 CFR 1918.97 First aid and lifesaving facilities (see also Appendix V of this part), published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (i) 29 CFR 1918.98 Qualifications of machinery operators and supervisory training, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (j) 29 CFR 1918.99 Retention of DOT markings, placards and labels, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (k) 29 CFR 1918.100 Emergency action plans, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938. - (10) Subdivision J:
 - (a) 29 CFR 1918.101 Eye and face protection, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (b) 29 CFR 1918.102 Respiratory protection, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (c) 29 CFR 1918.103 Head protection, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (d) 29 CFR 1918.104 Foot protection, published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (e) 29 CFR 1918.105 Other protective measures, published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.
 - (f) 29 CFR 1918.106 Payment for protective equipment, published 11/15/07, FR vol. 72, no. 220, p. 64342. - (11) Appendix I — Cargo Gear Register and Certificates (Non-Mandatory), published 7/25/97, FR vol. 62, no. 143, p. 40202.
 - (12) Appendix II — Tables for Selected Miscellaneous Auxiliary Gear (Mandatory), published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.

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(13) Appendix III — The Mechanics of Conventional Cargo Gear (Non-Mandatory), published 7/25/97, FR vol. 62, no. 143, p. 40202.

(14) Appendix IV — Special Cargo Gear (Mandatory), published 7/25/97, FR vol. 62, no. 143, p. 40202; 6/30/00, FR vol. 65, no. 127, p. 40938.

(15) Appendix V — Basic Elements of a First Aid Training Program (Non-Mandatory), published 7/25/97, FR vol. 62, no. 143, p. 40202.

NOTE: These standards are available at the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 10-1992, f. 9-24-92, cert. ef. 11-1-92; OSHA 4-1994 f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 9-1997, f. & cert. ef. 12-31-97; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 9-2000, f. & cert. ef. 10-10-00; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08

Rule Caption: Adopt changes to Silica and corrections to air contaminants in General Industry and Construction.

Adm. Order No.: OSHA 6-2008

Filed with Sec. of State: 5-13-2008

Certified to be Effective: 7-1-08

Notice Publication Date: 1-1-2007

Rules Amended: 437-002-0382, 437-003-1000

Subject: Oregon OSHA is adopting final changes to the permissible exposure limit (PEL) for airborne concentrations of respirable silica to a fixed limit of 0.1 milligrams per cubic meter (mg/m³). The formula and footnote (e) for Silica in Table Z-3 in the Air Contaminants standards in general industry and construction is also amended. Both of these changes reflect better scientific processes for determining airborne respirable exposures, and the calculation used to determine exposures continues to cause confusion.

Crystalline silica, also known as quartz, is a natural constituent of the earth's crust and is a basic component of sand and granite. However, airborne exposures to silica can lead to silicosis. Silicosis is a disease of the lungs that can cause fibrosis or scar tissue formations in the lungs that reduce the lung's ability to work to extract oxygen from the air.

Comments received during the comment period and during the public hearing indicated that the proposed change of 0.05 mg/m³ would impact industry more than Oregon OSHA had anticipated. The original calculation was based on a 0.1 mg/m³ limit. OR-OSHA carefully considered these comments and as a result is adopting a PEL of 0.1 mg/m³.

Oregon OSHA also received comments regarding the proposed sampling method and as a result is adopting a rule that allows for a sampling method accepted by OSHA or NIOSH for respirable quartz silica.

Changes will also be made in the Z-1 table in air contaminants for accuracy, correction, and uniformity. Oregon OSHA also adopts these changes into general industry and construction.

Please visit OR-OSHA's website at www.orosha.org.

Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0382

Oregon Rules for Air Contaminants

An employee's exposure to any substance listed in Oregon Tables Z-1, Z-2, or Z-3 of this section shall be limited in accordance with the requirements of the following paragraphs of this section.

(1) Oregon Table Z-1.

(a) Substances with limits preceded by "C" — Ceiling Values. An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of which is preceded by a "C", shall at no time exceed the exposure limit given for that substance. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time during the working day.

(b) Other substances — 8-hour Time Weighted Averages. An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of which is not preceded by a "C", shall not exceed the 8-hour Time Weighted Average given for that substance in any 8-hour work shift of a 40-hour work week.

(c) Other Substances — Excursion Limits. Excursions in worker exposure levels may exceed 3 times the PEL-TWA for no more than a total

of 30 minutes during a workday, and under no circumstances should they exceed 5 times the PEL-TWA, provided that the PEL-TWA is not exceeded.

(d) Skin Designation. To prevent or reduce skin absorption, an employee's skin exposure to substances listed in Oregon Table Z-1 with an "X" in the Skin Designation column following the substance name shall be prevented or reduced to the extent necessary in the circumstances through the use of gloves, coveralls, goggles, or other appropriate personal protective equipment, engineering controls or work practices.

(2) Oregon Table Z-2. An employee's exposure to any substance listed in Oregon Table Z-2 shall not exceed the exposure limits specified as follows:

(a) 8-hour time weighted averages. An employee's exposure to any substance listed in Oregon Table Z-2, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that substance in Oregon Table Z-2.

(b) Acceptable ceiling concentrations. An employee's exposure to a substance listed in Oregon Table Z-2 shall not exceed the acceptable ceiling concentration for the given substance in the table at any time during an 8-hour shift except:

(i) Acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift. An employee's exposure to a substance listed in Oregon Table Z-2 shall not exceed the acceptable maximum peak above the acceptable ceiling concentration, and shall not exceed the maximum duration for the given substance during an 8-hour shift.

(c) Example. Table During an 8-hour work shift, an employee exposed to benzene may be exposed to an 8-hour time weighted average (TWA) of 10 ppm. Concentrations of benzene during the 8-hour work shift may not exceed 25 ppm, unless that exposure is no more than 50 ppm and does not exceed 10 minutes during an 8-hour work shift. Such exposures must be compensated by exposures to concentrations below 10 ppm so that the 8-hour time-weighted average is less than 10 ppm.

(d) Skin Designation. To prevent or reduce skin absorption, an employee's skin exposure to substances listed in Oregon Table Z-2 with an "X" in the Skin Designation column following the substance name shall be prevented or reduced to the extent necessary in the circumstances through the use of gloves, coveralls, goggles, or other appropriate personal protective equipment, engineering controls or work practices.

(3) Oregon Table Z-3. An employee's exposure to any substance listed in Oregon Table Z-3, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that substance in the table. Computation formulae. The computation formula which shall apply to employee exposure to more than one substance for which 8-hour time weighted averages are included in OAR 437, Division 2/Z, Toxic and Hazardous Substances, in order to determine whether an employee is exposed over the regulatory limit is as follows: The cumulative exposure for an 8-hour work shift shall be computed as follows:

$$E = (CaTa + CbTb + \dots CnTn) \div 8$$

Where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remain constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the 8-hour time weighted average specified in subpart Z of 29 CFR part 1910 for the substance involved.

To illustrate the formula prescribed in paragraph (4)(a)(i) of this section, assume that Substance A has an 8-hour time weighted average limit of 100 ppm (Oregon Table Z-1). Assume that an employee is subject to the following exposure:

Two hours exposure at 150 ppm

Two hours exposure at 75 ppm

Four hours exposure at 50 ppm

Substituting this information in the formula, we have

$$[(2 \times 150) + (2 \times 75) + (4 \times 50)] \div 8 = 81.25 \text{ ppm}$$

Since 81.25 ppm is less than 100 ppm, the 8-hour time weighted average limit, the exposure is acceptable.

In case of a mixture of air contaminants an employer shall compute the equivalent exposure as follows:

$$Em = (C1 \div L1) + (C2 \div L2) + \dots (Cn \div Ln)$$

Where:

Em is the equivalent exposure for the mixture.

C is the concentration of a particular contaminant.

L is the exposure limit for that substance specified in Subpart Z of 29 CFR Part 1910.

The value of Em shall not exceed unity (1).

To illustrate the formula prescribed in paragraph (4)(b)(i) of this section, consider the following exposures:

Table

Substituting in the formula, we have:

$$Em = (500 \div 1000) + (45 \div 200) + (40 \div 200)$$

$$Em = 0.500 + 0.225 + 0.200$$

$$Em = 0.925$$

Since Em is less than unity (1), the exposure combination is within acceptable limits.

(4) To achieve compliance with paragraphs (1) through (4) of this section, administrative or engineering controls must first be determined and

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implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or any other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and/or technical measures used for this purpose must be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with 1910.134.

Notes, Footnotes, Table, Note, Footnotes, Table, Footnotes, Table
The measurements under this note refer to the use of an AEC (now NRC) instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of 2.4 mg/m³ in the table for coal dust is 4.5 mg/m³.
[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 17-1993, f. & cert. ef. 11-15-93; OSHA 6-1994, f. & cert. ef. 9-30-94; OSHA 5-1997, f. & cert. ef. 4-22-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 4-2001, f. & cert. ef. 2-5-01; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 6-2008, f. 5-13-08, cert. ef. 7-1-08

437-003-1000

Oregon Rules for Air Contaminants

An employee's exposure to any substance listed in Oregon Tables Z-1, Z-2, or Z-3 of this section shall be limited in accordance with the requirements of the following paragraphs of this section.

(1) Oregon Table Z-1.

(a) Substances with limits preceded by "C" — Ceiling Values. An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of which is preceded by a "C", shall at no time exceed the exposure limit given for that substance. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time during the working day.

(b) Other substances — 8-hour Time Weighted Averages. An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of which is not preceded by a "C", shall not exceed the 8-hour Time Weighted Average given for that substance in any 8-hour work shift of a 40-hour work week.

(c) Other Substances — Excursion Limits. Excursions in worker exposure levels may exceed 3 times the PEL-TWA for no more than a total of 30 minutes during a workday, and under no circumstances should they exceed 5 times the PEL-TWA, provided that the PEL-TWA is not exceeded.

(d) Skin Designation. To prevent or reduce skin absorption, an employee's skin exposure to substances listed in Oregon Table Z-1 with an "X" in the Skin Designation column following the substance name shall be prevented or reduced to the extent necessary in the circumstances through the use of gloves, coveralls, goggles, or other appropriate personal protective equipment, engineering controls or work practices.

(2) Oregon Table Z-2. An employee's exposure to any substance listed in Oregon Table Z-2 shall not exceed the exposure limits specified as follows:

(a) 8-hour time weighted averages. An employee's exposure to any substance listed in Oregon Table Z-2, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that substance in Oregon Table Z-2.

(b) Acceptable ceiling concentrations. An employee's exposure to a substance listed in Oregon Table Z-2 shall not exceed the acceptable ceiling concentration for the given substance in the table at any time during an 8-hour shift except:

(A) Acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift. An employee's exposure to a substance listed in Oregon Table Z-2 shall not exceed the acceptable maximum peak above the acceptable ceiling concentration, and shall not exceed the maximum duration for the given substance during an 8-hour shift.

(c) Example. [Table not included. See ED. NOTE.] During an 8-hour work shift, an employee exposed to benzene may be exposed to an 8-hour time weighted average (TWA) of 10 ppm. Concentrations of benzene during the 8-hour work shift may not exceed 25 ppm, unless that exposure is no more than 50 ppm and does not exceed 10 minutes during an 8-hour work shift. Such exposures must be compensated by exposures to concentrations below 10 ppm so that the 8-hour time-weighted average is less than 10 ppm.

(3) Oregon Table Z-3. An employee's exposure to any substance listed in Oregon Table Z-3, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that substance in the table.

(4) Computation formulae. The computation formula which shall apply to employee exposure to more than one substance for which 8-hour

time weighted averages are included in OAR 437, Division 2/Z, Toxic and Hazardous Substances, in order to determine whether an employee is exposed over the regulatory limit is as follows:

(a)(A) The cumulative exposure for an 8-hour work shift shall be computed as follows:

$$E = (CaTa + CbTb + \dots CnTn) \div 8$$

Where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remain constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the 8-hour time weighted average specified in subpart Z of 29 CFR part 1910 for the substance involved.

(B) To illustrate the formula prescribed in paragraph (4)(a)(i) of this section, assume that Substance A has an 8-hour time weighted average limit of 100 ppm (Oregon Table Z-1). Assume that an employee is subject to the following exposure:

Two hours exposure at 150 ppm

Two hours exposure at 75 ppm

Four hours exposure at 50 ppm

Substituting this information in the formula, we have

$$[(2 \times 150) + (2 \times 75) + (4 \times 50)] \div 8 = 81.25 \text{ ppm}$$

Since 81.25 ppm is less than 100 ppm, the 8-hour time weighted average limit, the exposure is acceptable.

(b)(A) In case of a mixture of air contaminants an employer shall compute the equivalent exposure as follows:

$$Em = (C1 \div L1) + (C2 \div L2) + \dots (Cn \div Ln)$$

Where:

Em is the equivalent exposure for the mixture.

C is the concentration of a particular contaminant.

L is the exposure limit for that substance specified in Subpart Z of 29 CFR Part 1910.

The value of Em shall not exceed unity (1).

(B) To illustrate the formula prescribed in paragraph (4)(b)(i) of this section, consider the following exposures: [Table not included. See ED. NOTE.]

Substituting in the formula, we have:

$$Em = (500 \div 1000) + (45 \div 200) + (40 \div 200)$$

$$Em = 0.500 + 0.225 + 0.200$$

$$Em = 0.925$$

Since Em is less than unity (1), the exposure combination is within acceptable limits.

(5) To achieve compliance with paragraphs (1) through (4) of this section, administrative or engineering controls must first be determined and implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or any other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and/or technical measures used for this purpose must be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with 1910.134.

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

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 4-2001, f. & cert. ef. 2-5-01; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 6-2008, f. 5-13-08, cert. ef. 7-1-08

Department of Corrections Chapter 291

Rule Caption: Assessment, Assignment and Supervision of Inmates for Work Assignments and Unfenced Minimum Housing.

Adm. Order No.: DOC 10-2008(Temp)

Filed with Sec. of State: 5-8-2008

Certified to be Effective: 5-13-08 thru 11-7-08

Notice Publication Date:

Rules Adopted: 291-082-0110, 291-082-0115, 291-082-0120, 291-082-0125, 291-082-0130

Rules Suspended: 291-082-0025, 291-082-0026, 291-082-0027

Rules Ren. & Amend: 291-082-0010 to 291-082-0100, 291-082-0020 to 291-082-0105, 291-082-0021 to 291-082-0135, 291-082-0035 to 291-082-0140, 291-082-0045 to 291-082-0145

Subject: These temporary rule modification are necessary to immediately implement new criteria for determining inmate eligibility for assignments to community custody work crews, on-site work assignments and unfenced minimum housing.

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

ADMINISTRATIVE RULES

291-082-0025

Community Custody/On-Site Work Assignments

(1) Only those inmates classified as minimum custody in accordance with the Department of Corrections rule on Classification (Inmate), OAR 291-104, are eligible to be considered for assignment to a community custody work assignment, on-site work assignment or unfenced minimum housing.

(2) An inmate is ineligible for assignment to a community custody work assignment, on-site work assignment or unfenced minimum if he/she:

(a) Has ever been designated as a predatory sex offender in Oregon or any other state;

(b) Has an Immigration and Custody Enforcement (ICE) formerly Immigration and Naturalization Service (INS) hold;

(c) Has a felony detainer that runs consecutive to another sentence(s), or verified pending felony charges;

(d) Has any medical restrictions as identified by Health Services staff that may limit or prohibit the inmate from participating in work assignments;

(e) Has any psychological restrictions as identified by Counseling Treatment Services staff that may limit or prohibit the inmate from participating in work assignments;

(f) Has any conviction for Arson I; or

(g) Has a current stalking order, or a conviction history of felony stalking.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Hist.: DOC 10-2005, f. & cert. ef. 8-1-05; Suspended by DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0026

Eligibility Criteria Related to Sex Offenses

(1) A Static 99 will be completed only for inmates with a current crime of conviction for any of the offenses listed in STATIC-99 CODING RULES Category "A" Offenses found in Exhibit I.

(2) If an inmate scores three or below on the Static 99:

(a) The information from the Static 99 assessment will be used in conjunction with a review of victim and community interests to determine placement in a community custody work assignment or on-site work assignment.

(b) Additional specific data will be collected and recorded on the Inmate Community Custody/On-Site Work Eligibility Review form (CD 1441) as described in the department's policy 40.2.9 Inmate Eligibility/Ineligibility for Participation in Work Assignments and Unfenced Minimum Housing Process.

(3) An inmate with a score of four or greater on the Static 99 and who has a past or current conviction for any of the following offenses, including attempt, is ineligible for a community work assignment or an on-site work assignment:

(a) Rape I as described in ORS;

(b) Rape II as described in ORS;

(c) Rape III as described in ORS;

(d) Sodomy I as described in ORS;

(e) Sodomy II as described in ORS;

(f) Sodomy III as described in ORS;

(g) Unlawful Sexual Penetration I as described in ORS;

(h) Unlawful Sexual Penetration II as described in ORS;

(i) Sexual Abuse I as described in ORS;

(j) Sexual Abuse II as described in ORS;

(k) Sexual Abuse III as described in ORS.

(4) An inmate with a score of four or greater on the Static 99 and who has a current conviction of any sex crime listed in Category "A" Offenses, other than those listed in (3) above is ineligible for a community work assignment or an on-site work assignment.

(5) Inmates who have a current crime of conviction for any sex crime are not eligible for unfenced minimum housing.

(6) Pursuant to ORS 421.455, Forest work camps; restrictions on placement at camps:

(a) The Director of the Department of Corrections shall establish at places in state forests recommended by the State Board of Forestry one or more forest work camps at which state inmates and local inmates may be employed.

(b) Only such state inmates as are determined by the Department of Corrections to require minimum security may be placed at a forest work camp, but the Department of Corrections shall not place an inmate at a forest work camp if the department is aware that the inmate has ever been convicted, of:

(A) Rape in the first degree, as described in ORS;

(B) Rape in the second degree, as described in ORS;

(C) Rape in the third degree, as described in ORS;

(D) Sodomy in the first degree, as described in ORS;

(E) Sodomy in the second degree, as described in ORS;

(F) Sodomy in the third degree, as described in ORS;

(G) Unlawful sexual penetration in the first degree, as described in ORS;

(H) Unlawful sexual penetration in the second degree, as described in ORS;

(I) Sexual abuse in the first degree, as described in ORS;

(J) Sexual abuse in the second degree, as described in ORS;

(K) Any crime in any other jurisdiction that would constitute a crime described in this subsection if presently committed in this state.

(L) Any attempt to commit a crime described in this subsection.

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

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

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

Hist.: DOC 10-2005, f. & cert. ef. 8-1-05; Suspended by DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0027

Inmate Community Custody/On-Site Work Eligibility Review Process

(1) An Inmate Community Custody/On-Site Work Eligibility form (CD 1441) shall be completed for all eligible inmates being considered for a community work assignment, on-site work assignment or unfenced minimum housing.

(2) The institution superintendent may further limit, which minimum custody inmates are eligible for assignment to inmate work crews or unfenced minimum 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 10-2005, f. & cert. ef. 8-1-05; Suspended by DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0100

Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 421.445, 423.020, 423.030, 423.075 and Article I, Section 41 of the Oregon Constitution.

(2) Purpose: The purpose of these rules is to establish Department of Corrections policy and procedures relating to the assessment, assignment, and supervision of inmates assigned to community custody work crews, on-site work assignments and unfenced minimum housing.

(3) Policy: It is the policy of the Department to establish specific eligibility criteria for inmates who are assigned to community custody work crews, on-site work assignments and unfenced minimum housing. Consistent with the mandates and purposes of Article I, section 41 of the Oregon Constitution, the Department of Corrections will seek opportunities to enter into cooperative agreements with local, state, federal governmental agencies, private non-profit and private entities for the use of inmate labor and services on work projects. The department will enforce the following procedures for inmate work crew supervision to support the safety and security of the community, staff, supervisors, and inmates.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0010, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0105

Definitions

(1) Agency Work Crew: One or more inmates assigned to work on an on-site or community crew.

(2) Agency Work Crew Supervisor: An employee or agent of the local, state or federal governmental agency or private non-profit and private entities who may supervise inmates assigned to an agency work crew pursuant to an intergovernmental agreement entered into by the agency and the Department of Corrections.

(3) Classification Policy Elements: Elements used by the Department of Corrections Classification System to determine an inmate's custody classification level.

(4) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of inmates and offenders under the custody, supervision or both of the Department of Corrections.

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(5) Custody Level: One of five levels of supervision assigned to an inmate through initial and classification procedures in accordance with the DOC rule on Classification (OAR 291-104).

(a) Level 5: An inmate assigned at this custody level meets one of the following criteria:

(A) Has demonstrated behaviors causing serious management concerns, or has demonstrated behaviors that in the judgment of the Department present a threat sufficient to require special security housing on intensive management status.

(B) Has been committed to the Oregon Department of Corrections with a sentence of death.

(b) Level 4: An inmate assigned at this custody level presents a serious risk of escape or institutional violence, or has extensive time remaining.

(c) Level 3: An inmate assigned at this custody level presents a moderate risk of escape, or has demonstrated behavior causing moderate management concern.

(d) Level 2: An inmate assigned at this custody level presents a limited risk of escape, or has demonstrated behavior causing limited management concern.

(e) Level 1: An inmate assigned at this custody level presents a minimal risk of escape and has demonstrated behavior causing minimal management concern.

(6) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(7) Department of Corrections Employee: Any person employed full-time, part-time, or under any temporary appointment by the Department of Corrections; any person under contractual agreement to provide services to the department; any person employed by private or public sector agencies who is serving under department-sanctioned special assignment to provide services or support to the department programs. An agreement entered into under this section requires that the person exercising custodial supervision over inmates receive security training approved and provided by the Department of Corrections.

(8) Designator: Information, alerts or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment, and the management of inmates and offenders both in institutions and in the community.

(9) Direct Supervision: The responsibility of authorized supervisors to ensure the on-site presence of an inmate while outside the institution secure perimeter, and to immediately report any authorized absence or departure.

(10) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, an Assistant Director, or an administrator and has responsibility for the delivery of program services or coordination of program operations.

(11) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status.

(12) Institution Work Program Coordinator: A Department of Corrections employee that is responsible for overseeing daily planning and coordination of inmate work assignments.

(13) Protection/Restraining Order: Any valid court order intended to protect one person from another and restraining one person from any form of contact with another person.

(14) Stalking Conviction: Any court conviction for stalking as described in ORS 163.732 and 163.750.

(15) Stalking Order: Any court order prohibiting one person from stalking another as described in ORS 163.732 and 163.750.

(16) Static 99: An assessment designed to determine a sex offender's risk of re-offense. Scoring ranges between 1 (low) and 10 (high).

(17) Unfenced Housing Assignment: A housing assignment to a Department of Corrections facility that does not have a secure perimeter fence.

(18) WHALE Work Assignment Levels:

(a) Inside: A work assignment restricted to inside the perimeter fence of a Department of Corrections facility.

(b) On-Site: A work assignment on the grounds of the facility in which an inmate is housed, but outside the perimeter fence of the facility.

(c) Community: A work assignment located outside the perimeter fence and off the grounds of the Department of Corrections facility in which an inmate is housed.

(19) Work Housing Assignment Level Evaluation (WHALE): The automated assessment program in the Corrections Information System

(CIS) used by the Department of Corrections to determine an inmate's work assignment levels and unfenced housing assignment.

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

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0020, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0110

Work Housing Assignment Level Evaluation (WHALE) Eligibility

(1) All inmates at custody Level 1 or 2 are minimally eligible for an inside work assignment.

(2) Community Work Assignment: An inmate must meet the following criteria to be considered for a community work assignment:

(a) Served more than 60 days in DOC custody.

(b) No conviction for Arson I or Attempted Arson I.

(c) No conviction of a sex offense or a crime with a sexual element.

(d) No active protection/restraining order(s).

(e) No conviction for Stalking offense.

(f) No active court Stalking Order.

(g) Not found in violation of Sexual Assault or Sexual Coercion as described in OAR 291-105-0015, Rules of Misconduct.

(h) Minimal escape risk as defined in the Custody Classification Guide and the rule on Classification (Inmate) (OAR 291-104).

(i) No felony detainer(s) that are untried or expire after the inmate's projected release date.

(j) No multiple misdemeanor detainers that expire after the inmate's projected release date.

(k) No designators on file disqualifying community assignment.

(3) Unfenced Housing: An inmate must meet the following criteria to be considered for an unfenced housing assignment:

(a) Meets all community work assignment criteria.

(b) No conviction for Arson II, Attempted Arson II, Reckless Burning or other related arson crimes, including attempts.

(c) No escape history.

(d) No misdemeanor detainers that are untried.

(e) No consecutive misdemeanor detainer that expires one year or less from the inmate's projected release date.

(5) On-Site Work Assignment: An inmate must meet the following criteria to be considered for an on-site work assignment:

(a) Assigned an inside work assignment

(b) Served more than 60 days in DOC custody,

(c) No Predatory Sex Offender designation in Oregon or any other state, and if a sex offender, scores 5 or below on the Static 99.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0115

Initial Work Housing Assignment Level Evaluation (WHALE)

(1) A WHALE shall be completed on all inmates who have been classified as Level 1 or Level 2 in order for the inmate to be considered for a community work assignment or for housing in an unfenced facility.

(2) The assigned counselor shall initiate the automated WHALE, review for accuracy of information imported from the CIS, and enter any additional information gleaned from file review or other sources.

(3) The WHALE shall be forwarded to the Transitional Services Manager for approval. An evaluation is not considered official until approved by the Transitional Services Manager or designee.

(4) All approved WHALE actions are historically recorded and maintained in the CIS system.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0120

Work Housing Assignment Level Evaluation (WHALE) Review

(1) An inmate's WHALE shall be reviewed when new information is received that affects the WHALE level.

(2) The inmate's assigned counselor will receive an automated alert when new information is received that will affect the WHALE level.

(3) The new WHALE action shall be forwarded to the Transitional Services Manager or designee for approval. No WHALE action is official until approved by the Transitional Services Manager or designee.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

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291-082-0125

On-site Work Exception

(1) Recommendation of an inmate for an on-site work exception will be at the discretion of the assigned counselor. Reasons for consideration for on-site recommendation by the counselor may be, but are not limited to, positive program and work history, positive behavior, or no victim concerns.

(2) Final approval of an on-site work assignment will be made by the facility functional unit manager or designee.

(3) On-site work assignment approval is only valid at the facility where the decision was made, and will automatically expire if the inmate is transferred to any other Department of Corrections facility.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0130

Work Housing Assignment Level Evaluation Quality Assurance Review

(1) The Office of Population Management is responsible for auditing institution WHALE procedures and decisions.

(2) Auditing shall consist of routine review of Work Housing Assignment Level Evaluations at each DOC facility. Such reviews shall be conducted to ensure:

(a) The policies and procedures set forth in this rule are followed; and
(b) The actions taken by the facility are adequately documented.

(3) Findings inconsistent with rule and established procedures shall be documented and reported to the appropriate functional unit manager and to the Operations Division Institution Administrators for corrective action.

(4) The Office of Population Management is responsible to review the last WHALE for any inmate who is involved in an escape or escape attempt from a Department of Corrections facility and to submit a report to the Operation Division Institution Administrators.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0135

Inmate Work Crews Agreements

(1) The Department of Corrections may, in its discretion, assign inmate work crews to work in the community on local, state, federal governmental agencies, private non-profit or private entity work projects.

(2) Institution superintendents will use private partnership review guidelines in determining appropriateness of private sector agreement requests.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; Renumbered from 291-082-0030, DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0021, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0140

Supervision/Security Provisions for Inmate Work Crews

(1) If the Department of Corrections assigns an inmate work crew within three blocks of a school, the functional unit manager or designee will ensure notification is made with the affected school on dates, times and location of inmate work crew.

(2) When an inmate work crew is scheduled to work within city limits, a designee of the institution will notify the appropriate local law enforcement agency prior to the project start date.

(3) Inmate work crews working out-of-doors within a city or in a residential community located outside of a city will be supervised by a minimum of one supervisor for every ten inmates. The facility functional unit manager may, with the approval of the Assistant Director of Institutions or designee, assign additional inmates without an additional supervisor if an unforeseen and unique circumstance arises.

(4) The provisions specified in sections (2) and (3) are not required for inmate work crews deployed during natural disasters, including but not limited to, floods and forest fires.

(5) The provisions specified in sections (2) and (3) do not apply to inmate work crews assigned to work in programs operated by Oregon Corrections Enterprises under ORS 421.344 to 421.367.

(6) All assigned inmates will be dressed uniformly in clothing clearly stenciled in orange writing that designates them as inmates.

(7) Upon arrival at a worksite, Department of Corrections signs stating an inmate work crew is present will be posted in or near the work area in a place that is visible to the public.

(8) While at the work site supervisors will maintain direct supervision of all assigned inmates, unless the nature of a work task requires the supervisor to monitor an inmate by physically moving throughout the worksite.

(9) At a minimum, the inmate work crew supervisor will account for each inmate once every 30 minutes.

(10) All inmate work crews will be supervised by an employee of the Department of Corrections or Oregon Corrections Enterprises, unless performing a work project for a local, state, or federal governmental agency. The crew may be supervised by an employee of a governmental agency pursuant to an intergovernmental agreement entered into by that agency and the Department of Corrections.

(11) The Department will require in its intergovernmental agreements with local, state or federal government agencies that the employees exercising supervision over inmates assigned to agency work crews receive appropriate training in accordance with OAR 291-082-0145.

(12) Institution post orders will be maintained in support of this rule.
Stat. Auth.: ORS 179.040, 421.440, 423.020 & 423.075
Stats Implemented: ORS 179.040, 421.440, 423.020 & 423.075
Hist.: DOC 3-2002, f. & cert. ef. 1-16-02; Renumbered from 291-082-0035, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

291-082-0145

Work Crew Supervision Training

(1) Before supervising a community inmate work crew, all employees of the Department of Corrections and other local, state or federal governmental agencies that have been designated to supervise inmates assigned to community work crews will receive eight hours of supervisory training. This training shall be developed, approved, and provided by the Department of Corrections.

(2) The Department will provide the designated employees periodic follow-up training at least annually. Training may be provided by the Department more frequently if the Department determines additional training to be necessary or advisable.

Stat. Auth.: ORS 179.040, 421.440, 423.020 & 423.075
Stats. Implemented: ORS 179.040, 421.440, 423.020 & 423.075
Hist.: DOC 3-2002, f. & cert. ef. 1-16-02; Renumbered from 291-082-0045, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08

Rule Caption: Change in Classification System for Assigning Custody Level to Inmates.

Adm. Order No.: DOC 11-2008

Filed with Sec. of State: 5-8-2008

Certified to be Effective: 5-13-08

Notice Publication Date: 3-1-2008

Rules Adopted: 291-104-0140

Rules Amended: 291-104-0111, 291-104-0116, 291-104-0125, 291-104-0135

Rules Repealed: 291-104-0010, 291-104-0015, 291-104-0025, 291-104-0030, 291-104-0033, 291-104-0035, 291-104-0130

Rules Ren. & Amend: 291-104-0005 to 291-104-0106

Subject: These changes are necessary to fully implement the department's new classification system for assigning inmates with the appropriate custody classification level. The transition period from the previous classification system to the new system took several months. All inmates have been classified under the new classification system, so the previous classification system is no longer needed. Additional changes are necessary to provide clarification for scoring the custody classification guide and to reflect operational changes within the agency.

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

291-104-0106

Authority, Purpose, and Policy

(1) Authority: The authority for these rules 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 these rules is to:

(a) Establish Department of Corrections policy and procedures for identifying and assigning an appropriate custody level to each inmate committed or transferred to the Department of Corrections and housed in a Department of Corrections operated or contracted facility or those adult-sentenced youths in the custody of Oregon Youth Authority;

(b) Provide information for population management and planning; and

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(c) Provide information to support the appropriate distribution of correctional resources for both inmate and agency needs.

(3) Policy:

(a) Custody Level: It is the policy of the Department of Corrections to assign each inmate committed or transferred to the custody of the department the lowest custody level deemed appropriate and to:

(A) Provide the amount of supervision necessary to account for the inmate's whereabouts;

(B) Provide for the safe, secure, and orderly operation of Department of Corrections facilities;

(C) Provide reasonable protection to the general community, staff, and inmate population;

(D) Allow each inmate to exercise independent responsibility commensurate with his or her demonstrated ability and behavior; and

(E) Ensure the provision of appropriate inmate health care, mental health treatment, education, and work programs.

(b) Housing Assignments: It is the policy of the Department of Corrections to assign an inmate housing consistent with his/her custody level, demonstrated behavior, and special needs. No Level 5 inmates shall be housed in a general population housing unit.

(c) The following classification terminology directly corresponds when interpreting DOC administrative rules, policies, or procedures:

(A) Level 5 — Maximum

(B) Level 4 — Close

(C) Level 3 — Medium

(D) Level 2 — Minimum

(E) Level 1 — Minimum

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

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

Hist.: CD 2-1989, f. & cert. ef. 2-6-89; CD 14-1991, f. & cert. ef. 6-7-91; CD 18-1993, f. 6-7-93, cert. ef. 6-9-93; CD 20-1994, f. 9-21-94, cert. ef. 10-1-94; DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; Renumbered from 291-104-0005, DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08

291-104-0111

Definitions

(1) Administrative Review: A review of classification scoring, classification level, or classification override requested by an inmate and completed by the Institution Classification Committee, facility functional unit manager, or Classification Manager.

(2) Classification Action: Initiation of initial classification, classification review or classification override to determine an inmate's custody classification level.

(3) Classification Manager: An Office of Population Management employee responsible for the development, implementation, training, auditing, oversight and management of the classification function within the Department.

(4) Classification Review: The process used by the Department to re-evaluate an inmate's assigned custody level. The assigned custody level may be changed as a result of the review.

(5) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of inmates and offenders under the custody, supervision or both of the Department of Corrections.

(6) Custody Classification Guide (Attachment 1): Criteria and guidelines that assist in assigning inmates to an appropriate custody level utilizing scoring elements determined by the Department of Corrections.

(7) Custody Level: One of five levels of supervision assigned to an inmate through initial and classification review procedures.

(a) Level 5: An inmate assigned at this custody level meets one of the following criteria:

(A) Has demonstrated behaviors causing serious management concerns, or has demonstrated behaviors that in the judgment of the Department present a threat sufficient to require special security housing on intensive management status.

(B) Has been committed to the Oregon Department of Corrections with a sentence of death.

(b) Level 4: An inmate assigned at this custody level presents a serious risk of escape or institutional violence, or has extensive time remaining.

(c) Level 3: An inmate assigned at this custody level presents a moderate risk of escape, or has demonstrated behavior causing moderate management concern.

(d) Level 2: An inmate assigned at this custody level presents a limited risk of escape, or has demonstrated behavior causing limited management concern.

(e) Level 1: An inmate assigned at this custody level presents a minimal risk of escape and has demonstrated behavior causing minimal management concern.

(8) Department of Corrections (DOC) Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(9) Designators: Information, alerts or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment, and the management of inmates and offenders both in institutions and in the community.

(10) Initial Classification: The process used by the Department of Corrections to assign an inmate a custody level upon his/her admission to the physical custody of the Department.

(11) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.

(12) Institution Classification Committee: A committee within each facility consisting of at least three persons (one representative from management service, one representative from security, and one representative from Transitional Services) that reviews classification appeals.

(13) Office of Population Management: The functional unit that is responsible for capacity and resource management, new prison construction, community development, interstate compact, rental bed contracts, international transfers, special needs populations, juveniles sentenced as adults, high risk inmate placement, and overall system development related to classification functions.

(14) Override: An option utilized when there is a documented issue(s) not addressed in the classification scoring elements, or a degree of seriousness in a classification factor that justifies a higher or lower custody level than indicated by the classification action.

(15) Policy Elements: Areas of potential risk listed in the Custody Classification Guide (Attachment 1) that determine the inmate's classification level.

(16) Serious Management Concerns:

(a) Participation, either individually or in a group, in behavior that in the judgment of the Department poses a threat to the safe and secure operation of the facility, including but not limited to, threatening or inflicting serious bodily harm on another inmate or on staff, or that poses an immediate risk of escape;

(b) Promoting or engaging in group disruptive behavior, or being involved in the planning of any activities that in the judgment of the Department would significantly threaten the safe and secure operation of the facility; or

(c) Demonstration in behaviors that in the judgment of the Department pose a threat sufficient to require special secure housing on intensive management status.

(17) Special Population Management (SPM) Committee: A committee composed of at least three Department administrative staff to include a representative from Institution Operations, Counseling & Treatment Services, and the Office of Population Management, who are responsible to review classification status for inmates who score Level 5 in order to determine if assignment to Intensive Management Status is appropriate.

(18) Violence Predictor Score (VPS): A score based on a mathematical equation used to determine an inmate's risk for violence in an institutional setting. The equation includes calculations based on an inmate's age, gender, prior incarcerations, type of crime, aggression, drug history, and certain personality disorders. *This calculation is used only during the twelve months of incarceration.*

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

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08

291-104-0116

Initial Classification

(1) The Department of Corrections shall assign inmates an initial custody level in accordance with the Department's Custody Classification Guide (Attachment 1) or the inmate's Violence Predictor Score. An inmate will generally be assigned an initial custody level within 30 days of admission to the physical custody of the Department of Corrections.

(2) The Violence Predictor Score is only used as a classification scoring element during the first twelve months of an inmate's incarceration in the Department of Corrections.

(3) Upon admission to the physical custody of the Department of Corrections, the inmate's assigned counselor will determine an inmate's initial custody level by reviewing the inmate's information from the

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Correctional Information System (CIS) for accuracy. The counselor will enter any additional information into applicable CIS programs by following the custody classification guide.

(4) The assigned counselor will generate a classification action through the CIS classification automated program. The classification program utilizes the highest overall scoring element from the policy elements or the inmate's violence predictor score to determine the overall custody level.

(5) After the classification level has been generated, the assigned counselor will review it for accuracy and forward the classification action to the functional unit manager or designee for approval or, in appropriate cases, for approval of a recommendation for an override.

(6) No classification action is official until the functional unit manager or designee approves the classification action.

(7) Final approval for any overrides of one step will be made by institution staff and shall be documented on the classification override comment screen, describing the override reason.

(8) A custody classification of Level 5 or overrides of more than a single step are not official until approved by the Office of Population Management.

(9) An inmate may request a copy of his/her official classification action.

(10) All official classification actions are historically recorded and maintained in the CIS system.

(11) The Office of Population Management may modify any classification. In such cases, the affected facility will be notified of the reason(s) for the modification.

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

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08

291-104-0125

Classification Review

(1) An inmate's custody level will be reviewed when new information is received that affects a classification scoring policy element, or when an inmate's Violence Predictor Score has expired.

(2) Custody Levels 1-4:

(a) An inmate's assigned counselor will receive an automated classification alert when new information is received that will affect the classification level.

(b) Counselors are required to generate a new classification action on an inmate when the automated program detects a change to the inmate's classification level.

(c) After the classification level has been generated, the assigned counselor will review it for accuracy and forward the classification action to the functional unit manager or designee for approval or, in appropriate cases, for approval of a recommendation for an override.

(d) Final approval for any override of one step will be made at the institutional level and shall be documented on the classification override comment screen describing the override reason.

(e) No classification action is official until the functional unit manager or designee approves the classification action.

(f) Overrides of more than a single step are not official until approved by the Office of Population Management.

(g) The Office of Population Management may modify any classification action. In such cases, the affected facility will be formally notified of the reason(s) for the modification.

(h) An inmate may request a copy of his/her official classification action.

(i) All official classification actions are historically recorded and maintained in the classification system.

(3) Custody Level 5:

(a) When an inmate's institutional behavior is determined to create serious management concerns, the classification action will be forwarded to the Special Population Management Committee for review. If the committee approves an inmate's classification at the Level 5, the Office of Population Management will officially assign a custody level score of 5. Inmates not approved at Level 5 will be scored at custody Level 4.

(b) Once an inmate is assigned to custody Level 5, the automated classification program will maintain the inmate's Level 5 custody status until the inmate is manually scored to a lower custody level by the assigned institution counselor.

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08

291-104-0135

Administrative Review

(1) An inmate may request an administrative review of his/her classification action by completing and submitting the Department of Corrections Request for Administrative Review form (CD1120a(D)).

(2) Issues Subject to Administrative Review: Administrative review is available to an inmate to contest three aspects of their classification action: the accuracy of Classification Levels 1-4 scoring, an override of a scored custody level, and a Level 5 custody classification.

(a) Accuracy of Scoring (Levels 1, 2, 3 and 4):

(A) To obtain an administrative review of a classification score, an inmate must complete the top portion of a CD1120aD form, and send the completed form, together with any supporting documentation, to the Institution Classification Committee at the facility where the inmate is currently housed. The Committee must receive the request within 15 calendar days of the classification approval date. The Committee should complete its review within 15 days after receiving an inmate's review request.

(B) If, after receiving the review decision of the Institution Classification Committee, an inmate is not satisfied with the decision, the inmate may obtain further review of the classification score by sending another completed CD1120aD form requesting administrative review, together with any supporting documentation (including Earned Time Computation form), and the Committee's review decision, to the functional unit manager or designee. The functional unit manager or designee must receive the review request within 15 calendar days of the Committee's review decision. The functional unit manager or designee should complete his/her review within 15 days after receiving the inmate's review request. There shall be no further administrative review of a classification score.

(b) Overrides: To obtain an administrative review of an override of a proposed custody level, an inmate must complete the bottom portion of a CD1120aD form and send the completed form to the Classification Manager, together with any supporting documentation. The Classification Manager must receive the review request within 15 calendar days of the classification action approval date. The Classification Manager should complete the review within 15 days after receiving an inmate's review request. There shall be no further administrative review of an override decision.

(c) Level Five: An inmate's Level 5 custody classification may be administratively reviewed utilizing the bottom portion of the CD1120aD with the review request being submitted to the Classification Manager. The request for review by the inmate shall include any supporting documentation to be considered in reviewing the appropriateness of the Level 5 custody classification. The matter shall be reviewed only once and the completed review shall be final while the inmate is at custody Level 5 status.

(3) A copy of administrative review decisions will be provided to the inmate and retained in the inmate's institution file.

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08

291-104-0140

Classification Quality Assurance Review

(1) The Office of Population Management is responsible for auditing facility classification procedures and decisions.

(2) Auditing shall consist of routine review of custody Level 1 and 2 placements and review of individual classification actions at each facility. Such reviews shall be conducted to ensure:

(a) The policies and procedures set forth in this rule are followed; and

(b) The actions taken by the facility are adequately documented.

(3) Findings inconsistent with rule and established procedures shall be documented and reported to the appropriate functional unit manager and to the Institution Administrators for corrective action.

(4) The Office of Population Management is responsible to review the last classification action for any inmate who is involved in an escape or escape attempt from a Department of Corrections facility and to submit a report to the Institution Administrators of Operations.

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

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

Hist.: DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08

Rule Caption: Victim Services Program.

Adm. Order No.: DOC 12-2008(Temp)

Filed with Sec. of State: 5-15-2008

Certified to be Effective: 5-15-08 thru 11-10-08

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Adopted: 291-205-0010, 291-205-0020, 291-205-0030, 291-205-0040, 291-205-0050, 291-205-0060, 291-205-0070, 291-205-0080, 291-205-0090, 291-205-0100, 291-205-0110

Subject: Adoption of these temporary rules is necessary in order for the Department of Corrections to establish the Victim Services Program which includes a victim/inmate facilitated dialog program, and the policies and procedures for the conduct and administration of the program.

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

291-205-0010

Authority, Purpose and Policy

(1) Authority: The authority for these rules 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 further the Department of Correction's mission, vision and core values by establishing policy and procedures for the operation and administration of the Department's Victim Services Program.

(3) Policy:

(a) The objective of the Department's Victim Services Program is to benefit and assist people who have been harmed by crime and to help inmates make amends or restitution for the harm caused by their crime.

(b) Within the inherent limitations of resources and the need to maintain facility security, safety, discipline, health and good order, it is the policy of the Department of Corrections to:

(A) Provide crime victims and survivors and concerned members of the general public with timely information about any changes in the incarceration status of Department inmates, including an inmate's physical release from a Department of Corrections facility, through the Victim Information and Notification Everyday Program (VINE);

(B) Permit victim-initiated facilitated dialogues between victims or survivors of serious and violent crimes and inmates in Department of Corrections' facilities through the Facilitated Dialogue Program (FDP);

(C) Provide other general services to crime victims and survivors and to inmates who are working to make amends and restitution for their crimes through the Department's Victim Services Program; and

(D) Collaborate with other agencies, people, and community organizations to assist crime victims and survivors, and inmates.

(c) Facilitated dialogues can promote justice and healing for crime victims or survivors and aid inmates in the process of their rehabilitation. When authorized by the Administrator of Religious Services or designee within the Victim Services Program, a facilitated dialogue is permitted neither as a matter of right nor as a privilege of a crime victim or survivor or an inmate. Rather, a facilitated dialogue is permitted by the Administrator of Religious Services or designee, in his or her sole discretion, when he or she judges the facilitated dialogue may further the correctional goals and mission of the Department, and the healing process for crime victims or survivors. Such dialogues must always be consistent with the safe, secure, and orderly management and operation of the Department's correctional facilities.

(d) In order for the Facilitated Dialogue Program to be successful, all the participants must be able to speak openly and honestly about the crime and its impact, knowing that what they communicate will not be shared with other people or used against them later, except as required by law. Accordingly, it is the policy of the Department of Corrections to maintain all Facilitated Dialogue Program Communications as confidential to the maximum extent permitted by law.

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

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

Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0020

Definitions

(1) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(2) Victim Services Advisory Committee: A group of community-based professionals and community members from the fields of mediation, restorative justice, psychology, victim services or other related fields and disciplines, selected by the Administrator of Religious Services or designee, who volunteer or otherwise provide their time and expertise to advise and assist the Administrator or designee in the conduct of the Victim Services Program.

(3) Facilitated Dialogue Program Communications: FDP communications include, but are not limited to, all memoranda, work products, documents, records, phone calls, phone messages and other materials made in the course of or in connection with a facilitated dialogue process, to a facilitator, the Department of Corrections, a crime victim or survivor, an inmate, or any other person present. A Facilitated Dialogue Communication does not include a private written, audio, or other communication between a crime victim or survivor and an inmate that is transmitted through the FDP and that has been expressly authorized by the Administrator or designee. Disclosure of facilitated dialogue communications are governed by a Confidentiality Agreement entered into by the participants, facilitators, and the Department of Corrections, and by all applicable statutes, administrative rules and regulations, and Department of Corrections' policies.

(4) Facilitated Dialogue Meeting: One or more meetings between a crime victim(s) or survivor(s) and an inmate(s) during which the crime victim(s) or survivor(s) and the inmate(s) have the opportunity to dialogue about the crime and its impact with the support of trained facilitators.

(5) Facilitated Dialogue Process: A facilitated dialogue relating to a specific crime victim or survivor, inmate, and serious and violent crime.

(a) A facilitated dialogue process begins with the first contact by a crime victim or survivor with the FDP staff expressing interest in participation in the program. The process includes assessments and screening of the crime victim or survivor and inmate and all contacts and communications between any program staff, advisory committee members or program volunteers and a victim or survivor or inmate.

(b) The facilitated dialogue process ends after the facilitated dialogue meeting and any post-dialogue contacts by the program staff or volunteers with the inmate and crime victim or survivor, or when a crime victim or survivor, inmate, or the program staff or advisory committee decides that the process is terminated.

(6) Facilitated Dialogue Program (FDP): A Department of Corrections program operating under the Victim Services Program that seeks to promote justice and healing for victims or survivors of serious and violent crimes and provide them with a safe and structured process to discuss the crime and its impact with the inmates that victimized them. The program also seeks to aid inmates in the process of their rehabilitation and as a way of increasing public safety. For the purposes of OAR 205-0010 to OAR 205-0110 and unless specified otherwise, references to decisions, determinations or approvals of the Facilitated Dialogue Program shall mean a decision by the Religious Services Administrator or his or her designee.

(7) Facilitator: A Department of Corrections volunteer or staff member who has had specific training in the facilitated dialogue program procedure and practices, and who has been trained and accepted by the Department as a volunteer, employee, or contractor to work in the FDP.

(8) Inmate: Any person under the supervision of Department of Corrections who is not on parole, post-prison supervision, or probation status.

(9) Support Person: A person or persons chosen by the crime victim or survivor or inmate, and approved by Facilitated Dialogue Program, to assist them during the facilitated dialogue process.

(10) Crime Victim or Survivor

(a) Any person who was subjected to direct harm or injury from a crime for which an inmate has been convicted, past or present, and is identified as a victim or survivor in records or information available to the Department of Corrections.

(b) Any spouse, significant other, domestic partner, parent, grandparent, guardian, sibling, child or other immediate family member, or any member of the household, or any other person who was impacted by the consequences of an inmate's crime even though they were not directly or immediately harmed or injured by the inmate's criminal conduct.

(11) Victim Services Program Coordinator (VSPC): A Religious Services staff member designated by the Religious Services Administrator who coordinates the Victim Services Program.

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

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

Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0030

Victim Services Advisory Committee

(1) The Victim Services Advisory Committee will operate under the direction of the Administrator of Religious Services or designee.

(2) The Advisory Committee will advise and assist the Religious Services Administrator or designee with the recruitment, training, supervision and evaluation of FDP facilitators; the development and the administration of the FDP; the gathering of support and resources for the FDP; and other elements of the Victim Services Program.

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(3) The Advisory Committee will also provide comment to the Administrator of Religious Services or designee regarding the department's administrative rules governing the Victim Services Program, the FDP, and individual facilitated dialogue processes.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075
Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0040

General Components of the Victim Notification and Information Everyday (VINE) Program

(1) Crime victims and survivors and concerned members of the general public may request timely information about any changes in the incarceration status of Department inmates, including an inmate's physical release from a Department of Corrections facility, by registering to participate in the VINE program.

(2) The Victim Services Program Coordinator, in consultation with the Administrator of Religious Services will be responsible for coordinating and maintaining the VINE program.

(3) The Victim Services Program Coordinator may convene a meeting of VINE stakeholders at least once every two years to advise the Religious Services Administrator or designee on issues relating to the operation of VINE.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075
Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0050

General Components of the Facilitated Dialogue Program

(1) Key principles or Components that Guide the FDP.

(a) Participation in a facilitated dialogue case is voluntary for both the crime victim or survivor and for the inmate. A facilitated dialogue process can only be initiated by a crime victim or survivor.

(b) Professionally trained facilitators with a background in related fields will conduct the facilitated dialogues; the facilitated dialogue process will be confidential, unless all parties agree in writing otherwise.

(c) Pre-dialogue preparation, including careful screening of parties to ensure safety and identify appropriate support networks, is a critical part of the facilitated dialogue process and can take months or even years to complete; post-dialogue follow-up is essential to a successful process and could include assistance in accessing appropriate aftercare and therapeutic support. On-going evaluation of the dialogue process, facilitators and overall program policies and procedures is critical to ensuring a quality process for the parties involved.

(2) Crime Victim or Survivor Requests and Initiates:

(a) A crime victim or survivor must request to participate in the Department of Corrections' FDP. Such a request initiates the dialogue. Inmate requests for a facilitated dialogue will not be considered by the Department, except to the extent that they will be kept on file by the Department in the event that an inmate's crime victim or survivor contacts the program.

(b) Crime victim or survivor requests will be considered only in relation to those crimes for which the inmate has exhausted or elected not to pursue all appeals and other legal remedies that are available to challenge the validity of his or her conviction and prison sentence.

(3) Participation Voluntary: Participation in the FDP is completely voluntary by all participants. All participants in the program and process, the crime victim or survivor, inmate, support person, staff, or facilitators may suspend their participation in the program or in a particular facilitated dialogue process at any time for any reason.

(4) Upon Request Participants Must Consent to Disclosure of Medical/Mental Health Records:

(a) As a requirement of program participation, the crime victim or survivor and the inmate may be asked to consent in writing to the disclosure of their medical and psychological records and information related to their current psychological state, emotional strengths and weaknesses, predisposition to violence, including but not limited to any DSM-IV diagnoses, to any staff, program volunteers, or advisory committee members involved in their particular facilitated dialogue process. The information will be used only to evaluate the appropriateness of the crime victim or survivor's and the inmate's participation in the program.

(b) The crime victim or survivor or inmate may withdraw their consent in writing at any time in the facilitated dialogue process by delivering their written revocation to the staff or volunteers involved in conducting a program. Such a revocation by either the crime victim or survivor or the inmate will result in the immediate termination of the facilitated dialogue process. The Consent to Disclosure of Medical/Mental Health Records

shall be limited in scope to the Facilitated Dialogue Program. The Consent to Disclosure of Medical/Mental Health Records shall automatically terminate upon termination of the Facilitated Dialogue Program.

(5) FDP Not a Replacement for Professional Counseling or Treatment: The Facilitated Dialogue Program is not designed to be a replacement for professional counseling or therapy for any of the participants. Participants are encouraged to consult with a professional counselor or therapist to address any personal emotional or mental health issues.

(6) Facilitated Dialogue Participation Agreements: As a requirement of program participation any crime victim, survivor, inmate, dialogue facilitators, support and other persons who will be involved in the dialogue process must enter into and agree to abide by the terms and conditions of program participation as set forth in a Participation Agreement and Facilitated Dialogue Confidentiality Agreement that will be prepared by the FDP.

(7) Suspension/Termination of a Facilitated Dialogue Process:

(a) All program staff and volunteers will immediately suspend a facilitated dialogue process upon a decision being made by the Administrator, Religious Services or his/her designee that there has been a violation or failure to abide by the Facilitated Dialogue Program rules or agreements for any reason by any participant

(b) If a facilitated dialogue process is suspended, the crime victim or survivor and the inmate are prohibited from contacting each other while the process is suspended without the prior express approval of the FDP

(c) Termination: The FDP may terminate a facilitated dialogue process, including a process that has been suspended, for any reason. The FDP decision is final, and not subject to further review by the crime victim or survivor or by the inmate.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075
Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0060

Participation of a Crime Victim or Survivor and their Support Person(s)

(1) Specific Conditions of Crime Victim or Survivor Participation: A crime victim or survivor who wishes to participate in the Facilitated Dialogue Program must:

(a) Act in "good faith" during the facilitated dialogue process, this means that participants will be honest with and respectful of one another and the guidelines of the program. Participants will accept and follow the facilitators' direction over the course of the process.

(b) Refrain from engaging in inappropriate personal relationships that go beyond the focus area and/or the purpose and function of the facilitated dialogue process with the participants or facilitators. Any conflict of interests with participants and facilitators that may exist or develop over the course of the dialogue process will be reported to the facilitator and the program coordinator.

(2) Crime Victim or Survivor Support Person: The FDP encourages, but does not require, that a crime victim or survivor participating in a facilitated dialogue process choose a support person. All support persons chosen by the crime victim or survivor will be required to disclose to the program the nature of the support person's relationship to the crime victim or survivor, and to the inmate, if any.

(3) Crime Victims or Survivors and Support Persons Subject to Department Rules: Facilitated dialogues take place inside Department of Corrections' facilities. Consequently, the crime victim or survivor and support person(s) are and remain subject to all applicable Department rules and facility procedures pertaining to the public and visitors in Department of Corrections' facilities, while participating in the Facilitated Dialogue Program, including but not limited to Mail (OAR 291-137), Visiting (OAR 291-127), Facility Access (OAR 291-016), and these rules.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075
Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0070

Participation of Inmate and their Support Person(s)

(1) Specific Conditions of Inmate Participation: An inmate who wishes to participate in the Facilitated Dialogue Program must:

(a) Consent to a psychiatric/mental health assessment for the purpose of evaluating their suitability to participate in a facilitated dialogue with the crime victim or survivor.

(b) Acknowledge guilt and take responsibility for his/her crime, and be willing to respond to the crime victim or survivor's needs, to the satisfaction of the program staff and volunteers.

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(c) If an inmate is found in violation of any official misconduct during the dialogue process the Administrator of Religious Services or designee, after consultation with the Program Coordinator and the Advisory Committee may decide that the facilitated dialogue process should be suspended for a time or terminated.

(d) Act in "good faith" during the facilitated dialogue process, and accept and follow the facilitators' direction over the course of the facilitated dialogue process.

(e) Refrain from engaging in inappropriate personal relationships with the participants or facilitators of a facilitated dialogue process.

(2) Inmate Participants Subject to Department Rules: Inmates remain subject to all applicable Department rules and facility procedures pertaining to inmates in Department of Corrections' facilities, while participating in the Facilitated Dialogue Program, including but not limited to Mail (Inmate) (OAR 291-137), Visiting (OAR 291-127), Facility Access (OAR 291-016), and these rules.

(3) No Sentence, Reward, or Status Gain from Participation: An inmate's participation in the Facilitated Dialogue Program will not affect the inmate's sentence or status within the correctional facility.

(a) Participation in the FDP will not be assigned or evaluated as part of the inmate's Corrections Plan for purposes of the Performance Recognition and Awards System (OAR 291-077) or any earned good time. However, at the voluntary request of an inmate, the inmate's counselor may assign them to work on the facilitated dialogue process as part of their Oregon Corrections Plan to help them reduce their risk of future offending upon release and learn how to live a more productive life.

(b) Inmates will not receive any benefit because of their participation in the FDP other than any benefits that are inherent to their participation.

(4) Inmate Support Person: The FDP encourages, but does not require, that an inmate participating in a facilitated dialogue process choose a support person. All support persons chosen by the inmate must be ODOC staff or ODOC volunteers and will be required to disclose to the program the nature of the support person's relationship to the inmate, if any.

(5) Inmate and Support Person(s) Subject to Department Rules: Facilitated dialogues take place inside Department of Corrections' facilities. Consequently, the support person(s) are and remain subject to all applicable Department rules and facility procedures pertaining to the public and visitors in Department of Corrections' facilities, while participating in the Facilitated Dialogue Program, including but not limited to Mail (Inmate) (OAR 291-137), Visiting (OAR 291-127), Facility Access (OAR 291-016), and these rules.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075
Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0080

Facilitator Participation

(1) Facilitator Qualification, Selection, Assignment, Supervision and Termination:

(a) The Religious Services Administrator and his/her designees maintain sole discretion over the qualifications, selection, assignment and termination of dialogue facilitators who participate in the Facilitated Dialogue Program.

(b) The FDP staff will assign facilitators to a specific facilitated dialogue process as needed.

(c) The FDP will provide direction and supervision of all facilitators assigned to cases and instruction as to appropriate intervals for debriefings.

(d) The FDP staff may terminate a facilitator's participation in a specific facilitated dialogue process for any reason.

(2) Volunteer Requirements: Volunteer facilitators must meet the requirements for volunteer service in the rule on Volunteer Services/Student Interns (OAR 291-015). Facilitators must report any violation or failure to abide by the Facilitated Dialogue Program rules or agreements for any reason by any participant to the FDP.

(3) Inappropriate Relationships with Participants: Facilitators are prohibited from engaging in sexual or other inappropriate personal relationships with the participants of a Facilitated Dialogue Process.

(4) Legal Advice: Facilitators must not give legal advice to any crime victim or survivor or inmate.

(5) Facilitators Subject to Department Rules: Facilitated dialogues take place inside Department of Corrections' facilities. Consequently, facilitators are and remain subject to all applicable Department rules and facility procedures pertaining to the public and visitors in Department of Corrections' facilities, while participating in the Facilitated Dialogue Program, including but not limited to Volunteer Services/Student Interns

(OAR 291-015), Mail (Inmate) (OAR 291-137), Visiting (OAR 291-127), Facility Access (OAR 291-016), and these rules.

(6) Training: Facilitators will attend any required training provided by the ODOC for process facilitators. Other training through other programs may provide support for applicants but will not automatically substitute for ODOC training. The FDP will offer on-going training and program updates that facilitators are expected to make every effort to attend.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075
Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0090

Intake Assessment

(1) Intake Evaluation: Upon receiving a crime victim or survivor's request to participate in the Facilitated Dialogue Program, the FDP will evaluate the request and determine whether the Facilitated Dialogue Program is appropriate for the crime victim or survivor and the inmate.

(2) Minimum Content of Evaluation: When conducting the intake assessment, the FDP through its staff or volunteers will, at a minimum, do the following:

(a) Interview the crime victim or survivor to describe the process, determine the nature of the crime, time elapsed since the crime, and other factors that address the past and present impacts of the crime on the crime victim or survivor and why the crime victim or survivor wants to participate in the Facilitated Dialogue Program. The interview is also used to explain the process to the crime victim or survivor.

(b) Contact appropriate staff at the institution in which the inmate is incarcerated to determine if the inmate is eligible to participate. Program staff or volunteers designated by the VSP will conduct a preliminary interview with the inmate.

(c) Provide the inmate and the crime victim or survivor with copies of the Confidentiality Agreement and Agreements to Participate. Execution of these agreements is necessary before the facilitated dialogue process will continue.

(3) FDP Decision Final: The decision whether to grant a crime victim or survivor's request to participate in the Facilitated Dialogue Program is committed to the discretion of the FDP. The FDP decision is final, and not subject to further review by the crime victim or survivor or by the inmate.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075
Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0100

Facilitated Dialogue Meeting

(1) Several Meetings Possible: A facilitated dialogue process may include one or more facilitated dialogue meetings. A facilitated dialogue meeting offers the crime victim or survivor and the inmate the opportunity to discuss the crime and its impacts.

(2) FDP Decision Final: The decision whether to hold a facilitated dialogue meeting is committed to the discretion of the FDP. The FDP decision is final, and not subject to further review by the crime victim or survivor or by the inmate.

(3) Facilitated Dialogue Meeting as Exception to General Department Prohibition Against Visits Between Inmates and their Crime Victims: When the FDP has authorized a facilitated dialogue meeting from a program perspective, the facility Superintendent or designee may, in his/her discretion, approve a special visit or visits between the crime victim or survivor and the inmate for the purpose of the facilitated dialogue meeting as an exception to the Department's general rule prohibiting visits between an inmate and his/her crime victim, OAR 291-127-0230(5).

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075
Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

291-205-0110

Post-Dialogue Process

(1) Post Meeting Contact: After the facilitated dialogue meeting, the facilitators will contact the crime victim or survivor and the inmate to discuss the meeting and evaluate the process. The contacts should take place within 72 hours after the facilitated dialogue meeting and thereafter as approved by the FDP.

(2) Post Meeting Report: After the facilitated dialogue meeting, the facilitators will report to the FDP and the FDP will evaluate the facilitated dialogue process.

(3) Conclusion of Dialogue Process: Upon conclusion of the post-dialogue contacts, the facilitated dialogue process is terminated.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075
Hist.: DOC 12-2008(Temp). f. & cert.ef. 5-15-08 thru 11-10-08

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Department of Environmental Quality Chapter 340

Rule Caption: This rulemaking will allow wastewater treatment facilities to produce recycled water for a variety of beneficial purposes.

Adm. Order No.: DEQ 6-2008

Filed with Sec. of State: 5-5-2008

Certified to be Effective: 5-5-08

Notice Publication Date: 8-1-2007

Rules Amended: 340-041-0009, 340-055-0005, 340-055-0007, 340-055-0010, 340-055-0013, 340-055-0020, 340-055-0025, 340-055-0030

Rules Ren. & Amend: 340-055-0015 to 340-055-0012, 340-055-0015 to 340-055-0016, 340-055-0015 to 340-055-0017, 340-055-0015 to 340-055-0022

Subject: Encouraging water reuse has received much statewide interest during the last several years:

In 2003, the Oregon Legislature passed Senate Bill 820 that required the Oregon Department of Environmental Quality (DEQ) to work with interested parties and stakeholders and develop a report on opportunities and barriers with wastewater reuse in urban areas. The Urban Water Reuse Task Force and DEQ prepared a report in December 2004 on the Implementation of Senate Bill 820.

The Governor's Executive Order No. EO 05-04 on Water Reuse signed in March 2005 addresses the need to promote policies and programs to encourage and support water reuse.

Based on the Urban Water Reuse Task Force recommendations and the Governor's Executive Order, DEQ is proposing to:

Amend recycled water treatment and use requirements that allow for the additional beneficial purposes and new wastewater treatment technology.

Clarify responsibility requirements for the use of recycled water.

Institute program improvements that promote efficiency, effectiveness and consistency for approving and implementing a recycled water use program.

Clarify the regulatory process and involvement of other state agencies for recycled water use projects.

Revise language that unduly stigmatizes reuse.

Rules Coordinator: Larry McAllister—(503) 229-6412

340-041-0009

Bacteria

(1) Numeric Criteria: Organisms of the coliform group commonly associated with fecal sources (MPN or equivalent membrane filtration using a representative number of samples) may not exceed the criteria described in paragraphs (a) and (b) of this paragraph:

(a) Freshwaters and Estuarine Waters Other than Shellfish Growing Waters:

(A) A 30-day log mean of 126 E. coli organisms per 100 milliliters, based on a minimum of five (5) samples;

(B) No single sample may exceed 406 E. coli organisms per 100 milliliters.

(b) Marine Waters and Estuarine Shellfish Growing Waters: A fecal coliform median concentration of 14 organisms per 100 milliliters, with not more than ten percent of the samples exceeding 43 organisms per 100 ml.

(2) Raw Sewage Prohibition: No sewage may be discharged into or in any other manner be allowed to enter the waters of the State, unless such sewage has been treated in a manner approved by the Department or otherwise allowed by these rules;

(3) Animal Waste: Runoff contaminated with domesticated animal wastes must be minimized and treated to the maximum extent practicable before it is allowed to enter waters of the State;

(4) Bacterial pollution or other conditions deleterious to waters used for domestic purposes, livestock watering, irrigation, bathing, or shellfish propagation, or otherwise injurious to public health may not be allowed;

(5) Effluent Limitations for Bacteria: Except as allowed in subsection (c) of this section, upon NPDES permit renewal or issuance, or upon request for a permit modification by the permittee at an earlier date, effluent discharges to freshwaters, and estuarine waters other than shellfish growing waters may not exceed a monthly log mean of 126 E. coli organ-

isms per 100 ml. No single sample may exceed 406 E. coli organisms per 100 ml. However, no violation will be found, for an exceedance if the permittee takes at least five consecutive re-samples at four-hour intervals beginning as soon as practicable (preferably within 28 hours) after the original sample was taken and the log mean of the five re-samples is less than or equal to 126 E. coli. The following conditions apply:

(a) If the Department finds that re-sampling within the timeframe outlined in this section would pose an undue hardship on a treatment facility, a more convenient schedule may be negotiated in the permit, provided that the permittee demonstrates that the sampling delay will result in no increase in the risk to water contact recreation in waters affected by the discharge;

(b) The in-stream criterion for chlorine listed in Table 20 must be met at all times outside the assigned mixing zone;

(c) For sewage treatment plants that are authorized to use recycled water pursuant to OAR 340, division 55, and that also use a storage pond as a means to dechlorinate their effluent prior to discharge to public waters, effluent limitations for bacteria may, upon request by the permittee, be based upon appropriate total coliform limits as required by OAR 340, division 55:

(i) Class C limitations: No two consecutive samples may exceed 240 total coliform per 100 milliliters.

(ii) Class A and Class B limitations: No single sample may exceed 23 total coliform per 100 milliliters.

(iii) No violation will be found for an exceedance under this paragraph if the permittee takes at least five consecutive re-samples at four hour intervals beginning as soon as practicable (preferably within 28 hours) after the original sample(s) were taken; and in the case of Class C recycled water, the log mean of the five re-samples is less than or equal to 23 total coliform per 100 milliliters or, in the case of Class A and Class B recycled water, if the log mean of the five re-samples is less than or equal to 2.2 total coliform per 100 milliliters.

(6) Sewer Overflows in winter: Domestic waste collection and treatment facilities are prohibited from discharging raw sewage to waters of the State during the period of November 1 through May 21, except during a storm event greater than the one-in-five-year, 24-hour duration storm. However, the following exceptions apply:

(a) The Commission may on a case-by-case basis approve a bacteria control management plan to be prepared by the permittee, for a basin or specified geographic area which describes hydrologic conditions under which the numeric bacteria criteria would be waived. These plans will identify the specific hydrologic conditions, identify the public notification and education processes that will be followed to inform the public about an event and the plan, describe the water quality assessment conducted to determine bacteria sources and loads associated with the specified hydrologic conditions, and describe the bacteria control program that is being implemented in the basin or specified geographic area for the identified sources;

(b) Facilities with separate sanitary and storm sewers existing on January 10, 1996, and which currently experience sanitary sewer overflows due to inflow and infiltration problems, must submit an acceptable plan to the Department at the first permit renewal, which describes actions that will be taken to assure compliance with the discharge prohibition by January 1, 2010. Where discharges occur to a receiving stream with sensitive beneficial uses, the Department may negotiate a more aggressive schedule for discharge elimination;

(c) On a case-by-case basis, the beginning of winter may be defined as October 15, if the permittee so requests and demonstrates to the Department's satisfaction that the risk to beneficial uses, including water contact recreation, will not be increased due to the date change.

(7) Sewer Overflows in summer: Domestic waste collection and treatment facilities are prohibited from discharging raw sewage to waters of the State during the period of May 22 through October 31, except during a storm event greater than the one-in-ten-year, 24-hour duration storm. The following exceptions apply:

(a) For facilities with combined sanitary and storm sewers, the Commission may on a case-by-case basis approve a bacteria control management plan such as that described in subsection (6)(a) of this rule;

(b) On a case-by-case basis, the beginning of summer may be defined as June 1 if the permittee so requests and demonstrates to the Department's satisfaction that the risk to beneficial uses, including water contact recreation, will not be increased due to the date change;

(c) For discharge sources whose permit identifies the beginning of summer as any date from May 22 through May 31: If the permittee demonstrates to the Department's satisfaction that an exceedance occurred

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between May 21 and June 1 because of a sewer overflow, and that no increase in risk to beneficial uses, including water contact recreation, occurred because of the exceedance, no violation may be triggered, if the storm associated with the overflow was greater than the one-in-five-year, 24-hour duration storm.

(8) Storm Sewers Systems Subject to Municipal NPDES Stormwater Permits: Best management practices must be implemented for permitted storm sewers to control bacteria to the maximum extent practicable. In addition, a collection-system evaluation must be performed prior to permit issuance or renewal so that illicit and cross connections are identified. Such connections must be removed upon identification. A collection system evaluation is not required where the Department determines that illicit and cross connections are unlikely to exist.

(9) Storm Sewers Systems Not Subject to Municipal NPDES Stormwater Permits: A collection system evaluation must be performed of non-permitted storm sewers by January 1, 2005, unless the Department determines that an evaluation is not necessary because illicit and cross connections are unlikely to exist. Illicit and cross-connections must be removed upon identification.

(10) Water Quality Limited for Bacteria: In those water bodies, or segments of water bodies identified by the Department as exceeding the relevant numeric criteria for bacteria in the basin standards and designated as water-quality limited under section 303(d) of the Clean Water Act, the requirements specified in section 11 of this rule and in OAR 340-041-0061(12) must apply.

(11) In water bodies designated by the Department as water-quality limited for bacteria, and in accordance with priorities established by the Department, development and implementation of a bacteria management plan may be required of those sources that the Department determines to be contributing to the problem. The Department may determine that a plan is not necessary for a particular stream segment or segments within a water-quality limited basin based on the contribution of the segment(s) to the problem. The bacteria management plans will identify the technologies, best management practices and/or measures and approaches to be implemented by point and nonpoint sources to limit bacterial contamination. For point sources, their National Pollutant Discharge Elimination System permit is their bacteria management plan. For nonpoint sources, the bacteria management plan will be developed by designated management agencies (DMAs) which will identify the appropriate best management practices or measures and approaches.

Stat. Auth.: ORS 468.020, 468B.030, 468B.035 & 468B.048
Stats. Implemented: ORS 468B.015 & 468B.020
Hist.: DEQ 17-2003, f. & cert. ef. 12-9-03; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0005

Purpose

These rules (OAR 340-055-0005 to 340-055-0030) prescribe requirements for the use of recycled water for beneficial purposes. The purpose of this division is to protect the environment and public health in the State of Oregon.

Stat. Auth.: ORS 468.020, 468.705 & 468.710
Stats. Implemented: ORS 468B.015 & 468B.020
Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0007

Policy

It is the policy of the Environmental Quality Commission to encourage the use of recycled water for domestic, agricultural, industrial, recreational, and other beneficial purposes in a manner which protects public health and the environment of the state. The use of recycled water for beneficial purposes will improve water quality by reducing discharge of treated effluent to surface waters, reduce the demand on drinking water sources for uses not requiring potable water, and may conserve stream flows by reducing withdrawal for out-of-stream use.

Stat. Auth.: ORS 468.020, 468.705 & 468.710
Stats. Implemented: ORS 468B.015
Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0010

Definitions

The following definitions apply to this division of rules:

(1) "Artificial Groundwater Recharge" means the intentional addition of water diverted from another source to a groundwater reservoir.

(2) "Beneficial Purpose" means a purpose where recycled water is utilized for a resource value, such as nutrient content or moisture, to increase productivity or to conserve other sources of water.

(3) "Department" means the Oregon Department of Environmental Quality.

(4) "Disinfected Wastewater" means wastewater that has been treated by a chemical, physical or biological process and meets the criteria if applicable to its classification for use as recycled water.

(5) "Filtered Wastewater" means an oxidized wastewater that meets the criteria defined in OAR 340-055-0012(7)(c).

(6) "Human Consumption" means water used for drinking, personal or oral hygiene, bathing, showering, cooking, or dishwashing.

(7) "Landscape Impoundment" means a body of water used for aesthetic purposes or other function that does not include public contact through activities such as boating, fishing, or body-contact recreation. Landscape impoundments include, but are not limited to, golf course water ponds or non-residential landscape ponds.

(8) "Nonrestricted Recreational Impoundment" means a constructed body of water for which there are no limitations on body-contact water recreation activities. Nonrestricted recreational impoundments include, but are not limited to, recreational lakes, water features accessible to the public, and public fishing ponds.

(9) "NPDES Permit" means a National Pollutant Discharge Elimination System permit as defined in OAR chapter 340, division 45.

(10) "Oxidized Wastewater" means a treated wastewater in which the organic matter is stabilized and nonputrescible, and which contains dissolved oxygen.

(11) "Person" means the United States and agencies thereof, any state, any individual, public or private corporation, political subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity.

(12) "Processed Food Crops" means those crops that undergo thermo-processing sufficient to kill spores of *Clostridium botulinum*.

(13) "Recycled Water" means treated effluent from a wastewater treatment system which as a result of treatment is suitable for a direct beneficial purpose. Recycled water includes reclaimed water as defined in ORS 537.131.

(14) "Restricted Recreational Impoundment" means a constructed body of water that is limited to fishing, boating, and other non-body contact water recreation activities.

(15) "Sprinkler Irrigation" means the act of applying water by means of perforated pipes or nozzles operated under pressure so as to form a spray pattern.

(16) "Wastewater" or "Sewage" means the water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture with sewage of wastes or industrial wastes shall also be considered "wastewater" within the meaning of this division.

(17) "Wastewater Treatment System" or "Sewage Treatment System" means an approved facility or equipment used to alter the quality of wastewater by physical, chemical or biological means or a combination thereof that reduces the tendency of the wastewater to degrade water quality or other environmental conditions.

(18) "Waters of the State" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction.

(19) "WPCF Permit" means a Water Pollution Control Facilities permit as defined in OAR chapter 340, division 45.

(20) "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Stat. Auth.: ORS 468.020, 468.705 & 468.710
Stats. Implemented: ORS 468B.005, 468B.030 & 468B.050
Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0012

Recycled Water Quality Standards and Requirements

(1) Any person having control over the treatment or distribution or both of recycled water may distribute recycled water only for the beneficial purposes described in this rule, and must take all reasonable steps to ensure that the recycled water is used only in accordance with the standards and requirements of the rules of this division.

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(2) Any person who uses recycled water may use recycled water only for the beneficial purposes described in this rule, and must comply with the standards and requirements of this rule and the rules of this division.

(3) The following requirements apply to nondisinfected recycled water.

(a) Beneficial Purposes. Nondisinfected recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Irrigation for growing fodder, fiber, seed crops not intended for human ingestion, or commercial timber; and

(B) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Nondisinfected recycled water must be an oxidized wastewater.

(c) Criteria. There are no disinfection criteria for nondisinfected recycled water.

(d) Monitoring. Monitoring must be in accordance with the wastewater treatment system owner's NPDES or WPCF permit.

(e) Setback Distances. There must be a minimum of 150 feet from the edge of the irrigation site to a water supply source used for human consumption. Other site specific setback distances for irrigation necessary to protect public health and the environment must be established in the recycled water use plan and must be met when irrigating.

(f) Access and Exposure. Public access to the irrigation site must be prevented.

(g) Site Management.

(A) Irrigation with recycled water is prohibited for 30 days before harvesting.

(B) Sprinkler irrigation is prohibited unless authorized in advance and in writing by the department based on demonstration that public health and the environment will be adequately protected from aerosols.

(4) The following requirements apply to Class D recycled water.

(a) Beneficial Purposes. Class D recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Any beneficial purpose defined in subsection (3)(a) of this rule;

(B) Irrigation of firewood, ornamental nursery stock, Christmas trees, sod, or pasture for animals; and

(C) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Class D recycled water must be an oxidized and disinfected wastewater that meets the numeric criteria in subsection (c) of this section.

(c) Criteria. Class D recycled water must not exceed a 30-day log mean of 126 E. coli organisms per 100 milliliters and 406 E. coli organisms per 100 milliliters in any single sample.

(d) Monitoring. Monitoring for E. coli organisms must occur once per week at a minimum.

(e) Setback Distances.

(A) Where an irrigation method is used to apply recycled water directly to the soil, there must be a minimum of 10 feet from the edge of the site used for irrigation and the site property line.

(B) Where sprinkler irrigation is used, there must be a minimum of 100 feet from the edge of the site used for irrigation and the site property line.

(C) There must be a minimum of 100 feet from the edge of an irrigation site to a water supply source used for human consumption.

(D) Where sprinkler irrigation is used, recycled water must not be sprayed within 70 feet of an area where food is prepared or served, or where a drinking fountain is located.

(f) Access and Exposure.

(A) Animals used for production of milk must be restricted from direct contact with the recycled water.

(B) When using recycled water for irrigation of sod, ornamental nursery stock, or Christmas trees, the personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

(g) Site Management.

(A) When irrigating, signs must be posted around the perimeter of the irrigation site stating recycled water is used and is not safe for drinking.

(B) Irrigation of fodder, fiber, seed crops not intended for human ingestion, sod, commercial timber, firewood, ornamental nursery stock, or Christmas trees is prohibited for three days before harvesting.

(5) The following requirements apply to Class C recycled water.

(a) Beneficial Purposes. Class C recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Any beneficial purpose defined in subsection (4)(a) of this rule;

(B) Irrigation of processed food crops;

(C) Irrigation of orchards or vineyards if an irrigation method is used to apply recycled water directly to the soil;

(D) Landscape irrigation of golf courses, cemeteries, highway medians, or industrial or business campuses;

(E) Industrial, commercial, or construction uses limited to: industrial cooling, rock crushing, aggregate washing, mixing concrete, dust control, nonstructural fire fighting using aircraft, street sweeping, or sanitary sewer flushing;

(F) Water supply source for landscape impoundments; and

(G) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Class C recycled water must be an oxidized and disinfected wastewater that meets the numeric criteria in subsection (c) of this section.

(c) Criteria. Class C recycled water must not exceed a median of 23 total coliform organisms per 100 milliliters, based on results of the last seven days that analyses have been completed, and 240 total coliform organisms per 100 milliliters in any two consecutive samples.

(d) Monitoring. Monitoring for total coliform organisms must occur once per week at a minimum.

(e) Setback Distances.

(A) Where an irrigation method is used to apply recycled water directly to the soil, there must be a minimum of 10 feet from the edge of the site used for irrigation and the site property line.

(B) Where sprinkler irrigation is used, there must be a minimum of 70 feet from the edge of the site used for irrigation and the site property line.

(C) There must be a minimum of 100 feet from the edge of an irrigation site to a water supply source used for human consumption.

(D) Where sprinkler irrigation is used, recycled water must not be sprayed within 70 feet of an area where food is being prepared or served, or where a drinking fountain is located.

(f) Access and Exposure.

(A) When irrigating for a beneficial purpose defined in subsection (4)(a) of this rule, the access and exposure requirements defined in subsection (4)(f) of this rule must be met.

(B) During irrigation of a golf course, a cemetery, a highway median, or an industrial or business campus, the public must be restricted from direct contact with the recycled water.

(C) If aerosols are generated when using recycled water for an industrial, commercial, or construction purpose, the aerosols must not create a public health hazard.

(D) When using recycled water for an agricultural or horticultural purpose where sprinkler irrigation is used, or an industrial, commercial, or construction purpose, the public and personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

(g) Site Management.

(A) When irrigating for a beneficial purpose defined in subsection (4)(a) of this rule, the site management requirements defined in subsection (4)(g) of this rule must be met.

(B) When using recycled water for a landscape impoundment or for irrigating a golf course, cemetery, highway median, or industrial or business campus, signs must be posted at the use area and be visible to the public. The signs must state that recycled water is used and is not safe for drinking.

(C) Irrigation of processed food crops is prohibited for three days before harvesting.

(D) When irrigating an orchard or vineyard, the edible portion of the crop must not contact the ground, and fruit or nuts may not be harvested off the ground.

(E) When using recycled water for a landscape impoundment, aerators or decorative fixtures that may generate aerosols are allowed only if authorized in writing by the department.

(6) The following requirements apply to Class B recycled water.

(a) Beneficial Purposes. Class B recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Any beneficial purpose defined in subsection (5)(a) of this rule;

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(B) Stand-alone fire suppression systems in commercial and residential buildings, non-residential toilet or urinal flushing, or floor drain trap priming;

(C) Water supply source for restricted recreational impoundments; and

(D) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Class B recycled water must be an oxidized and disinfected wastewater that meets the numeric criteria in subsection (c) of this section.

(c) Criteria. Class B recycled water must not exceed a median of 2.2 total coliform organisms per 100 milliliters, based on results of the last seven days that analyses have been completed, and 23 total coliform organisms per 100 milliliters in any single sample.

(d) Monitoring. Monitoring for total coliform organisms must occur three times per week at a minimum.

(e) Setback Distances.

(A) Where an irrigation method is used to apply recycled water directly to the soil, there are no setback requirements.

(B) Where sprinkler irrigation is used, there must be a minimum of 10 feet from the edge of the site used for irrigation and the site property line.

(C) There must be a minimum of 50 feet from the edge of the irrigation site to a water supply source used for human consumption.

(D) Where sprinkler irrigation is used, recycled water must not be sprayed within 10 feet of an area where food is being prepared or served, or where a drinking fountain is located.

(f) Access and Exposure.

(A) During irrigation of a golf course, the public must be restricted from direct contact with the recycled water.

(B) If aerosols are generated when using recycled water for an industrial, commercial, or construction purpose, the aerosols must not create a public health hazard.

(C) When using recycled water for an agricultural or horticultural purpose where sprinkler irrigation is used, or an industrial, commercial, or construction purpose, the public and personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

(g) Site Management.

(A) When irrigating for a beneficial purpose defined in subsection (4)(a) of this rule, the site management requirements defined in subsection (4)(g) of this rule must be met.

(B) When using recycled water for a landscape impoundment or for irrigating a golf course, cemetery, highway median, or industrial or business campus, signs must be posted at the use area and be visible to the public. The signs must state recycled water is used and is not safe for drinking.

(C) Irrigation of processed food crops is prohibited for three days before harvesting.

(D) When irrigating an orchard or vineyard, the edible portion of the crop must not contact the ground, and fruit or nuts may not be harvested off the ground.

(7) The following requirements apply to Class A recycled water.

(a) Beneficial Purposes. Class A recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Any beneficial purpose defined in subsection (6)(a) of this rule;

(B) Irrigation for any agricultural or horticultural use;

(C) Landscape irrigation of parks, playgrounds, school yards, residential landscapes, or other landscapes accessible to the public;

(D) Commercial car washing or fountains when the water is not intended for human consumption;

(E) Water supply source for nonrestricted recreational impoundments;

(F) Artificial groundwater recharge by surface infiltration methods or by subsurface injection in accordance with OAR chapter 340, division 44. Direct injection into an underground source of drinking water is prohibited unless allowed by OAR chapter 340, division 44; and

(G) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Class A recycled water must be an oxidized, filtered and disinfected wastewater that meets the numeric criteria in subsection (c) of this section are met.

(c) Criteria. Class A recycled water must not exceed the following criteria:

(A) Before disinfection, unless otherwise approved in writing by the department, the wastewater must be treated with a filtration process, and

the turbidity must not exceed an average of 2 nephelometric turbidity units (NTU) within a 24-hour period, 5 NTU more than five percent of the time within a 24-hour period, and 10 NTU at any time, and

(B) After disinfection, Class A recycled water must not exceed a median of 2.2 total coliform organisms per 100 milliliters, based on results of the last seven days that analyses have been completed, and 23 total coliform organisms per 100 milliliters in any single sample.

(d) Monitoring.

(A) Monitoring for total coliform organisms must occur once per day at a minimum.

(B) Monitoring for turbidity must occur on an hourly basis at a minimum.

(e) Setback Distances. Where sprinkler irrigation is used, recycled water must not be sprayed onto an area where food is being prepared or served, or onto a drinking fountain.

(f) Access and Exposure. When using recycled water for an agricultural or horticultural purpose where spray irrigation is used, or an industrial, commercial, or construction purpose, the public and personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

(g) Site Management. When using recycled water for a landscape impoundment, restricted recreational impoundment, nonrestricted recreational impoundment, or for irrigating a golf course, cemetery, highway median, industrial or business campus, park, playground, school yard, residential landscape, or other landscapes accessible to the public, signs must be posted at the use area or notification must be made to the public at the use area indicating recycled water is used and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; Renumbered from 340-055-0015, DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0013

Exemptions

Recycled water used by a wastewater treatment system owner for landscape irrigation or for in plant processes at a wastewater treatment system is exempt from the rules of this division if:

(1) The recycled water is an oxidized and disinfected wastewater;

(2) The recycled water is used at the wastewater treatment system site where it is generated or at an auxiliary wastewater or sludge treatment facility that is subject to the same NPDES or WPCF permit as the wastewater treatment system. Contiguous property to the parcel of land upon which the treatment system is located is considered the wastewater treatment system site if under the same ownership;

(3) Spray or drift or both from the use does not occur off the site; and

(4) Public access to the site is restricted.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0016

General Requirements for Permitting the Use of Recycled Water

(1) NPDES or WPCF permit. A wastewater treatment system owner may not provide any recycled water for use unless authorized by a NPDES or WPCF permit issued by the department pursuant to OAR chapter 340, division 045.

(2) Recycled water use plan.

(a) Except for use of recycled water authorized by a NPDES or WPCF permit, a wastewater treatment system owner may not provide any recycled water for distribution or use or both until a recycled water use plan meeting the requirements of OAR 340-055-0025 has been approved in writing by the department. Upon approval of the plan, the permittee must comply with the conditions of the plan.

(b) Before approving or modifying any plan for the use of Class C, Class D, or nondisinfected recycled water, the department will submit the proposed plan to the Oregon Department of Human Services for comment.

(c) For use of recycled water previously authorized under a NPDES or WPCF permit but without a department approved recycled water use plan, the wastewater treatment system owner must submit a recycled water use plan to the department within one year of the effective date of these rules.

(3) Land application on land zoned exclusive farm use. A recycled water use plan will not be approved for the land application of recycled

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water on land zoned exclusive farm use until the requirements of ORS 215.213(1)(bb) and 215.283(1)(y) for recycled water are met.

(4) Compliance with this division. When the rules of this division require a limitation or a condition or both that conflicts with a limitation or a condition or both in an existing permit, the existing permit controls until the permit is modified or renewed by the department. When the existing permit is modified or renewed, the permittee will be given a reasonable compliance schedule to achieve new requirements if necessary.

(5) Additional permit limitations and conditions. The department may include additional permit limitations or conditions or both if it determines or has reason to believe additional requirements for the use of recycled water are necessary to protect public health or the environment or both.

(6) Authorization of other recycled water uses. The department may authorize through a NPDES or WPCF permit a use of recycled water for a beneficial purpose not specified in this division. When the department considers the authorization, it may request information and include permit limitations or conditions or both necessary to assure protection of public health and the environment. The department will confer with the Oregon Department of Human Services before authorizing other uses of Class C, Class D, or nondisinfected recycled water under this section.

(7) Setback distances. The department may consider and approve, on a case-by-case basis, a setback distance other than what is required in this division. For a reduced setback distance, it must be demonstrated to the department that public health and the environment will be adequately protected. The recycled water use plan must include any approved alternative setback distance.

(8) Public outreach and sign posting. When the rules of this division require the posting of signs at a use area, the department may, on a case-by-case basis, approve an alternative method for public outreach where it considers the method will assure an equivalent degree of public protection.

Stat. Auth.: ORS 468.020, 468.705 & 468.710
Stats. Implemented: ORS 468B.030 & 468B.050
Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; Renumbered from 340-055-0015, DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0017

Treatment and Use of Recycled Water

(1) Alternative treatment process. The department may approve in writing an alternative wastewater treatment process not specified in the rules of this division if it is demonstrated that the treatment is equivalent to and can achieve the recycled water criteria required for a specific beneficial purpose.

(2) Additional treatment. A person using recycled water from a wastewater treatment system may provide additional treatment for a different class of recycled water that is identified in this division. The wastewater treatment system owner providing the additional treatment is subject to the rules of this division and must have a NPDES or WPCF permit issued by the department.

(3) Blending recycled water. The department may approve on a case-by-case basis blending recycled water with other water if proposed by a wastewater treatment system owner. Before blending recycled water, the owner must obtain written authorization from the department. In obtaining authorization, the wastewater treatment system owner must submit to the department, at a minimum the following:

- (a) An operations plan,
- (b) A description of any additional treatment process,
- (c) A description of blending volumes, and
- (d) A range of final recycled water quality at the compliance point identified in the NPDES or WPCF permit.

(4) Water right. The rules of this division do not create a water right under ORS chapters 536, 537, 539 or 540. A person must contact the Oregon Water Resources Department to determine water right requirements for the use of recycled water.

(5) Prohibited use for human consumption. The use of recycled water for direct human consumption, regardless of the treatment class, is prohibited unless approved in writing by the Oregon Department of Human Services, and after public hearing, and it is so authorized by the Environmental Quality Commission.

(6) Prohibited use for a public pool. The use of recycled water as a source of supply for a public pool, spa, or bathhouse is prohibited unless authorized in writing by the department and with written approval from the Oregon Department of Human Services. Public pools are subject to the requirements of ORS 448 and the Oregon Department of Human Services administrative rules.

(7) Transporting recycled water. A vehicle used to transport or distribute recycled water must not be used to transport water for human consumption, unless authorized in writing by the department. The vehicle must be clearly identified with the words "nonpotable water" written in letters at least six inches high and displayed on each side and rear of the vehicle unless otherwise authorized by the department.

(8) Impoundments. Constructed landscape, and restricted and nonrestricted recreational impoundments approved for use under the rules of this division are not considered waters of the state for water quality purposes. Impoundments used for wastewater treatment are subject to ORS 215.213 and 215.283.

(9) Wetlands.

(a) The term "waters of the state" as provided in OAR 340-055-0012(18) includes, but is not limited to, the following wetlands and discharge to any of these wetlands requires a NPDES permit issued by the Department pursuant to OAR chapter 340, division 45:

(A) Enhanced or restored wetlands;

(B) Existing natural wetlands; and

(C) Wetlands created as mitigation for loss of wetlands under the Clean Water Act, Section 404.

(b) Wetlands constructed on non-wetland sites and managed for wastewater treatment are exempt from the rules of this division and are not considered waters of the state for water quality purposes.

Stat. Auth.: ORS 468.020, 468.705 & 468.710
Stats. Implemented: ORS 468B.030 & 468B.050
Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; Renumbered from 340-055-0015, DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0020

Groundwater Protection Requirements

Recycled water will not be authorized for use unless all groundwater quality protection requirements in OAR chapter 340, division 40 are met. The requirements in OAR chapter 340, division 40 are considered to be met if the wastewater treatment system owner demonstrates recycled water will be used or land applied in a manner and at a rate that minimizes the movement of contaminants to groundwater and does not adversely impact groundwater quality. If the use of recycled water occurs within a designated groundwater management area, the department may require additional conditions to be met.

Stat. Auth.: ORS 468.020, 468.705 & 468.710
Stats. Implemented: ORS 468B.150 & 468B.190
Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0022

Monitoring and Reporting

(1) The department will include in a NPDES or WPCF permit authorizing the use of recycled water, at a minimum, the monitoring requirements in OAR 340-055-0012.

(2) When chlorine or a chlorine compound is used as a disinfecting agent, the department may specify in the NPDES or WPCF permit a minimum chlorine residual concentration. When other disinfecting agents are used, the department may require additional monitoring requirements to assure adequate disinfection.

(3) The department will include in a NPDES or WPCF permit authorizing the use of recycled water, a requirement that the wastewater treatment system owner submit an annual report to the department describing the effectiveness of the system to comply with the approved recycled water use plan, the rules of this division, and the permit limits and conditions for recycled water.

Stat. Auth.: ORS 468.020, 468.705 & 468.710
Stats. Implemented: ORS 468B.030 & 468B.050
Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; Renumbered from 340-055-0015, DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0025

Reclaimed Water Use Plan

(1) A recycled water use plan must describe how the wastewater treatment system owner will comply with the rules of this division and must include, but is not limited to, the following:

(a) A description of the wastewater treatment system, including treatment efficiency capability;

(b) A detailed description of the treatment methods that will be used to achieve a specific class of recycled water and for what beneficial purpose;

(c) The estimated quantity of recycled water to be provided by the wastewater treatment system owner to the user, and at what frequency and for what beneficial purpose;

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(d) A description of contingency procedures that ensure the requirements of this division are met when recycled water is provided for use;

(e) Monitoring and sampling procedures;

(f) A maintenance plan that describes how the wastewater treatment system equipment and facility processes will be maintained and serviced;

(g) If notification is required by the rules of this division, a description of how the public and personnel at the use area will be notified; and

(h) A description of any measuring and reporting requirements identified by the Oregon Water Resources Department after consultation with that agency.

(2) If Class B, C, or D, or nondisinfected recycled water is to be used for irrigation, a recycled water use plan must also include, but is not limited to, the following:

(a) A description and identification of the land application site, including the zoned land use of the irrigation site and surrounding area, a site map with setbacks, and distances of nearest developed property from all boundaries of the irrigation site;

(b) A description of the irrigation system, including storage, distribution methods, application methods and rates, and shut off procedures;

(c) A description of the soils and crops or vegetation grown at the land application site;

(d) A description of site management practices including, but not limited to, the timing of application, methods used to mitigate potential aerosol drift, and if required by this division, posting of signs or public outreach; and

(e) If public access control or notification is required by this division, descriptions of public access control and how the public and personnel will be notified.

(3) If Class A recycled water is to be used for the beneficial purpose of artificial groundwater recharge, a recycled water use plan must also include, but is not limited to, the following:

(a) A groundwater monitoring plan in accordance with OAR 340-040-0030(2);

(b) A determination if the recharge will be to a drinking water protection area;

(c) A description of the soils and characteristics;

(d) The distance from the recharge area to the nearest point of withdrawal and the retention time in the aquifer until the time of withdrawal; and

(e) Verification from Oregon Water Resources Department that a request for authorization for this use has been initiated.

(4) Conditions contained in a department approved recycled water use plan are NPDES or WPCF permit requirements.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0030

Operational Requirements for the Treatment and Distribution of Recycled Water

(1) Bypassing. The intentional diversion of wastewater from any unit process in the wastewater treatment system for a beneficial purpose is not allowed, unless with the unit process out of service the recycled water meets the criteria of this division for a specific class and beneficial purpose described in the recycled water use plan.

(2) Alarm devices. Alarm devices are required to provide warning of power loss and failure of process equipment essential to the proper operation of the wastewater treatment system and compliance with this division.

(3) Standby power. Unless otherwise approved in writing by the department, a wastewater treatment system providing recycled water for use must have sufficient standby power to fully operate all essential treatment processes. The department may grant an exception to this section only if the wastewater treatment system owner demonstrates that power failure will not result in inadequately treated water being provided for use and will not result in any violation of an NPDES or WPCF permit limit or condition or Oregon Administrative Rule.

(4) Redundancy. A wastewater treatment system that provides recycled water for use must have a sufficient level of redundant treatment facilities and monitoring equipment to prevent inadequately treated recycled water from being used or discharged to public waters.

(5) Distribution system requirements. Unless otherwise approved in writing by the department, all piping, valves, and other portions of the recycled water use system that is outside a building must be constructed and marked in a manner to prevent cross-connection with a potable water system. Unless otherwise approved in writing by the department or as required by the rules of this division, construction and marking must be consistent with sections (2), (3), (4), and (5) of the 1992 "Guidelines for the

Distribution of Nonpotable Water" of the California-Nevada Section of the American Water Works Association.

(6) Cross-connection control. Connection between a potable water supply system and a recycled water distribution system is not authorized unless the connection is through an air gap separation approved by the department. A reduced pressure principle backflow prevention device may be used only when approved in writing by the department and the potable water system owner.

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

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

Department of Fish and Wildlife Chapter 635

Rule Caption: Recreational Spring Chinook Fishery Closure in Mainstem Columbia River Below Bonneville Dam.

Adm. Order No.: DFW 35-2008(Temp)

Filed with Sec. of State: 4-17-2008

Certified to be Effective: 4-21-08 thru 8-22-08

Notice Publication Date:

Rules Amended: 635-023-0125

Rules Suspended: 635-023-0125(T)

Subject: This amended rule closes the recreational spring Chinook fishery in the mainstem Columbia River below Bonneville Dam effective 12:01 a.m. on April 21, 2008. Revisions are consistent with Joint State Action taken April 16, 2008 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-023-0125

Spring Sport Fishery

(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) Effective 12:01 a.m. February 25, 2008, the recreational salmonid (spring Chinook and steelhead) fishery is closed from the Columbia River mouth at Buoy 10 upstream to the I-5 Bridge.

(3) The Columbia River is open:

(a) January 1 through February 24, 2008 from the mouth at Buoy 10 upstream to the I-5 Bridge;

(b) March 16 through May 10, 2008 from the Tower Island power lines (approximately 6 miles below The Dalles Dam) upstream to McNary Dam plus the Oregon bank between Bonneville Dam and the Tower Island power lines;

(c) March 24 through April 4, 2008 from Buoy 10 upstream to Hayden Island power lines (west towers);

(d) March 16 through April 20, 2008 from Hayden Island power lines (west towers) upstream to Bonneville Dam, except on Tuesdays from March 26 through April 15, 2008 when this area is closed to angling for all species (including catch-and-release); and

(4) For the mainstem Columbia River salmon and steelhead fishery upstream of the Rocky Point-Tongue Point line to McNary Dam from February 15 through June 15, 2008, it is unlawful when fishing from vessels which are less than 30 feet in length, substantiated by Coast Guard documentation or Marine Board registration, to totally remove from the water any salmon or steelhead required to be released.

(5) Prior to May 16, 2008 the mainstem Columbia River is open for retention of adipose fin-clipped steelhead and shad during those days and seasons open for adipose fin-clipped spring Chinook, as indicated in section (3) above, and closed for adipose fin-clipped steelhead and shad during those days and seasons closed for adipose fin-clipped spring Chinook, except angling for steelhead is allowed through March 15, 2008 from the I-5 Bridge upstream to McNary Dam.

(6) In the areas described in subsections (3)(a) through (3)(d) above, two adult adipose fin-clipped salmon or two adult adipose fin-clipped steelhead may be retained per day. In the areas described in subsections (3)(c) and (3)(d) above, the daily bag limit of two salmonids cannot include more than one Chinook per day. During the period March 24 through April 4, 2008 the daily bag limit for all open Columbia River Select Areas and the mainstem Columbia River described in subsection (3)(c) above are the same. All non-adipose fin-clipped Chinook salmon and non-adipose fin-

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clipped steelhead must be released immediately unharmed. Catch limits for jacks remain in effect as per the **2008 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 21-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 33-2007(Temp), f. 5-15-07, cert. ef. 5-16-07 thru 7-30-07; DFW 37-2007(Temp), f. & cert. ef. 5-31-07 thru 7-30-07; DFW 39-2007(Temp), f. 6-5-07, cert. ef. 6-6-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 13-2008(Temp), f. 2-21-08, cert. ef. 2-25-08 thru 8-22-08; DFW 17-2008(Temp), f. & cert. ef. 2-27-08 thru 8-22-08; DFW 35-2008(Temp), f. 4-17-08, cert. ef. 4-21-08 thru 8-22-08

Rule Caption: Adopt commercial and sport fisheries seasons in the Pacific Ocean, estuaries, Columbia River and tributaries.

Adm. Order No.: DFW 36-2008

Filed with Sec. of State: 4-21-2008

Certified to be Effective: 5-1-08

Notice Publication Date: 3-1-2008

Rules Amended: 635-003-0003, 635-013-0003, 635-023-0128, 635-023-0130

Subject: Amended rules relate to commercial and sport salmon fishing in the Pacific Ocean; in specific nearshore ocean waters, bays and coastal streams; and sport salmon fishing in the Columbia River and tributaries. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-003-0003

Purpose and Scope

(1) The purpose of Division 003 is to provide for management of commercial salmon fisheries off the Oregon Coast over which the state has jurisdiction.

(2) Division 003 incorporates into Oregon Administrative Rules, by reference, the annual ocean troll salmon specifications and management measures for 2008, included in the **Pacific Fishery Management Council — Adopted 2008 Ocean Salmon Management Measures and Impacts, April 2008**, and in addition to the extent they are consistent with these rules, **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H (61FR34572, July 2, 1996, as amended** to incorporate the standards in the **Pacific Fishery Management Council referenced document**). Therefore, persons must consult the **Pacific Fishery Management Council referenced document** and **Federal Regulations** in addition to Division 003 to determine all applicable troll salmon fishing requirements. A copy of the **Pacific Fishery Management Council referenced document** and the **Federal Regulations** may be obtained by contacting the Pacific Fishery Management Council at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(3) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.129
Hist.: FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 20-1996, f. & cert. ef. 4-29-96; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08

635-013-0003

Purpose and Scope

(1) The purpose of Division 013 is to provide for management of sport salmon fisheries off the Oregon Coast over which the State has jurisdiction.

(2) This rule incorporates by reference, the annual ocean sport salmon specifications and management measures for 2008, included in the **Pacific Fishery Management Council — Adopted 2008 Ocean Salmon Management Measures and Impacts, dated April 2008**, and in addition to the extent they are consistent with these rules, **Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H**.

(3) This rule also incorporates by reference the **2008 Oregon Sport Fishing Regulations**.

(4) A copy of the **Pacific Fishery Management Council referenced document** and the **Federal Regulations** may be obtained by contacting the Pacific Fishery Management Council at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(5) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

[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.: FWC 44-1984(Temp), f. & cert. ef. 8-23-84; FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 52-1989(Temp), f. & cert. ef. 7-28-89; FWC 37-1990, f. & cert. ef. 5-1-90; 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 77-1995, f. 9-13-95, cert. ef. 1-1-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 72-1996, f. 12-21-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08

635-023-0128

Summer Sport Fishery

(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) Notwithstanding all other specifications and restrictions in the **2008 Oregon Sport Fishing Regulations**:

(a) Effective June 21 through June 28, 2008 the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to Bonneville Dam is open to the retention of adult and jack chinook salmon; and

(b) Effective June 16 through July 31, 2008, or until the harvest guideline is achieved; the mainstem Columbia River from Bonneville Dam to the Oregon/Washington border is open to the retention of adult and jack chinook salmon.

(c) The daily bag limit for adult salmon and adipose fin-clipped steelhead combined is two fish.

(d) Effective June 16 through July 31, 2008, the mainstem Columbia River is open to the retention of jack Chinook from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to the Oregon/Washington border.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 52-2005(Temp), f. 6-3-05, cert. ef. 6-16-05 thru 7-31-05; DFW 64-2005(Temp), f. 6-30-05, cert. ef. 7-1-05 thru 7-31-05; Administrative correction 8-17-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 51-2007(Temp), f. 6-29-07, cert. ef. 7-2-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08

635-023-0130

Fall Sport Fishery

(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) Notwithstanding all other specifications and restrictions in the **2008 Oregon Sport Fishing Regulations**:

(a)(A) Effective August 1 through December 31, in the mainstem Columbia River from a north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank the combined

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bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(B) Retention of Chinook is prohibited during September 2 through December 31; and

(b) Effective August 1 through December 31, in the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to Bonneville Dam the combined bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(A) Retention of Chinook is only allowed during September 1 through September 16; and

(B) Retention of Chinook is prohibited from August 1 through December 31 in the area bounded by a line projected from the lower end of Bachelor Island, Washington to the Warrior Rock Lighthouse, Oregon downstream to a line projected from navigation marker #62 at the head of Deer Island, Oregon to marker #63 on Martin Island, Washington.

[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 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08

Rule Caption: Take of Wild Birds including Nests and Eggs.

Adm. Order No.: DFW 37-2008(Temp)

Filed with Sec. of State: 4-21-2008

Certified to be Effective: 4-21-08 thru 10-17-08

Notice Publication Date:

Rules Amended: 635-051-0048

Subject: To allow the continuation of control methods currently allowed under Federal permits for all migratory birds and to implement the Nest and Egg Depredation Order for resident Canadian geese. The department may allow the destruction of nests and/or eggs by authorized federal agencies and their permittees for the purpose of public health and safety, nuisance, and depredation control.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

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 south-easterly 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.

(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/geSI.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

Rule Caption: Amendments to the Klamath and Ladd Marsh Wildlife Area management plans.

Adm. Order No.: DFW 38-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Amended: 635-008-0115, 635-008-0120

Subject: Amendments to Oregon Administrative Rules for the Klamath and Ladd Wildlife Area management Plans. Amendments will guide management plans for the next 10 years.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-008-0115

Klamath Wildlife Area

The Klamath Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Klamath Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

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(1) Discharging firearms is prohibited except as authorized during game bird seasons, or by permit.

(2) Running or training of dogs is prohibited February 1 through July 31 except on designated Dog Training Areas or by permit.

(3) Camping is prohibited.

(4) Personal property must be removed from the area at the end of each hunt day.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(10); FWC 53-1994, f. & cert. ef. 8-25-95; DFW 38-2008, f. & cert. ef. 4-24-08

635-008-0120

Ladd Marsh Wildlife Area

The Ladd Marsh Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Ladd Marsh Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) An entry permit is required except during the authorized upland game bird and waterfowl seasons and on that portion of Ladd Marsh Wildlife Area west of Foothill Road, the nature trail and Long Pine Viewpoint.

(2) The area is closed to big game hunting except that portion of Ladd Marsh Wildlife Area West of Foot Hill Road.

(3) Discharging firearms is prohibited except as authorized during game bird and big game hunting seasons, or by permit.

(4) Camping is prohibited.

(5) Running or training of dogs is prohibited April 1 through July 31.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(11); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 38-2008, f. & cert. ef. 4-24-08

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Rule Caption: Rules related to the sale of Domestic Elk Meat.

Adm. Order No.: DFW 39-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Amended: 635-200-0090

Subject: Rule amendment removes the reference to a statute related to the sale of domestic elk meat. The statute sunsets on January 2, 2008. The intent of the amendment is to clarify that sale of domestic elk meat (as per the requirements of the rule) continues beyond the sunset of that statute.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-200-0090

Sale of Meat

(1) Any person may sell or purchase food items prepared with the meat of game birds (except migratory waterfowl), game mammals or fish donated as part of:

(a) Fund raisers held by trapping, hunting or fishing organizations, or churches, schools and other nonprofit charitable organizations, provided that the wildlife was not taken under a damage control permit; or

(b) Charitable use by churches, schools and other nonprofit charitable organizations.

(2) The exception provided in subsection (1) does not allow the sale of raw meat.

(3) Any person may sell or purchase the meat and by-products of domesticated elk (as defined by ORS 174.106) raised pursuant to a cervid license issued by the Fish and Wildlife Commission, provided that:

(a) The slaughter and processing is conducted in an official exotic animal establishment inspected and certified by the U.S. Department of Agriculture; and

(b) The elk is slaughtered, processed and sold in compliance with the rules of the Oregon Department of Agriculture.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Hist.: DFW 96-1998, f. & cert. ef. 11-25-98; DFW 35-2002, f. & cert. ef. 4-18-02; DFW 138-2007(Temp), f. & cert. ef. 12-31-07 thru 5-29-08; DFW 39-2008, f. & cert. ef. 4-24-08

Rule Caption: Establishes Procedures for Criminal Offender Record Checks for Applicants, Employees, Volunteers, and Contractors.

Adm. Order No.: DFW 40-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Adopted: 635-600-0000, 635-600-0005, 635-600-0010, 635-600-0015, 635-600-0020, 635-600-0025, 635-600-0030, 635-600-0035, 635-600-0040, 635-600-0050, 635-600-0055, 635-600-0065

Subject: These rules establish procedures for the Oregon Department of Fish and Wildlife to perform criminal background checks and use the information obtained to evaluate the fitness of job applicants, employees, volunteers, and contractors (collectively, "applicants") of the Department. Criminal records checks under this rule include name-based checks through the Law Enforcement Data System (LEDS) and fingerprint-based checks for certain positions and classifications. The rules require applicants to provide personal information to facilitate criminal records checks and establish procedures to keep criminal history information confidential. The rules specify the crimes that the Department will consider when making determinations about the fitness of applicants to hold a position within, or provide services to, the Department and establish procedural rules for challenges to the Department's fitness determinations. The rules permit the Department to require applicants to pay the actual cost of criminal records checks.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-600-0000

Statement of Purpose and Statutory Authority

Purpose. These rules control the Department's acquisition of information about a subject individual's criminal history through criminal history checks and its use of that information to determine whether the subject individual is fit to provide services to the Department as an employee, volunteer or contractor in a position covered by OAR 635-600-0010(2)(a)-(d). The fact that the Department approves a subject individual as fit does not guarantee the individual a position as a Department employee, volunteer or contractor.

(2) Authority. These rules are authorized under ORS 181.534 and 496.121.

Stat. Auth.: ORS 181.534 & 496.121
Stats. Implemented: ORS 181.534(9)
Hist.: DFW 40-2008, f. & cert. ef. 4-24-08

635-600-0005

Definitions

As used in OAR chapter 635, division 600, unless the context of the rule requires otherwise, the following definitions apply:

(1) "Approved" means that, pursuant to a preliminary fitness determination under OAR 635-600-0020 or a final fitness determination under 635-600-0030, the Department has determined that the subject individual is fit to be an employee, volunteer, or contractor in a position covered by 635-600-0010(2)(a)-(d).

(2) "Conviction" means that a court of law has entered a final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere (no contest) against a subject individual in a criminal case, 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 Identification Services Section 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) "Crime Relevant to a Fitness Determination" means a crime listed or described in OAR 635-600-0035.

(5) "Criminal History Check and Fitness Determination Rules" or "These Rules" means OAR chapter 635, division 600.

(6) "Criminal History Check" or "CHC" means one of three processes undertaken to check the criminal history of a subject individual:

(a) A check of criminal offender information and motor vehicle registration and driving records conducted through use of the Law Enforcement Data System (LEDS) maintained by the Oregon Department of State

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Police, in accordance with the rules adopted and procedures established by the Oregon Department of State Police (LEDS Computerized Criminal History check);

(b) A check of Oregon criminal offender information, including through fingerprint identification, conducted by the Oregon Department of State Police at the Department's request (Oregon Criminal History Check); or

(c) A national check of federal criminal offender information, including through fingerprint identification, conducted by the Oregon Department of State Police through the Federal Bureau of Investigation or otherwise at the Department's request (National Criminal History Check).

(7) "Denied" means that, pursuant to a preliminary fitness determination under OAR 635-600-0020 or a final fitness determination under 635-600-0030, the Department has determined that the subject individual is not fit to be an employee, volunteer or contractor in a position covered by 635-600-0010(2)(a)-(d).

(8) "Department" means the Oregon Department of Fish and Wildlife or any subdivision thereof.

(9) "False Statement" means that, 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" means a determination made by the Department pursuant to the process established in OAR 635-600-0020 (preliminary fitness determination) or 635-600-0030 (final fitness determination) that a subject individual is or is not fit to be a Department employee, volunteer or contractor in a position covered by 635-600-0010(2)(a)-(d).

(11) "Subject Individual" means an individual identified in OAR 635-600-0010 who is required to complete a criminal history check pursuant to these rules and from whom the Department may require fingerprints for the purpose of conducting a criminal history check.

Stat. Auth.: ORS 181.534 & 496.121
Stats. Implemented: ORS 181.534(9)
Hist.: DFW 40-2008, f.& cert. ef. 4-24-08

635-600-0010

Subject Individual

"Subject Individual" means a person who is required to complete a criminal history check pursuant to these rules and from whom the Department may require fingerprints for the purpose of conducting a criminal history check because the person:

(1)(a) Is employed by or considered for employment with the Department; or

(b) Provides services or seeks to provide services to the Department as a volunteer or contractor; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person has direct access to persons under 18 years of age, elderly persons or persons with disabilities;

(b) That has personnel or human resources functions as one of the position's primary responsibilities;

(c) 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; or

(d) That involves the use, possession, issuance, transport, purchase, sale or forfeiture of firearms or munitions, access to firearms or munitions or the training of others in the use or handling of firearms.

Stat. Auth.: ORS 181.534 & 496.121
Stats. Implemented: ORS 181.534(9)
Hist.: DFW 40-2008, f.& cert. ef. 4-24-08

635-600-0015

Criminal History Check Process

(1) Disclosure of Information by Subject Individual.

(a) Preliminary to a criminal history check, a subject individual shall complete and sign the ODFW Criminal History Request form and, if requested by the Department, a fingerprint card. The Criminal History Request form shall require the following information: name, birthdate, Social Security Number, physical characteristics, driver license or identification card number, current address, prior residences, and any other information deemed necessary by the Department. The ODFW Criminal History Request form may also require details concerning any circumstance listed in OAR 635-600-0020(3)(a)-(f).

(b) A subject individual shall complete and submit to the Department the ODFW Criminal History Request form and, if requested, a fingerprint card within three business days of receiving the forms. The Department may extend the deadline for good cause.

(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 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 635-600-0030(3)(d)(B).

(d) Within a reasonable period of time as established by the Department, a subject individual shall disclose additional information as requested by the Department in order to resolve any issues hindering the completion of a criminal history check.

(2) When a Criminal History Check is Conducted. The Department may conduct, or request that the Oregon Department of State Police conduct, a criminal history check when:

(a) An individual meets the definition of "subject individual;" or

(b) Required by federal law or regulation, by state law or administrative rule, or by contract or written agreement with the Department.

(3) Which Criminal History Check(s) Is Conducted. When the Department determines under subsection (2) of this rule that a criminal record check is needed, the Department may request or conduct a LEADS Criminal History Check, an Oregon Criminal History Check, a Nationwide Criminal History Check, or any combination thereof.

Stat. Auth.: ORS 181.534 & 496.121
Stats. Implemented: ORS 181.534(9)
Hist.: DFW 40-2008, f.& cert. ef. 4-24-08

635-600-0020

Preliminary Fitness Determination

(1) The Department may conduct a preliminary fitness determination if the Department is interested in hiring or appointing a subject individual on a preliminary basis, pending a final fitness determination.

(2) If the Department elects to make a preliminary fitness determination about a subject individual, pending a final fitness determination, the Department shall make a preliminary fitness determination about a subject individual based on information disclosed by the subject individual under OAR 635-600-0015(1) and a LEADS Computerized Criminal History Check.

(3) The Department shall approve a subject individual as fit on a preliminary basis if the authorized designee has no reason to believe that the subject individual has made a false statement and the information available to the Department 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 635-600-0035;

(b) Has been arrested for or charged with a crime listed under OAR 635-600-0035;

(c) Is being investigated for, or has an outstanding warrant for a crime listed under OAR 635-600-0035;

(d) Is currently on probation, parole, or any form of post-prison supervision for a crime listed under OAR 635-600-0035;

(e) Has a deferred sentence or conditional discharge in connection with a crime listed under OAR 635-600-0035; or

(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 635-600-0035 if committed by an adult.

(4) If the information available to the Department discloses one or more of the circumstances identified in section (3), the Department may nonetheless approve a subject individual as fit on a preliminary basis if the Department 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 Department, 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 Department thereafter shall conduct a final fitness determination under OAR 635-600-0030.

(6) A subject individual may not appeal a preliminary fitness determination, under the process provided under OAR 635-600-0050 or otherwise.

Stat. Auth.: ORS 181.534 & 496.121
Stats. Implemented: ORS 181.534(9)
Hist.: DFW 40-2008, f.& cert. ef. 4-24-08

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635-600-0025

Hiring or Appointing on a Preliminary Basis

(1) The Department may hire or appoint a subject individual on a preliminary basis if the Department has approved the subject individual on the basis of a preliminary fitness determination under OAR 635-600-0020.

(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 Department.

(3) A subject individual hired or appointed on a preliminary basis is deemed to be on trial service and, if terminated prior to completion of a final fitness determination under OAR 635-600-0030, may not appeal the termination under the process provided under 635-600-0050.

(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 635-600-0030(3)(d), then the Department shall immediately terminate the subject individual's employment or appointment.

Stat. Auth.: ORS 181.534 & 496.121
Stats. Implemented: ORS 181.534(9)
Hist.: DFW 40-2008, f. & cert. ef. 4-24-08

635-600-0030

Final Fitness Determination

(1) If the Department elects to conduct a criminal history check, the Department shall make a fitness determination about a subject individual based on information provided by the subject individual under OAR 635-600-0015(1), the criminal history check(s) conducted, if any, and any false statements made by the subject individual.

(2) In making a fitness determination about a subject individual, the Department shall consider the factors in subsections (a)–(f) in relation to information provided by the subject individual under OAR 635-600-0020(1), any LEDS report or criminal offender information obtained through a criminal history check, and any false statement made by the subject individual. To assist in considering these factors, the authorized designee may obtain 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 Department may request to meet with the subject individual, to receive written materials from him or her, or both. The Department 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 635-600-0035;

(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 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) The following 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 635-600-0035;

(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;

(F) A recommendation of an employer;

(3) Possible Outcomes of a Final Fitness Determination

(a) Automatic Approval. The Department shall approve 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 635-600-0035;

(B) Evidence that the subject individual has a pending indictment for any crime listed in OAR 635-600-0035;

(C) Evidence that the subject individual has been arrested for any crime listed in OAR 635-600-0035;

(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. If a fitness determination under this rule shows evidence of any of the factors identified in paragraphs (3)(a)(A)–(E) of this rule, the Department may approve the subject individual only if, in evaluating the information described in sections (1) and (2), the Department 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 Department, its client entities, the State, or members of the public.

(c) Restricted Approval.

(A) If the Department approves a subject individual under subsection (3)(b) of this rule, the Department may restrict the approval to specific activities or locations.

(B) The Department shall complete a new criminal history 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 paragraphs (3)(a)(A)–(E) of this rule and, after evaluating the information described in sections (1) and (2) of this rule, the Department 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 Department, its client entities, the State, or members of the public, the authorized designee 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 history check, including fingerprint identification, the Department shall deny the employment of the subject individual, or revoke or deny any applicable position or authority to provide services. A person may not appeal any determination made based on a refusal to consent.

(C) If a subject individual is denied as not fit, then the subject individual may not be employed by or provide services as a volunteer or contractor to the Department in a position covered by OAR 635-600-0010(2).

(4) 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.

(5) 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 635-600-0050(2)(a) or an alternative appeals process as provided by 635-600-0050(6).

Stat. Auth.: ORS 181.534 & 496.121
Stats. Implemented: ORS 181.534(9)
Hist.: DFW 40-2008, f. & cert. ef. 4-24-08

635-600-0035

Crimes Relevant to a Fitness Determination

(1) Crimes Relevant to a Fitness Determination.

(a) All felonies;

(b) All misdemeanors;

(c) Any United States Military crime or international crime;

(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 section (1);

(2) Evaluation Based on Oregon Laws. The Department 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 history check indicates a subject individual may have committed a crime, as those laws are in effect at the time of the fitness determination.

Stat. Auth.: ORS 181.534 & 496.121
Stats. Implemented: ORS 181.534(9)
Hist.: DFW 40-2008, f. & cert. ef. 4-24-08

ADMINISTRATIVE RULES

635-600-0040

Incomplete Fitness Determination

(1) The Department 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" under OAR 635-600-0010;

(b) The subject individual does not provide materials or information under OAR 635-600-0015(1) within the timeframes 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 635-600-0030(2); or

(e) The Department determines that the subject individual is not eligible or not qualified for the position of employee, volunteer or contractor 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 635-600-0050 or alternative appeal process under OAR 635-600-0050(6) to challenge the closing of an incomplete fitness determination.

Stat. Auth.: ORS 181.534 & 496.121

Stats. Implemented: ORS 181.534(9)

Hist.: DFW 40-2008, f.& cert. ef. 4-24-08

635-600-0050

Appealing a Final Fitness Determination

(1) An authorized designee shall provide written notice to a subject individual upon completion of the final fitness determination. Such notice shall meet the requirements of ORS 183.415 and shall be served personally or by registered or certified mail.

(2) Process

(a) A subject individual may appeal a fitness determination by submitting a written request for a contested case hearing to the address specified in the notice provided under OAR 635-600-0050(1), within 14 calendar days of the date appearing on the notice. The Department shall address a request received after expiration of the deadline as provided under 137-003-0528.

(b) When a timely request is received by the Department under subsection (a), a contested case hearing shall be conducted by an administrative law judge assigned by the Office of Administrative Hearings, pursuant to the Attorney General's Uniform and Model Rules, "Procedural Rules, Office of Administrative Hearings" OAR 137-003-0501 to 137-003-0700, as supplemented by the provisions of this rule.

(3) Discovery. The Department or the administrative law judge may protect information made confidential by ORS 181.534(15) or other applicable law as provided in OAR 137-003-0570(7) or (8).

(4) No Public Attendance. Contested case hearings on fitness determinations are closed to non-participants.

(5) Proposed and Final Order

(a) Proposed Order. After a hearing, the administrative law judge 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 635-600-0030 becomes final:

(A) Unless the subject individual makes a timely request for a hearing; or

(B) When a party withdraws a hearing request, notifies the agency or the ALJ that the party will not appear, or fails to appear at the hearing.

(6) Alternative Process. A subject individual currently employed by the Department may choose to appeal a final fitness determination either under the process made available by this rule or through the process made available by applicable personnel rules, policies and collective bargaining provisions. A subject individual's decision to appeal a fitness determination through applicable personnel rules, policies, and collective bargaining provisions 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.

(7) Remedy. The only remedy that may be awarded is a determination that the subject individual is fit, or fit with restrictions pursuant to OAR 635-600-0030(3)(c). 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.

(8) Challenging Criminal Offender Information. 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.

(a) To challenge information identified in this section (8), a subject individual may use any process made available by the agency that provided the information.

(b) If the subject individual successfully challenges the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or an agency reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation, the subject individual may request that the Department conduct a new criminal history check and re-evaluate the original fitness determination made under OAR 635-600-0030 by submitting a new ODFW Criminal History Request form. This provision only applies if the position for which the original criminal history check was conducted is vacant and available.

(9) Appealing a fitness determination under section (2) or section (6) of this rule, 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 under section (8) of this rule, will not delay or postpone the Department's hiring process or employment decisions except when the Department decides that a delay or postponement should occur.

Stat. Auth.: ORS 181.534 & 496.121

Stats. Implemented: ORS 181.534(9)

Hist.: DFW 40-2008, f.& cert. ef. 4-24-08

635-600-0055

Recordkeeping and Confidentiality

(1) Records Received from the Oregon Department of State Police.

(a) Records the Department receives from the Oregon Department of State Police resulting from a criminal history 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) Within the Department, only those persons with a demonstrated and legitimate need to know shall have access to records the Department receives from the Oregon Department of State Police resulting from a criminal history check.

(c) The Department shall maintain and disclose records received from the Oregon Department of State Police resulting from a criminal history check in accordance with applicable requirements and restrictions in ORS Chapter 181 and other applicable federal and state laws, rules adopted by the Oregon Department of State Police pursuant thereto (see OAR chapter 257, division 15), these rules, and any written agreement between the Department and the Oregon Department of State Police.

(d) If a fingerprint-based criminal history check was conducted with regard to a subject individual, the Department shall permit that subject individual to inspect his or her own state and federal criminal offender information, unless prohibited by federal law.

(e) If a subject individual with a right to inspect criminal offender information under subsection

(f) Makes a request, the Department shall provide the subject individual with a copy of the individual's own state and federal criminal offender information, unless prohibited by federal law. The Department shall require sufficient identification from the subject individual to determine his or her identity before providing the criminal offender information to him or her. The Department shall require that the subject individual sign a receipt confirming his or her receipt of the criminal offender information.

(2) Other Records.

(a) The Department 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 (2) of this rule, including ODFW Criminal History Request forms and fingerprint cards, as confidential pursuant to ORS 181.534(15).

(b) Within the Department, only those persons with a demonstrated and legitimate need to know shall have access to the records identified under subsection (a).

(c) A subject individual shall have access to records identified under subsection (a) pursuant to and only to the extent required by the terms of the Public Records Law.

Stat. Auth.: ORS 181.534 & 496.121

Stats. Implemented: ORS 181.534(9)

Hist.: DFW 40-2008, f.& cert. ef. 4-24-08

ADMINISTRATIVE RULES

635-600-0065

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 & 496.121
Stats. Implemented: ORS 181.534(9)
Hist.: DFW 40-2008, f. & cert. ef. 4-24-08

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Rule Caption: Adopt Inseason Actions Implemented by the Federal Government for Commercial Fisheries.

Adm. Order No.: DFW 41-2008(Temp)

Filed with Sec. of State: 4-23-2008

Certified to be Effective: 5-1-08 thru 10-27-08

Notice Publication Date:

Rules Amended: 635-004-0019

Subject: This amended rule adopts the in-season actions implemented by the National Oceanic and Atmospheric Administration (NOAA) for commercial fisheries including: 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 degrees N.

Rules Coordinator: Casaria Tuttle—(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.

[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

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Rule Caption: Rule to Authorize Ceremonial Wildlife harvest Permits for use by the Tribes of the Grand Ronde Indian Reservation.

Adm. Order No.: DFW 42-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Adopted: 635-043-0120

Subject: Rules to authorize ceremonial wildlife harvest permits for use by the Confederated Tribes of the Grand Ronde Indian Reservation.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-043-0120

Ceremonial Harvest Permits

Ceremonial harvest permits for use by the Confederated Tribes of the Community of Oregon (for the purpose of this rule here in referred to as the Tribe).

(1) The Commission authorizes the harvest of deer, elk, and black bear by members of the Confederated Tribes of the Grand Ronde Community of Oregon for ceremonial purposes in accordance with these rules.

(2) Authorization for ceremonial harvest permits will be considered only upon written request from the Tribe.

(3) Authorization for harvest shall specify the season dates, times, locations, and numbers of permits authorized for each species.

(a) Permits authorized shall be provided to the Tribe and may be used only by authorized members of the Tribe. Each permit shall specify the season dates, times, and location where the permit is valid.

(b) Tribal hunters using authorized ceremonial harvest permits must carry on their person a valid ceremonial harvest permit, and shall present this document, as well as documents identifying said hunter as a member of the Confederated Tribes of the Grand Ronde Community of Oregon, to Department employees or law enforcement personnel upon request.

(c) Tribal members designated to harvest animals using ceremonial harvest permits shall not be required to possess big game tags in addition to the ceremonial harvest permits authorizing harvest.

(d) In recognition of accepted Tribal custom, the Commission acknowledges that Tribal authorities may designate individuals to harvest animals using these ceremonial harvest permits. The Tribe may designate the number of permits used by a Tribal member, so long as the total harvest does not exceed the number of ceremonial tags authorized under subsection (e) of these rules.

(e) Pursuant to a request received under subsection (2), the Department shall issue up to 15 deer permits with a bag limit of "one deer", 9 elk permits with a bag limit of "one elk", and 3 bear permits with a bag limit of "one bear" for ceremonial purposes annually. Season dates are: for elk, April 1 through 3 days before the 1st day of general archery season (inclusive); for deer, January 1 through 3 days before the 1st day of general archery season (inclusive); for bear, January 1 through March 31 and June 1 through July 31 (inclusive) each year.

(f) Each permit shall be validated immediately upon successful harvest of a designated animal by entry on the permit, in ink, the date of the kill. The permit shall be attached securely to the game mammal in plain sight. The permit shall be kept attached to the carcass or remain with any parts thereof so long as the same are preserved.

(g) Ceremonial harvest permits are valid only in the area as described in section 4 (a) 1 of the 1986 Agreement between the State of Oregon and the Tribes (See OAR 635-041-0600(4)(a)(1)). Ceremonial harvest permits do not authorize trespass upon private lands or entry or use on private or public lands where landowner permission has not been obtained or where hunting, access, or discharge of firearms is precluded by any other statute or rule.

(h) Methods of take, shooting hours, and other restrictions or limits on hunting methods, weapons and techniques all remain the same as those pertaining to sport harvest during other Commission authorized big game rifle seasons

(4) All harvest of deer, elk, or bear conducted under ceremonial harvest permit by a tribe shall be reported to the Department on an annual basis.

(5) Animals harvested under an authorized ceremonial harvest permit may only be used by Tribal members for ceremonial and cultural purposes. Animals and parts thereof may not be bartered or sold.

(6) Authorization of these ceremonial-hunting permits does not create, convey or imply any additional tribal legal or treaty entitlement, nor does it modify any existing agreement, treaty, or court decree.

Stat. Auth.: ORS 496

Stats Implemented: ORS 496

Hist.: DFW 42-2008, f. & cert. ef. 4-24-08

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Rule Caption: Open Spring Chinook Sport Fishery On the Snake River Below Hells Canyon Dam.

ADMINISTRATIVE RULES

Adm. Order No.: DFW 43-2008(Temp)

Filed with Sec. of State: 4-25-2008

Certified to be Effective: 4-26-08 thru 7-20-08

Notice Publication Date:

Rules Amended: 635-023-0134

Subject: Amend rule to open a spring Chinook fishery from Dug Bar Boat Ramp upstream to the deadline below Hells Canyon Dam on the Snake River beginning on April 26, 2008 to coincide with the state of Idaho's regulations for this fishery.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-023-0134

Snake River Fishery

(1) Notwithstanding, all other specifications and restrictions as outlined in the current **2008 Oregon Sport Fishing Regulations**, the following conditions apply:

(2) The Snake River from Dug Bar boat ramp upstream to the deadline below Hell's Canyon Dam is open seven (7) days per week, effective April 26, 2008 through July 20, 2008.

(3) Daily bag limit is three (3) adult adipose fin-clipped spring Chinook salmon per day. Two adipose fin-clipped jack Chinook salmon may be retained in addition to the adult bag limit.

(4) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06; DFW 31-2007(Temp), f. 5-9-07, cert. ef. 5-11-07 thru 6-18-07; DFW 43-2007(Temp), f. 6-14-07, cert. ef. 6-19-07 thru 7-2-07; Administrative correction 2-8-08; DFW 43-2008(Temp), f. 4-25-08, cert. ef. 4-26-08 thru 7-20-08

Rule Caption: Commercial Gill Net Spring Salmon Fisheries for Tongue Point Basin and South Channel Select Areas.

Adm. Order No.: DFW 44-2008(Temp)

Filed with Sec. of State: 4-25-2008

Certified to be Effective: 4-28-08 thru 10-24-08

Notice Publication Date:

Rules Amended: 635-042-0170

Subject: Amended rule implements the commercial gill net spring salmon season in the Tongue Point Basin and South Channel select areas and allows retention and sales of salmon, white sturgeon and shad. Revision is consistent with action taken April 24, 2008 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes all waters bounded by a line extended from the upstream (southern most) pier (#1) at the Tongue Point Job Corps facility through navigation marker #6 to Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green US Coast Guard buoy "7" 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 US Coast Guard marker "10" orthwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(3) Salmon, white sturgeon, and shad may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in section (1) and section (2) of this rule. Open fishing periods are: Monday and Thursday nights between 7:00 p.m. and 7:00 a.m. the following morning, from April 28 through June 13, 2008.

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as the reduced Tongue Point fishing area, 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 8-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 8-inches.

(c) While fishing during the seasons described in this rule, it will be legal to have onboard a commercial vessel more than one net provided the nets are of mesh size legal for the fishery, or the net has a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet in length. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(5) During April 28 through May 9, transportation or possession of fish outside the fishing areas described in sections (1) and (2) above is unlawful until ODFW staff has biologically sampled individual catches. A sampling station will be established at the MERTS dock during the first four fishing periods (April 28-May 9). After sampling, fishers will be issued a transportation permit by agency staff. Beginning May 12, fishers are required to call 503-325-3418 and leave a message including name, catch, and where and when the fish will be sold.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative Correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 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

Rule Caption: Allowable Sales of Fish Caught During Columbia River Treaty Tribal Spring-Summer Salmon Fisheries.

Adm. Order No.: DFW 45-2008(Temp)

Filed with Sec. of State: 5-2-2008

Certified to be Effective: 5-5-08 thru 7-31-08

Notice Publication Date:

Rules Amended: 635-041-0076

Subject: This amended rule allows the sales of fish caught in the Treaty Tribal spring Chinook salmon commercial fisheries in the Columbia River mainstem and tributaries beginning May 5, 2008.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-041-0076

Spring-Summer Salmon Season

(1) Chinook, steelhead, walleye, carp, and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6, beginning 6:00 a.m. Monday, May 5, 2008 through 6:00 p.m. Thursday May 8, 2008 (84 hours).

(a) No minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, 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.

(2) 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, May 5, 2008 until further notice.

(a) Gear is restricted to subsistence fishing gear: hoopnets, dipnets, and rod and reel with hook-and-line.

ADMINISTRATIVE RULES

(b) Allowable sales include Chinook, 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.

(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 are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: 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

Rule Caption: Modifications to the recreational Spring Chinook Season in the Willamette River below Willamette Falls.

Adm. Order No.: DFW 46-2008(Temp)

Filed with Sec. of State: 5-9-2008

Certified to be Effective: 5-12-08 thru 7-29-08

Notice Publication Date:

Rules Amended: 635-017-0090

Rules Suspended: 635-017-0090(T)

Subject: Amended rule modifies the recreational spring Chinook retention and bag limit in the Willamette River below Willamette Falls including the Multnomah Channel.

Rules Coordinator: Casaria Tuttle—(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 individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) 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.

(a) All other General Statewide and Willamette Zone regulations as provided in the 2008 Oregon Sport Fishing Regulations apply.

(5) Effective 12:01 a.m. May 12, 2008, the daily bag limit in the Willamette River above Willamette Falls and tributaries, including the Clackamas River upstream to North Fork Dam will be two adult salmonids per day, only one of which may be a Chinook, with the exception that one

additional adipose fin-clipped steelhead may be retained per day in the Willamette Basin above Willamette Falls. Only adipose fin-clipped fish may be kept. All other permanent regulations apply.

(a) Effective 12:01 a.m. May 12, 2008 the Willamette River below Willamette Falls, including Multnomah Channel, is closed to retention of spring Chinook salmon.

[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. & cert. ef. 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 12-10-07; 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

Rule Caption: Sales of Fish From Columbia River Mainstem Tribal Platform and Hook-and-Line Fisheries Closed.

Adm. Order No.: DFW 47-2008(Temp)

Filed with Sec. of State: 5-9-2008

Certified to be Effective: 5-11-08 thru 7-31-08

Notice Publication Date:

Rules Amended: 635-041-0076

Rules Suspended: 635-041-0076(T)

Subject: This amended rule prohibits sales of fish from the Treaty Tribal platform and hook-and-line fisheries in the Columbia River mainstem caught after 6 p.m., Sunday, May 11, 2008.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-041-0076

Spring-Summer Salmon Season

(1) Chinook, steelhead, walleye, carp, and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6, beginning 6:00 a.m. Monday, May 5, 2008 through 6:00 p.m. Thursday May 8, 2008 (84 hours).

(a) No minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, steelhead, walleye, carp, and shad.

ADMINISTRATIVE RULES

(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.

(2) Commercial sale of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River beginning 6:00 a.m. Monday, May 5, 2008 through 6:00 p.m. Sunday, May 11, 2008 is allowed.

(a) Gear is restricted to subsistence fishing gear: hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Allowable sales include Chinook, 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.

(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 are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods.

Stat. Auth.: ORS 496.118 &, 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: 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. & cert. ef. 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

Rule Caption: Amended Commercial Columbia River Select Area Fisheries.

Adm. Order No.: DFW 48-2008(Temp)

Filed with Sec. of State: 5-12-2008

Certified to be Effective: 5-12-08 thru 8-28-08

Notice Publication Date:

Rules Amended: 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180

Rules Suspended: 635-042-0145(T), 635-042-0160(T), 635-042-0170(T), 635-042-0180(T)

Subject: Amend rules to rescind fishing periods previously authorized for the period between May 12 and May 18, 2008 in the current fishing seasons in commercial Columbia River Select Area fisheries. Modifications are consistent with the action taken May 12, 2008 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes in those waters of Youngs Bay.

(a) The open fishing periods are established in three segments categorized as the winter fishery, paragraph (A); the spring fishery, paragraph (B); and summer fishery, paragraph (C), as follows:

(A) Winter Season:

(i) Entire Youngs Bay: Noon Wednesday, February 13 to 6:00 a.m. Thursday, February 14, 2008; Noon Sunday, February 17 to 6:00 a.m. Monday, February 18, 2008; Noon Wednesday, February 20 to 6:00 a.m. Thursday, February 21, 2008; Noon Sunday, February 24 to 6:00 a.m. Monday, February 25, 2008; Noon Wednesday, February 27 to 6:00 a.m. Thursday, February 28, 2008 Noon Sunday, March 2 to 6:00 a.m. Monday, March 3, 2008; Noon Wednesday, March 5 to 6:00 a.m. Thursday, March 6, 2008; Noon Sunday, March 9 to 6:00 a.m. Monday, March 10, 2008; 10:00 a.m. to 2:00 p.m. Wednesday, March 12, 2008.

(ii) Upstream of old Youngs Bay Bridge: Noon Sunday, March 16 to 6:00 a.m. Monday, March 17, 2008; 6:00 a.m. to 6:00 p.m. Tuesday, March 18, 2008; 6:00 a.m. to 6:00 p.m. Thursday, March 20, 2008; Noon Sunday, March 23 to 6:00 a.m. Monday, March 24, 2008; 6:00 a.m. to 6:00 p.m. Tuesday, March 25, 2008; 6:00 a.m. to 6:00 p.m. Thursday, March 27, 2008; Noon Sunday, March 30 to 6:00 a.m. Monday, March 31, 2008; 6:00 a.m. to 6:00 p.m. Tuesday, April 1, 2008; 6:00 a.m. to 6:00 p.m. Thursday, April 3, 2008.

(iii) Walluski Area: Noon Sunday, April 6 to 6:00 a.m. Monday, April 7, 2008; 6:00 a.m. to 6:00 p.m. Tuesday, April 8, 2008.

(B) Spring Season:

(i) Entire Youngs Bay: 6:00 p.m. Thursday, April 17 to 6:00 a.m. Friday, April 18, 2008; 6:00 p.m. Monday, April 21 to 6:00 a.m. Tuesday, April 22, 2008; 6:00 a.m. Thursday, April 24 to 6:00 a.m. Friday, April 25, 2008; 6:00 p.m. Monday, April 28 to Noon Tuesday, April 29, 2008; 6:00 p.m. Thursday, May 1 to Noon Friday, May 2, 2008; Noon Monday, May 5 to Noon Friday, May 9, 2008; 7:00 p.m. Monday, May 19 to Noon Friday, May 23, 2008; Noon Monday, May 26 to Noon Friday, May 30, 2008; Noon Monday, June 2 to Noon Friday, June 6, 2008; Noon Tuesday, June 10 to Noon Friday, June 13, 2008.

(C) Summer Season:

(i) Entire Youngs Bay: 6:00 a.m. Wednesday, June 18 to 6:00 a.m. Friday, June 20, 2008; 6:00 a.m. Wednesday, June 25 to 6:00 a.m. Friday, June 27, 2008; 6:00 a.m. Wednesday, July 2 to 6:00 a.m. Friday, July 4, 2008; 6:00 a.m. Wednesday, July 9 to 6:00 a.m. Friday, July 11, 2008; 6:00 a.m. Wednesday, July 16 to 6:00 a.m. Friday, July 18, 2008; 6:00 a.m. Wednesday, July 23 to 6:00 a.m. Friday, July 25, 2008; 6:00 a.m. Wednesday, July 30 to 6:00 p.m. Thursday, July 31, 2008.

(b) The fishing areas for the winter, spring and summer fisheries are:

(A) From February 13, 2008 through March 12, 2008 and from April 17, 2008 through July 31, 2008 the fishing area is identified as the waters of Youngs Bay upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers.

(B) From March 16 through March 27, 2008 the fishing area extends from the Old Youngs Bay Bridge upstream to the confluence of the Youngs and Klaskanine rivers.

(C) From March 30, 2008 through April 8, 2008 the fishing area extends from the first overhead powerlines downstream of the Walluski River upstream to the confluence of the Youngs and Klaskanine rivers.

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is *unlawful* to use a gill net having a mesh size that is less than 7-inches during the winter season from February 13, 2008 to April 8, 2008. It is *unlawful* to use a gill net having a mesh size that is greater than 8-inches during the period from April 17 through July 31, 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.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-5-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992(Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-6-04 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp),

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f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. & cert. ef. 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

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes during open fishing periods described as the winter fishery and the spring fishery in paragraphs (1)(a)(A) or (1)(a)(B) of this rule in those waters of Blind Slough and Knappa Slough. The following restrictions apply:

(a) The open fishing periods are established in segments categorized as the winter fishery in Blind Slough only in paragraph (A), and the spring fishery in Blind Slough and Knappa Slough in paragraph (B). The seasons are open nightly from 7:00 p.m. to 7:00 a.m. the following morning (12 hours), as follows:

(A) Blind Slough Only: Wednesday, February 20 to Thursday, February 21, 2008; Sunday, February 24 to Monday, February 25, 2008; Wednesday, February 27 to Thursday, February 28, 2008; Sunday, March 2, to Monday, March 3, 2008; Wednesday, March 5 to Thursday, March 6, 2008; Sunday, March 9, to Monday, March 10, 2008; Wednesday, March 12 to Thursday, March 13, 2008; Sunday, March 16, to Monday, March 17, 2008; Wednesday, March 19 to Thursday, March 20, 2008; Sunday, March 23, to Monday, March 24, 2008; Wednesday, March 26 to Thursday, March 27, 2008; Sunday, March 30, to Monday, March 31, 2008; Sunday, April 6 to Monday, April 7, 2008.

(B) Blind and Knappa Sloughs: Thursday, April 17 to Friday, April 18, 2008; Monday, April 21 to Tuesday, April 22, 2008; Thursday, April 24 to Friday, April 25, 2008; Monday, April 28 to Tuesday, April 29, 2008; Thursday, May 1 to Friday, May 2, 2008; Monday, May 5 to Tuesday, May 6, 2008; Thursday, May 8 to Friday, May 9, 2008; Monday, May 19 to Tuesday, May 20, 2008; Thursday, May 22 to Friday, May 23, 2008; Monday, May 26 to Tuesday, May 27, 2008; Thursday, May 29 to Friday, May 30, 2008; Monday, June 2 to Tuesday, June 3, 2008; Thursday, June 5 to Friday, June 6, 2008; Monday, June 9 to Tuesday, June 10, 2008; Thursday, June 12 to Friday, June 13, 2008.

(b) The fishing areas for the winter and spring seasons are:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) From April 17 through April 29, 2008 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 a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

(C) From May 1 through June 13, 2008, the Knappa Slough fishing area extends downstream to the boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore.

(2) Gear restrictions are as follows:

(a) 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.

(b) During the winter fishery, outlined above in (1)(a)(A), it is unlawful to use a gill net having a mesh size that is less than 7-inches.

(c) During the spring fishery, outlined above in (1)(a)(B), it is unlawful to use a gill net having a mesh size that is more than 8-inches.

(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. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06 & cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes all waters bounded by a line extended from the upstream (southern most) pier (#1) at the Tongue Point Job Corps facility through navigation marker #6 to Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green US Coast Guard buoy "7" 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 US Coast Guard marker "10" orthwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(3) Salmon, white sturgeon, and shad may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in section (1) and section (2) of this rule. Open fishing periods are:

(a) Monday and Thursday nights between 7:00 p.m. and 7:00 a.m. the following morning, from April 28 through May 11, 2008 and May 19 through June 13, 2008.

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as the reduced Tongue Point fishing area, 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 8-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 8-inches.

(c) While fishing during the seasons described in this rule, it will be legal to have onboard a commercial vessel more than one net provided the nets are of mesh size legal for the fishery, or the net has a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet in length. Nets not specifically authorized for use in this fishery may be

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onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(5) During April 28 through May 9, transportation or possession of fish outside the fishing areas described in sections (1) and (2) above is unlawful until ODFW staff has biologically sampled individual catches. A sampling station will be established at the MERTS dock during the first four fishing periods (April 28-May 9). After sampling, fishers will be issued a transportation permit by agency staff. Beginning May 12, fishers are required to call 503-325-3418 and leave a message including name, catch, and where and when the fish will be sold.

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. 12-12-99; 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. & cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative Correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 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

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes from the US Coast Guard navigation marker #16 upstream to the Highway 4 Bridge.

(2) The fishing seasons are open nightly from 7:00 p.m. to 7:00 a.m. the following morning (12 hours):

(a) Winter season: Monday, February 18 to Tuesday, February 19, 2008; Monday, February 25 to Tuesday, February 26, 2008; Monday, March 3 to Tuesday, March 4, 2008; Monday, March 10 to Tuesday, March 11, 2008.

(b) Spring season: Thursday, April 17 to Friday, April 18, 2008; Monday, April 21 to Tuesday, April 22, 2008; Thursday, April 24 to Friday, April 25, 2008; Monday, April 28 to Tuesday, April 29, 2008; Thursday, May 1 to Friday, May 2, 2008; Monday, May 5 to Tuesday, May 6, 2008; Thursday, May 8 to Friday, May 9, 2008; Monday, May 19 to Tuesday, May 20, 2008; Thursday, May 22 to Friday, May 23, 2008; Monday, May 26 to Tuesday, May 27, 2008; Thursday, May 29 to Friday, May 30, 2008; Monday, June 2 to Tuesday, June 3, 2008; Thursday, June 5 to Friday, June 6, 2008; Monday, June 9 to Tuesday, June 10, 2008; Thursday, June 12 to Friday, June 13, 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 winter season, outlined above in (2)(a), it is unlawful to use a gill net having a mesh size that is less than 7-inches;

(b) During the spring season, outlined above in (2)(b) it is unlawful to use a gill net having a mesh size that is more than 8-inches.

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

Rule Caption: Columbia River Mainstem Recreational Spring Chinook Closure from Buoy 10 Upstream to I-5 bridge.

Adm. Order No.: DFW 49-2008(Temp)

Filed with Sec. of State: 5-13-2008

Certified to be Effective: 5-13-08 thru 6-15-08

Notice Publication Date:

Rules Amended: 635-023-0125

Rules Suspended: 635-023-0125(T)

Subject: This amended rule closes the recreational salmonid fishery (including spring Chinook, jack salmon and steelhead) in the mainstem Columbia River from buoy 10 upstream to the I-5 Bridge through 11:59 p.m. June 15, 2008. Revisions are consistent with Joint State Action taken May 12, 2008 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-023-0125

Spring Sport Fishery

(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) Effective 12:01 a.m. February 25 through 11:59 p.m. June 15, 2008, the recreational salmonid (spring Chinook, including jacks and steelhead) fishery is closed from the Columbia River mouth at Buoy 10 upstream to the I-5 Bridge.

(3) For the mainstem Columbia River salmon and steelhead fishery upstream of the Rocky Point-Tongue Point line to McNary Dam from February 15 through June 15, 2008, it is unlawful when fishing from vessels which are less than 30 feet in length, substantiated by Coast Guard documentation or Marine Board registration, to totally remove from the water any salmon or steelhead required to be released.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 21-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 33-2007(Temp), f. 5-15-07, cert. ef. 5-16-07 thru 7-30-07; DFW 37-2007(Temp), f. & cert. ef. 5-31-07 thru 7-30-07; DFW 39-2007(Temp), f. 6-5-07, cert. ef. 6-6-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 13-2008(Temp), f. 2-21-08, cert. ef. 2-25-08 thru 8-22-08; DFW 17-2008(Temp), f. & cert. ef. 2-27-08 thru 8-22-08; DFW 35-2008(Temp), f. 4-17-08, cert. ef. 4-21-08 thru 8-22-08; DFW 49-2008(Temp), f. & cert. ef. 5-13-08 thru 6-15-08

Rule Caption: Amended the controlled hunt application deadline date for big game species.

Adm. Order No.: DFW 50-2008(Temp)

Filed with Sec. of State: 5-14-2008

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Certified to be Effective: 5-14-08 thru 5-20-08

Notice Publication Date:

Rules Amended: 635-060-0008

Subject: Rules were amended to change the controlled hunt application deadline date for pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk from May 15 to May 19, 2008.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-060-0008

Application Deadline Dates

(1) The application deadline for spring black bear controlled hunts is February 10, each year.

(2) The application deadline for pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk controlled hunts is May 15, each year. The application deadline for 2008 has been extended through Monday, May 19, 2008.

(3) Applications for the controlled hunts listed in OAR 635-060-0005 (1)-(5) above that are hand-delivered by the specified deadline dates or mailed through the U.S. Postal Service and postmarked by the specified deadline dates above will be considered on time (see OAR 635-060-0005(5)).

(4) In the event that tags remain from undersubscribed controlled hunts after the game mammal controlled hunt drawing, the department will issue remaining tags on a first-come, first-serve basis at authorized license agents. Tags issued in this manner are additional tags and may be exchanged for a general season tag only as authorized by OAR 635-060-0046(6) and 635-065-0501- (4) and (5). A person may only purchase one first-come, first-serve tag per hunt series. Such tag may be for the person or for someone other than the person.

(5) A hunter who received a tag of his/her choice through the original game mammal controlled hunt drawing process may exchange that tag for a remaining tag in the first-come, first-serve process while tags remain available. Exchanges may be obtained only through the department's regional offices, designated district offices, or the Salem headquarters office of the department and must be made before the start of the seasons for which the tags are issued. The tag being exchanged shall not be reissued.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 48-1989, f. & cert. ef. 7-25-89, FWC 23-1990, f. & cert. ef. 3-21-90; FWC 54-1990, f. & cert. ef. 6-21-90; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 19-1991(Temp), f. & cert. ef. 3-12-91; FWC 14-1992, f. 3-10-92, cert. ef. 3-13-92 (and corrected 3-13-92); FWC 55-1992(Temp), f. 7-22-92, cert. ef. 7-24-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 45-1994(Temp), f. & cert. ef. 7-29-94; FWC 94-1994, f. & cert. ef. 12-22-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 6-1999(Temp), f. & cert. ef. 2-9-99 through 2-19-99; DFW 12-1999(Temp), f. & cert. ef. 2-25-99 thru 6-30-99; Administrative correction 11-17-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 52-2001(Temp), f. & cert. ef. 6-27-01 thru 12-24-01; DFW 32-2002(Temp), f. & cert. ef. 4-17-02 thru 10-13-02; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 67-2002(Temp), f. & cert. ef. 6-28-02 thru 12-20-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 50-2008(Temp), f. & cert. ef. 5-14-08 thru 5-20-08

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Department of Forestry Chapter 629

Rule Caption: South Cascade Forest Protection District Boundary.

Adm. Order No.: DOF 2-2008

Filed with Sec. of State: 5-12-2008

Certified to be Effective: 5-12-08

Notice Publication Date: 3-1-2008

Rules Amended: 629-041-0557

Subject: Describes the boundary of the South Cascade Forest Protection District.

Rules Coordinator: Gayle Birch—(503) 945-7210

629-041-0557

South Cascade Forest Protection District Boundary

The boundary of the South Cascade Forest Protection District is as follows: Beginning at the point where the boundary of the North Cascade Forest Protection District, as set forth in OAR 629-041-0547, passes through the junction of Fish Hatchery Drive, a county road, and Larwood Drive, a county road, in or near the southwest quarter of the northwest quarter of section 7, township 11 south, range 1 east, Linn County; thence easterly on the boundary of the North Cascade Forest Protection District, as set forth in OAR 629-041-0547, to the boundary of the Deschutes Unit of the

Central Oregon Forest Protection District, as set forth in OAR 629-041-0515(2), in or near the northeast quarter of the southeast quarter of section 25, township 12 south range 7 1/2 east, Linn County; thence southerly on the boundary of the Deschutes Unit of the Central Oregon Forest Protection District, as set forth in OAR 629-041-0515(2), to the boundary of Klamath County, as set forth in ORS 201.180, in or near the southeast quarter of the southeast quarter of section 33, township 22 south, range 6 east, Lane County; thence southerly on the common boundary of Klamath County and Lane County, as set forth in ORS 201.180 and 201.200, to the boundary of the Douglas Forest Protection District, as set forth in OAR 629-041-0530, in or near northeast quarter of the northwest quarter of section 4, township 25 south, range 5 1/2 east, Lane County; thence westerly on the boundary of the Douglas Forest Protection District, as set forth in OAR 629-041-0530, to the boundary of the Western Lane Forest Protection District, as set forth in OAR 629-041-0575, in or near southeast quarter of the southeast quarter of section 11, township 21 south, range 4 west, Lane County; thence easterly on the boundary of the Western Lane Forest Protection District, as set forth in OAR 629-041-0575, to the common line of section 11 and section 12, township 21 south, range 4 west, in or near the southwest quarter of the southwest quarter of section 12, township 21 south, range 4 west, Lane County; thence south to the center of the northbound lanes of Interstate 5 in or near the northwest quarter of the northwest quarter of section 13, township 21 south, range 4 west, Lane County; thence easterly on the centerline of the northbound lanes of Interstate 5 to the centerline of Latham Road, a county road, in or near the southwest quarter of the southeast quarter of section 8, township 21 south, range 3 west, Lane County; thence southeasterly on the centerline of Latham Road, a county road, to the centerline of Black Butte Road, a county road, in or near the northwest quarter of the northwest quarter of section 9, township 21 south, range 3 west, Lane County; thence northerly on the centerline of Black Butte Road, a county road, to the centerline of Interstate 5 in or near the northeast quarter of the southwest quarter of section 4, township 21 south, range 3 west, Lane County; thence northerly on the centerline of the northbound lanes of Interstate 5 to the common line of section 28 and section 33, township 20 south, range 3 west, in or near the northeast quarter of the northeast quarter of section 33, township 20 south, range 3 west, Lane County; thence east to the centerline of Mosby Creek Road, a county road, in or near the northwest quarter of the northeast quarter of section 34, township 20 south, range 3 west, Lane County; thence southeasterly on the centerline of Mosby Creek Road, a county road, to the centerline of Laying Road, a county road, in or near the northeast quarter of the northeast quarter of section 2, township 21 south, range 3 west, Lane County; thence northerly on the centerline of Laying Road, a county road, to the centerline of Row River Road, a county road, in or near the northwest quarter of the northeast quarter of section 36, township 20 south, range 3 west, Lane County; thence westerly on the centerline of Row River Road, a county road, to the centerline of Sears Road, a county road, in or near the southeast quarter of the northwest quarter of section 35, township 20 south, range 3 west, Lane County; thence northerly on the centerline of Sears Road, a county road, to the centerline of Oregon Highway 222, in or near the northeast quarter of the southeast quarter of section 13, township 19 south, range 3 west, Lane County; thence easterly on the centerline of Oregon Highway 222 to the centerline of Danstrom Road, a county road, in or near the southeast quarter of the southeast quarter of section 7, township 19 south, range 2 west, Lane County; thence easterly on the centerline of Danstrom Road, a county road, to the centerline of Rodgers Road, a county road, in or near the southwest quarter of the southwest quarter of section 8, township 19 south, range 2 west, Lane County; thence southeasterly on the centerline of Rodgers Road, a county road, to the centerline of Enterprise Road, a county road, in or near the southeast quarter of the northwest quarter of section 17, township 19 south, range 2 west, Lane County; thence northeasterly on the centerline of Enterprise Road, a county road, to the centerline of Oregon Highway 58, in or near the southeast quarter of the northwest quarter of section 34, township 18 south, range 2 west, Lane County; thence southeasterly on the centerline of Oregon Highway 58 to the centerline of Dexter Road, a county road, in or near the northeast quarter of the southeast quarter of section 8, township 19 south, range 1 west, Lane County; thence southeasterly on the centerline of Dexter Road, a county road, to the centerline of Oregon Highway 58 in or near the northwest quarter of the southeast quarter of section 16, township 19 south, range 1 west, Lane County; thence easterly on the centerline of Oregon Highway 58 to the common line of section 23 and section 24, township 19 south, range 1 west, in or near the northwest quarter of the northwest quarter of section 24, township 19 south, range 1 west, Lane County; thence north to the centerline of the Bonneville Power Administration's Lookout Point-Alvery Powerline in or near the

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southwest quarter of the northwest quarter of section 13, township 19 south, range 1 west, Lane County; thence northwesterly on the centerline of the Bonneville Power Administration's Lookout Point-Alvery Powerline to the common line of section 10 and section 11, township 19 south, range 1 west, in or near the northwest quarter of the southwest quarter of section 11, township 19 south, range 1 west, Lane County; thence south to the centerline of Pengra Road, a county road, in or near the southwest quarter of the northwest quarter of section 14, township 19 south, range 1 west, Lane County; thence northwesterly on the centerline of Pengra Road, a county road, to the common line of section 9 and section 10, township 19 south, range 1 west, in or near the southwest quarter of the southwest quarter of section 10, township 19 south, range 1 west, Lane County; thence south to the center of the main channel of Middle Fork Willamette River in or near the northeast quarter of the northeast quarter of section 16, township 19 south, range 1 west, Lane County; thence northwesterly on the center of the main channel of Middle Fork Willamette River to the common line of section 30, township 18 south, range 1 west and section 25, township 18 south, range 2 west, in or near the southwest quarter of the southwest quarter of section 30, township 18 south, range 1 west, Lane County; thence north to the centerline of Jasper-Lowell Road, a county road, in or near the southwest quarter of the southwest quarter of section 30, township 18 south, range 1 west, Lane County; thence northwesterly on the centerline of Jasper-Lowell Road, a county road, to the centerline of Oregon Highway 222 in or near the southwest quarter of the southwest quarter of section 14, township 18 south, range 2 west, Lane County; thence northwesterly on the centerline of the Bonneville Power Administration's Marion-Alvery Powerline in or near the southwest quarter of the northwest quarter of section 10, township 18 south, range 2 west, Lane County; thence northeasterly on the centerline of the Bonneville Power Administration's Marion-Alvery Powerline to the centerline of Weyerhaeuser-Booth Kelly Road, a private road, in or near the northwest quarter of the southeast quarter of section 10, township 18 south, range 2 west, Lane County; thence northwesterly on the centerline of Weyerhaeuser-Booth Kelly Road, a private road, to the common line of section 3 and section 4, township 18 south, range 2 west, in or near the northwest quarter of the northwest quarter of section 3, township 18 south, range 2 west, Lane County; thence north to the centerline of Oregon Highway 126 in or near the northwest quarter of the southwest quarter of section 34, township 17 south, range 2 west, Lane County; thence easterly on the centerline of Oregon Highway 126 to the centerline of South 67th Street, a city street, in or near the northeast quarter of the southeast quarter of section 34, township 17 south, range 2 west, Lane County; thence southerly directly to the southwest corner of Donation Land Claim 37 in or near the southeast quarter of the northeast quarter of section 3, township 18 south, range 2 west, Lane County; thence easterly directly to the southeast corner of Donation Land Claim 37 in or near the southeast quarter of the northwest quarter of section 2, township 18 south, range 2 west, Lane County; thence northerly directly to the southwest corner of Donation Land Claim 85 in or near the northeast quarter of the northwest quarter of section 2, township 18 south, range 2 west, Lane County; thence easterly directly to the southeast corner of Donation Land Claim 85 in or near the northeast quarter of the northeast quarter of section 2, township 18 south, range 2 west, Lane County; thence northerly directly to the southeast corner of Donation Land Claim 54 in or near the southeast quarter of the southeast quarter of section 35, township 17 south, range 2 west, Lane County; thence northerly directly toward the east northeast corner of Donation Land Claim 54 to the centerline of Oregon Highway 126 in or near the northeast quarter of the southeast quarter of section 35, township 17 south, range 2 west, Lane County; thence northeasterly on the centerline of Oregon Highway 126 to the center of the main channel of McKenzie River in or near the northeast quarter of the northeast quarter of section 32, township 17 south, range 1 west, Lane County; thence northeasterly on the centerline of the main channel of McKenzie River to the common line of section 23 and section 24, township 17 south, range 1 west, in or near the southeast quarter of the southeast quarter of section 23, township 17 south, range 1 west, Lane County; thence south to the centerline of Deerhorn Road, a county road, in or near the southwest quarter of the southwest quarter of section 24, township 17 south, range 1 west, Lane County; thence northeasterly on the centerline of Deerhorn Road, a county road, to the centerline of Bridge Street, a county road, in or near the northwest quarter of the southeast quarter of section 17, township 17 south, range 1 east, Lane County; thence northerly on the centerline of Bridge Street, a county road, to the centerline of Holden Creek Lane, a county road, in or near the southeast quarter of the northwest quarter of section 17, township 17 south, range 1 east, Lane County; thence westerly on the centerline of Holden Creek Lane, a county road, to the cen-

terline of Oregon Highway 126 in or near the southeast quarter of the northwest quarter of section 17, township 17 south, range 1 east, Lane County; thence southwesterly on the centerline of Oregon Highway 126 to the centerline of the Walterville Canal in or near the northwest quarter of the northwest quarter of section 27, township 17 south, range 1 west, Lane County; thence westerly on the centerline of the Walterville Canal to the centerline of Camp Creek Road, a county road, in or near the northeast quarter of the northwest corner of section 29, township 17 south, range 1 west, Lane County; thence westerly on the centerline of Camp Creek Road, a county road, to the centerline of Marcola Road, a county road, in or near the southwest quarter of the southwest quarter of section 20, township 17 south, range 2 west, Lane County; thence northeasterly on the centerline of Marcola Road, a county road, to the centerline of Thompson Road, a county road, in or near the northeast quarter of the southwest quarter of section 3, township 17 south, range 2 west, Lane County; thence northeasterly on the centerline of Thompson Road, a county road, to the common line of section 35, township 16 south, range 2 west and section 2, township 17 south, range 2 west, in or near the northwest quarter of the northwest quarter of section 2, township 17 south, range 2 west, Lane County; thence east to the northwest corner of the northeast quarter of section 2, township 17 south, range 2 west, Lane County; thence north to the center of the main channel of Mohawk River, in or near the southwest quarter of the northeast quarter of section 26, township 16 south, range 2 west, Lane County; thence northeasterly on the center of the main channel of Mohawk River to the center of the main channel of Parsons Creek, in or near the northwest quarter of the southeast quarter of section 24, township 16 south, range 2 west, Lane County; thence northerly on the center of the main channel of Parsons Creek to the centerline of Marcola Road, a county road, in or near the northeast quarter of the northwest quarter of section 24, township 16 south, range 2 west, Lane County; thence southwesterly on the centerline of Marcola Road, a county road, to the centerline of Donna Road, a county road, in or near the southeast quarter of the southwest quarter of section 23, township 16 south, range 2 west, Lane County; thence southwesterly on the centerline of Donna Road, a county road, to the centerline of Hill Road, a county road, in or near the northeast quarter of the northwest quarter of section 34, township 16 south, range 2 west, Lane County; thence southwesterly on the centerline of Hill Road, a county road, to the centerline of McKenzie View Drive, a county road, in or near the northeast quarter of the northwest quarter of section 17, township 17 south, range 2 west, Lane County; thence westerly on the centerline of McKenzie View Drive, a county road, to the eastern side of the Interstate 5 right of way, in or near the northwest quarter of the northwest quarter of section 10, township 17 south, range 3 west, Lane County; thence northerly on the eastern side of the Interstate 5 right of way to the common line of section 3 and section 4, township 17 south, range 3 west, in or near the northwest quarter of the southwest quarter of section 3, township 17 south, range 3 west, Lane County; thence north to the northwest corner of section 3, township 17 south, range 3 west, Lane County; thence east to the northwest corner of section 2, township 17 south, range 3 west, Lane County; thence north to the centerline of Van Duyen Road, a county road, in or near the southwest quarter of the northwest quarter of section 35, township 16 south, range 3 west, Lane County; thence east to the common line of the east half and the west half of section 35, township 16 south, range 3 west, Lane County; thence north to the southwest corner of the northeast quarter of section 26, township 16 south, range 3 west, Lane County; thence west to the southwest corner of the northwest quarter of section 26, township 16 south, range 3 west, Lane County; thence north to the southwest corner of the northwest quarter of section 23, township 16 south, range 3 west, Lane County; thence west to the southwest corner of the northeast quarter of section 22, township 16 south, range 3 west, Lane County; thence north to the northwest corner of the northeast quarter of section 10, township 16 south, range 3 west, Lane County; thence east to the northwest corner of section 11, township 16 south, range 3 west, Lane County; thence north to the centerline of Priceboro Drive, a county road, in or near the northwest quarter of the northwest quarter of section 26, township 15 south, range 3 west, Linn County; thence easterly on the centerline of Priceboro Drive, a county road, to the centerline of Gap Road, a county road, in or near the northeast quarter of the northeast quarter of section 26, township 15 south, range 3 west, Linn County; thence northerly and easterly on the centerline of Gap Road, a county road, to the common line of section 13 and section 24, township 15 south, range 3 west, in or near the northwest quarter of the northwest quarter of section 24, township 15 south, range 3 west, Linn County; thence east to the southwest corner of section 18, township 15 south, range 2 west, Linn County; thence north to the northwest corner of section 18, township 15 south, range 2 west, Linn County; thence east to the northwest corner of section 17, township 15

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south, range 2 west, Linn County; thence north to the southwest corner of section 32, township 14 south, range 2 west, Linn County; thence west to the centerline of Gap Road, a county road, in or near the southwest quarter of the southeast quarter of section 36, township 14 south, range 3 west, Linn County; thence northerly on the centerline of Gap Road, a county road, to the common line of section 7 and section 18, township 14 south, range 2 west, in or near the northwest quarter of the northwest quarter of section 18, township 14 south, range 2 west, Linn County; thence east to the northwest corner of the northeast quarter of the northwest quarter of section 14, township 14 south, range 2 west, Linn County; thence north to the southwest corner of the southeast quarter of the southwest quarter of section 2, township 14 south, range 2 west, Linn County; thence west to the southwest corner of section 2, township 14 south, range 2 west, Linn County; thence north to the centerline of Northern Drive, a county road, in or near the northwest quarter of the southeast quarter of section 2, township 14 south, range 2 west, Linn County; thence westerly and northwesterly on the centerline of Northern Drive, a county road, to the centerline of the Brownsville Ditch irrigation canal in or near the northeast quarter of the northwest quarter of section 4, township 14 south, range 2 west, Linn County; thence westerly on the centerline of Brownsville Ditch irrigation canal to the common line of section 31 and section 32, township 13 south, range 2 west, Linn County; thence north to the centerline of Brownsville Road, a county road, in or near the southwest quarter of the southwest quarter of section 5, township 13 south, range 2 west, Linn County; thence northerly on the centerline of Brownsville Road, a county road, to the centerline of Rock Hill Drive, a county road, in or near the northwest quarter of the southeast quarter of section 32, township 12 south, range 2 west, Linn County; thence easterly on the centerline of Rock Hill Drive, a county road, to the centerline of Ty Valley Drive, a county road, in or near the northeast quarter of the southeast quarter of section 27, township 12 south, range 2 west, Linn County; thence southerly on the centerline of Ty Valley Drive, a county road, to the common line of section 34, township 12 south, range 2 west and section 3, township 13 south, range 2 west, in or near the southeast quarter of the southeast quarter of section 34, township 12 south, range 2 west, Linn County; thence east to the northwest corner of section 6, township 13 south, range 1 west, Linn County; thence north to the centerline of Maple Street, a county road, in or near the northwest corner of the southwest quarter of section 31, township 12 south, range 1 west, Linn County; thence westerly on the centerline of Maple Street, a county road, to the centerline of Washington Street, a county road, in or near the southeast quarter of the northeast quarter of section 36, township 12 south, range 2 west, Linn County; thence northerly on the centerline of Washington Street, a county road, to the centerline of Main Street, a county road, in or near the southeast quarter of the northeast quarter of section 36, township 12 south, range 2 west, Linn County; thence westerly on the centerline of Main Street, a county road, to the centerline of Sodaville Road, a county road, in or near the southeast quarter of the northeast quarter of section 36, township 12 south, range 2 west, Linn County; thence northerly on the centerline of Sodaville Road, a county road, to the centerline of Cascade Drive, a county road, in or near the southwest quarter of the northeast quarter of section 25, township 12 south, range 2 west, Linn County; thence easterly on the centerline of Cascade Drive, a county road, to the centerline of Oregon Highway 20, in or near the southwest quarter of the northeast quarter of section 30, township 12 south, range 1 west, Linn County; thence easterly and southerly on the centerline of Oregon Highway 20 to the centerline of Waterloo Road, a county road, in or near the northeast quarter of the northwest quarter of section 32, township 12 south, range 1 west, Linn County; thence easterly and northerly on the centerline of Waterloo Road, a county road, to the centerline of Berlin Road, a county road, in or near the northwest quarter of the southwest quarter of section 22, township 12 south, range 1 west, Linn County; thence easterly on the centerline of Berlin Road, a county road, to the centerline of Bellinger Scale Road, a county road, in or near the northeast quarter of the southwest quarter of section 22, township 12 south, range 1 west, Linn County; thence northerly on the centerline of Bellinger Scale Road, a county road, to the centerline of Mt. Pleasant Road, a county road, in or near the northwest quarter of the northeast quarter of section 10, township 12 south, range 1 west, Linn County; thence easterly and northerly on the centerline of Mt. Pleasant Road, a county road, to the centerline of Lacombe Drive, a county road, in or near the southeast quarter of the southwest quarter of section 25, township 11 south, range 1 west, Linn County; thence easterly and northerly on the centerline of Lacombe Drive, a county road, to the centerline of Meridian Road, a county road, in or near the northwest quarter of the southwest quarter of section 30, township 11 south, range 1 east, Linn County; thence northerly on the centerline of Meridian Road, a county road, to the centerline of East

Lacombe Road, a county road, in or near the southwest quarter of the northwest quarter of section 30, township 11 south, range 1 east, Linn County; thence easterly, northerly and westerly on the centerline of East Lacombe Road, a county road, to the centerline of Meridian Road, a county road, in or near the northwest quarter of the northwest quarter of section 18, township 11 south, range 1 east, Linn County; thence northerly on the centerline of Meridian Road, a county road, to the centerline of Fish Hatchery Drive, a county road, in or near the southeast quarter of the northeast quarter of section 12, township 11 south, range 1 west, Linn County; thence northerly on the centerline of Fish Hatchery Drive, a county road, to the point of beginning.

Stat. Auth.: ORS 477.225

Stats. Implemented: ORS 477.225

Hist.: DOF 7-2005, f. 12-5-05, cert. ef. 7-1-06; DOF 2-2008, f. & cert. ef. 5-12-08

Rule Caption: Northwest Oregon Forest Protection District Boundary.

Adm. Order No.: DOF 3-2008

Filed with Sec. of State: 5-12-2008

Certified to be Effective: 5-12-08

Notice Publication Date: 3-1-2008

Rules Amended: 629-041-0555

Subject: Describes the boundary of the Northwest Oregon Forest Protection District.

Rules Coordinator: Gayle Birch—(503) 945-7210

629-041-0555

Northwest Oregon Forest Protection District Boundary

The boundary of the Northwest Oregon Forest Protection District is as follows: Beginning at the point where the ocean shore line of vegetation, as set forth in ORS 390.770, and the line of ordinary high water of the Columbia River intersect, at the south jetty of the Columbia River, in or near the northwest quarter of the northeast quarter of section 34, township 9 north, range 11 west, Clatsop County; thence easterly and southerly on the line of ordinary high water of the Columbia River to the line of ordinary high water of the Multnomah Channel of the Willamette River, in or near northeast quarter of the southwest quarter of section 3, township 4 north, range 1 west, Columbia County; thence southwesterly on the line of ordinary high water of the Multnomah Channel of the Willamette River to the common line of section 19 and section 30, in or near the southwest quarter of the southwest quarter of section 19, township 3 north, range 1 west, Columbia County; thence west to the centerline of U.S. Highway 30 in or near the southwest quarter of the southeast quarter of section 24, township 3 north, range 2 west, Columbia County; thence southerly on the centerline of U.S. Highway 30 to the common line of township 1 north and township 2 north, in or near the southwest quarter of the southeast quarter of section 34, township 2 north, range 1 west, Multnomah County; thence west to the southwest corner of section 36, township 2 north, range 2 west, Multnomah County; thence north to the southwest corner of section 25, township 2 north, range 2 west, Multnomah County; thence west to the southwest corner of section 26, township 2 north, range 2 west, Multnomah County; thence north to the southwest corner of section 23, township 2 north, range 2 west, Multnomah County; thence west to the southwest corner of section 23, township 2 north, range 3 west, Washington County; thence north to the southwest corner of the northwest quarter of the southwest quarter of section 23, township 2 north, range 3 west, Washington County; thence west to the southeast corner of the northwest quarter of the southeast quarter of section 22, township 2 north, range 3 west, Washington County; thence south to the southeast corner of the southwest quarter of the southeast quarter of section 22, township 2 north, range 3 west, Washington County; thence west to the southwest corner of section 20, township 2 north, range 3 west, Washington County; thence north to the southwest corner of section 17, township 2 north, range 3 west, Washington County; thence west to the southwest corner of section 18, township 2 north, range 3 west, Washington County; thence north to the southwest corner of section 7, township 2 north, range 3 west, Washington County; thence west to the southwest corner of section 11, township 2 north, range 4 west, Washington County; thence north to the southwest corner of section 2, township 2 north, range 4 west, Washington County; thence west to the southwest corner of section 3, township 2 north, range 4 west, Washington County; thence north to the southwest corner of section 34, township 3 north, range 4 west, Washington County; thence west to the southeast corner of section 31, township 3 north, range 4 west, Washington County; thence south to the northeast corner of the southeast quarter of the southeast quarter of section 6, township 2 north, range 4 west, Washington County; thence east to the northeast corner of the

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southwest quarter of the southwest quarter of section 5, township 2 north, range 4 west, Washington County; thence south to the northeast corner of the northwest quarter of the northwest quarter of section 8, township 2 north, range 4 west, Washington County; thence east to the northeast corner of section 8, township 2 north, range 4 west, Washington County; thence south to the northeast corner of the southeast quarter of the northeast quarter of section 8, township 2 north, range 4 west, Washington County; thence east to the northeast corner of the southeast quarter of the northwest quarter of section 9, township 2 north, range 4 west, Washington County; thence south to the southeast corner of the southeast quarter of the northwest quarter of section 9, township 2 north, range 4 west, Washington County; thence west to the southeast corner of the southwest quarter of the northwest quarter of section 9, township 2 north, range 4 west, Washington County; thence south to the southeast corner of the northwest quarter of the southwest quarter of section 9, township 2 north, range 4 west, Washington County; thence west to the southeast corner of the northeast quarter of the southeast quarter of section 8, township 2 north, range 4 west, Washington County; thence south to the northeast corner of section 17, township 2 north, range 4 west, Washington County; thence east to the northeast corner of the northwest quarter of section 15, township 2 north, range 4 west, Washington County; thence south to the northeast corner of the southwest quarter of section 15, township 2 north, range 4 west, Washington County; thence east to the northeast corner of the southeast quarter of section 15, township 2 north, range 4 west, Washington County; thence south to the northeast corner of section 22, township 2 north, range 4 west, Washington County; thence east to the northeast corner of the southeast quarter of section 23, township 2 north, range 4 west, Washington County; thence south to the southeast corner of the northeast quarter of the southwest quarter of section 33, township 2 north, range 4 west, Washington County; thence west to the southwest corner of the northwest quarter of the southeast quarter of section 34, township 2 north, range 4 west, Washington County; thence north to the southwest corner of the northeast quarter of section 34, township 2 north, range 4 west, Washington County; thence west to the southeast corner of the northwest quarter of section 33, township 2 north, range 4 west, Washington County; thence south to the southeast corner of the northeast quarter of the southwest quarter of section 33, township 2 north, range 4 west, Washington County; thence west to the southwest corner of the northeast quarter of the southwest quarter of section 33, township 2 north, range 4 west, Washington County; thence north to the southwest corner of the southeast quarter of the northeast quarter of section 32, township 2 north, range 4 west, Washington County; thence north to the southwest corner of the southeast quarter of the southeast quarter of section 29, township 2 north, range 4 west, Washington County; thence west to the southeast corner of section 26, township 2 north, range 5 west, Washington County; thence south to the northeast corner of section 11, township 1 north, range 5 west, Washington County; thence east to the northeast corner of the northwest quarter of section 7, township 1 north, range 4 west, Washington County; thence south to the northeast corner of the southwest quarter of section 18, township 1 north, range 4 west, Washington County; thence east to the northeast corner of the northwest quarter of the southeast quarter of section 17, township 1 north, range 4 west, Washington County; thence south to the northeast corner of the northwest quarter of the northeast quarter of section 20, township 1 north, range 4 west, Washington County; thence east to the northeast corner of the northwest quarter of the northeast quarter of the northeast quarter of section 20, township 1 north, range 4 west, Washington County; thence south to the northeast corner of the northwest quarter of the northeast quarter of the southeast quarter of section 20, township 1 north, range 4 west, Washington County; thence east to the northeast corner of the southeast quarter of section 20, township 1 north, range 4 west, Washington County; thence south to the northeast corner of section 29, township 1 north, range 4 west, Washington County; thence east to the northeast corner of the northwest quarter of the northeast quarter of the northwest quarter of section 28, township 1 north, range 4 west, Washington County; thence south to the northeast corner of the southwest quarter of the northeast quarter of the northwest quarter of section 28, township 1 north, range 4 west, Washington County; thence east to the northeast corner of the southeast quarter of the northeast quarter of the northwest quarter of section 28, township 1 north, range 4 west, Washington County; thence south to the northeast corner of the southwest quarter of section 28, township 1 north, range 4 west, Washington County; thence east to the northeast corner of the southeast quarter of section 28, township 1 north, range 4 west, Washington County; thence south to the northeast corner of section 4, township 1 south, range 4 west, Washington

County; thence east to the northeast corner of the northwest quarter of section 3, township 1 south, range 4 west, Washington County; thence south to the northeast corner of the northwest quarter of section 15, township 1 south, range 4 west, Washington County; thence east to the northeast corner of the northwest quarter of section 14, township 1 south, range 4 west, Washington County; thence south to the centerline of Old Highway 47, a county road, in or near the northeast quarter of the southwest] quarter of section 23, township 1 south, range 4 west, Washington County; thence southwesterly on the centerline of Old Highway 47, a county road, to the centerline of Scoggins Valley Road, a county road, in or near the northwest quarter of the northwest quarter of section 26, township 1 south, range 4 west, Washington County; thence westerly and northwesterly on the centerline of Scoggins Valley Road, a county road, to the common line of section 20 and section 21, in or near the northwest quarter of the northwest quarter of section 21, township 1 south, range 4 west, Washington County; thence north to the southwest corner of the northwest quarter of section 16, township 1 south, range 4 west, Washington County; thence west to the southwest corner of the northeast quarter of section 17, township 1 south, range 4 west, Washington County; thence north to the southwest corner of the northwest quarter of the northwest quarter of the northwest quarter of the northeast quarter of section 17, township 1 south, range 4 west, Washington County; thence west to the southeast corner of the northeast quarter of the northwest quarter of the northwest quarter of section 18, township 1 south, range 4 west, Washington County; thence south to the southeast corner of the northwest quarter of the northwest quarter of the northwest quarter of section 18, township 1 south, range 4 west, Washington County; thence west to the southeast corner of the northeast quarter of the northeast quarter of section 13, township 1 south, range 5 west, Washington County; thence south to the southeast corner of section 24, township 1 south, range 5 west, Washington County; thence west to the southeast corner of section 23, township 1 south, range 5 west, Washington County; thence south to the southeast corner of the northeast quarter of the northeast quarter of section 26, township 1 south, range 5 west, Washington County; thence west to the southeast corner of the northwest quarter of the northeast quarter of section 26, township 1 south, range 5 west, Washington County; thence south to the northeast corner of the northwest quarter of the southeast quarter of section 35, township 1 south, range 5 west, Washington County; thence east to the northeast corner of the southwest quarter of section 36, township 1 south, range 5 west, Washington County; thence south to the northeast corner of the northwest quarter of section 1, township 2 south, range 5 west, Yamhill County; thence east to the centerline of Oregon Highway 47 in or near the northeast quarter of the northeast quarter of section 2, township 2 south, range 4 west, Yamhill County; thence southerly on the centerline of Oregon Highway 47 to the centerline of U.S. Highway 99 West, in or near the southeast quarter of the southeast quarter of section 10, township 4 south, range 4 west, Yamhill County; thence southwesterly on the centerline of U.S. Highway 99 West to the centerline of Oregon Highway 18, in or near the southeast quarter of the northwest quarter of section 29, township 4 south, range 4 west, Yamhill County; thence southwesterly on the centerline of Oregon Highway 18 to the centerline of Oregon Highway 18 Business, in or near the southeast quarter of the northwest quarter of section 36, township 5 south, range 6 west, Yamhill County; thence westerly on the centerline of Oregon Highway 18 Business, to the boundary of the West Oregon Forest Protection District, as set forth in OAR 629-041-0570, in or near the southeast quarter of the northeast quarter of section 33, township 5 south, range 6 west, Yamhill County; thence northerly, westerly and southerly on the boundary of the West Oregon Forest Protection District, as set forth in OAR 629-041-0570, to the ocean shore line of vegetation, as set forth in ORS 390.770, in or near section 10, township 6 south, range 11 west, Tillamook County; thence northerly on the ocean shore line of vegetation, as set forth in ORS 390.770, to the point of beginning.

Stat. Auth.: ORS 477.225

Stats. Implemented: ORS 477.225

Hist.: DOF 10-1998, f. & cert. ef. 8-13-98; DOF 3-2008, f. & cert. ef. 5-12-08

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

Rule Caption: Changing OARs affecting Child Welfare programs.
Adm. Order No.: CWP 3-2008
Filed with Sec. of State: 5-15-2008
Certified to be Effective: 5-15-08
Notice Publication Date: 4-1-2008

ADMINISTRATIVE RULES

Rules Amended: 413-120-0400, 413-120-0410, 413-120-0420, 413-120-0440, 413-120-0450, 413-120-0455, 413-120-0460, 413-120-0470

Rules Repealed: 413-120-0430, 413-120-0400(T), 413-120-0410(T), 413-120-0420(T), 413-120-0440(T), 413-120-0450(T), 413-120-0455(T), 413-120-0460(T), 413-120-0470(T)

Subject: OAR 413-120-0400 to 413-120-0470 (Child Welfare Policy I-G.1.4) about criminal background checks for individuals who are seeking to provide relative, foster, or adoptive care to children in the Department's custody are being amended to make the rules consistent with a recent change to the Department's Certification Standards (OAR 413-200-0390) that increased the recertification period for foster homes from one year to two years and to make permanent a temporary rule amended January 1, 2008. These rules are also being amended to replace old terminology with new terminology, add cross-references to other rules and laws, and follow standard formatting.

OAR 413-120-0400 about the purpose of OAR 413-120-0400 to 413-120-0470 is being amended to replace old terminology with new terminology, add cross-references to other rules and laws, follow standard formatting, and make permanent a temporary rule amended January 1, 2008.

OAR 413-120-0410 about the scope of these criminal background check rules is being amended to replace old terminology with new terminology, add cross-references to other rules and laws, follow standard formatting, and make permanent a temporary rule amended January 1, 2008.

OAR 413-120-0420 about the definitions of terms used in these criminal background check rules is being amended to add definitions for "subject individual" and "young adult", replace old terminology with new terminology, add cross-references to other rules and laws, follow standard formatting, and make permanent a temporary rule amended January 1, 2008.

OAR 413-120-0430 about subject individuals is being repealed because the definition of subject individual has been moved to OAR 413-120-0420.

OAR 413-120-0440 about the limitation of inquiries is being amended to replace old terminology with new terminology, add cross-references to other rules and laws, follow standard formatting, and make permanent a temporary rule amended January 1, 2008.

OAR 413-120-0450 about the consideration of the criminal history of individuals subject to criminal background checks is being amended to replace old terminology with new terminology, add cross-references to other rules and laws, follow standard formatting, and make permanent a temporary rule amended January 1, 2008.

OAR 413-120-0455 about the consideration of arrests of subject individuals is being amended to replace old terminology with new terminology, add cross-references to other rules and laws, follow standard formatting, and make permanent a temporary rule amended January 1, 2008.

OAR 413-120-0460 about the procedures used for evaluating the criminal history of individuals subject to criminal background checks is being amended to make the rules consistent with a recent change to the Department's Certification Standards (OAR 413-200-0390) that increased the recertification period for foster homes from one year to two years, replace old terminology with new terminology, add cross-references to other rules and laws, and follow standard formatting and to make permanent a temporary rule amended January 1, 2008.

OAR 413-120-0470 about the rights for review and contested case hearings for subject individuals is being amended to replace old terminology with new terminology, add cross-references to other rules and laws, follow standard formatting, and make permanent a temporary rule amended January 1, 2008.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-120-0400

Purpose

(1) It is the goal of DHS to reduce the risk of neglect and abuse of children entrusted in the care of or receiving services from DHS. Therefore, DHS will conduct criminal offender information background checks as described in these rules (OAR 413-120-0400 to 413-120-0470).

(2) These rules establish procedures by which DHS obtains criminal offender information on subject individuals who are seeking to provide relative, foster, or adoptive care to children in DHS custody under Child Welfare administrative rules, and how DHS uses criminal offender information to determine the suitability of the subject individual to provide relative, foster, or adoptive care.

(3) These rules provide guidelines on the procedures DHS will use when DHS receives requests to conduct criminal offender information record checks from licensed private agencies who are studying adoptive families for placement of children in the custody of DHS under Child Welfare administrative rules.

(4) These rules provide the standards DHS will use in granting exceptions for subject individuals convicted of certain felony and misdemeanor crimes to provide relative, foster, or adoptive care if an exception is permitted under these rules.

(5) These rules shall be used in conjunction with other applicable standards when determining a subject individual's suitability to provide relative, foster, or adoptive care for children in DHS custody.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 181.537, 181.010 - 181.560 & 418.016

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 4-1999, f. & cert. ef. 3-22-99; SOSCF 1-2000(T), f. & cert. ef. 1-14-00 thru 7-12-00; SOSCF 14-2000, f. & cert. ef. 7-13-00; SOSCF 23-2001, f. 6-29-01, cert. ef. 7-1-01; SOSCF 11-2002(Temp), f. & cert. ef. 9-13-02 thru 3-12-03; CWP 21-2003, f. & cert. ef. 3-13-03; CWP 31-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 3-2008, f. & cert. ef. 5-15-08

413-120-0410

Scope of Rules

(1) Consistent with the purpose of these rules (OAR 413-120-0400 to 413-120-0470), DHS will issue decisions regarding the suitability for approval of subject individuals to provide relative, foster, or adoptive care.

(2) Notwithstanding the prohibitions contained in OAR 413-120-0450(2) and (3), if a subject individual was certified to provide relative or foster care or approved as an adoptive home before November 19, 1997, DHS may place additional children in the home, renew the family's relative caregiver or foster home certificate of approval or approve the home as an adoptive placement if the DHS Assistant Director for CAF or a designee has determined that:

(a) Denial of the renewal or adoption application would result in the disruption of a child or children's placement or prevent future substitute care or adoptive placements of the child or children's siblings;

(b) The certification, adoption or licensing file for the relative caregiver, foster family or adoptive family contains documentation that safety considerations with respect to the subject individual have been addressed; and

(c) One or more convictions for the crime or crimes described in OAR 413-120-0450(3) occurred prior to the certification or approval.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 181.537, 181.010-181.560, 418.016

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 1-2000(T), f. & cert. ef. 1-14-00 thru 7-12-00; SOSCF 23-2001, f. 6-29-01, cert. ef. 7-1-01; SOSCF 11-2002(Temp), f. & cert. ef. 9-13-02 thru 3-12-03; CWP 21-2003, f. & cert. ef. 3-13-03; CWP 31-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 3-2008, f. & cert. ef. 5-15-08

413-120-0420

Definitions

For purposes of these rules (OAR 413-120-0400 to 413-120-0470):

(1) "Adoption Applicant" is a person who applies for adoption approval.

(2) "Agency Agreement" means a written agreement between the Oregon State Police and a Criminal Justice or designated agency as defined by ORS 181.010 authorized to receive criminal offender information, specifying the terms and conditions of accessing and receiving Oregon computerized criminal history information to assure compliance with state and federal regulations.

(3) "Battery" means the use of physical force to injure, damage or abuse or to cause offensive physical contact.

(4) "CAF" means the Children, Adults and Families Division of DHS.

(5) "Child or Children" means a person or persons under the age of 18.

(6) "Computerized Criminal History (CCH) System" means the administration and maintenance of on-line computer files of significant criminal offender information by OSP.

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(7) "Contested Case Hearing" means a hearing conducted under ORS Chapter 183 and applicable administrative rules.

(8) "Criminal Offender Information" is defined in ORS 181.010(3) and includes records, fingerprints and photographs, received, compiled and disseminated by the Oregon State Police for purposes of identifying criminal offenders and alleged offenders, as to such persons' records of arrests, the nature and disposition of criminal charges, including sentencing, confinement and release, and includes the OSP Computerized Criminal History System.

(9) "Designated Agency" means any DHS unit required to access Oregon criminal offender information: to implement a federal or state statute, executive order or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on criminal conduct; for agency employment or licensing purposes; or for other demonstrated and legitimate needs when designated by order of the Governor.

(10) "DHS" means the Department of Human Services, which accesses criminal offender information as a designated agency or a criminal justice agency, and requests fingerprint-based criminal offender information from the FBI and OSP on certain persons or programs who provide care or treatment to children as regulated by DHS.

(11) "FBI" means the Federal Bureau of Investigation.

(12) "Fingerprint-Based Criminal Offender Information" means criminal offender information compiled and maintained by the Oregon State Police Bureau of Criminal Identification regarding persons who have been arrested for crimes where law enforcement agencies have submitted fingerprints and other identifying data as required by ORS 181.515 and/or federal statutes, or as deemed appropriate by the submitting law enforcement agency for the purpose of identification.

(13) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(14) "Information required" means all information requested by DHS for processing criminal record checks, including fingerprint checks.

(15) "OSP" means the Oregon State Police.

(16) "Other person in household" means:

(a) A person 18 years of age or older who is living in the home, and is not a child or young adult as defined by this rule;

(b) A person assisting in the home to enrich the care provided to children placed in the home by tutoring, providing recreation, relief care, or other services such as household chores, whether paid or unpaid; or

(c) A member of the household under 18 years of age if there is reason to believe that member may pose a risk to children placed in the home.

(17) "Private Adoption Agency" means an agency licensed by the State of Oregon to provide adoption services within the state and which contracts with DHS to study adoptive parents seeking to adopt children in the custody of DHS.

(18) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.

(19) "Subject Individual" means a person who:

(a) Applies to adopt a child in the custody of DHS as described in Child Welfare Policies I-G.1.3, "Adoption Applications", OAR 413-120-0190 to 413-120-0240 and I-G.2.1, "Minimum Standards for Adoptive Homes", OAR 413-120-0300 to 413-120-0310;

(b) Applies to be a foster parent, relative caregiver, or pre-adoptive parent as described in Child Welfare Policy II-B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents", OAR 413-200-0301 to 413-200-0401; or

(c) Is an other person in the household as described in OAR 413-120-0420.

(20) "Violence" means the use of physical force to injure, damage, or abuse.

(21) "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 181.537, 181.010 - 181.560 & 418.016

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 4-1999, f. & cert. ef. 3-22-99; SOSCF 1-2000(T), f. & cert. ef. 1-14-00 thru 7-12-00; SOSCF 14-2000, f. & cert. ef. 7-13-00; SOSCF 23-2001, f. 6-29-01, cert. ef. 7-1-01; SOSCF 11-2002(Temp), f. & cert. ef. 9-13-02 thru 3-12-03; CWP 21-2003, f. & cert. ef. 3-13-03; CWP 31-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 3-2008, f. & cert. ef. 5-15-08

413-120-0440

Limitations of Inquiries

(1) Only DHS employees who have been fingerprinted and cleared by the Oregon State Police shall access or have access to criminal offender information pursuant to a valid agency agreement. All criminal offender information shall be handled in compliance with the agency agreement and rules and procedures of the Oregon State Police relating to the criminal offender information (OAR 257-010-0010 to 257-010-0050). It is the responsibility of DHS to assure strict compliance with federal and state laws, rules and procedures regarding criminal offender information access and dissemination.

(2) Criminal offender information obtained from OSP or the FBI may not be given to unauthorized persons or agencies or used for any purpose other than that for which the information was obtained.

(3) Criminal offender information, including fingerprint-based criminal offender information, shall be obtained by DHS under Chapter 413 of the Oregon Administrative Rules to ascertain whether a subject individual as defined at OAR 413-120-0420 has been convicted of a crime that is substantially related to their qualifications as a relative caregiver, foster parent, or adoptive parent, or their suitability to be an other person in the household.

(4) For purposes of emergency foster care certification, child welfare staff in a local DHS office may obtain criminal history information from the OSP Law Enforcement Data System (LEDS) accordance with 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. In addition to any criminal history checks completed in the local DHS office for purposes of emergency foster care certification, whenever a fingerprint-based criminal history check is required, a completed and signed form 1011F and two properly completed FBI fingerprint cards (FD 258) must be provided to the DHS Criminal Records Unit (CRU) for processing.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 181.537, 181.010-181.560, 418.016

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 4-1999, f. & cert. ef. 3-22-99; SOSCF 23-2001, f. 6-29-01, cert. ef. 7-1-01; SOSCF 11-2002(Temp), f. & cert. ef. 9-13-02 thru 3-12-03; CWP 21-2003, f. & cert. ef. 3-13-03; CWP 1-2005(Temp), f. & cert. ef. 1-28-05 thru 7-27-05; CWP 8-2005, f. & cert. ef. 7-28-05; CWP 31-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 3-2008, f. & cert. ef. 5-15-08

413-120-0450

Consideration of Criminal History

(1) DHS has determined that persons who engage in certain criminal conduct may not be qualified to be a relative caregiver, foster or adoptive parent, or suitable to be an other person in a relative caregiver, foster or adoptive home because that criminal conduct is fundamentally inconsistent with any responsibility for care, treatment or supervision of children or other vulnerable persons. Unless an exception is allowed under these rules (OAR 413-120-0400 to 413-120-0470), convictions for crimes listed in these rules or a false statement about a conviction for any crime may disqualify a subject individual from being approved as a relative caregiver, foster or adoptive parent, or to be an other person in the household.

(2) If a subject individual has been convicted of a crime described in section (3) of this rule, that individual may not be approved or certified as a relative caregiver, foster parent, adoptive parent or other person in the household and no exception may be granted. A subject individual who has been convicted of any crime other than one described in section (3) of this rule may be approved or certified as a relative caregiver, foster parent, adoptive parent, or other person in the household only if an exception is granted as provided in sections (4)-(6) of this rule.

(3) Crimes with no exceptions.

(a) DHS may not issue or renew a certificate of approval to operate a relative caregiver or foster home, or approve an adoption application, and no exception may be granted if a subject individual has been convicted in Oregon or any other jurisdiction of a felony crime that involves:

(A) Rape, sodomy or sexual abuse;

(B) Intentional starvation or torture;

(C) Murder or voluntary manslaughter;

(D) Abuse or neglect of a child that causes death of the child or serious physical injury to the child; or

(E) Aiding, abetting, attempting, soliciting or conspiring to cause the death of a child.

(b) Crimes described under subsection (a) of this section include, but are not limited to, the following crimes under Oregon law, or substantially similar crimes in Oregon or any other jurisdiction:

(A) ORS 163.095 — Aggravated murder

(B) ORS 163.115 — Murder

(C) ORS 163.118 — Manslaughter in the first degree

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- (D) ORS 163.125 — Manslaughter in the second degree
(E) ORS 163.355 — Rape in the third degree
(F) ORS 163.365 — Rape in the second degree
(G) ORS 163.375 — Rape in the first degree
(H) ORS 163.385 — Sodomy in the third degree
(I) ORS 163.395 — Sodomy in the second degree
(J) ORS 163.405 — Sodomy in the first degree
(K) ORS 163.408 — Unlawful sexual penetration in the second degree
(L) ORS 163.411 — Unlawful sexual penetration in the first degree
(M) ORS 163.425 — Sexual abuse in the second degree
(N) ORS 163.427 — Sexual abuse in the first degree
(O) ORS 163.525 — Incest, if the victim of the offense is a child
(P) ORS 163.537 — Buying or selling a person under 18 years of age
(Q) ORS 163.670 — Using a child in display of sexually explicit conduct
- (4) Crimes for which an exception is possible.
(a) Unless an exception is granted as provided in subsection (c) of this section and section (6) of this rule, DHS may not issue or renew a certificate of approval to operate a relative caregiver or foster home for children or approve an adoption application if a subject individual has been convicted of one of the following crimes (which exclude those described in section (3) of this rule).
- (A) Any felony or misdemeanor crime of violence against a child.
(B) Any felony involving:
(i) Child abuse or neglect.
(ii) A child as the victim.
(iii) Violence, including domestic violence.
(C) A felony drug related offense.
(b) Examples of Crimes described under subsection (a) of this section include, but are not limited to, the following crimes under Oregon law or substantially similar crimes in Oregon or any other jurisdiction:
(A) ORS 162.155 — Escape in the second degree, if the offense involves the use or threatened use of violence
(B) ORS 162.165 — Escape in the first degree, if the offense involves the use or threatened use of violence or a dangerous or deadly weapon
(C) ORS 162.325 — Hindering prosecution, if the crime involves the use of violence
(D) ORS 163.145 — Criminally negligent homicide
(E) ORS 163.160 — Assault in the fourth degree, if the victim is a spouse or a child and the person has previously been convicted of assaulting the same victim
(F) ORS 163.160 — Assault in the fourth degree, if person previously convicted of assaulting same victim or assault witnessed by child/step child of defendant or victim or other child living in household of defendant or victim
(G) ORS 163.160 — Assault in the fourth degree if the victim is a child (misdemeanor)
(H) ORS 163.165 — Assault in the third degree
(I) ORS 163.175 — Assault in the second degree
(J) ORS 163.185 — Assault in the first degree
(K) ORS 163.205 — Criminal mistreatment in the first degree, if the victim is a child or if the crime involves violence
(L) ORS 163.213 — Unlawful use of an electrical stun gun, tear gas or mace in the first degree
(M) ORS 163.225 — Kidnapping in the second degree, if the victim is a child or spouse or if the crime involves violence
(N) ORS 163.235 — Kidnapping in the first degree, if the victim is a child or spouse or if the crime involves violence
(O) ORS 163.535 — Abandonment of a child
(P) ORS 163.547 — Child neglect in the first degree
(Q) ORS 163.555 — Criminal nonsupport
(R) ORS 163.684 — Encouraging child sexual abuse in the first degree
(S) ORS 163.686 — Encouraging child sexual abuse in the second degree
(T) ORS 163.688 — Possession of materials depicting sexually explicit conduct of a child in the first degree
(U) ORS 163.689 — Possession of materials depicting sexually explicit conduct of a child in the second degree
(V) ORS 164.125 — Theft of services, if the theft is by force for services valued at \$750 or more
(W) ORS 164.225 — Burglary in the first degree, if the offense involves violence
(X) ORS 164.395 — Robbery in the third degree
(Y) ORS 164.405 — Robbery in the second degree
(Z) ORS 164.415 — Robbery in the first degree
(AA) ORS 166.015 — Riot
(AB) ORS 166.165 — Intimidation in the first degree
(AC) ORS 166.220 — Unlawful use of weapon
(AD) ORS 167.017 — Compelling prostitution
(AE) ORS 167.212 — Tampering with drug records
(AF) ORS 167.262 — Adult using minor in commission of controlled substance offense (for controlled substance other than less than 5 grams of marijuana)
(AG) ORS 475.992 — Subsection (1) — Manufacture or delivery of Schedule I, II or III counterfeit substance. Subsection (2) — Delivery of marijuana for consideration. Subsection (3) — Creation or delivery of Schedule I, II or III counterfeit substance. Subsection (4) — Possession of Schedule I or II controlled substance.
(AH) ORS 475.993 — Prohibited acts for registrants related to Schedule I controlled substance
(AI) ORS 475.995 — Distribution of Schedule I, II or III controlled substances to minors
(AJ) ORS 475.999 — Manufacture or delivery of Schedule I, II or III controlled substance within 1000 feet of school
(c) Written approval of the DHS Assistant Director for CAF is required for an exception to operate a relative caregiver or foster home or be approved as an adoption applicant if a subject individual has been convicted of a crime described in this section. The DHS Assistant Director for CAF may designate administrative staff not assigned to or located in a District to grant an approval authorized under this section.
(5) If a subject individual has been convicted of any felony or misdemeanor, other than those described in sections (3) or (4) of this rule, DHS may not issue or renew a certificate of approval to operate a relative caregiver or foster home for children or approve an adoption application unless an exception to approve the home is granted as provided in this section and section (6) of this rule. The following persons are authorized to grant an exception as provided in this section and section (6) of this rule:
(a) If a subject individual has been convicted of a misdemeanor, other than one resulting from domestic violence or one described in sections (3) or (4) of this rule, written approval of the District Manager is required for an exception to approve the home. The District Manager may designate the District Assistant Manager, the Child Welfare Program Manager, or a child welfare supervisor to grant an exception under this subsection.
(b) If a subject individual has been convicted of a felony or any crime involving domestic violence, other than one described in sections (3) or (4) of this rule, written approval of the District Manager is required for an exception to approve the home. The District Manager may designate the District Assistant Manager or the Child Welfare Program Manager to grant an exception under this subsection.
(6) A person authorized to grant an exception under sections (4) or (5) of this rule shall determine whether the subject individual possesses the qualifications to be a relative caregiver, foster parent, adoptive parent, or is suitable to be an other person in the household, regardless of the criminal conviction or convictions. The person authorized to grant an exception shall document the approval on form DHS 1011D, "Criminal History Exception Request". In determining whether to grant an exception under sections (4) or (5) of this rule, the person authorized to grant the exception shall consider:
(a) The severity and nature of the crime;
(b) The number of criminal offenses;
(c) The time elapsed since commission of the crime;
(d) The circumstances surrounding the crime;
(e) Content of the police report or reports concerning the crime;
(f) The subject individual's explanation of the crime;
(g) The relationship of the criminal activity to the subject individual's capacity to safely provide the proposed care;
(h) The subject individual's participation in counseling, therapy, education, or employment evidencing rehabilitation or a change in behavior; and
(i) When the person is seeking to provide care for a specific child, whether disqualification of the subject individual would create emotional harm to the child and placement of the child with the person would be a safe placement that is in the best interests of the child.
(7) If allowed by current or previously effective rules, an exception for a specific misdemeanor or felony conviction need only be granted one time for a specific subject individual.

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(8) Granting an exception for a specific misdemeanor or felony crime does not establish a precedent for other cases in which a conviction for the same crime is being considered.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 181.537, 181.010-181.560, 418.016

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 4-1999, f. & cert. ef. 3-22-99; SOSCF 1-2000(T), f. & cert. ef. 1-14-00 thru 7-12-00; SOSCF 14-2000, f. & cert. ef. 7-13-00; SOSCF 23-2001, f. 6-29-01, cert. ef. 7-1-01; SOSCF 11-2002(Temp), f. & cert. ef. 9-13-02 thru 3-12-03; CWP 21-2003, f. & cert. ef. 3-13-03; CWP 31-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 3-2008, f. & cert. ef. 5-15-08

413-120-0455

Consideration of Arrests

(1) Behavior that results in an arrest or a history of arrests may raise concerns about a subject individual's suitability to be a relative caregiver, foster or adoptive parent, or other person in the household. If a subject individual has a history of one or more arrests for any of the following offenses, the field staff must assess whether, considering the behavior that resulted in the arrest, the subject individual meets the qualifications to be a relative caregiver, foster or adoptive parent, or other person in the household:

- (a) Child abuse or neglect;
- (b) Spousal abuse;
- (c) A crime against children, including pornography;
- (d) A crime involving violence, including rape, sexual abuse, manslaughter or homicide;
- (e) Physical assault;
- (f) Battery;
- (g) Drug or alcohol offenses; or
- (h) Weapons-related offenses.

(2) If a subject individual has been arrested for any of the offenses listed in section (1) of this rule, the supervisor and caseworker or certifier, in consultation with the management staff as designated by the District Manager, shall assess the suitability of the subject individual to be a relative caregiver, foster or adoptive parent, or other person in the household and document their findings. The persons conducting the assessment shall consider and document their findings regarding the behavior or conduct that led to the arrest, how that behavior relates to the subject individual's qualifications to be a relative caregiver, foster or adoptive parent or other person in the household and whether, given the behavior that led to the arrest, the subject individual is qualified to be a relative caregiver, foster parent or adoptive parent or other person in the household. In conducting this assessment, the supervisor and caseworker or certifier shall consider the following:

- (a) The subject individual's explanation of the circumstances surrounding and the behavior that led to the arrest or arrests.
- (b) The severity and nature of the behavior that led to the arrest or arrests:
- (c) The number of arrests in the subject individual's history for behavior that relates to and raises concerns about that individual's qualifications to be a relative caregiver, foster or adoptive parent, or suitability to be an other person in the household;
- (d) The time elapsed since the arrest or arrests;
- (e) The circumstances surrounding the arrest or arrests;
- (f) Whether the subject individual was charged or indicted for a crime related to the arrest or arrests;
- (g) The disposition of any charge or indictment related to the arrest or arrests;
- (h) If applicable, whether the subject individual has participated in counseling, therapy, educational, or employment opportunities since the arrest or arrests;
- (i) When the person is seeking to provide care for a specific child, whether disqualification of the subject individual would create emotional harm to the child and placement of the child with the person would be a safe placement that is in the best interests of the child.
- (j) Any other information related to the circumstances of the arrest or arrests or the behavior that led to the arrest or arrests that may relate to the subject individual's qualifications to be a relative caregiver, foster parent, adoptive parent, or other person in the household.

(3) The supervisor and worker may also obtain and review a copy of the police report of the arrest and interview the subject individual about the arrest.

(4) Under no circumstances will DHS bar or refuse to approve an individual because of the existence or contents of a juvenile record that has been expunged pursuant to ORS 419A.260 or 419A.262.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 181.537, 181.010-181.560

Hist.: SOSCF 11-2002(Temp), f. & cert. ef. 9-13-02 thru 3-12-03; CWP 21-2003, f. & cert. ef. 3-13-03; CWP 31-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 3-2008, f. & cert. ef. 5-15-08

413-120-0460

Procedures

(1) Any subject individual applying to be a relative caregiver, foster or adoptive parent, or an other person in the household must consent to a criminal offender information records check at the time of application. After an initial certification, relative caregivers, foster parents, and other persons in the households of foster parents and relative caregivers must consent to a criminal offender information records check prior to re-certification every two years. Adoption applicants and other persons in their households must consent to a criminal offender information records check once a year after the initial criminal records check is completed. All applicants must be notified of this requirement at the time they apply for a certificate of approval or adoption approval. Criminal record check consent forms must contain a notice that applicants for a certificate of approval, or adoption approval and an other person in a household are subject to a fingerprint-based criminal offender information records check that will be conducted as required by ORS 181.537, 181.557, and OAR 413-120-0460(5) and (6).

(2) Adoptive applicants who have been approved as relative caregivers, foster parents, or adoptive parents and who have submitted to a criminal history check within the 12 months preceding the date on which they apply to adopt may be exempt from a new criminal records check.

(3) DHS may not issue a certificate of approval for relative or foster care or approve an adoption home if a subject individual refuses to be fingerprinted when required. DHS may deny a certificate of approval or approval as an adoptive home if a subject individual makes a false statement about having been arrested for or convicted of any crime or crimes.

(4) Subject individuals must provide all information required for a criminal offender information records check, including fingerprints where required, on forms and fingerprint cards provided by DHS and according to procedures established by DHS, including:

- (a) A properly completed and signed form CF 1011F from the subject individual;
- (b) If the subject individual acknowledges a prior arrest or conviction for a crime listed in these administrative rules, an explanation of the relationship between the facts that support the arrest or conviction and all intervening circumstances and written authorization for DHS to verify the information; and
- (c) Two properly completed FBI fingerprint cards (FD 258) with red overprinting in the reason fingerprinted block from the subject individual when required.

(5) As part of the consent to a criminal records check, DHS may request subject individuals to consent to the use of their social security numbers in conducting the criminal records check. Subject individuals will indicate their consent by their signatures.

(6) DHS shall obtain and forward fingerprint cards to request criminal offender information on subject individuals from OSP and FBI as follows:

- (a) If the subject individual has disclosed, or their Oregon record indicates, that they now live or have lived outside the State of Oregon anytime during the five years prior to application, DHS shall instruct OSP to conduct a fingerprint criminal offender records check through the FBI;
- (b) If the subject individual has disclosed an arrest or conviction for a crime, DHS shall instruct OSP to conduct a fingerprint-based criminal offender records check through the FBI;
- (c) If the subject individual's Oregon record indicates an arrest or conviction for a crime, DHS shall forward the fingerprint cards to OSP for a positive identification verification prior to issuing a denial and may instruct OSP to conduct a fingerprint criminal offender records check through the FBI.

(7) DHS may grant an exception to the fingerprint requirement of this rule if DHS determines that the subject individual is unable to submit fingerprints due to a physical or mental condition that makes compliance impossible or presents an undue safety risk to applicant or staff. The Criminal History Exception Request (DHS 1011D) must be signed by the District Manager or designee.

(8) No applicant may be issued or may retain a certificate of approval as a relative caregiver or a foster parent, or approval as an adoptive parent unless these criminal history safety standards are met:

- (a) Completion of a documented check of Oregon LEDS;

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(b) Authorization and initiation of the other requirements to complete the criminal history check process, including a fingerprint based criminal offender check when required for subject individuals;

(c) Granting of exceptional approval as required and authorized by OAR 413-120-0450 for any criminal convictions either acknowledged by the applicant or reported by the criminal offender information system; and

(d) Reconsideration of the approval upon receipt of any criminal history information not available at the time of previous approval.

(9) DHS will review the criminal offender information, including fingerprint-based criminal offender information when obtained, of subject individuals. The assessment of suitability, based on the criminal history, that reflects the decision-making criteria, shall be documented and filed in the relative caregiver, foster home, or adoption home record. The LEDS, OSP, and FBI reports may not be filed in these records and shall be destroyed within 90 days. A denial of the application or certification, based on criminal history, will be considered preliminary until the subject individual has been given notice of an opportunity to challenge the criminal record report, or to request a contested case hearing pursuant to OAR 413-120-0460. Except as provided in OAR 413-120-0450(3), a finding of suitability based on criminal history is only one factor DHS will use in deciding whether to issue a certificate of approval for a relative caregiver or foster home, or approve an adoption home. The final determination to grant or deny a certificate of approval or approval of an adoption home based solely on criminal history will be made by the District Manager or designee. Criminal offender information received from the OSP or the FBI is confidential and may not be released to unauthorized persons or agencies.

(10) Subject individuals who have been determined not suitable to be approved as an adoptive resource pursuant to these rules (OAR 413-120-0400 to 413-120-0470) shall be denied approval for adoption of a child in the custody of DHS.

(11) Unless an exception for approval is granted under these rules, DHS shall revoke a certificate of approval for a foster parent or relative caregiver, deny a renewal application, or remove from consideration for child placement an approved relative caregiver, family foster home, or approved adoption applicant if a subject individual is convicted of a crime in Oregon or any other jurisdiction since the time of the last approval.

(12) If DHS determines that the subject individual is not suitable for a certificate of approval for relative care or foster care, or adoption approval, based on criminal history or false statement on the application related to criminal history, unless the subject individual voluntarily withdraws from the process, the Child Welfare field office will notify the subject individual, via certified mail, that the subject individual:

(a) Has a right to inspect and challenge his or her Oregon criminal offender information through the Oregon State Police procedures as adopted per ORS 181.555(3) and OAR 257-010-0035;

(b) May challenge the accuracy or completeness of any entry on the subject individual's criminal records provided by the FBI by filing a challenge with the Assistant Director of the FBI Identification Division, Washington, DC, 20537-9700; and

(c) May appeal DHS's determination of unsuitability or indicate an intent to challenge information in the OSP or FBI report by requesting a contested case hearing pursuant to ORS 183.413 to 183.470 and OAR 413-120-0470 provided that DHS receives the request for a contested case hearing in writing within 30 days from the date of mailing the notice. After 30 days from the date of mailing have elapsed, designated staff within the District will inform the certifier or adoption worker or private agency adoption worker that either:

(A) The subject individual has been notified that he or she is not suitable for approval for relative care, foster care, or adoption based on criminal history or false statement in the application about criminal history and that the worker may not approve the relative care, foster care, or adoption application because the subject individual has waived or timely declined, to exercise his or her right to a contested case hearing regarding his or her suitability; or

(B) The subject individual has requested a contested case hearing and that the field office will be notified of the subject individual's suitability as a relative caregiver, foster care, or adoptive home provider upon issuance of the hearing decision.

(13) Upon the determination of DHS that an applicant for relative care, foster care, or adoption of a child in the custody of DHS under Child Welfare administrative rules is not suitable based on the criminal history of an other person in the household or false statement of criminal history of an other person in the household, the certifier, adoption worker, or private agency adoption worker must:

(a) Inform the other person in the household whose record was reviewed of the right to inspect and challenge the person's Oregon criminal offender information through OSP procedures as adopted per ORS 181.555(3) and OAR 257-010-0035 and the person's rights under ORS 181.557(2)(b); and

(b) Inform the relative caregiver, foster care, or adoption applicant whose approval is affected by the other person's criminal history or false statement about criminal history, via certified mail, that:

(A) Based on the other person in the household's criminal history or false statement about their criminal history, DHS may not approve the relative care, foster care, or adoption applicant as long as the other person in the household remains in the home or provides care to children in the home; and

(B) The relative care, foster care, or adoption applicant may appeal in a contested case hearing the DHS determination of unsuitability based on the criminal history or false statement of criminal history concerning an other person in the home, provided that DHS receives the applicant's request for a contested case hearing in writing within 30 days from the date of mailing the notice to the applicant.

(14) The DHS relative care or foster care certifier, adoption worker or private adoption agency worker must, after 30 days have elapsed from the date of mailing the notice, either:

(a) Notify the relative care, foster care, or adoption applicant that he or she is not suitable for approval for placement of a child in the custody of DHS under Child Welfare administrative rules based on criminal history of an other person in the household or false statement in the application of the other person, and that DHS may not approve the applicant because the applicant has waived or declined to exercise his or her right to a contested case hearing regarding his or her suitability; or

(b) Notify the relative care, foster care, or adoption applicant that since he or she has requested a contested case hearing, the field office will be notified of the applicant's suitability for certification upon issuance of the final order.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 181.537, 181.010-181.560, 418.016

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 4-1999, f. & cert. ef. 3-22-99; SOSCF 1-2000(T), f. & cert. ef. 1-14-00 thru 7-12-00; SOSCF 14-2000, f. & cert. ef. 7-13-00; SOSCF 23-2001, f. 6-29-01, cert. ef. 7-1-01; SOSCF 11-2002(Temp), f. & cert. ef. 9-13-02 thru 3-12-03; CWP 21-2003, f. & cert. ef. 3-13-03; CWP 31-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 3-2008, f. & cert. ef. 5-15-08

413-120-0470

Rights for Review and Contested Case Hearings

(1) Contested case hearings are conducted by the Office of Administrative Hearings (OAH) under ORS Chapter 183 and OAR 137-003-0501 to 137-003-0700. Relative care, foster care, or adoption applicants have the right to appeal a decision made by DHS under its rules that the applicant is not suitable for approval for placement of a child in the custody of DHS based on an authorized criminal offender information records check, or a false statement concerning a criminal records check of the applicant or other person in the household. Applicants must notify DHS in writing of their request for a contested case hearing within 30 calendar days after the notice is mailed by DHS to the applicant.

(2) DHS and OAH have no jurisdiction in a contested case hearing over allegations that the criminal offender information received from OSP or the FBI is inaccurate, incomplete, or maintained in violation of any federal or state law.

(3) DHS is entitled to rely on the criminal offender information supplied by OSP and the FBI until OSP or the FBI notifies DHS that information has been changed or corrected. If an applicant has timely requested a contested case hearing, DHS will refer the matter to OAH for a hearing after the subject individual has been afforded a reasonable time to correct or complete the record, or has declined to do so.

(4) Prior to a contested case hearing being referred to OAH, DHS will convene an informal conference between DHS, the subject individual and his or her legal representative, if any, to review all available information and determine the need for a contested case hearing. At this informal conference, the subject individual must verify whether he or she has exercised his or her right to inspect or challenge the criminal offender information record or records or has declined to do so.

(5) To preserve the confidentiality of the records and the privacy of the subject individual, any contested case hearing under this rule will not be open to the public.

(6) The issues at a contested case hearing under this rule must be limited to the following matters:

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(a) Whether the subject individual made a false statement in the application about a conviction or an arrest, has refused to consent to the criminal records check, or refused to be fingerprinted.

(b) Whether the subject individual has been convicted of a crime described in OAR 413-120-0450(3).

(c) If the subject individual has been convicted of any crime, other than those described in OAR 413-120-0450(3):

(A) The DHS determination that the behavior which resulted in the conviction is relevant to qualification to provide care as a relative caregiver, foster or adoptive parent, or suitability to be an other person in the household; and

(B) The relationship between the facts supporting the conviction and the intervening circumstances as affecting the qualification to provide care as a relative caregiver, foster or adoptive parent, or suitability to be an other person in the household.

(d) The relationship between the behavior that led to an arrest or arrests as affecting the qualification to provide care as a relative caregiver, foster or adoption parent, or suitability to be an other person in the household.

(7) Fingerprint cards required for evidence in a contested case hearing must be destroyed by DHS when the contested case hearing procedure and any judicial review are concluded and final.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 181.537, 181.010-181.560, 409.015

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 4-1999, f. & cert. ef. 3-22-99; SOSCF 14-2000, f. & cert. ef. 7-13-00; SOSCF 23-2001, f. 6-29-01, cert. ef. 7-1-01; SOSCF 11-2002(Temp), f. & cert. ef. 9-13-02 thru 3-12-03; CWP 21-2003, f. & cert. ef. 3-13-03; CWP 31-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 3-2008, f. & cert. ef. 5-15-08

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 12-2008(Temp)

Filed with Sec. of State: 4-17-2008

Certified to be Effective: 4-17-08 thru 6-30-08

Notice Publication Date:

Rules Amended: 461-115-0030, 461-135-1125

Rules Suspended: 461-135-1125(T)

Subject: OAR 461-115-0030 about the date of request in the Department's public assistance, medical and food stamp programs is being amended to restate the Department's policy regarding the date of request for the Oregon Health Plan (OHP) by removing the requirement that a new date of request is established if the completed OHP application is received by the Department more than 30 days after the original date of request.

OAR 461-135-1125 about the reservation list and eligibility for the OHP-OPU category of the Oregon Health Plan is being amended to restate the Department's policy regarding the length of time that OHP Standard Reservation List Applicants are allowed to return the OHP 7210R application. The OHP Reservation list is used to manage enrollment of new applicants into the program within the limits of program authority and funding. Persons randomly selected from the Reservation List are mailed an OHP 7210R Reservation Application. When the OHP 7210R Reservation Application is received by the Department, the individual is an OHP Standard Reservation List Applicant and may be considered for OHP Standard eligibility as a new applicant. Currently, to be considered an OHP Reservation List Applicant, the Department must receive the completed OHP 7210R Reservation Application within 30 days from the date it is mailed. OAR 461-135-1125 is being amended to say the Department must receive the completed OHP 7210R Reservation Application within 45 days from the date it is mailed. OAR 461-135-1125 is also being amended to remove a reference to OAR 461-115-0030(2)(d). OAR 461-115-0030(2)(d) has been removed from OAR 461-115-0030.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-115-0030

Date of Request

(1) For all programs covered by Chapter 461 of the Oregon Administrative Rules, the client or someone authorized to act on behalf of the client must contact the Department or use another appropriate method to request benefits (see OAR 461-115-0150). The request may be oral or in writing. The request starts the application process.

(2) The date of request is one of the following:

(a) In the EA, ERDC-BAS, GA, OSIP, REF, and TANF programs and for support service payments in the JOBS program authorized by OAR 461-190-0211, the date of request is the day the request for benefits is received by the Department.

(b) In the ERDC-SBG program, the date of request is the date the Department sends the client a notice of the right to apply, along with an application.

(c) In the FS program, this section does not apply. See OAR 461-115-0040.

(d) In the GAM, MAA, MAF, OHP, OSIPM, REFM, and SAC programs, the date of request is determined as follows:

(A) For a new applicant, the day the medical care began, if the actual request is made no later than the next working day. If the request is received later than the next working day, the date of request is the day the request is received by a Department representative.

(B) For a current recipient, the date of request is one of the following:

(i) The date the client reports a change requiring a redetermination of eligibility.

(ii) The date the Department initiates a review, except that the automatic mailing of an application does not constitute a Department-initiated review.

(iii) The date the client establishes a *date of request* by contacting the Department orally or in writing or by submitting an application.

(e) In the SFPSS program:

(A) Except as provided in paragraph (B) of this subsection, the date of request is the day the client signs the program's Interim Assistance Agreement.

(B) The date of request for support service payments is the day the request for benefits is received by the Department.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.014, 412.049, 414.042

Stats. Implemented: ORS 411.060, 411.070, 411.816, 412.014, 412.049, 414.042

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 5-2000, f. 2-29-00, cert. ef. 3-1-00; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 12-2008(Temp), f. & cert. ef. 4-17-08 thru 6-30-08

461-135-1125

Reservation Lists and Eligibility; OHP-OPU

(1) The "OHP 7210R Application" is an application mailed as a result of the individual's selection from the OHP Standard Reservation List and is subject to the conditions of this rule.

(2) The "OHP Standard Reservation List" means a list of individuals who may be considered for the OHP-OPU program as a new applicant at such times as the Department determines that new applicants may be added into the program. This list is used to manage enrollment of new applicants as defined by OAR 461-135-1102 into the program within the limits of program authority and funding.

(3) An "OHP Standard Reservation List Applicant" means an individual who is eligible to apply for OHP-OPU under this rule and submits an OHP 7210R Application.

(4) When the Department specifies that the OHP Standard Reservation List is open, an individual is placed on the OHP Standard Reservation List if all of the following requirements are met:

(a) The individual, or someone acting on behalf of the individual, may request placement on the OHP Standard Reservation List by calling the designated telephone number for the OHP Standard Reservation List or in writing. A written request must arrive through one of the following methods:

(A) By mail to the designated mailing address for the OHP Standard Reservation List.

(B) By fax or hand delivery to a local Department office that receives client applications for the Oregon Health Plan.

(C) By electronic submission from the OHP website or by e-mail to the OHP Standard Reservation List e-mail address.

(b) The full name, date of birth, and mailing address of each individual requesting placement on the OHP Standard Reservation List must be

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provided to the Department and received by the Department as described in subsection (a) of this section before the request is considered complete.

(c) If the address of an individual changes after the individual makes a request, the individual must provide an updated address to the Department using a method described in subsection (a) of this section. If the individual reports an address change to the Department in a way other than that outlined in subsection (a) of this section, the Department cannot guarantee the address change will be reflected in the reservation list, but will make reasonable efforts to incorporate that address change.

(5) The following procedures apply to the OHP Standard Reservation List:

(a) Individuals completing a request for placement on the OHP Standard Reservation List are assigned a reservation number. All members of an OHP filing group (see OAR 461-110-0400 for filing group composition) requesting placement on the OHP Standard Reservation List are assigned the same reservation number.

(b) The Department may request that individuals voluntarily provide their social security number (prior to the OHP 7210R Application). The Department may use the social security number for purposes of identification to help prevent duplicate reservations. The Department may not deny placement on the OHP Standard Reservation List because an individual does not provide a social security number.

(c) The Department sends confirmation to individuals who are placed on the OHP Standard Reservation List. If there is already a reservation established, individuals who have received confirmation from the Department need not make an additional request unless the reservation was removed (see section (8) of this rule), already used, or withdrawn.

(6) Requesting placement on the OHP Standard Reservation List, receiving a reservation number, or being placed on the OHP Standard Reservation List does not constitute an application for OHP-OPU or any other medical program administered by the Department. Individuals placed or refused placement on the OHP Standard Reservation List are not evaluated for DHS medical program eligibility.

(7) At such times that the Department determines that it has the requisite authority and funding and that new applicants can be added to the OHP-OPU program, and after the Department determines the number of new applicants that can be added, a designated number of individuals on the OHP Standard Reservation List will be randomly selected to be mailed an OHP 7210R Application according to the following conditions:

(a) The Department will determine and designate the number of individuals on the OHP Standard Reservation List to receive the OHP 7210R Application. The Department will send an individual an OHP 7210R Application only if the reservation number is randomly selected to receive the application.

(b) The OHP 7210R Application must be received by the Department within 45 days from the date it is mailed for the individual to be considered an OHP Standard Reservation List Applicant.

(c) When an individual is mailed an OHP 7210R Application based on random selection from the OHP Standard Reservation List, the reservation number and its position on the list has been used and is no longer available.

(8) When the Department determines that the OHP Standard Reservation List should be discontinued, all individuals currently on the list are removed. If the Department reinstates the OHP Standard Reservation List, individuals may again request placement on the list according to sections (4) and (5) of this rule.

(9) Nothing in this rule prevents any individual from applying for medical assistance at any time. However, new applicants as defined in OAR 461-135-1102 for OHP-OPU are managed by this OHP Standard Reservation List.

Stat. Auth.: ORS 409.050, 411.060, 414.042
Stats. Implemented: ORS 409.010, 411.060, 414.042
Hist.: SSP 2-2008(Temp), f. & cert. ef. 1-28-08 thru 6-30-08; SSP 12-2008(Temp), f. & cert. ef. 4-17-08 thru 6-30-08

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

Rule Caption: Coordination with DHS agency-wide rules related to MMIS/enrollment and claims submission process.

Adm. Order No.: DMAP 11-2008

Filed with Sec. of State: 4-29-2008

Certified to be Effective: 5-1-08

Notice Publication Date: 4-1-2008

Rules Amended: 410-120-0025

Rules Repealed: 410-120-0025(T)

Subject: The General Rules Program administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to clients. Having temporarily amended 410-120-0025, DMAP permanently amended the rule to expedite coordination and consistency between provider enrollment and claims process rules recently adopted by the Department of Human Services (new DHS rules), effective January 1, 2008, and similar current DMAP rules. The new DHS rules were adopted, on a department-wide basis, for implementation of the improved MMIS system to provide a basic framework and enhance provider enrollment functions for medical assistance providers. The new DHS rules, together with DMAP rules, inform providers, and potential providers, about the provider enrollment process and how to submit claims for payment.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-120-0025

Administration of Division of Medical Assistance Programs, Regulation and Rule Precedence

(1) The Department of Human Services (DHS) and its Division of Medical Assistance Programs (DMAP), may adopt reasonable and lawful policies, procedures, rules and interpretations to promote the orderly and efficient administration of medical assistance programs including the Oregon Health Plan pursuant to ORS 414.065 (generally, fee-for-service), 414.725 (Prepaid Health Plans), and 414.115 to 414.145 (services contracts) subject to the rulemaking requirements of Oregon Revised Statutes and Oregon Administrative Rule (OAR) procedures.

(2) In applying its policies, procedures, rules and interpretations, DMAP will construe them as much as possible to be complementary. In the event that DMAP policies, procedures, rules and interpretations may not be complementary, DMAP will apply the following order of precedence to guide its interpretation:

(a) For purposes of the provision of covered medical assistance to DMAP Clients, including but not limited to authorization and delivery of service, or denials of authorization or services, DMAP, Clients, enrolled Providers and the Prepaid Health Plans will apply the following order of precedence:

(A) Those federal laws and regulations governing the operation of the medical assistance program and any waivers granted DMAP by the Centers for Medicare and Medicaid Services to operate medical assistance programs including the Oregon Health Plan;

(B) Oregon Revised Statutes governing medical assistance programs;

(C) Generally for Prepaid Health Plans, requirements applicable to the provision of covered medical assistance to DMAP Clients are provided in OAR 410-141-0000 through 410-141-0860, Oregon Health Plan Administrative Rules for Prepaid Health Plans, inclusive, and where applicable, DMAP General Rules, 410-120-0000 through 410-120-1980, and the Provider rules applicable to the category of medical service;

(D) Generally for enrolled fee-for-service Providers or other contractors, requirements applicable to the provision of covered medical assistance to DMAP Clients are provided in DMAP General Rules, OAR 410-120-0000 through 410-120-1980, the Prioritized List and program coverage described in 410-141-0480 to 410-141-0520, and the Provider rules applicable to the category of medical service;

(E) Any other applicable duly promulgated rules issued by DMAP and other offices or units within the Department of Human Services necessary to administer the State of Oregon's medical assistance programs, such as Electronic Data transaction Rules in OAR 407-120-0100 to 407-120-0200; and

(F) The basic framework for provider enrollment in OAR 407-120-0300 through 407-120-0380 generally apply to providers enrolled with DHS, subject to more specific requirements applicable to the administration of the Oregon Health Plan and medical assistance programs administered by DMAP. For purposes of this rule, "more specific" means the requirements, laws and rules applicable to the provider type and covered services described in subsections (A) – (E) of this section.

(b) For purposes of contract administration solely as between DMAP and its Prepaid Health Plans, the terms of the applicable contract and the requirements in subsection (2)(a) of this rule applicable to the provision of covered medical assistance to DMAP Clients.

(A) Nothing in this rule shall be deemed to incorporate into contracts provisions of law not expressly incorporated into such contracts, nor shall this rule be deemed to supercede any rules of construction of such contracts that may be provided for in such contracts.

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(B) Nothing in this rule gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly or otherwise, to any person or entity unless such person or entity is identified by name as a named party to the contract.

Stat. Auth.: ORS 409.010, 409.110 & 409.050

Stats. Implemented: ORS 414.065

Hist.: OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 6-2008(Temp), f. & cert. ef. 3-14-08 thru 9-1-08; DMAP 11-2008, f. 4-29-08, cert. ef. 5-1-08

Rule Caption: Coordination with DHS agency-wide rules related to MMIS/enrollment and claims submission process.

Adm. Order No.: DMAP 12-2008

Filed with Sec. of State: 4-29-2008

Certified to be Effective: 5-1-08

Notice Publication Date: 4-1-2008

Rules Amended: 410-125-0080, 410-130-0200, 410-130-0580

Subject: The Hospital Services and the Medical-Surgical Services administrative rules govern payment for the Division of Medical Assistance Programs' payments for services provided to certain clients. On December 20, 2007, DMAP temporarily amended the above rules to align with coverage reflected in the January 1, 2008 Oregon Health Services Commission's (HSC) Prioritized List of Health Services (Prioritized List) referenced in OAR 410-141-0520. The Prioritized List coverage shows that bariatric surgery, due to HSC's extensive guidelines, requires prior authorization. Based upon the October 31, 2007 CMS approval of the Prioritized List, DMAP permanently amended rules 410-125-0080 and 410-130-0200 to indicate that the prior authorization required for this new coverage of bariatric surgery is effective retroactively to January 1, 2008.

Having temporarily amended 410-130-0580 to reflect the CMS approval October 2007 of the revised sterilization and hysterectomy forms and the resulting administrative requirements, DMAP now permanently amends this rule.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-125-0080

Inpatient Services

(1) Elective (not urgent or emergent) admission:

(a) Fully Capitated Health Plan (FCHP) and Mental Health Organization (MHO) clients — contact the client's MHO or FCHP (phone number is on the client's Medical Care Identification). The health plan may have different prior authorization requirements than the Division of Medical Assistance Programs (DMAP);

(b) Medicare Clients — DMAP does not require prior authorization for inpatient services provided to clients with Medicare Part A or B coverage;

(c) For DMAP clients covered by the Oregon Health Plan (OHP) Plus Benefit Package:

(A) Hospital admissions for any of the medical and surgical procedures shown in Table 125-0080-1 require prior authorization, unless they are urgent or emergent;

(B) For prior authorization contact the DMAP contracted Quality Improvement Organization (QIO) unless otherwise indicated in Table 125-0080-1;

(d) DMAP clients covered by the OHP Standard Benefit Package have a limited hospital benefit package. Specific coverage and prior authorization requirements are listed in the DMAP Hospital Services Supplemental Information or at DMAP Web site <http://www.dhs.state.or.us/healthplan/guides/hospital> (referenced in OAR 410-125-0047).

(2) Transplant services:

(a) Complete rules for transplant services are in the DMAP Transplant Services rules (OAR 410 division 124);

(b) Clients are eligible for transplants covered by the Health Services Commission's Prioritized List of Health Services. See the Transplant Services rules for criteria. For clients enrolled in a FCHP, contact the plan for authorization. Clients not enrolled in an FCHP, contact the DMAP Medical Director's office.

(3) Out-of-state non-contiguous hospitals:

(a) All non-emergent/non-urgent services provided by hospitals more than 75 miles from the Oregon border require prior authorization;

(b) Contact the DMAP Medical Director's office for authorization for clients not enrolled in a Prepaid Health Plan (PHP). For clients enrolled in a PHP, contact the plan.

(4) Out-of-state contiguous hospitals: services provided by contiguous-area hospitals, less than 75 miles from the Oregon border, are prior authorized following the same rules and procedures as in-state providers.

(5) Transfers to another hospital:

(a) Transfers for the purpose of providing a service listed in Table 125-0080-1, e.g., inpatient physical rehabilitation care, require prior authorization — contact the DMAP contracted QIO;

(b) Transfers to a skilled nursing facility, intermediate care facility or swing bed — contact Seniors and People with Disabilities (SPD). SPD reimburses nursing facilities and swing beds through contracts with the facilities. For FCHP clients — transfers require authorization and payment (for first 20 days) from the FCHP;

(c) Transfers to the same or lesser level of inpatient care — DMAP will cover transfers, including back transfers, which are primarily for the purpose of locating the patient closer to home and family, when the transfer is expected to result in significant social/psychological benefit to the patient:

(A) The assessment of significant benefit shall be based on the amount of continued care the patient is expected to need (at least seven days) and the extent to which the transfer locates the patient closer to familial support;

(B) Transfers not meeting these guidelines may be denied on the basis of post-payment review;

(d) Exceptions:

(A) Emergency transfers do not require prior authorization;

(B) In state or contiguous non-emergency transfers for the purpose of providing care which is unavailable in the transferring hospital do not require prior authorization unless the planned service is listed in Table 125-0080-1 of this rule;

(C) All non-urgent transfers to out-of-state non-contiguous hospitals require prior authorization.

(6) Dental procedures provided in a hospital setting:

(a) DMAP will reimburse for hospital services when covered dental services are provided in a hospital setting for clients not enrolled in a FCHP, when a hospital setting is medically appropriate;

(b) For prior authorization for fee-for-service clients, contact the DMAP Dental Services Program coordinator;

(c) For clients enrolled in a FCHP, contact the client's FCHP;

(d) Emergency dental services do not require prior authorization.

(7) Prior notification is required for the following radiology tests: MRI, MRA, CT, CTA, and SPECT scans:

(a) Providers ordering these procedures must submit a prior notification form to DMAP prior to the performance of the tests;

(b) Refer to OAR 410-130-0200, Table 130-0200-2, for radiology test codes requiring prior notification;

(c) Refer to the Medical-Surgical Supplemental Information for instructions and forms.

(8) Prior notification is not required when these tests are performed during an emergency department visit or an inpatient stay.

(9) Table 125-0080-1

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

Stat. Auth.: ORS 409.010

Stats. Implemented: ORS 414.065

Hist.: AFS 14-1980, f. 3-27-80, ef. 4-1-80; AFS 30-1982, f. 4-26-82 & AFS 51-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the AFS branch offices located in North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 11-1983, f. 3-8-83, ef. 4-1-83; AFS 37-1983(Temp), f. & ef. 7-15-83; AFS 1-1984, f. & ef. 1-9-84; AFS 6-1984(Temp), f. 2-28-84, ef. 3-1-84; AFS 36-1984, f. & ef. 8-20-84; AFS 22-1985, f. 4-23-85, ef. 6-1-85; AFS 38-1986, f. 4-29-86, ef. 6-1-86; AFS 46-1987, f. & ef. 10-1-87; AFS 7-1989(Temp), f. 2-17-89, cert. ef. 3-1-89; AFS 36-1989(Temp), f. & cert. ef. 6-30-89; AFS 45-1989, f. & cert. ef. 8-21-89; HR 9-1990(Temp), f. 3-30-90, cert. ef. 4-1-90; HR 21-1990, f. & cert. ef. 7-9-90. Renumbered from 461-015-0190; HR 31-1990(Temp), f. & cert. ef. 9-11-90; HR 2-1991, f. & cert. ef. 1-4-91; HR 15-1991(Temp), f. & cert. ef. 4-8-91; HR 42-1991, f. & cert. ef. 10-1-91; HR 39-1992, f. 12-31-92, cert. ef. 1-1-93; HR 36-1993, f. & cert. ef. 12-1-93; HR 5-1994, f. & cert. ef. 2-1-94; HR 4-1995, f. & cert. ef. 3-1-95; OMAP 34-1999, f. & cert. ef. 10-1-99; OMAP 7-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 28-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 35-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 9-2002, f. & cert. ef. 4-1-02; OMAP 22-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 11-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 49-2004, f. 7-28-04, cert. ef. 8-1-04; OMAP 50-2005, f. 9-30-05, cert. ef. 10-1-05; DMAP 27-2007(Temp), f. & cert. ef. 12-20-07 thru 5-15-08; DMAP 12-2008, f. 4-29-08, cert. ef. 5-1-08

410-130-0200

Prior Authorization/Prior Notification

(1) Prior Authorization (PA):

(a) PA for services provided to clients enrolled in a prepaid health plan (PHP) must be obtained from the appropriate PHP. Contact the PHP for their PA requirements and billing instructions.

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(b) PA is not required for services covered by Medicare to clients who have both Medicare and Medical Assistance Program coverage. However, PA is required for most transplants, even if they are covered by Medicare.

(c) PA is not required for kidney and cornea transplants unless they are performed out-of-state.

(d) PA must be obtained from the Division of Medical Assistance Program's (DMAP) Transplant Coordinator for transplants and non-emergent, non-urgent out-of-state services. Refer to the DMAP Transplant Services rules (chapter 410, division 124) for further information on transplants and refer to the DMAP General Rules (chapter 410, division 120) for further information concerning out-of-state services.

(e) PA must be obtained from the Department of Human Services (DHS) Medically Fragile Children's Unit (MFCU) for services provided to MFCU clients.

(f) PA for services provided to clients enrolled in the fee-for-service (FFS) High Risk Medical Case Managed program must be obtained from the Case Management Contractor shown on the client's Medical Care ID. See the Medical-Surgical Services Supplemental Information guide for details.

(g) PA is required for all procedure codes listed in Table 130-0200-1 in this rule. PA for these procedures must be obtained from the Oregon Medical Professional Review Organization (OMPRO) regardless of the setting they are performed in. A second opinion may be requested by DMAP or OMPRO before PA is given for a surgery;

(h) PA is not required for hospital admissions unless the procedure requires PA;

(i) PA is not required for emergent or urgent procedures or services;

(j) PA must be obtained by the treating and performing practitioners;

(k) Refer to Table 130-0200-1 for all services/procedures requiring prior authorization.

(2) Prior Notification:

(a) Prior notification is required before performing the following radiology tests:

(A) MRIs;

(B) MRAs;

(C) CTs;

(D) CTAs; and

(E) SPECT scans.

(b) Prior notification is not required when these tests are performed during an emergency department visit or an inpatient stay;

(c) Providers ordering these tests must submit a prior notification form to DMAP prior to the performance of the tests;

(d) Refer to the Medical-Surgical Supplemental Information guide for instructions and forms;

(e) Refer to Table 130-0200-2 for radiology codes requiring prior notification.

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

Stat. Auth.: ORS 409.010

Stats. Implemented: ORS 414.065

Hist.: AFS 868, f. 12-30-77, ef. 2-1-78; AFS 65-1980, f. 9-23-80, ef. 10-1-80; AFS 27-1982, f. 4-22-82 & AFS 51-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the AFS branch offices located in North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 23-1986, f. 3-19-86, ef. 5-1-86; AFS 38-1986, f. 4-29-86, ef. 6-1-86; AFS 50-1986, f. 6-30-86, ef. 8-1-86; AFS 5-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89, Renumbered from 461-014-0045; HR 10-1990, f. 3-30-90, cert. ef. 4-1-90, Renumbered from 461-014-0630; HR 25-1990(Temp), f. 8-31-90, cert. ef. 9-1-90; HR 44-1990, f. & cert. ef. 11-30-90; HR 17-1991(Temp), f. 4-12-91, cert. ef. 5-1-91; HR 24-1991, f. & cert. ef. 6-18-91; HR 40-1992, f. 12-31-92, cert. ef. 2-1-93; HR 6-1994, f. & cert. ef. 2-1-94; HR 42-1994, f. 12-30-94, cert. ef. 1-1-95; HR 4-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 3-1998, f. 1-30-98, cert. ef. 2-1-98; OMAP 17-1999, f. & cert. ef. 4-1-99; OMAP 31-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 23-2003, f. 3-26-03 cert. ef. 4-1-03; OMAP 69-2003 f. 9-12-03, cert. ef. 10-1-03; OMAP 13-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 58-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 8-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 50-2005, f. 9-30-05, cert. ef. 10-1-05; OMAP 26-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 5-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 27-2007(Temp), f. & cert. ef. 12-20-07 thru 5-15-08; DMAP 12-2008, f. 4-29-08, cert. ef. 5-1-08

410-130-0580

Hysterectomies and Sterilization

(1) Refer to OAR 410-130-0200 Prior Authorization, Table 130-0200-1 and OAR 410-130-0220 Not Covered/Bundled Services, Table 130-0220-1.

(2) Hysterectomies performed for the sole purpose of sterilization are not covered.

(3) All hysterectomies, except radical hysterectomies, require prior authorization (PA).

(4) A properly completed Hysterectomy Consent form (DMAP 741) or a statement signed by the performing physician, depending upon the following circumstances, is required for all hysterectomies:

(a) When a woman is capable of bearing children:

(A) Prior to the surgery, the person securing authorization to perform the hysterectomy must inform the woman and her representative, if any, orally and in writing, that the hysterectomy will render her permanently incapable of reproducing;

(B) The woman or her representative, if any, must sign the consent form to acknowledge she received that information.

(b) When a woman is sterile prior to the hysterectomy, the physician who performs the hysterectomy must certify in writing that the woman was already sterile prior to the hysterectomy and state the cause of the sterility;

(c) When there is a life-threatening emergency situation that requires a hysterectomy in which the physician determines that prior acknowledgment is not possible, the physician performing the hysterectomy must certify in writing that the hysterectomy was performed under a life-threatening emergency situation in which he or she determined prior acknowledgment was not possible and describe the nature of the emergency.

(5) In cases of retroactive eligibility:

The physician who performs the hysterectomy must certify in writing one of the following:

(a) The woman was informed before the operation that the hysterectomy would make her permanently incapable of reproducing;

(b) The woman was previously sterile and states the cause of the sterility;

(c) The hysterectomy was performed because of a life-threatening emergency situation in which prior acknowledgment was not possible and describes the nature of the emergency.

(6) Do not use the Consent to Sterilization form (DMAP 742A or B) for hysterectomies.

(7) Submit a copy of the Hysterectomy consent form with the claim.

(8) Sterilization Male & Female: A copy of a properly completed Consent to Sterilization form (DMAP 742 A or B), the consent form in the federal brochure DHHS Publication No. (05) 79-50062 (Male), DHHS Publication No. (05) 79-50061 (Female) or another federally approved form must be submitted to DMAP for all sterilizations. The original consent form must be retained in the clinical records. Prior authorization is not required.

(9) Voluntary Sterilization:

(a) Consent for sterilization must be an informed choice. The consent is not valid if signed when the client is:

(A) In labor;

(B) Seeking or obtaining an abortion; or

(C) Under the influence of alcohol or drugs.

(b) Ages 15 years or older who are mentally competent to give informed consent:

(A) At least 30 days, but not more than 180 days, must have passed between the date of the informed written consent (date of signature) and the date of the sterilization except:

(i) In the case of premature delivery by vaginal or cesarean section the consent form must have been signed at least 72 hours before the sterilization is performed and more than 30 days before the expected date of confinement;

(ii) In cases of emergency abdominal surgery (other than cesarean section), the consent form must have been signed at least 72 hours before the sterilization was performed.

(B) The client must sign and date the consent form before it is signed and dated by the person obtaining the consent. The date of signature must meet the above criteria. The person obtaining the consent must sign the consent form anytime after the client has signed but before the date of the sterilization. If an interpreter is provided to assist the individual being sterilized, the interpreter must also sign the consent form on the same date as the client;

(C) The client must be legally competent to give informed consent. The physician performing the procedure, and the person obtaining the consent, if other than the physician, must review with the client the detailed information appearing on the Consent to Sterilization form regarding effects and permanence of the procedure, alternative birth control methods, and explain that withdrawal of consent at any time prior to the surgery will not result in any loss of other program benefits.

(10) Involuntary Sterilization — Clients who lack the ability to give informed consent and are 18 years of age or older:

(a) Only the Circuit Court of the county in which the client resides can determine that the client is unable to give informed consent;

(b) The Circuit Court must determine that the client requires sterilization;

ADMINISTRATIVE RULES

(c) When the court orders sterilization, it issues a Sterilization Order. The order must be attached to the billing invoice. No waiting period or additional documentation is required.

(11) Submit the Consent to Sterilization Form (DMAP 742 A or B) along with the claim.

The Consent to Sterilization form must be completed in full:

(a) Consent forms submitted to DMAP without signatures and/or dates of signature by the client or the person obtaining consent are invalid;

(b) The client and the person obtaining consent may not sign or date the consent retroactively;

(c) The performing physician must sign the consent form. The date of signature must be either the date the sterilization was performed or a date following the sterilization.

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

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

Stat. Auth.: ORS 409.010

Stats. Implemented: ORS 414.065

Hist.: PWC 803(Temp), f. & ef. 7-1-76; PWC 813, f. & ef. 10-1-76; PWC 834, f. 3-31-77, ef. 5-1-77; PWC 868, f. 12-30-77, ef. 2-1-78; AFS 4-1979(Temp), f. & ef. 3-8-79; AFS 11-1979, f. 6-18-79, ef. 7-1-79; AFS 50-1981(Temp), f. & ef. 8-5-81; AFS 79-1981, f. 11-24-81, ef. 12-1-81; AFS 27-1982, f. 4-22-82 & AFS 51-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the AFS branch offices located in North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 42-1985, f. & ef. 7-1-85; AFS 50-1986, f. 6-30-86, ef. 8-1-86; Renumbered from 461-014-0030, AFS 5-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; HR 10-1990, f. 3-30-90, cert. ef. 4-1-90, Renumbered from 461-014-0840; HR 43-1991, f. & cert. ef. 10-1-91; HR 23-1992, f. 7-31-92, cert. ef. 8-1-92; HR 6-1994, f. & cert. ef. 2-1-94; OMAP 31-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 23-2003, f. 3-26-03 cert. ef. 4-1-03; OMAP 69-2003 f. 9-12-03, cert. ef. 10-1-03; OMAP 58-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 26-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 5-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 27-2007(Temp), f. & cert. ef. 12-20-07 thru 5-15-08; DMAP 12-2008, f. 4-29-08, cert. ef. 5-1-08

Department of Human Services, Public Health Division Chapter 333

Rule Caption: Public Health Emergencies.

Adm. Order No.: PH 8-2008

Filed with Sec. of State: 5-5-2008

Certified to be Effective: 5-5-08

Notice Publication Date: 4-1-2008

Rules Adopted: 333-003-0065, 333-003-0200

Rules Amended: 333-003-0010, 333-003-0020, 333-003-0040, 333-003-0050, 333-003-0070, 333-003-0080, 333-003-0105, 333-003-0110, 333-003-0115, 333-003-0125, 333-003-0130

Rules Repealed: 333-003-0030, 333-003-0060

Subject: The Department of Human Services, Public Health Division is conforming OAR Chapter 333, Division 003 to the changes made by HB 2185 by permanently adopting, amending, and repealing rules. HB 2185, passed in the 2007 legislative session, amended the state's public health emergency laws in ORS 433. These rule amendments add definitions and specify the powers of the Public Health Director during a public health emergency, such as adopting new disease reporting requirements, issuing diagnostic and treatment protocols, imposing isolation and quarantine, allocating scarce medical resources, directing the closing of children's facilities and schools, issuing guidelines to businesses for work restriction, and imposing civil penalties, up to \$500 per day, for individuals and institutions that do not comply with the requirements and actions taken under the statute and rules.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-003-0010

Definitions

For purposes of OAR 333-003-0020 to 333-003-0080, the following definitions apply:

(1) "Bioterrorism" has the meaning given that term in ORS 433.442.

(2) "Communicable disease" has the meaning given that term in ORS 431.260.

(3) "Condition of public health importance" has the meaning given that term in ORS 431.260.

(4) "Department" means the Department of Human Services.

(5) "Health care provider" has the meaning given that term in ORS 433.443.

(6) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996 and regulations adopted there under by the United States Department of Health and Human Services.

(7) "Individually identifiable health information" has the meaning given that term in ORS 433.443.

(8) "Local public health administrator" has the meaning given that term in ORS 431.260.

(9) "Local public health authority" has the meaning given that term in ORS 431.260.

(10) "Public health emergency" has the meaning given that term in ORS 433.442.

(11) "Public health law" has the meaning given that term in ORS 431.260.

(12) "Reportable disease" has the meaning given that term in ORS 431.260.

(13) "State Public Health Director" is the person appointed by the Director of Human Services under ORS 431.035(3) or his or her designee.

(14) "Strategic National Stockpile (SNS)" means the national repository of antibiotics, chemical antidotes, antitoxins, life-support medications, IV administration, airway maintenance supplies, and medical/surgical items, designed to supplement and re-supply state and local public health agencies in the event of a national emergency anywhere and at anytime within the U.S. or its territories.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 431.264 & 433.441 - 433.452

Hist.: PH 25-2004, f. & cert. ef. 7-16-04; PH 8-2008, f. & cert. ef. 5-5-08

333-003-0020

Authority of the Public Health Director During a Public Health Emergency

(1) If the Governor declares a Public Health Emergency under ORS 433.441 the Public Health Director may take any action authorized in 433.443 or 431.264.

(2) If the Governor has not declared a public health emergency but the Public Health Director determines that public health actions in addition to those routinely taken by the Department, the Public Health Director, the local public health authority or local public health administrator are necessary to respond to a public health threat, the Public Health Director may, with approval from the Governor, take any action authorized in ORS 431.264

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 431.262, 431.264 & 433.441 - 433.452

Hist.: PH 25-2004, f. & cert. ef. 7-16-04; PH 8-2008, f. & cert. ef. 5-5-08

333-003-0040

Diagnostic and Treatment Protocols

(1) If the Public Health Director creates diagnostic and treatment guidelines or protocols in response to an emergency under ORS 431.264 or a declared public health emergency under 433.441, the Director shall consult with appropriate medical experts.

(2) Appropriate medical experts may include but are not limited to staff at the Centers for Disease Control and Prevention, a medical advisory group, and Public Health Division staff.

(3) To the extent feasible the Public Health Director shall make every effort to consult with local practicing health care providers regarding the development of diagnostic and treatment guidelines or protocols.

(4) Required diagnostic and treatment guidelines or protocols issued by the Public Health Director shall be in writing, and shall be provided to health care providers, institutions and facilities by one or more of the following means:

(a) Releases through print, radio or television media outlets;

(b) Releases in health care provider publications when timely; or

(c) Mailings, faxes, and/or e-mail or other electronic notification to affected health care providers, facilities and institutions.

(5) If the Governor or Public Health Director requests Strategic National Stockpile (SNS) materials and such a request has been approved, the State Public Health Director may:

(a) Distribute SNS materials to any local health department, hospital, point of dispensing, medical care point, or other health care facility; and

(b) Provide the local public health administrator with permission to dispense SNS materials as needed.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 431.264 & 433.441 - 433.452

Hist.: PH 25-2004, f. & cert. ef. 7-16-04; PH 8-2008, f. & cert. ef. 5-5-08

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333-003-0050

Access to Individually Identifiable Health Information

(1) During a declared public health emergency the Public Health Director and local public health administrators shall be given immediate access to individually identifiable health information.

(2) If the Public Health Director has been authorized to take a public health action under ORS 431.264, the Public Health Director may adopt reporting requirements for health care providers, institutions and facilities for the purpose of obtaining information directly related to the public health threat presented, including the reporting of individually identifiable health information for individuals with or exposed to:

- (a) A communicable disease;
- (b) A reportable disease; or
- (c) A condition of public health importance.

(3) To the extent possible, whenever access to individually identifiable health information is needed under subsections (1) or (2) of this rule the Public Health Director or local public health administrator will provide the request for information in writing.

(4) A written request for information, when provided, shall include, but is not limited to:

- (a) The legal authority for requiring the information;
- (b) An explanation of why the access to individually identifiable health information is necessary;
- (c) A description of the information needed; and
- (d) An explanation of how the information must be provided or made available to public health officials.

(5) To the extent possible, the Public Health Director and local public health authority will coordinate requests for information to avoid duplicate requests to the same facility or provider.

Stat. Auth.: ORS 409.050
Stats. Implemented: ORS 431.264 & 433.441 - 433.452
Hist.: PH 25-2004, f. & cert. ef. 7-16-04; PH 8-2008, f. & cert. ef. 5-5-08

333-003-0065

Civil Penalties

(1) Any person or entity that fails to comply with a protocol, order, other requirement imposed by the Public Health Director under ORS 431.262, 431.264, or 433.443 or these rules is subject to the imposition of civil penalties not to exceed \$500 per day per violation.

(2) In determining the amount of a civil penalty the Department shall consider whether:

- (a) The department made repeated attempts to obtain compliance;
- (b) The person or entity has a history of noncompliance with public health laws; and
- (c) The violation poses a serious risk to the public's health.

(3) Each day a violation continues will be considered an additional violation.

(4) A notice of imposition of civil penalties shall comply with ORS 183.745.

Stat. Auth.: ORS 433.441 - 433.452 & 409.050
Stats. Implemented: ORS 433.441 - 433.452
Hist.: PH 8-2008, f. & cert. ef. 5-5-08

333-003-0070

Temporary Restriction of Movement

(1) If the Public Health Director or the local public health administrator reasonably believes a person within his or her jurisdiction may have been exposed to a communicable reportable disease or a condition that is the basis for a declaration of a Public Health Emergency under ORS 433.441, the person may be detained for as long as necessary in order to obtain personal contact information and to convey information about the disease or condition.

(2) An individual subject to temporary restriction of movement will be provided with information including but is not limited to:

- (a) Information on the disease or other hazard that the person may have been exposed to;
- (b) Symptoms of the disease or resulting from exposure to the hazard and what to do in the event such symptoms occur; and
- (c) How the person will be notified if it is determined that the individual was exposed to the disease or hazard.

(3) Restriction of movement shall be limited to the shortest duration of time reasonably required to provide health information to the individual and for the individual to provide contact information.

(4) The Department or the local health public health administrator restricting movement shall use reasonable resources to deliver and collect information in a timely manner.

(5) Any individual failing to comply with the provisions of this section may be subject to the imposition of a public health measure as described in ORS 433.121 or 433.123..

(6) Individually identifiable contact information shall be held in a secure location and destroyed in accordance with applicable record retention schedules when no longer needed.

Stat. Auth.: ORS 409.050
Stats. Implemented: ORS 433.441 - 433.452
Hist.: PH 25-2004, f. & cert. ef. 7-16-04; PH 8-2008, f. & cert. ef. 5-5-08

333-003-0080

Effect of Declaration Ending

Immediately upon termination of the declaration of the public health emergency, all actions taken pursuant to these rules are terminated unless an emergency related to the declaration has been proclaimed under ORS 401.055 or continuation of the actions is otherwise authorized by law.

Stat. Auth.: ORS 409.050
Stats. Implemented: ORS 433.441 - 433.452
Hist.: PH 25-2004, f. & cert. ef. 7-16-04; PH 8-2008, f. & cert. ef. 5-5-08

333-003-0105

Definitions

For purposes of OAR 333-003-0100 to 333-003-0140, the following definitions apply:

(1) "Compensation" means salary or other wages or benefits, including without limitation life, health or workers' compensation insurance coverage, whether the compensation is provided as an employee or under a contract or other agreement. "Compensation" does not include the provision of meals, clothing, or equipment to a health care provider who is a registrant or a volunteer when the registrant or volunteer is providing health care services under ORS 401.651 to 401.670, or any workers' compensation insurance or other coverages that are available to an "emergency service worker" as that term is defined in ORS 401.025(9)(a).

(2) "Cooperative Agreement" means an agreement between the Department and a local public health authority under ORS 401.657.

(3) "Credentialing" means granting privileges or permission, including any limitations or limits on the privileges or permission, authorizing a health care provider to provide health care services at a health care facility.

(4) "Credentialing plan" means the procedures established by an emergency health care center for credentialing emergency health care providers. At a minimum, the credentialing plan describes the verification procedure used to ensure that a registrant or volunteer is a licensed health care provider in this state.

(5) "Declaration" means the Governor has declared a state of emergency to exist under ORS 401.055 or 433.441

(6) "Department" means the Department of Human Services.

(7) "Emergency health care center" means a health care facility, or any portion thereof or any other location designated by the Department, or by a local public health authority under a cooperative agreement, to provide emergency health care services under ORS 401.651 to 401.670.

(8) "Emergency health care provider" means a health care provider who is a registrant or volunteer providing health care services under ORS 401.651 to 401.670.

(9) "Emergency health care services" means health care services rendered by an emergency health care provider.

(10) "Emergency operations plan" means procedures used by an emergency health care center that, at a minimum, meets the requirements of 333-003-0130(4).

(11) "Health care facility" has the meaning provided in ORS 401.651.

(12) "Health care provider" has the meaning provided in ORS 401.651.

(13) "Local public health authority" has the meaning provided in ORS 431.260.

(14) "Registrant" means a health care provider listed on the registry.

(15) "Registry" means the Health Care Provider Registry.

(16) "State Support Function 8" or "SSF 8" means the coordination of state assistance for health and medical care needs in the event of a disaster, as described in the Oregon Emergency Management Plan administered by the Department of State Police, Office of Emergency Management.

(17) "Volunteer" means a health care provider who is not a registrant who provides emergency health care services at an emergency health care center.

Stat. Auth.: ORS 401.651 - 401.670
Stats. Implemented: ORS 401.651 - 401.670
Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08

ADMINISTRATIVE RULES

333-003-0110

The Health Care Provider Registry

(1) The registry is a database of health care providers who choose to register to provide emergency health care services. The Department shall maintain the registry in electronic or paper form, or any combination thereof.

(a) For each registrant, the registry shall contain the registrant's name and license or other certification and any information provided to the Department describing any limits on the registrant's authority to provide health care services. The registry shall not contain any information regarding the reason for any limits on the registrant's authority to provide health care services, whether as a result of any disciplinary action imposed by the agency licensing the registrant or for any other reason.

(b) For each registrant, the registry may contain information about the registrant's usual practice or specialty, if that information is available and the Department determines it is appropriate to include in the registry.

(2) The Department shall issue to each registrant an identification card as provided in ORS 401.654.

(3) Information in the registry may be used for purposes of maintaining the registry and as needed in the event of a declaration, including without limitation that the information may be shared with emergency health care centers for purposes of facilitating granting privileges to registrants.

(4) Information in the registry may be used by local public health authorities in the manner provided in 333-003-0125(4).

Stat. Auth.: ORS 401.651 - 401.670

Stats. Implemented: ORS 401.651 - 401.670

Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08

333-003-0115

Registration with the Department

(1) A health care provider may register in any manner made available by the Department including, without limitation, by filing an electronic, paper, fax or other form with the Department or, when available from the health care provider's licensing agency, by registering through that licensing agency.

(2) The Department may obtain verification of the license status of any health care provider who chooses to register from health care licensing agencies or other persons by electronic or other means.

(3) To be included in the registry, a health care provider must provide at least the following information to the Department:

(a) The information described in 333-003-0110(1)(a).

(b) The provider's license or certification number and other information that may be required by statute or rule.

(c) Disclosure of any restrictions on the health care provider's license imposed by a court or by a licensing or other agency.

(d) Information to enable the Department to identify the registrant, verify the registrant's license, and to contact the registrant in the event of a declaration.

(e) The Department may request additional information that may be required to identify the health care provider or to verify information about the health care provider.

(4) A health care provider may notify the Department at the time of registration if the provider authorizes release of the provider's information contained in the registry to local public health authorities for the purposes provided in 333-003-0125(4). A local public health authority accessing the registry for the purposes of 333-003-0125(4) may contact a registrant only if the registrant has provided this authorization.

(5) A registrant may request removal from the registry at any time by notifying the Department of the request. Upon receipt of such request and verification that it came from the registrant, the Department will remove the registrant from the registry. The registrant must return the identification card described in ORS 401.654 to the Department at the time of the request.

Stat. Auth.: ORS 401.651 - 401.670

Stats. Implemented: ORS 401.651 - 401.670

Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08

333-003-0125

Activation of Registrants

(1) The Department may activate the registry in the event of a declaration. The Department may support the state Emergency Coordination Center and the State Emergency Management Plan by activating the Registry, including by implementing SSF 8 plans, protocols, and procedures to integrate the Registry and registrants into the local emergency response.

(2) In the absence of a declaration, the Department may activate the registry only for training purposes.

(3) Upon activation under subsections (1) or (2) of this rule, a registrant acting without compensation and within the course and scope of the activation is an emergency health care provider.

(4) A local public health authority may activate registrants for use within the jurisdiction of the public health authority if the local public health administrator is acting under ORS 431.530 or if the county governing body in which the local public health authority is located has declared an emergency under ORS 401.309, if:

(a) The registrant has authorized local public health authorities to request that the registrant be activated for local purposes as provided in 333-003-0115(4);

(b) The local jurisdiction informs the registrant that the registrant is not an agent of the state under ORS 401.667; and

(c) The request to activate the registrant is made through the Department, and there has not been a declaration.

(5) A registrant may decline to respond to an activation at the time the registrant is notified of the activation. Unless a registrant requests otherwise, a registrant will remain on the registry whether or not the registrant responds to an activation.

Stat. Auth.: ORS 401.651 - 401.670

Stats. Implemented: ORS 401.651 - 401.670

Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08

333-003-0130

Emergency Health Care Centers; Emergency Operations Plan

(1) In the event of a declaration, the Department or, when authorized by a cooperative agreement, a local public health authority, may designate one or more emergency health care centers.

(2) Emergency health care centers will be supervised by the Department or local public health authority that designates the emergency health care center, except:

(a) If an emergency health care center is a health care facility or is located within a health care facility, the Department or local public health authority designating the center may authorize supervision of the emergency health care center according to the health care facility's emergency operations plan, if it has one.

(b) If an emergency health care center is a health care facility or is located within a health care facility, the Department or local public health authority designating the center shall authorize supervision of the emergency health care center according to the health care facility's emergency operations plan if, prior to a declaration, the Department has determined that the health care facility's emergency operations plan meets the requirements of these rules. That determination may be made in the process of licensing the health care facility or upon a request to the Department by a health care facility.

(c) If an emergency health care center is not a health care facility or does not have an emergency operations plan, the emergency health care center shall operate under the emergency operations plan and credentialing plan developed by the Department under 333-003-0130(4) or by the local public health authority as provided in 333-003-0135. Pursuant to the emergency operations plan described in this paragraph, the Department or local public health authority that designated the emergency health care center may designate one or more persons to supervise the emergency health care center.

(3) The duties of the site supervisor, or that person's designee, includes providing to emergency health care providers a general orientation to the facility, a briefing on the situation at the emergency health care facility and written expectations of the emergency health care providers, all to be provided as soon as reasonably possible under the emergency

(4) An emergency operations plan shall include a chain of management and procedures for increasing staff during an emergency. For any emergency health care center that is a health care facility, this should include procedures for granting privileges, permission or other authority for health care providers who are not employed by, or otherwise associated with the health care facility, in the normal course of business, to provide emergency health care services. An emergency operations plan should include the following:

(a) The individual(s) responsible for granting emergency privileges and that decisions whether to grant privileges to registrants or volunteers are to be made on a case-by-case basis and at the discretion of the individual(s) responsible for granting emergency privileges;

(b) A mechanism to readily identify the emergency-privileged individuals;

(c) A process, to begin as soon as the situation that gave rise to the declaration allows, for verifying the license and any other information

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relevant to a registrant or volunteer who is granted emergency privileges under the credentialing plan;

(d) The credentialing plan may provide for emergency privileges to be granted upon presentation of any of the following:

(A) A current picture hospital ID card;

(B) A current license to practice and a valid picture ID; issued by a state, federal or regulatory agency;

(C) Identification indicating that the individual is a member of a Disaster Medical Assistance Team (DMAT);

(D) Identification indicating that the individual has been granted authority to render patient care in emergency circumstances, such authority having been granted by federal, state, or municipal entity, including without limitation the identification card described in ORS 401.654; or

(E) Presentation by current hospital or medical staff members(s) with personal knowledge regarding practitioner's identity.

Stat. Auth.: ORS 401.651 - 401.670

Stats. Implemented: ORS 401.651 - 401.670

Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08

333-003-0200

Public Health Emergency Plans

The Public Health Director and local public health authorities shall use an incident command system framework in their respective public health emergency plans.

Stat. Auth.: ORS 431.266

Stats. Implemented: ORS 431.266

Hist.: PH 8-2008, f. & cert. ef. 5-5-08

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

Rule Caption: Client-Employed Provider Program.

Adm. Order No.: SPD 6-2008

Filed with Sec. of State: 4-28-2008

Certified to be Effective: 4-29-08

Notice Publication Date: 4-1-2008

Rules Amended: 411-031-0040

Rules Repealed: 411-031-0040(T)

Subject: The Department of Human Services, Seniors and People with Disabilities Division (SPD) is permanently adopting the November 1, 2007 temporary amendments to OAR 411-031-0040 to reflect the 2007-2009 Collective Bargaining Agreement between the Home Care Commission and the Service Employees International Union, Local 503, Oregon Public Employees Union.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-031-0040

Client-Employed Provider Program

The Client-Employed Provider Program contains systems and payment structures to employ both hourly and live-in providers. The live-in structure assumes that the provider will be required for activities of daily living and self-management tasks and twenty-four hour availability. The hourly structure assumes that the provider will be required for activities of daily living and self-management tasks during specific substantial periods. Except as indicated, all of the following criteria apply to both structures:

(1) EMPLOYMENT RELATIONSHIP. The relationship between the provider and the client is that of employee and employer.

(2) CLIENT-EMPLOYER JOB DESCRIPTIONS. Each Client-Employer is responsible for creating and maintaining a job description for the potential employee in coordination with the services authorized by the Case Manager.

(3) HOMECARE WORKERS LIABILITIES. The only benefits available to Homecare Workers are those negotiated in the 2007-2009 Collective Bargaining Agreement between the Home Care Commission and the Service Employee's International Union, Local 503, Oregon Public Employees' Union and as provided in Oregon Revised Statute. This agreement does not include participation in the Public Employees Retirement System or the Oregon Public Service Retirement Plan. Homecare Workers are not state employees.

(4) CLIENT-EMPLOYER ABSENCES. When a Client-Employer is absent from the home due to an illness or medical treatment and is expected to return to the home within a 30 day period, a live-in provider, that is the only live-in provider for that client, may be retained to ensure his or her presence upon the Client-Employer's return or to maintain the client's home for up to 30 days at the rate of pay immediately preceding the client's

absence. Spousal Pay Providers are not eligible for payment during a client absence.

(5) SELECTION OF HOMECARE WORKER. The Client-Employer carries primary responsibility for locating, interviewing, screening, and hiring his or her own employees. The Client-Employer has the right to employ any individual who successfully meets the provider enrollment standards described in section (8) of this rule. The SPD/AAA office determines whether the employee meets minimum qualifications to provide the authorized services paid by SPD.

(6) EMPLOYMENT AGREEMENT. The Client-Employer retains the full right to establish the Employer-Employee relationship at any time after Bureau of Citizenship and Immigration Services papers have been completed and identification photocopied. SPD will not guarantee payment for those services until all acceptable enrollment standards have been verified and both the employer and Homecare Worker have been formally notified in writing that payment by SPD is authorized.

(7) TERMS OF EMPLOYMENT. The terms of the employment relationship are the responsibility of the Client-Employer to establish at the time of hire. These terms of employment include dismissal or resignation notice, work scheduling, and absence reporting as well as any sleeping arrangements or meals provided for live-in or hourly employees.

(8) PROVIDER ENROLLMENT.

(a) Enrollment Standards. A Homecare Worker must meet all of the following standards to be enrolled with the SPD's Client-Employed Provider Program:

(A) The Homecare Worker must maintain a drug-free work place.

(B) The Homecare Worker must be "approved" following a criminal history check as defined in OAR 407-007-0210.

(C) The Homecare Worker must have the skills, knowledge, and ability to perform, or to learn to perform the required work.

(D) The Homecare Worker's U.S. employment authorization must be verified.

(E) The Homecare Worker must be 18 years of age or older. SPD Central Office may approve a restricted enrollment, as described in section (8)(d) of this rule, for a Homecare Worker who is at least sixteen years of age.

(F) The Homecare Worker must complete an orientation as described in section (8)(e) of this rule.

(b) SPD/AAA may deny an application for provider enrollment in the Client-Employed Provider Program when:

(A) The applicant has a history of violating protective service and abuse rules;

(B) The applicant has committed fiscal improprieties;

(C) The applicant does not have the skills, knowledge or ability to adequately or safely provide services;

(D) The applicant lacks the ability or willingness to maintain Client-Employer confidentiality;

(E) The applicant has an unacceptable criminal history;

(F) The applicant is not 18 years of age;

(G) The applicant has been excluded by the Health and Human Services, Office of Inspector General, from participation in Medicaid, Medicare and all other Federal Health Care Programs; or

(H) SPD/AAA has information that enrolling the applicant as a Homecare Worker would put vulnerable clients at risk.

(c) Criminal History Rechecks. Criminal history rechecks will be conducted at least every other year from the date the Homecare Worker is enrolled. SPD/AAA may conduct a recheck more frequently based on additional information discovered about the Homecare Worker, such as possible criminal activity or other allegations.

(A) When a Homecare Worker is approved without restrictions following a criminal history check fitness determination, the approval will meet the Homecare Worker enrollment requirement statewide whether the qualified entity is a state-operated SPD office or an AAA operated by a county, Council of Governments or a non-profit organization.

(B) Criminal history check approval is effective for two years unless:

(i) Based on possible criminal activity or other allegations against the Homecare Worker, a new fitness determination is conducted resulting in a change in approval status; or

(ii) Approval under probationary status has ended following a final fitness determination, as defined in OAR 407-007-0210 and described in OAR 407-007-0310 and OAR 407-007-0320; or

(iii) The approval has ended because DHS has inactivated or terminated the Homecare Worker's provider enrollment for one or more reasons described in this rule or OAR 411-031-0050.

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(C) Prior criminal history check approval for another DHS provider type is inadequate to meet criminal history check requirements for Homecare Worker enrollment.

(d) Limited Enrollment.

(A) SPD/AAA may approve a limited enrollment for a provider as an Exclusive Homecare Worker based on the applicant's personal choice to provide services only to specific family members, friends or neighbors. To remove Exclusive Homecare Worker status and be designated as a Career Homecare Worker, a Homecare Worker must complete a new application and criminal history check and be approved by SPD/AAA.

(B) SPD/AAA may approve a limited enrollment for a provider as a Restricted Homecare Worker to provide services to specific individuals. To remove Restricted Homecare Worker status and be designated as a Career Homecare Worker, the applicant must complete a new application and criminal history check and be approved by SPD/AAA.

(i) Criminal History. After conducting a weighing test as described in OAR chapter 407, division 007, SPD/AAA may approve a Homecare Worker with prior criminal history under a restricted enrollment to provide services to only specific individuals who are family members, neighbors or friends.

(ii) Based on the applicant's lack of skills, knowledge or abilities, SPD/AAA may approve an applicant as a Restricted Homecare Worker to provide services only to specific individuals who are family members, neighbors or friends.

(iii) Based on an exception to the age requirements for provider enrollment approved by SPD Central Office as described in section (8)(a)(E) of this rule, a Homecare Worker who is at least 16 years of age may be approved as a Restricted Homecare Worker.

(C) Applicants who choose to provide services only to family, friends or neighbors, will only be approved for limited enrollment as a Restricted Homecare Worker when:

(i) The applicant has a potentially disqualifying criminal history that following a weighing test he or she would be denied as a Career Homecare Worker;

(ii) The applicant lacks the skills, knowledge or abilities to be approved as a Career Homecare Worker; or

(iii) The applicant is at least 16 years of age and has been approved by SPD Central Office for an exception to the age requirements for provider enrollment as described in section (8)(a)(E) of this rule.

(e) Homecare Worker Orientation. Homecare Workers must participate in an orientation arranged through a SPD/AAA office. The orientation should occur within the first 30 days after becoming enrolled in the Client-Employed Provider Program and prior to beginning work for any specific SPD/AAA clients. When completion of an orientation is not possible within those timelines, orientation must be completed within 90 days of being enrolled. If a Homecare Worker fails to complete an orientation within 90 days of provider enrollment, their provider number will be inactivated and any authorization for payment of services will be discontinued.

(f) A Homecare Worker's provider enrollment may be inactivated when:

(A) The Homecare Worker has not provided any paid services to any client in the last 12 months;

(B) The Homecare Worker fails to complete a criminal history check authorization or provide fingerprints in accordance with the criminal history check, when requested by SPD/AAA;

(C) The Homecare Worker informs SPD/AAA they will no longer be providing Homecare Worker services in Oregon;

(D) The provider fails to participate in a Homecare Worker orientation arranged through an SPD/AAA office within 90 days of provider enrollment; or

(E) A complaint is being investigated against a Homecare Worker who, at the time, is not providing any paid services to clients.

(9) PAID LEAVE.

(a) Live-In Homecare Workers. Irrespective of the number of clients served, SPD will authorize one 24 hour period of leave each month, when a live-in Homecare Worker or Spousal Pay Provider is the only live-in provider during the course of a month. For any part of a month worked, the live-in Homecare Worker will receive a proportional share of that 24 hour period of leave authorization. A prorated share of the 24 hours will be allocated proportionately to each live-in when there is more than one live-in provider per client.

(A) Accumulation and Usage for Live-In Providers. A provider may not accumulate more than 144 hours of accrued leave. The employer, Homecare Worker, and Case Manager will coordinate the timely use of

these hours. Live-in Homecare Workers must take vacation leave in 24 hour increments. Accrued leave must be taken while employed as a live-in.

(B) The Right to Retain Live-In Paid Leave. The Homecare Worker retains the right to access earned paid leave when terminating employment with one employer, so long as the Homecare Worker is employed with another employer as a live-in within one year of termination.

(C) Transferability of Live-In Paid Leave. Live-in Homecare Workers who convert to hourly or separate from live-in service and return as an hourly Homecare Worker within one year from the last date of live-in services will be credited with their unused hours of leave up to a maximum of 32 hours.

(D) Cash Out of Paid Leave.

(i) DHS will pay live-in Homecare Workers 50 percent of all unused paid leave accrued as of January 31 of each year. The balance of paid leave is reduced 50 percent with the cash out.

(ii) Vouchers requesting payment of paid leave received after January 31 may only be paid up to the amount of remaining unused paid leave.

(iii) Effective July 1, 2008, a live-in Homecare Worker may submit a request for payment of 50 percent of unused paid leave if:

(I) The live-in Homecare Worker's client-employer is no longer eligible for In-Home Services described in OAR chapter 411, division 030; and
(II) The live-in Homecare Worker does not have alternative residential housing.

(iv) If a request for payment of 50 percent of unused paid leave based on sections (9)(a)(D)(iii)(I) and (9)(a)(D)(iii)(II) of this rule is granted, the Homecare's paid leave balance is reduced to zero.

(b) Hourly Homecare Workers. On July 1st of each year, active Homecare Workers who worked 80 authorized and paid hours in any one of the three months that immediately precede July (April, May, June) will be credited with one 16 hour block of paid leave to use during the current fiscal biennium (July 1 through June 30) in which it was accrued. On February 1st of each year, active employees who worked 80 authorized and paid hours in any one of the three months that immediately precede February (November, December, January) will be credited with 16 hours of paid time off. One 16 hour block of paid leave will be credited to each eligible Homecare Worker, irrespective of the number of clients they serve. Such leave will not be cumulative from biennium to biennium.

(A) Utilization of Hourly Paid Leave.

(i) Such time off must be utilized in one eight hour block subject to authorization. If the Homecare Worker's normal workday is less than eight hours, such time off may be utilized in blocks equivalent to the normal workday. Any remaining hours that are less than the normally scheduled workday may be taken as a single block.

(ii) Hourly Homecare Workers may take unused paid leave when their employer is temporarily unavailable for the Homecare Worker to provide services.

(B) Limitations of Hourly Paid Leave. Homecare Workers will not be compensated for paid leave unless the time off work is actually taken except as noted in section (9)(b)(D) of this rule.

(C) Transferability of Hourly Paid Leave. An hourly Homecare Worker who transfers to work as a live-in Homecare Worker (within the biennium that their hourly leave is earned) will maintain their balance of hourly paid leave and begin accruing live-in paid leave.

(D) Cash Out of Paid Leave.

(i) DHS will pay hourly providers for all unused paid leave accrued as of January 31 of each year. The balance of paid leave is reduced to zero with the cash out.

(ii) Vouchers requesting payment of paid leave received after January 31 will not be paid if paid leave has already been cashed out.

(10) SPD FISCAL AND ACCOUNTABILITY RESPONSIBILITY.

(a) Direct Service Payments. SPD will make payment to the provider on behalf of the client for all in-home services. This payment will be considered full payment for the services rendered under Title XIX. Under no circumstances is the Homecare Worker to demand or receive additional payment for these Title XIX-covered services from the client or any other source. Additional payment to Homecare Workers for the same services covered by Oregon's Title XIX Home and Community Based Services Waiver is prohibited.

(b) Timely Submission of Claims. In accordance with OAR 410-120-1300, all claims for services must be submitted within 12 months of the date of service.

(c) Ancillary Contributions.

(A) Federal Insurance Contributions Act (FICA). Acting on behalf of the Client-Employer, SPD will apply any applicable FICA regulations and will:

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(i) Withhold the Homecare Worker-employee contribution from payments; and

(ii) Submit the Client-Employer contribution and the amounts withheld from the Homecare Worker-employee to the Social Security Administration.

(B) Benefit Fund Assessment. The Workers' Benefit Fund Assessment pays for programs that provide direct benefits to injured workers and their beneficiaries and that assist employers in helping injured workers return to work. The Department of Consumer & Business Services sets the Workers' Benefit Fund Assessment Rate for each calendar year. SPD calculates the hours rounded up to the nearest whole hour and deducts an amount rounded up to the nearest cent. Acting on behalf of the Client-Employer, SPD will:

(i) Deduct the Homecare Worker-employees' share of the Benefit Fund Assessment Rate for each hour or partial hour worked by each paid Homecare Worker;

(ii) Collect the Client-Employer's share of the Benefit Fund Assessment for each hour or partial hour of paid services received; and

(iii) Submit the client and Homecare Worker's contributions to the Workers' Benefit Fund.

(C) SPD will pay the employer's share of the Unemployment Tax.

(d) Ancillary Withholdings. For purposes of section (10)(d) of this rule, "labor organization" means any organization that has, as one of its purposes, representing employees in their employment relations.

(A) SPD will deduct from the Homecare Worker's monthly salary or wages the specified amount for payment to a labor organization.

(B) In order to receive this payment, the labor organization must enter into a written agreement with SPD to pay the actual administrative costs of the deductions.

(C) SPD will pay the deducted amount monthly to the designated labor organization.

(e) State and Federal Income Tax Withholding.

(A) SPD will withhold state and federal income taxes on all payments to Homecare Workers, as indicated in the Home Care Commission's Collective Bargaining Agreement with the Service Employee's International Union.

(B) Homecare Workers must complete and return a current Internal Revenue Service W-4 form to the local office. SPD will apply standard income tax withholding practices in accordance with the Code of Federal Regulations, Title 26, Part 31 (26 CFR 31).

(11) HOMECARE WORKER EXPENSES SECONDARY TO PERFORMANCE OF DUTIES.

(a) Providers may be reimbursed at \$0.485 cents per mile effective October 1, 2007 when they use their own car for service plan related transportation, if prior authorized by the Case Manager. If unscheduled transportation needs arise during non-office hours, an explanation as to the need for the transportation must be provided and approved prior to reimbursement.

(b) Medical transportation through the DHS, Division of Medical Assistance Programs (DMAP), volunteer transportation, and other transportation services included in the service plan will be considered a prior resource.

(c) DHS is not responsible for vehicle damage or personal injury sustained while using a personal motor vehicle for DMAP or service plan-related transportation, except as may be covered by workers' compensation.

(12) BENEFITS. Workers' Compensation as defined in Oregon Revised Statute and health insurance are available to eligible Homecare Workers as defined in the 2007-2009 Home Care Commission's Bargaining Agreement with the Service Employee's International Union. In order to receive Homecare Worker services, the Client-Employer must provide written authorization and consent to SPD for the provision of workers' compensation insurance for their employee.

(13) OVERPAYMENTS.

(a) An overpayment is any payment made to a Homecare Worker by SPD that is more than the person is authorized to receive.

(b) Overpayments are categorized as follows:

(A) Administrative Error Overpayment. Occurs when SPD failed to authorize, compute or process the correct amount of in-home service hours or wage rate.

(B) Provider Error Overpayment. Occurs when SPD overpays the Homecare Worker due to a misunderstanding or unintentional error.

(C) Fraud Overpayment. "Fraud" means taking actions that could result in receiving a benefit in excess of the correct amount, whether by intentional deception, misrepresentation or failure to account for payments or money received. "Fraud" also means spending payments or money the

provider was not entitled to and any act that constitutes fraud under applicable federal or state law (including 42 CFR 455.2). SPD will determine, based on a preponderance of the evidence, when fraud has resulted in an overpayment. The Department of Justice, Medicaid Fraud Unit will determine when a Medicaid Fraud allegation will be pursued for prosecution.

(c) Overpayments are recovered as follows:

(A) Overpayments will be collected prior to garnishments, such as child support, Internal Revenue Service back taxes, and educational loans.

(B) Administrative or provider error overpayments will be collected at no more than 5 percent of the Homecare Worker's gross wages.

(C) Fraud Overpayments. SPD will determine when a fraud overpayment has occurred and the manner and amount to be recovered.

(D) Providers no longer employed as Homecare Workers, will have any remaining overpayment deducted from their final check. The provider is responsible for repaying the amount in full when the final check is insufficient to cover the remaining overpayment.

Stat. Auth.: ORS 409.050, 410.090

Stats. Implemented: ORS 410.010, 410.020, 410.070, 410.612 & 410.614

Hist.: SPD 17-2004, f. 5-28-04, cert. ef. 6-1-04; SPD 40-2004(Temp), f. 12-30-04, cert. ef. 1-1-05 thru 6-30-05; SPD 10-2005, f. & cert. ef. 7-1-05; SPD 15-2006, f. 4-26-06, cert. ef. 5-1-06; SPD 28-2006(Temp), f. 10-18-06, cert. ef. 10-23-06 thru 4-20-07; SPD 4-2007, f. 4-12-07, cert. ef. 4-17-07; SPD 18-2007(Temp), f. 10-30-07, cert. ef. 11-1-07 thru 4-29-08; SPD 6-2008, f. 4-28-08, cert. ef. 4-29-08

Department of Justice Chapter 137

Rule Caption: Sets Charitable Report Fees at Existing Rates and Restructures Fees to Implement 2007 Legislation.

Adm. Order No.: DOJ 7-2008

Filed with Sec. of State: 4-22-2008

Certified to be Effective: 4-22-08

Notice Publication Date: 12-1-2007

Rules Amended: 137-010-0030, 137-010-0033

Subject: The rule amendments implement SB 109 (2007), which requires the Department to set by rule the annual report fees paid by charitable organizations. The rule sets the base reporting fees at the same rate previously set by statute and revises the delinquency fees for late reports or payments. The rule sets an escalating fee structure as follows: \$20 if a report or payment is late, but made within 13 after the close of the organization's report year; \$50 if the delinquency is corrected between 13 and 16 months after the report year; and \$100 if the delinquency extends more than 16 months after the report period. The amendments also reincorporate language inadvertently deleted in a prior rulemaking clarifying the calculation of fees.

Rules Coordinator: Carol Riches—(503) 947-4700

137-010-0030

Payment of Fees

(1) Each charitable organization filing a report required by this Act shall pay to the Department of Justice, with each such report, a fee based in part on the total amount of the organization's income and receipts during the period covered by the report and in part on its fund balance at the close of the report period as provided in the schedule set forth below. References to "total amount of its income and receipts" shall mean total revenue or income as defined by Internal Revenue Service form 990, 990-EZ, 990-PF or 1041-A, and, if no financial return is filed, shall mean the total amount of revenue the organization received from all sources. References to "fund balance" shall mean net assets or fund balances as defined by Internal Revenue Service form 990, 1041-A, 990-EZ or 990-PF.

(a) The fee based on total amount of income and receipts is as follows: [Table not included. See ED. NOTE.]

(b) The fee based on the organization's fund balance is one-hundredth of one percent of the fund balance at the close of the calendar or fiscal year covered by the report. Fund balances in excess of \$10 million or less than \$50,000 shall not be subject to the fund balance fee. A charitable organization's fixed assets used for operations are excluded from its fund balance. The fee shall be rounded off to whole dollars; amounts under 50 cents shall be dropped and amounts from 50 cents to 99 cents shall be increased to the next dollar.

(2) If the report fees are not paid when due or if the charitable corporation, trustee or other charitable organization fails to file a report by the date due, a delinquency fee shall be paid to the Department of Justice in accordance with the schedule set forth below, except that if a written request for an extension of time is submitted on or prior to the due date for

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filing the report and is approved, the delinquency fee will not be due unless the report or fee are not filed within the extended period granted for filing the report. If the extension request is denied, the delinquency fee will not be due if the report and fee are filed within ten days after the denial is received by the charitable organization or the filing has subsequently been completed by the ordinary due date for filing the report. The delinquency fees apply automatically and increase based upon the length of time a report or payment remains delinquent. The delinquency fees are as follows:

(a) A delinquency fee of \$20 applies if the report or applicable fees are not received by the due date, including failing to file a request for an extension on or before the initial due date, provided the delinquent report is filed and payment is made no later than 13 months from the close of the organization's report year;

(b) A delinquency fee of \$50 applies if the report or applicable fees are received more than 13 months after the close of the organization's report year, provided the delinquent report is filed and payment is made no later than 16 months from the close of the organization's report year; and

(c) A delinquency fee of \$100 applies if the report or applicable fees are received more than 16 months after the close of the organization's report year.

(3) The filing fee paid with the filing of a short period report, due to a change of accounting year, shall be based on the organization's reported net assets or fund balance at the end of the period, prorated for the number of months covered by the report, and the organization's reported total revenue for the period covered by the report.

(4) A foreign charitable corporation, trustee, or other charitable organization subject to the reporting requirements of this Act shall pay fees based on the same fee schedules identified in this rule. The report fees shall be based on the organization's total Oregon revenue and its net assets or fund balance held in Oregon at the end of the reporting period. If, for any reporting period, the organization cannot determine the amount of total revenue derived in Oregon, the revenue fee shall be computed on the total revenue for the organization. If for any reporting period, the organization cannot determine the exact amount of net assets or fund balance or the fixed assets for use in the organization's charitable operations held in Oregon, the fund balance fee shall be computed on the organization's total net assets or fund balance.

(5) Split interests trusts shall pay a fee based on the total fund balance of the trust plus a fee based on the amount of the charitable deduction reported on the Internal Revenue Service form 1041-A for the reporting period.

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

Stat. Auth.: ORS 128.670, 128.876

Stats. Implemented: ORS 128.670, SB 109 (2007)

Hist.: IAG 5, f. 8-2-72, ef. 8-15-72; IAG 6, f. 8-2-72, ef. 8-15-72; IAG 11, f. 3-29-74, ef. 4-25-74; IAG 1-1979, f. & ef. 2-1-79; IAG 2-1981, f. & ef. 12-1-81; JD 1-1990, f. & cert. ef. 1-25-90; DOJ 4-1998, f. & cert. ef. 4-2-98; DOJ 18-2005, f. 12-5-05, cert. ef. 12-31-05; DOJ 7-2008, f. & cert. ef. 4-22-08

137-010-0033

Imposition of Additional Civil Penalty

(1) In addition to charging a delinquency fee, if an organization fails to file a report or pay applicable fees as set forth in OAR 137-010-0030 within 90 days after receiving notice of the delinquency, the Attorney General may impose a civil penalty of not more than \$1,000 per missing report or payment, in compliance with the procedures set forth in ORS chapter 183.

(2) The charitable corporation, trustee, or other charitable organization receiving a notice of imposition of penalty shall, upon its written request be entitled to a contested case hearing before the Attorney General or his designee to dispute the imposition of the penalty or to submit evidence in mitigation. The hearing shall be held and the Attorney General's order may be appealed in accordance with the procedure for contested cases provided in ORS Chapter 183, but the order shall be reversed or modified only if the court finds that the Attorney General lacked authority to impose the penalty or the amount of the penalty imposed was unconscionable in the circumstances.

(3) The Attorney General may file a certified copy of the original notice assessing an additional penalty, or of the order entered after hearing, with the clerk of any circuit court in the state, after expiration of the time to request a hearing, or expiration of the time in which to appeal, or after final determination of the matter on appeal, whichever is appropriate, and such notice or order shall be docketed in the judgment docket and may be enforced in the same manner as a judgment.

Stat. Auth.: ORS 128.670, 128.876

Stats. Implemented: ORS 128.670(8), SB 109 (2007)

Hist.: IAG 15, f. & ef. 5-27-76; IAG 2-1981, f. & ef. 12-1-81; JD 1-1990, f. & cert. ef. 1-25-90; DOJ 7-2008, f. & cert. ef. 4-22-08

Rule Caption: Updating Procedural Rules and Public Records Rules, Increasing Fees.

Adm. Order No.: DOJ 8-2008

Filed with Sec. of State: 4-29-2008

Certified to be Effective: 5-1-08

Notice Publication Date: 4-1-2008

Rules Amended: 137-008-0000, 137-008-0005, 137-008-0010, 137-008-0020

Subject: The changes add email delivery as an option for providing notice of rulemaking activities; updates the version of the Model Rules of Procedure that apply to the Department of Justice; update fees for public records requests; and update costs for two of the Department's publications.

Rules Coordinator: Carol Riches—(503) 947-4700

137-008-0000

Notice of Proposed Rule

(1) Prior to the adoption, amendment, or repeal of any permanent rule, including the Model Rules, the Attorney General shall give notice of the proposed adoption, amendment, or repeal:

(a) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;

(b) By mailing or emailing a copy of the Notice to persons on the Attorney General's mailing list established pursuant to ORS 183.335(8) at least 28 days before the effective date of the rule;

(c) By mailing or emailing a copy of the Notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule; and

(d) By mailing, emailing, or furnishing a copy of the Notice to:

- (A) The Oregon State Bar;
- (B) The Associated Press; and
- (C) The Capitol Press Room.

(2) When the Department of Justice adopts, amends or repeals rules specifically applicable to one of its programs listed below, notice in addition to that required by section (1) of this rule shall be provided by mailing or emailing a copy of the notice to the individual(s) or organization(s) listed in this section for the program:

(a) For the Crime Victims' Compensation Program, to:

- (A) The Workers' Compensation Board;
- (B) Each district attorney in the state; and
- (C) Each person on the program's mailing list established pursuant to ORS 183.335(8).

(b) For the Crime Victims Assistance Program to:

- (A) Each city attorney that has a certified, comprehensive victims assistance program;
- (B) Each district attorney in the state; and
- (C) Each person on the program's mailing list established pursuant to ORS 183.335(8).

(c) For the Division of Child Support to:

- (A) Legal Aid Services of Oregon;
- (B) Multnomah County Office of Legal Aid Services of Oregon;
- (C) Oregon District Attorneys Association;
- (D) Each Division of Child Support branch office, to be posted in the area most frequently visited by the public;
- (E) The Child Support Section of the Department of Human Resources; and
- (F) Each person on the Division's mailing list established pursuant to ORS 183.335(8).

(d) For the Charitable Activities Section:

- (A) For professional fund raising regulation, to all professional fund raising firms registered pursuant to ORS 128.821;
- (B) For charitable organization regulation, to all charitable corporations and trusts registered pursuant to ORS 128.650;
- (C) For bingo game regulation, to all bingo licensees licensed pursuant to ORS 167.118 and 464.250, et seq.;
- (D) For raffle game regulation, to all raffle licensees licensed pursuant to ORS 167.118 and 464.250 et seq.;
- (E) For Monte Carlo regulation, to all Monte Carlo licensees licensed pursuant to ORS 167.118 and 464.250, et seq.; and
- (F) Each person on the section's mailing list established pursuant to ORS 183.335(8) for the appropriate program identified in A-E above.

(e) For the Criminal Intelligence Unit, Organized Crime Section, of the Criminal Justice Division:

- (A) Each District Attorney in the state;

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- (B) Each Sheriff in the state;
 - (C) Each Chief of Police in the state;
 - (D) The Superintendent of the Oregon State Police; and
 - (E) Each attendee of the Basic Officer's Intelligence Course conducted by the Criminal Justice Division.
- (f) For the Child Abuse Multidisciplinary Intervention Account:
- (A) Persons on the Advisory Council on Child Abuse Assessment;
 - (B) All county multidisciplinary child abuse teams receiving money from the Child Abuse Multidisciplinary Intervention Account;
 - (C) The Oregon network of child abuse intervention centers;
 - (D) The regional assessment centers; and
 - (E) Each person on the Child Abuse Multidisciplinary Intervention Account's mailing list established pursuant to ORS 183.335(8).
- Stat. Auth.: ORS 183.341(2) & 183.341(4)
Stats. Implemented: ORS 183.341(4)
Hist.: IAG 13, f. & ef. 10-21-75; JD 3-1983, f. & ef. 6-22-83; JD 8-1983, f. & ef. 11-10-83; JD 7-1989, f. 12-21-89, cert. ef. 12-20-89; JD 6-1994, f. 10-31-94, cert. ef. 11-1-94; JD 1-1998, f. & cert. ef. 2-4-98; DOJ 9-1999, f. & cert. ef. 12-8-99; DOJ 1-2003, f. 2-28-03, cert. ef. 3-1-03; DOJ 15-2003, f. & cert. ef. 12-9-03; DOJ 8-2008, f. 4-29-08, cert. ef. 5-1-08

137-008-0005

Model Rules of Procedure

Pursuant to ORS 183.341, the Attorney General adopts the Attorney General's Model Rules of Procedure under the Administrative Procedures Act as amended and effective January 1, 2008.

Stat. Auth.: ORS 183.341(2) & 183.341(4)
Stats. Implemented: ORS 183.341(2), 183.341(4) & 183.390
Hist.: IAG 5-1979, f. & ef. 12-3-79; JD 7-1989, f. 12-21-89, cert. ef. 12-20-89; JD 6-1994, f. 10-31-94, cert. ef. 11-1-94; JD 1-1998, f. & cert. ef. 2-4-98; DOJ 9-2001, f. & cert. ef. 10-3-01; DOJ 17-2005, f. 11-30-05, cert. ef. 1-1-06; DOJ 8-2008, f. 4-29-08, cert. ef. 5-1-08

137-008-0010

Fees for Public Records and Publications

(1)(a) The Department of Justice may charge a fee reasonably calculated to reimburse the department for costs of providing and conveying copies of public records. The department shall charge 25¢ per page for the first 20 pages and 15¢ per page thereafter for black and white copies and 70¢ per page for the first 20 pages and 60¢ per page thereafter for color copies to recover the costs of photocopying and normal and reasonable staff time to locate, separate, photocopy and return document(s) to file and to prepare/mail public record(s) to requestors. If, for operational or other reasons, the Department uses the services of an outside facility or contractor to photocopy requested records, the department shall charge the actual costs incurred.

(b) "Page" refers to the number of copies produced, either 8 1/2 x 11 or 8 1/2 x 14. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff concludes that it would be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy consists of two pages. Because of the increased staff time involved in double-sided copying, there is no reduction in the per page fee.

(c) "Normal and reasonable" staff time is 10 minutes or less per request.

(2) Additional charges for staff time may be made when responding to record requests that require more than the "normal and reasonable" time for responding to routine record requests. Staff time shall be charged at the department's hourly billing rate, by position, as follows:

- (a) Assistant Attorney General; \$126/hr;
- (b) Alternative Dispute Resolution Coordinator; \$80/hr;
- (c) Investigator; \$81/hr;
- (d) Paralegal; \$74/hr;
- (e) Law Clerk; \$46/hr;
- (f) General Clerical; \$44/hr;

(g) These charges are for staff time in excess of 10 minutes spent locating, compiling, sorting and reviewing records to prepare them for inspection, as well as all time required to segregate or redact exempt information or to supervise inspection of documents. The Department shall not charge for time spent by Assistant Attorneys General in determining the application of the provisions of ORS 192.410 to 192.505.

(3) The Department shall notify a requestor of the estimated costs of making records available for inspection or providing copies of records to the requestor. If the estimated costs exceed \$25, the Department shall provide written notice and shall not act further to respond to the request unless and until the requestor confirms that the requestor wants the Department to proceed with making the public records available. All estimated fees and charges must be paid before public records will be made available for inspection or copies provided.

(4) The Department may charge a fee reasonably calculated to reimburse the department for costs of department publications, Oregon District Attorneys Association publications prepared by the Department and other Department materials intended for distribution. A listing of such available publications and materials shall be maintained by the Department librarian. The Department shall charge the following for its regular publications:

- (a) Attorney General's Public Law Conference Papers; \$65;
- (b) Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure Under the APA; \$65;
- (c) Attorney General's Public Contracts Manual; \$65;
- (d) Attorney General's Public Records and Meetings Manual; \$25;
- (e) Attorney General Opinions;
- (A) Bound Volumes; Volume 20 (1940-42) through Volume 49 (1997-2001) including 2-volume index; \$921;
- (B) Future Bound Volumes; \$70;
- (C) Slip Opinion Service (yearly); \$60;
- (D) Letters of Advice Index, 1969-83; \$20;
- (E) Letters of Advice Index, 1983-88; \$40;
- (F) Letters of Advice Index, 1988-93; \$40;
- (G) Future Letters of Advice Indices; \$40.
- (f) Core Mediation Training Manual; \$95.

Stat. Auth.: ORS 192.430(2) & 192.440(3)

Stats. Implemented: ORS 192.440(3)

Hist.: JD 1-1982, f. & ef. 1-7-82; JD 1-1983(Temp), f. & ef. 5-3-83; JD 7-1983, f. & ef. 11-2-83; JD 4-1984(Temp), f. & ef. 11-7-84; JD 1-1985, f. & ef. 1-23-85; JD 3-1986, f. & ef. 1-27-86; JD 2-1990, f. & cert. ef. 2-14-90; JD 6-1994, f. 10-31-94, cert. ef. 11-1-94; JD 1-1998, f. & cert. ef. 2-4-98; DOJ 9-1999, f. & cert. ef. 12-8-99; DOJ 11-2001, f. & cert. ef. 12-10-01; DOJ 16-2003, f. & cert. ef. 12-9-03; DOJ 18-2003(Temp), f. & cert. ef. 12-10-03 thru 6-1-04; DOJ 13-2004(Temp), f. & cert. ef. 11-1-04 thru 1-31-05; DOJ 1-2005, f. & cert. ef. 1-13-05; DOJ 2-2005, f. & cert. ef. 2-1-05; DOJ 15-2005(Temp), f. & cert. ef. 11-2-05 thru 4-29-06; DOJ 21-2005, f. 12-27-05, cert. ef. 1-1-06; DOJ 8-2008, f. 4-29-08, cert. ef. 5-1-08

137-008-0020

Fees for Electronic Reproduction of Records

(1) The Department of Justice shall charge \$44 per hour, with a \$15.00 minimum, for the staff time required to fill public record requests that require electronic reproduction. Charges include time spent locating, downloading, formatting, copying, scanning, and transferring records to media.

(2) The department will provide reproduction media at the following rates:

- (a) DVDs or CDs: \$1/ea.
- (b) Video Cassettes, 2 hours: \$6/ea.
- (c) Audio Cassettes: \$2/ea.

(3) Due to the threat of computer viruses, the department will not permit requestors to provide flash drives or other electronic media for electronic reproduction of computer records.

Stat. Auth.: ORS 192.430(2) & ORS 192.440(3)

Stats. Implemented: ORS 192.440(3)

Stat. Auth.: ORS 192.430(2) & 192.440(3)

Stats. Implemented: ORS 192.440(3)

Hist.: JD 6-1994, f. 10-31-94, cert. ef. 11-1-94; JD 1-1998, f. & cert. ef. 2-4-98; DOJ 8-2008, f. 4-29-08, cert. ef. 5-1-08

Rule Caption: Amends Notice of Garnishment Model Forms to Respond to Increase in Federal Disposable Earnings Exemption.

Adm. Order No.: DOJ 9-2008

Filed with Sec. of State: 4-30-2008

Certified to be Effective: 7-24-08

Notice Publication Date: 3-1-2008

Rules Amended: 137-060-0150, 137-060-0160, 137-060-0350, 137-060-0360

Subject: Amends existing model garnishment forms for notices of garnishment issued by state agencies and county tax collectors.

Rules Coordinator: Carol Riches—(503) 947-4700

137-060-0150

County Tax — Notice of Exempt Property Form

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

Stat. Auth.: ORS 18.854(8)

Stats. Implemented: ORS 18.375, 18.385, 18.600 - 18.850, 18.85 & 18.857

Hist.: DOJ 5-2004, f. & cert. ef. 2-11-04; DOJ 3-2008, f. 1-17-08, cert. ef. 1-18-08; DOJ 9-2008, f. 4-30-08, cert. ef. 7-24-08

137-060-0160

County Tax — Wage Exemption Calculation Form

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

Stat. Auth.: ORS 18.854(8)

Stats. Implemented: ORS 18.375, 18.385, 18.600 - 18.850, 18.854 & 18.857

ADMINISTRATIVE RULES

Hist.: DOJ 5-2004, f. & cert. ef. 2-11-04; DOJ 3-2008, f. 1-17-08, cert. ef. 1-18-08; DOJ 9-2008, f. 4-30-08, cert. ef. 7-24-08

137-060-0350

Debts other than State Tax — Notice of Exempt of Property

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

Stat. Auth.: ORS 18.854(8)

Stats. Implemented: ORS 18.375, 18.385 & 18.600 - 18.855

Hist.: DOJ 5-2004, f. & cert. ef. 2-11-04; DOJ 3-2008, f. 1-17-08, cert. ef. 1-18-08; DOJ 9-2008, f. 4-30-08, cert. ef. 7-24-08

137-060-0360

Debts other than State Tax — Wage Exemption Calculation Form

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

Stat. Auth.: ORS 18.854(8)

Stats. Implemented: ORS 18.375, 18.385 & 18.600-18.855

Hist.: DOJ 5-2004, f. & cert. ef. 2-11-04; DOJ 3-2008, f. 1-17-08, cert. ef. 1-18-08; DOJ 9-2008, f. 4-30-08, cert. ef. 7-24-08

Department of Public Safety Standards and Training

Chapter 259

Rule Caption: Amend minimum Standards for Licensure and disclosure of confidential information related to private investigators.

Adm. Order No.: DPSS7 7-2008(Temp)

Filed with Sec. of State: 5-15-2008

Certified to be Effective: 5-15-08 thru 10-16-08

Notice Publication Date:

Rules Amended: 259-061-0040, 259-061-0230

Subject: Clarifies disqualifying acts in regard to licensure by linking it to the board's established standards for moral fitness (professional fitness) and criminal disqualifying misconduct; and

Provides confidentiality for information related to an allegation when the Department determines the allegation to be false.

Rules Coordinator: Bonnie Salle—(503) 378-2431

259-061-0040

Minimum Standards for Licensure

(1) An applicant for licensure as a private investigator must satisfy all license qualifications pursuant to ORS 703.415 and ORS 703.425.

(2) Moral Fitness (Professional Fitness). All private investigators must be of good moral fitness.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation.

(b) The following are indicators of a lack of good moral fitness:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, interview, statement or other documentation for securing licensure, eligibility for licensure, or in the course of conducting business under one's license.

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a private investigator. Examples include, but are not limited to: Intoxication while on duty, untruthfulness, failure to fulfill contractual commitments to clients, failure to provide supporting proof of investigative activities and/or services conducted for their clients, fraudulent billing practices, or a history of personal habits off the job which makes the private investigator both inefficient and otherwise unfit to render effective service because of a loss of confidence in the private investigator's ability to perform competently.

(c) If reliable evidence is received by the Board or Department that a private investigator lacks good moral fitness, a rebuttable presumption will be raised that the private investigator does not possess the requisite moral fitness to be a private investigator. The burden will be upon the private investigator to prove good moral fitness.

(3) The Department will conduct a review of any application on which disclosures have been made to determine if a license should be issued pursuant to ORS 703.415(3), 703.450, 703.465.

(4) Criminal History. An applicant for licensure must not:

(a) Have been convicted of a person felony, as defined in the rules of the Oregon Criminal Justice: ORS 162.165 Escape I; ORS 162.185 Supplying Contraband as defined in Crime Categories 6 and 7 (OAR 213-018-0070(1) and (2)); ORS 163.095 Aggravated Murder; ORS 163.115 Murder; ORS 163.115 Felony Murder; Ors 163.118 Manslaughter I; ORS

163.125 Manslaughter II; ORS 163.145 Negligent Homicide; ORS 163.160(3) Felony Domestic Assault; ORS 163.165 Assault III; ORS 163.175 Assault II; ORS 163.185 Assault I; ORS 163.205 Criminal Mistreatment I; ORS 163.207 Female Genital Mutilation; Ors 163.208 Assaulting a Public Safety Officer; ORS 163.213 Use of Stun Gun, Tear Gas, Mace I; ORS 163.225 Kidnapping II; ORS 163.235 Kidnapping I; ORS 153.275 Coercion as defined in Crime Category 7 (OAR 213-018-0035(1)); ORS 163.355 Rape III; ORS 163.365 Rape II; ORS 163.375 Rape I; ORS 163.385 Sodomy III; ORS 163.395 Sodomy II; ORS 163.405 Sodomy I; ORS 163.408 Sexual Penetration II; ORS 163.411 Sexual Penetration I; ORS 163.425 Sexual Abuse I; ORS 163.465 Felony Public Indecency; ORS 163.479 Unlawful Contact with a Child; ORS 163.452 Custodial Sexual Misconduct in the First Degree; ORS 163.525 Incest; ORS 163.535 Abandon Child; ORS 163.537 Buying/Selling Custody of a Minor; ORS 163.547 Child Neglect I; Ors 163.670 Using Child in Display of Sexual Conduct; ORS 163.684 Encouraging Child Sex Abuse I; ORS 163.686 Encouraging Child Sex Abuse II; ORS 163.688, Possession of Material Depicting Sexually Explicit Conduct of Child I; ORS 163.689, Possession of Material Depicting Sexually Explicit Conduct of Child II; ORS 163.732 Stalking; ORS 163.750 Violation of Court Stalking Order; ORS 164.075 Theft by Extortion as defined in Crime Category 7 (OAR 213-018-0075(1)); ORS 164.225 Burglary I as defined in Crime Categories 8 and 9 (OAR 213-018-0025(1) and (2)); ORS 164.325 Arson I; Ors 164.395 Robbery III; ORS 164.405 Robbery II; ORS 164.415 Robbery I; ORS 164.877(3) Tree Spiking (Injury); ORS 166.087 Abuse of Corpse I; ORS 166.165 Intimidation I; ORS 166.220 Unlawful Use of a Weapon; ORS 166.275 Inmate in Possession of Weapon; ORS 1266.385(3), Felony Possession of a Hoax Destructive Device; ORS 166.643 Unlawful Possession of Soft Body Armor as defined in Crime Category 6 (OAR 213-018-0090(1)); ORS 167.012 Promoting Prostitution; ORS 167.017 Compelling Prostitution; ORS 468.951 Environmental Endangerment; ORS 475.984 Causing Another to Ingest a Controlled Substance as defined in Crime Categories 8 and 9 (OAR 213-019-0007 and 0008); ORS 475.986 Unlawful Administration of a Controlled Substance as defined in Crime Categories 5, 8 and 9 (OAR 213-019-0007, 213-019-0008 and 213-019-00011); ORS 609.990(3)(b) Maintaining Dangerous Dog; ORS 811.705 Hit and Run Vehicle (Injury); ORS 813.010, Felony Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); ORS 830.475(2) Hit and Run Boat; attempts or solicitations to commit any Class A or Class B person felonies, or an equivalent crime with similar elements in another jurisdiction.

(b) Within the 10-year period prior to applying for, or during, licensure, must not:

(A) Have been incarcerated, placed on probation or paroled as the result of conviction of any felony, other than those described in subsection (a) of this section in this, or any other, jurisdiction.

(B) Have been convicted of violating ORS 163.435 (Contributing to the Sexual Delinquency of a Minor), 163.672 (1993 Edition) (Possession of Depiction of Sexual Conduct of a Child), 163.673 (1993 Edition) (Dealing in the Depiction of Sexual Conduct of a Child), 167.007 (Prostitution), 167.062 (Sadomasochistic Abuse or Sexual Conduct in a Live Show), 167.065 (Furnishing Obscene Material), 167.070 (Sending Obscene Material to Minors), 167.075 (Exhibiting An Obscene Performance to a Minor), 167.080 (Displaying Obscene Material to Minors), 167.087 (Disseminating Obscene Material) or an equivalent crime with similar elements in another jurisdiction.

(C) Have been convicted of a person misdemeanor, as defined in the rules of the Oregon Criminal Justice Commission: ORS 162.315 Resisting Arrest; ORS 163.160 Assault IV; ORS 163.187 Strangulation; ORS 163.190 Menacing; ORS 163.195 Recklessly Endanger Another; ORS 163.200 Criminal Mistreatment II; ORS 163.212 Use of Stun Gun, Tear Gas, Mace II; ORS 163.415 Sexual Abuse III; ORS 163.454 Custodial Sexual Misconduct in the Second Degree; ORS 163.465, Public Indecency; ORS 163.467 Private Indecency; ORS 163.476 Unlawfully Being in a Location Where Children Regularly Congregate; ORS 163.545 Child Neglect II; ORS 163.575 Endanger Welfare of a Minor; ORS 163.687 Encouraging Child Sex Abuse III; ORS 163.700 Invasion of Personal Privacy; ORS 163.709 Unlawfully Directing a Laser Pointer; ORS 163.732(1) Stalking; ORS 163.750(1) Violating Court's Stalking Order; ORS 165.572 Interfering with Making a Police Report; ORS 166.065(4) Harassment/Offensive Sexual Contact; Ors 166.155 Intimidation II; ORS 166.385(2) Misdemeanor Possession of a Hoax Destructive Device; ORS 475.986(1)(d) Unlawful Administration of a Controlled Substance; ORS 609.990(3)(a) Maintaining Dangerous Dog; ORS 813.010, Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); attempts

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or solicitations to commit any Class C person felonies, or an equivalent crime with similar elements in another jurisdiction.

(D) Have been convicted of the following misdemeanors: ORS 162.075 (False Swearing), 162.085 (Unsworn Falsification), 162.145 (Escape III), 162.247 (Interfering with a Peace Officer), 162.295 (Tampering with Physical Evidence), 162.335 (Compounding a Felony), 162.365 (Criminal Impersonation), 162.369 (Possession of False Law Enforcement Identification Card), 162.385 (Giving False Information to Police Officer), 164.045 (Theft II), 164.125(5)(b) (Theft of Services), 164.140 (Criminal Possession of Rented or Leased Personal Property), 164.235 (Possession of Burglar's Tools), 164.255 (Criminal Trespass I), 164.265 (Criminal Trespass while in Possession of a Firearm), 164.335 (Reckless Burning), 164.354 (Criminal Mischief II), 164.369 (Interfering With Police Animal), 164.377(4) (Computer Crime), 165.007 (Forgery II), 165.055(4)(a) (Fraudulent Use of a Credit Card), 165.065 (Negotiating a Bad Check), 166.115 (Interfering With Public Transportation), 166.250 (Unlawful Possession of Firearms), 166.350 (Unlawful Possession of Armor Piercing Ammunition), 166.425 (Unlawful Purchase of Firearm), 167.262 (Adult Using Minor in Commission of Controlled Substance Offense), 471.410 (Providing Liquor to Person under 21 or Intoxicated Person), or an equivalent crime with similar elements in another jurisdiction.

(c) Have been convicted, within the 10-year period prior to applying for, or during, certification or licensure, of a "misdemeanor crime of domestic violence," in this or any jurisdiction. A "misdemeanor crime of domestic violence" means a misdemeanor under the law of any jurisdiction involving the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is co-habiting with or has co-habited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or a guardian of the victim.

(d) Have been convicted of a misdemeanor or felony involving the unlawful use, possession, delivery or manufacturing of a controlled substance, or a misdemeanor or felony of similar elements, in this or any jurisdiction: 475.525 (Sale of Drug Paraphernalia), 475.991 (Unlawful Delivery of Imitation Controlled Substance), 475.992 (Prohibited Acts, Manufacturing and Delivering), 475.995 (Distribution to Minors), 475.999 (Manufacturing or Delivering of a Controlled Substance within 1,000 feet of School), or an equivalent crime with similar elements in another jurisdiction.

(e) Have been required to register or be registered as a sex offender under ORS 181.595, 181.596 or 181.597.

(f) Have been convicted, within the seven-year period prior to applying for, or during, certification or licensure, of the following misdemeanors, or a misdemeanor of similar elements, in this or any jurisdiction; 164.043 (Theft III), 164.125(5)(a) (Theft of Services), 162.375 (Initiating a False Report), 166.240 (Carrying of Concealed Weapons), or an equivalent crime with similar elements in another jurisdiction.

(5) Failure to disclose a criminal conviction, on an application for licensure, of any Misdemeanor or Felony crime is grounds for denial, suspension or revocation of a license, and may include criminal or civil penalties.

(a) Department Staff Review: The Department or its designated staff shall review the disclosure and shall request further information or conduct its own investigation of the matter. If there is grounds for a suspension, revocation or denial based on the statutory and administrative rule requirements, the department shall notify the applicant or license holder in writing.

(b) Initiation of Proceedings: The Department's designated staff shall determine if the reason for suspension, revocation or denial and supporting factual data meet the statutory and administrative rule requirements and so advise the applicant or license holder.

(c) Contested Case Notice: The Department or its designated staff shall prepare a "Contested Case Notice" in accordance with OAR 137-003-0001 of the Attorney General's Model Rules of Procedure. The Department or its designated staff must serve a copy of the "Notice" on the person whose application or licensure is being affected.

(d) Emergency Suspension Order: Notwithstanding subsection (e), the Department may immediately suspend a person upon a report that a person has been arrested for, or charged with, any crime listed in OAR 259-061-0040(4). The report may be received in any form and from any source.

(e) An Emergency Suspension Order must be in writing. The order may be issued without prior notice to the individual and without a prior

opportunity for a contested case hearing. An Emergency Suspension Order must:

(A) Generally describe the acts of the person and any circumstances that would be grounds for an Emergency Suspension Order under this rule; and

(B) Identify the person at the Department whom the individual may contact and who is authorized to make recommendations regarding issuance of the order.

(f) When the Department issues an Emergency Suspension Order, it shall be served on the individual either personally or by registered or certified mail and must contain the following information:

(A) The effective date of the Emergency Suspension Order;

(B) A statement of findings detailing the specific acts or omissions of the person that violate applicable laws or rules and which serve as the grounds for revocation or suspension;

(C) A reference to the sections of the statutes and rules involved;

(D) A statement indicating the individual has the right to request a hearing to contest the Emergency Suspension Order;

(E) A statement indicating the individual will have waived their right to a hearing regarding the Emergency Suspension Order if the request for a hearing is not received by the Department within 20 calendar days of the date of notice of the Emergency Suspension Order; and

(F) A statement indicating a hearing will be held as soon as is prudent and practicable if a timely request for a hearing is received.

(g) If the individual submits a timely request for a hearing, the Department will hold a hearing on the Emergency Suspension Order as soon as is prudent and practicable.

(A) The Department may combine the hearing on the Emergency Suspension Order with any underlying proceeding affecting the license or certificate.

(B) The sole purpose of the hearing will be to determine whether the individual was charged with or arrested for a crime listed in OAR 259-061-0040(4). Upon a showing that an individual was not charged with or arrested for a crime in OAR 259-061-0040(4), the suspension of the individual's certificate or license will be immediately lifted; otherwise, the suspension will remain in effect until final disposition of the charges or arrest.

(h) Response Time:

(A) Revocation or Denial: If the Department is seeking revocation or denial of a license or certificate, a party who has been served with the "Contested Case Notice" must submit a written request for a hearing to the Department within 60 calendar days from the date of mailing or personal service of the notice.

(B) Suspension: If the Department is seeking suspension of a license or certificate, a party who has been served with an Emergency Suspension Order must submit a written request for a hearing to the Department within 20 calendar days from the date of mailing or personal service of the notice. The Department may extend the time allowed for submission of the written request for a hearing for up to 30 calendar days upon request.

(i) Default Order: If a timely request for a hearing is not received by the Department, the Contested Case Notice or Emergency Suspension Order will become a final order revoking, suspending or denying certification pursuant to OAR 137-003-0075(5).

(j) When the Department revokes a certification or denies an applicant's license, an individual is ineligible to reapply for future certification or licensure for a period of three (3) years from the date of final Department action or order. Any applicant reapplying for licensure must reapply in accordance with the provisions of ORS 703.401-703.490

(k) Hearing Request: When a request for a hearing is received in a timely manner, the Department will refer the matter to the Hearings Officer Panel in accordance with OAR 137-003-0075(5).

(6) A denial or revocation of a license pursuant to ORS 703.450(4) will cause the denial, suspension, or revocation of all licenses administered by the Department.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 7-2008(Temp), f. & cert. ef. 5-15-08 thru 10-16-08

259-061-0230 Compliance

(1) A preliminary administrative review of the complaint will be made by Department staff to assure there is sufficient information to proceed. Staff will conduct a fact finding preliminary investigation (e.g. data searches and other inquiries).

(2) If sufficient information is determined to support the allegation(s) of the complaint, staff will:

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(a) Open and conduct an investigation. Gather relevant information and, in doing so, may submit questions to the respondent and require written answers and copies of related documents. The respondent shall comply within twenty (20) days after the request is mailed, unless the Department authorizes an extension.

(b) Notify Respondent of intended action as authorized by ORS 703.465 and 703.995.

(c) Seek Resolution by Stipulation. Department staff is authorized to seek resolution by stipulation, subject to acceptance and approval by the Director, if:

(A) The matter is resolved before entry of any final order;

(B) The agreement has been entered into freely and voluntarily by respondent;

(C) The respondent corrects or proceeds to correct all deficiencies itemized by Department under the terms of the agreement; and

(D) Any penalty amount agreed to is tendered in certified check, bank draft, cashier's check or postal money order along with the stipulation.

(E) A stipulation shall not be accepted if the violation is for failure to obtain a required license, and such is not obtained as part of the resolution.

(3) If the Department finds that an allegation is false, all information about the alleged violation and the investigation will be considered confidential and not subject to disclosure pursuant to ORS 192.410 to 192.505.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 7-2008(Temp), f. & cert. ef. 5-15-08 thru 10-16-08

Rule Caption: Impose Period of Ineligibility for Applicants who falsify or omit required information on an Application.

Adm. Order No.: DPSST 8-2008(Temp)

Filed with Sec. of State: 5-15-2008

Certified to be Effective: 5-15-08 thru 10-16-08

Notice Publication Date:

Rules Amended: 259-061-0090

Subject: Clarifies rule relating to false information submitted on a department form and includes the omission of information pertaining to OAR 259-061-0040 on an application or required departmental form as grounds to disqualify an applicant from reapplying for a period of three (3) years.

Rules Coordinator: Bonnie Salle—(503) 378-2431

259-061-0090

Review of Application Materials

The Department will review all application materials for completeness and may:

(1) Upon written notice from the Department to the applicant, administratively terminate the application for any of the following reasons:

(a) The Department has reason to believe that a person with the applicant's name and birth date has committed an act that constitutes grounds for denial of a license under ORS 703.465. The termination of an application due to a criminal conviction disqualification is subject to the contested case hearing procedures set forth in ORS 703.470

(b) The application or any required documentation is incomplete or the Department has been unable to verify application information to its satisfaction due to non-response or non-compliance of the applicant.

(c) Applicant has violated any administrative rule or condition imposed by ORS or OAR concerning the licensure and conduct of a Private Investigator or applicant as such.

(d) The fingerprint cards of applicant have been rejected and returned by the Oregon State Police or Federal Bureau of Investigations.

(2) Applicants who provide false information to the Department, or who omit information pertaining to OAR 259-061-0040 on an application or required departmental form, shall be disqualified from reapplying for a period of three (3) years.

(3) The Department or its designated staff may administratively terminate the application process if the Department is unable to complete the certification process due to non-response or non-compliance of the applicant after exhausting the following efforts:

(a) A letter shall be mailed by the Department to the applicant, and the last known mailing address of the applicant, identifying the deficiencies in the application process.

(b) The applicant shall have 21 calendar days from the date of mailing to notify the Department that the deficiencies are corrected. The

Department may, in its discretion, elect to extend the time for compliance upon good cause shown by the applicant or its manager.

(c) If the Department is unable to determine a current address for the applicant, or if the applicant does not respond and correct the deficiencies within 21 calendar days, or such additional time authorized by the Department, the Department shall list the applicant's status as "administratively terminated." The Department shall notify the applicant at his or her last known address, that the Department has administratively terminated the application process.

(4) Once the application process has been administratively terminated, the applicant can reapply at any time by submitting a new completed application and appropriate fees.

Note: Applicants who have been denied, revoked or suspended for any reason may not reapply for licensure for a period of 3 years from the date of final action.

Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 8-2008(Temp), f. & cert. ef. 5-15-08 thru 10-16-08

Department of Revenue

Chapter 150

Rule Caption: Guidelines for determining taxable nexus in Oregon.

Adm. Order No.: REV 3-2008

Filed with Sec. of State: 5-5-2008

Certified to be Effective: 5-5-08

Notice Publication Date: 11-1-2007

Rules Adopted: 150-317.010

Subject: The rule clarifies that a corporation may have sufficient nexus with Oregon to be subject to Oregon Corporation Excise or Income Tax without having a physical presence in the State. The rule contains examples of activities that create nexus. The language in the rule is drawn from Oregon statute and various court decisions on the issue of economic nexus.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-317.010

Substantial Nexus Guidelines

(1) The State of Oregon imposes taxes on or measured by net income to the extent allowed under state statutes, federal Public Law 86-272, and the Oregon and U.S. Constitutions. For purposes of determining whether Oregon has jurisdiction to impose an excise tax for the privilege of doing business in the state under ORS Chapter 317 or tax on income from sources within this state under ORS Chapter 318, there must exist a substantial nexus between the state and the activity or income it seeks to tax.

(2) "Substantial nexus" for corporate excise and income tax jurisdiction purposes, under the Commerce Clause of the U.S. Constitution, does not require a taxpayer to have a physical presence in Oregon. Substantial nexus exists where a taxpayer regularly takes advantage of Oregon's economy to produce income for the taxpayer and may be established through the significant economic presence of a taxpayer in the state.

(3) In determining whether a taxpayer has a substantial nexus with Oregon the department may consider whether the taxpayer:

(a) Maintains continuous and systematic contacts with Oregon's economy or market;

(b) Conducts deliberate marketing to or solicitation of Oregon customers;

(c) Files or is required to file reports or returns with Oregon regulatory bodies;

(d) Receives significant gross receipts attributable to customers in Oregon;

(e) Receives significant gross receipts attributable to the use of taxpayer's intangible property in Oregon; or

(f) Receives benefits provided by the state, such as:

(A) Laws providing protection of business interests or regulating consumer credit;

(B) Access to courts and judicial process to enforce business rights, including debt collection and intellectual property rights;

(C) Highway or transportation system access for transport of taxpayer's goods or services;

(D) Access to educated workforce in Oregon; or

(E) Police and fire protection for property in Oregon that displays taxpayer's intellectual or intangible property.

ADMINISTRATIVE RULES

(4) The list of possible facts in section (3) that the department may consider in determining whether a taxpayer has a substantial nexus with Oregon is meant to be nonexclusive, and those facts should be considered only to the extent they are relevant. The department may consider any other relevant facts and circumstances.

(5) The provisions in sections (1) through (4) of this rule, as well as the provisions in OAR 150-314.620-(A), 150-314.620-(B), and 150-314.620-(C), must be applied in determining if a taxpayer has substantial nexus in a state other than Oregon.

Example 1: Credit Card Company (CC) has, for several years, provided credit card lending services over the internet and by mail to over 25,000 Oregon customers. Solicitations for such credit cards have been mailed three or four times a year for the last three years to prospective Oregon customers in six Oregon cities. CC has substantial nexus in Oregon.

Example 2: IS Company (IS), headquartered in San Francisco, operates a website supporting internet sales, primarily to Asian country customers. IS made approximately 50 sales, at \$6.95 per sale, to residents of Oregon during the tax year. IS contracts with an Oregon mailing service to make deliveries of the merchandise in Oregon (all sales are final). IS does not have substantial nexus in Oregon. Even though activities in greater volume might be sufficient for nexus, the amount of sales is de minimis.

Example 3: WB Distributing Company (WB) has for many years distributed wine and beer throughout Oregon, through Oregon licensed distributors with whom WB has distribution agreements. WB is required to obtain and maintain a wholesaler's license from the Oregon Liquor Control Commission (OLCC). A condition of the license is that WB must make monthly reports of sales volumes to the OLCC. WB also periodically seeks advice and approval from the OLCC for special event activities in Oregon, at which no sales are solicited by the corporation. WB has substantial nexus in Oregon.

Example 4: IP Company (IP), organized under Delaware law and wholly owned by FP Company (FP) a foreign parent, owns intellectual property including trade marks, trade names, and logos. RS Company (RS), also wholly owned by FP but not unitary with IP, operates retail stores in Oregon that prominently and beneficially use the intellectual property owned by IP. By agreement, RS pays IP five percent of its gross sales for the right to use the intellectual property. IP has substantial nexus in Oregon.

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

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 317.010

Hist.: REV 3-2008, f. & cert. ef. 5-5-08

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

Rule Caption: Early Renewal of Driver Licenses and Identification Cards for Persons who are Deployed.

Adm. Order No.: DMV 10-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Amended: 735-062-0090

Rules Repealed: 735-062-0090(T)

Subject: To tighten security in the process for issuance of driver licenses and identification cards, DMV amended OAR 735-062-0090 to shorten the time period within which a person may apply for renewal to within four months of the expiration date. This created a hardship for some members of the Oregon National Guard or military reservists when the person's driver license or identification card expires while the person is deployed. Because the length of a deployment overseas is approximately 400 days, or just over 13 months, DMV amended OAR 735-062-0090 to authorize renewal up to 14 months prior to expiration of the current license or identification card for a member of the Oregon National Guard or military reservist deployed in defense of our country.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-062-0090

Renewal Driver Licenses and Identification Cards

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will renew the driver license of a person satisfying the requirements set forth in ORS 807.150.

(2) An applicant for the renewal of a driver license or identification card must provide DMV a verifiable SSN or Statement of No Social Security Number as described in OAR 735-062-0005.

(3) An applicant for the renewal of a driver license or identification card must present to DMV proof of identity and date of birth as set forth in OAR 735-062-0020 or 735-062-0021.

(4) An applicant for the renewal of a driver license or identification card that includes a change of residence address must present to DMV one of the proofs of residence address listed in OAR 735-062-0030 that shows the person's current residence address. (Current residence address is the

residence address to be included on the license or identification card to be issued.)

(5) DMV may renew an unexpired driver license or identification card up to four months prior to the expiration date.

(6) Notwithstanding section (5) of this rule, DMV may renew an unexpired Oregon driver license or identification card of a person who is a member of the Oregon National Guard or a military reservist being deployed, up to 14 months prior to the expiration date.

(7) If a driver license has been expired more than one year, the applicant must re-apply for an original driver license and meet the requirements set forth in OAR 735-062-0000.

(8) An applicant for a renewal of a commercial driver license with a hazardous materials endorsement must retake and pass the hazardous materials knowledge test and meet the requirements set forth in OAR 735-062-0190 to retain the hazardous materials endorsement on the commercial driver license.

(9) An applicant for a renewal of a commercial driver license must meet the requirements set forth in OAR 735-074-0290.

(10) Before processing a driver license renewal, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS), or both, to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. Before processing a commercial driver license (CDL) renewal, DMV will make an inquiry to CDLIS to determine if the applicant has been issued a CDL in any other jurisdiction.

(11) If the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction, the applicant may not renew an Oregon driver license until the applicant submits a clearance letter that complies with OAR 735-062-0160 and shows the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.

(12) Notwithstanding section (11) of this rule, DMV will renew the driving privileges of an applicant whose driving privileges are suspended, revoked, canceled or otherwise not valid in another jurisdiction if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.

(13) DMV will not renew an Oregon driver license or permit if the applicant has a current, valid Oregon identification card. To become eligible, the person must surrender the Oregon identification card before DMV will renew the Oregon driver license or permit. If the person's identification card is lost or the person no longer has the identification card in his or her possession, the person must provide a statement attesting to this fact.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.012 & 807.040

Stats. Implemented: ORS 802.012, 802.540, 807.040 - 807.060, 807.100, 807.150 & 807.400

Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0009; MV 14-1992, f. & cert. ef. 10-16-92; MV 16-1992, f. & cert. ef. 12-16-92; DMV 11-1998, f. & cert. ef. 9-14-98; DMV 21-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 4-2007, f. 5-24-07, cert. ef. 6-5-07; DMV 17-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 1-2008(Temp), f. 1-18-08, cert. ef. 2-4-08 thru 8-1-08; DMV 7-2008(Temp), f. & cert. ef. 2-22-08 thru 8-19-08; DMV 10-2008, f. & cert. ef. 4-24-08

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**Department of Transportation,
Highway Division
Chapter 734**

Rule Caption: Allows adequate time for an informal reconsideration process within the relocation appeal process.

Adm. Order No.: HWD 2-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Amended: 734-001-0025

Subject: ODOT has amended the timelines for the Relocation Appeal Process to make them less restrictive and allow a reasonable amount of time for pre-hearing conferences and contested case hearings, and investigations which could possibly resolve the issues without going to the formal hearing process. The relaxed timelines are allowed in the statutory process for contested case hearings.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-001-0025

Relocation Appeal Procedures for Land Acquisition

(1) Within 60 days of a final determination granting or denying eligibility for a Relocation payment, or of an amount of payment under Title II of the Uniform Relocation Assistance and Real Property Acquisition

ADMINISTRATIVE RULES

Policies Act of 1970 (P.L. 91-646) and any regulations adopted thereunder, any person dissatisfied with such determination may file a "request for appeal" upon forms provided by the Department of Transportation.

(2) The Relocation appeal process and hearing concerning the determination of eligibility or amount of payment shall be conducted as a contested case pursuant to the Oregon Administrative Procedures Act, ORS 183.310 to 183.550.

(3) Optional Reconsideration Conference. Within 60 days of a final determination granting or denying eligibility for a Relocation payment or of an amount of payment under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970 (P.L. 91-946) and any regulations adopted thereunder, a person dissatisfied with such final determination may petition for a "reconsideration conference" upon forms provided by the Department of Transportation. A reconsideration conference is an optional process, which must be agreed to by both the claimant and the Department of Transportation, that occurs prior to the formal appeal process identified in (1) and (2) and is an opportunity for a claimant to provide additional relevant information that was not considered by the department or to correct factual errors and for the department to reconsider the claim with the new or corrected information. The time period to file a request for an appeal pursuant to subsection (1) of this rule shall be stayed from the date of request for a reconsideration conference until ODOT either issues a decision to decline the request for a reconsideration conference or until ODOT issues a determination after the reconsideration conference. If the claimant is dissatisfied with the revised final determination, the claimant may file an appeal pursuant to (1) above.

Stat. Auth.: ORS 366
Stats. Implemented: ORS 366.324 & PL 91-646 (Federal Law)
Hist.: 2HD 2-1982, f. & ef. 7-20-82; HWD 2-2008, f. & cert. ef. 4-24-08

Rule Caption: Maximum size limits for vehicle combinations and manufactured home units transported over Oregon highways.

Adm. Order No.: HWD 3-2008(Temp)

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08 thru 10-21-08

Notice Publication Date:

Rules Amended: 734-075-0010

Subject: OAR 734-075-0010 addresses maximum allowable size for over dimensional manufactured homes transported over Oregon highways in operation with a variance permit. The proposed rule is necessary to allow the Administrator of the Motor Carrier Transportation Division to determine when a manufactured home that exceeds the current limits in OAR 734-075-0010 may be approved to operate over Oregon highways. Approval will be granted if the Administrator determines the movement is in the public interest and can be done safely. The rule balances the safety of the traveling public on the Interstate and Oregon highway system with legitimate Oregon economic interests.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-075-0010

Vehicle Combinations and Maximum Size Limitations

This rule establishes the maximum number of vehicles in combination and size of vehicles allowed when moving an overdimensional unit:

- (1) The combination shall not exceed two vehicles, the towing vehicle and the unit being transported.
- (2) The maximum lengths are as follows:
 - (a) The maximum overall length of the combination:
 - (A) Shall not exceed 85 feet on State highways;
 - (B) Shall not exceed 95 feet on Group 1 highways; and
 - (C) Shall not exceed 110 feet on Interstate highways, multilane highways or highways approved for the longer length as authorized by a single trip permit or as authorized by written order of the Chief Engineer.
 - (b) The mobile home being towed shall not exceed 75 feet, including the tongue, except as provided in OAR 734-075-0011.
- (3) The maximum widths are as follows:
 - (a) Units shall not exceed 14 feet overall width, unless a single trip permit or a limited duration permit is issued;
 - (b) Units transported under a single trip permit or limited duration permit are subject to the following:
 - (A) The unit shall not exceed 16 feet at the base except as described in subsection (e);
 - (B) The overall width shall not, except as described in subsection (e), exceed 18 feet.

(c) Except as prohibited by paragraph (b)(B) of this section, a unit may have an eave, provided the eave does not extend beyond either side by:

- (A) More than 30 inches for units with a base width of less than 16 feet; or
- (B) More than 16 inches for units with a base width of 16 feet or more.

(d) External appurtenances such as doorknobs, window fasteners, eave cap, clearance lights and load securement devices may exceed the width of the unit by a distance not greater than two inches on each side;

(e) A unit that exceeds 16 feet wide at the base may be allowed if the Administrator of MCTD determines that the public interest requires the impending movement, and the movement can be performed safely.

(4) The maximum height for the combination, while in transit, shall not exceed 14 feet unless proper route clearance has been obtained and is so indicated on the permit.

Stat. Auth.: ORS 184.616, 814.619, 810.060 & 818.200
Stats. Implemented: ORS 818.200 & 818.220
Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2 HD 7-1982(Temp), f. & ef. 11-22-82; 2HD 15-1983, f. & ef. 8-18-83; HWY 4-1988(Temp), f. & cert. ef. 6-23-88; HWY 4, 1989, f. & cert. ef. 5-23-89; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 7-1996, f. & cert. ef. 12-19-96; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-2001, f. & cert. ef. 6-14-01; HWD 3-2008(Temp), f. & cert. ef. 4-24-08 thru 10-21-08

Department of Transportation, Public Transit Division Chapter 732

Rule Caption: Oregon Streetcar Fund Program.

Adm. Order No.: PTD 1-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Adopted: 732-035-0010, 732-035-0020, 732-035-0030, 732-035-0040, 732-035-0050, 732-035-0060, 732-035-0070, 732-035-0080

Subject: Chapter 746, Oregon Laws 2007 requires ODOT to adopt rules specifying the process by which a municipality may apply for a grant from the Oregon Streetcar Project Fund. The law authorizes the State Treasurer to issue lottery bonds to finance grants for purchase of streetcars from an Oregon based and Oregon owned company. These rules establish the Oregon Streetcar Project Fund Program, definitions, eligibility standards and application requirements.

Rules Coordinator: Lauri Kunze—(503) 986-3171

732-035-0010

Purpose

Chapter 746, Oregon Laws 2007 created the Oregon Streetcar Project Fund, allowing for the issuance of lottery bonds for the purpose of financing grants through ODOT to municipalities to provide for the purchase of streetcars used in public transit systems. The purpose of division 35 rules is to establish the Oregon Streetcar Project Fund Program.

Stat. Auth.: ORS 184.616, 184.619, Sec. 24(2), Ch. 746, OL 2007
Stats. Implemented: ORS 184.670, 184.685, Ch. 746, OL 2007
Hist.: PTD 1-2008, f. & cert. ef. 4-24-08

732-035-0020

Definitions

For the purposes of division 35 rules, the following terms have the following definitions, unless the context clearly indicates otherwise:

- (1) "Grant Agreement" means a legally binding contract between the Department and Recipient that contains the terms and conditions under which the Department is providing funds from the Oregon Streetcar Project Fund for an Approved Project.
- (2) "Applicant" means a municipality and operator of a rail fixed guideway system that applies for funds from the Oregon Streetcar Project Fund.
- (3) "Approved Project" means a Project that the Department has selected to receive funding through a grant from the Oregon Streetcar Project Fund.
- (4) "Commission" means the Oregon Transportation Commission.
- (5) "Department" means the Oregon Department of Transportation.
- (6) "Director" means the Director of the Oregon Department of Transportation.

ADMINISTRATIVE RULES

(7) "Municipality" as defined in ORS 285B.410b means an Oregon city or county, the Port of Portland created by ORS 778.010, a county service district organized under ORS chapter 451, a district as defined in ORS 198.010, a tribal council of a federally recognized Indian tribe in this state or an airport district organized under ORS chapter 838.

(8) "Oregon-based Manufacturer" means, for the purposes of the Oregon Streetcar Fund Program, an entity whose manufacturing facilities are physically located in Oregon, and which is organized or authorized to do business under Oregon law.

(9) "Oregon-owned Manufacturer" means a sole proprietorship owned by an Oregon resident paying taxes in Oregon, or an entity 51 percent of which is owned by an Oregon resident or residents residing and paying taxes in Oregon.

(10) "Oregon Streetcar Project Fund" is defined in Chapter 746, OL 2007 as a fund consisting of lottery bond proceeds deposited in the fund, interest earnings on the fund and any other moneys appropriated to the fund by the Legislative Assembly.

(11) "Program" means the Oregon Streetcar Project Fund Program established by division 35 rules to administer the Oregon Streetcar Project Fund.

(12) "Program Funds" means the money in the Oregon Streetcar Project Fund that may be used as grants for eligible projects.

(13) "Project" means a proposal to purchase Oregon Manufactured Streetcars from an Oregon-based and Oregon-owned manufacturer, to be used as part of a public transit system.

(14) "Recipient" means an Applicant that enters into a Grant Agreement with the Department to receive funds from the Oregon Streetcar Project Fund.

(15) "Streetcar" means a transit vehicle designed for local transportation operated on a rail fixed guideway, powered by electricity usually received from an overhead electric wire.

Stat. Auth.: ORS 184.616, 184.619, Sec. 24(2), Ch. 746, OL 2007
Stats. Implemented: ORS 184.670, 184.685, Ch. 746, OL 2007
Hist.: PTD 1-2008, f. & cert. ef. 4-24-08

732-035-0030

Program Purpose and Requirements

(1) Purpose. Sections 22 and 23, Chapter 746, OL 2007 establish the Oregon Streetcar Project Fund. The fund is to consist of lottery bond proceeds, interest on the Fund and any other money appropriated to the Fund from the legislature. The moneys are continuously appropriated to the Department for:

(a) Grants to municipalities to provide streetcars for public transit systems.

(b) ODOT costs to administer the grant program described in these rules.

(2) Program Requirements

(a) An Applicant must be a Municipality as defined in ORS 285B.410;
(b) An Applicant must use the streetcars as part of a public transit system operated by the Applicant and available to the public;

(c) Grant funds are to be used only for the purchase of newly constructed Streetcars from an Oregon-based and Oregon-owned Manufacturer;

(d) Applicant must comply with any other provisions the Department determines necessary to manage the Oregon Streetcar Project Fund Program;

(e). For each Project, the Director shall make a finding that the purchase of Streetcars as contemplated in the grant will result in the creation or maintenance of jobs with Oregon Manufacturers of Streetcars;

(3) If the Director determines that there are no Oregon-based and Oregon-owned Manufacturers of Streetcars, the Director may decline to request the issuance of bonds, or may authorize Grant Agreements that include the purchase of Streetcars from out-of-state manufacturers.

Stat. Auth.: ORS 184.616, 184.619, Sec. 24(2), Ch. 746, OL 2007
Stats. Implemented: ORS 184.670, 184.685, Ch. 746, OL 2007
Hist.: PTD 1-2008, f. & cert. ef. 4-24-08

732-035-0040

Program Development

The Department shall:

(1) Study the effects of grants authorized under this program on the creation or maintenance of jobs in Oregon.

(2) File semiannual reports with the Commission on the findings of the studies.

(3) Adopt rules and develop policies and grant application procedures necessary to achieve the goals of the Program.

Stat. Auth.: ORS 184.616, 184.619, Sec. 24(2), Ch. 746, OL 2007
Stats. Implemented: ORS 184.670, 184.685, Ch. 746, OL 2007
Hist.: PTD 1-2008, f. & cert. ef. 4-24-08

732-035-0050

Submitting Applications

(1) Submission Periods. The Department will announce periods for submitting applications for funding from the Oregon Streetcar Project Fund.

(2) Application Requirements. Applicants interested in receiving funds from the Oregon Streetcar Project Fund must submit a written application to the Department. The application must be in a format prescribed by the Department and contain or be accompanied by such information as the Department may require.

(3) Applications not funded may be resubmitted during subsequent application submission periods announced by the Department.

Stat. Auth.: ORS 184.616, 184.619, Sec. 24(2), Ch. 746, OL 2007
Stats. Implemented: ORS 184.670, 184.685, Ch. 746, OL 2007
Hist.: PTD 1-2008, f. & cert. ef. 4-24-08

732-035-0060

Application Review

(1) Project applications will be reviewed for compliance with the requirements in OAR 731-035-0030 and 732-035-0060.

(2) The Department will review applications received to determine whether the Applicant and the Project are eligible for Program Funds.

(3) Applicants that meet all of the following criteria are eligible:

(a) The Applicant is a Municipality within the state of Oregon.

(b) The Applicant operates a public transit system that includes Streetcars that are available to the public.

(c) The Applicant has sufficient management and financial capacity to complete the Project.

(d) Whether the Applicant is in compliance with State Safety Oversight requirements and plans. Streetcar operators must be compliant with 49CFR Part 659 and OAR 741-060-0010 through 741-060-0110.

(4) Projects that meet the following requirements are eligible:

(a) Projects that propose to purchase newly constructed Streetcars from an Oregon-based and Oregon-owned Manufacturer.

(b) If the director determines that there are no Oregon-based and Oregon-owned Manufacturers of Streetcars, then Projects that include the purchase of Streetcars from out-of-state manufacturers may be determined eligible at the Director's sole discretion.

(5) If an Applicant or Project is not eligible for Program Funds, the Department shall:

(a) Specify the additional information the Applicant must provide to establish eligibility; or

(b) Notify the Applicant that the application is ineligible.

Stat. Auth.: ORS 184.616, 184.619, Sec. 24(2), Ch. 746, OL 2007
Stats. Implemented: ORS 184.670, 184.685, Ch. 746, OL 2007
Hist.: PTD 1-2008, f. & cert. ef. 4-24-08

732-035-0070

Project Selection

(1) The Department will select Projects to be funded through a grant with moneys from the Oregon Streetcar Project Fund.

(2) In addition to the criteria in 732-035-0060, the Department will consider the following in its determination of eligible Projects to approve for receipt of funds from the Oregon Streetcar Project Fund:

(a) Whether the purchase of Streetcars as contemplated in the project will result in the creation or maintenance of jobs with Oregon-based and Oregon-owned Manufacturers of Streetcars.

(b) Whether the proposed Streetcars are accessible. Facilities and vehicles used in the provision of public transportation services must be in compliance with 42 U.S.C. Sections 12101 et seq. and DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR Part 37; and Joint Architectural and Transportation Barriers Compliance Board (ATBCB)/DOT regulations, "Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 CFR Part 1192 and 49 CFR Part 38.

Stat. Auth.: ORS 184.616, 184.619, Sec. 24(2), Ch. 746, OL 2007
Stats. Implemented: ORS 184.670, 184.685, Ch. 746, OL 2007
Hist.: PTD 1-2008, f. & cert. ef. 4-24-08

732-035-0080

Project Administration

(1) The Department will track expenditures, performance and compliance for all Projects.

(2) The Department and an Applicant for an Approved Project will execute a Grant Agreement prior to the disbursement of Program Funds for an Approved Project. The Grant Agreement is effective on the date all required signatures are obtained or at such later date as specified in the Grant Agreement.

ADMINISTRATIVE RULES

(3) The Grant Agreement will contain provisions and requirements, including without limitation:

(a) Documentation of the projected costs for an Approved Project;

(b) Certification by Recipient to terms and conditions of grant award for ongoing responsibility to manage the Streetcar assets to required federal safety oversight standards and maintain Streetcars and related equipment to manufacturer's requirements;

(c) Description of how Program Funds for grants will be paid, either on a reimbursement basis or as negotiated with the recipient;

(d) Requirement that Recipients provide the Department upon request with a copy of any documents, studies, reports and materials developed during the Project, including a written report on the activities or results of the Project and any other information that may be reasonably requested by the Department;

(e) Requirement that Recipients separately account for all moneys received from the Oregon Streetcar Project Fund in Project accounts in accordance with Generally Accepted Accounting Principles.

(f) Requirement that Program Funds disbursed but not used for an Approved Project must be returned to the Department;

(g) Provision that written amendments to Grant Agreements are required to change an Approved Project's cost, scope, objectives or time-frame.

(h) Covenant of Recipient to use Project funds in a manner that will not adversely affect the tax-exempt status of any bonds issued pursuant to the authority of Chapter 816, Oregon Laws 2005.

(4) The Department may invoke sanctions against a Recipient that fails to comply with the requirements governing the Program. The Department will not impose sanctions until the Recipient has been notified in writing of such failure to comply with the Program requirements as specified in this chapter and has been given a reasonable time to respond and correct the deficiencies noted. The following circumstances may warrant sanctions:

(a) State statutory and/or administrative rule requirements have not been met;

(b) There is a default in the Grant Agreement; or

(c) The Department finds that significant corrective actions are necessary to protect the integrity of the Program Funds for the Project and those corrective actions are not, or will not be, made within a reasonable time.

(5) The Department may impose one or more of the following sanctions:

(a) Terminate an existing Grant Agreement.

(b) Withhold unexpended Program Funds.

(c) Require return of unexpended Program Funds or repayment of expended Program Funds.

(d) Refuse to accept applications from the Applicant for future grants.

(e) Other remedies that may be incorporated into Grant Agreements.

(6) The remedies set forth in this rule are cumulative, are not exclusive, and are in addition to any other rights and remedies provided by law or under the Grant Agreement.

(7) The Director shall consider protests of the funding and Project administration decisions for the Program. Only the Applicant or Recipient may protest. Protests must be submitted in writing to the Director within 30 days of the event or action that is being protested. The Director's decision is final. Jurisdiction for review of the Director's decision is in the circuit court for Marion County pursuant to ORS 183.484.

(8) The Director may waive non-statutory requirements of this Program if it is demonstrated such a waiver would serve to further the goals and objectives of the Program.

(9) The Department shall compile information on projects funded through the Oregon Streetcar Fund Program as described in OAR 732-035-0040 and report the resulting effect on creation and maintenance of Oregon jobs in a periodic report to the Commission for the duration of the Program.

Stat. Auth.: ORS 184.616, 184.619, Sec. 24(2), Ch. 746, OL 2007

Stats. Implemented: ORS 184.670, 184.685, Ch. 746, OL 2007

Hist.: PTD 1-2008, f. & cert. ef. 4-24-08

Employment Department Chapter 471

Rule Caption: Defines a referral list under the collective bargaining agreement as used in ORS 657.176(11)(c).

Adm. Order No.: ED 5-2008(Temp)

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08 thru 10-21-08

Notice Publication Date:

Rules Adopted: 471-030-0215

Subject: Defines a "referral list under the collective bargaining agreement" (used in ORS 657.176(11)(c)) as a list of unemployed union members in good standing who may be selected, notified, directed or dispatched to job openings with employers who have an agreement with the union.

Rules Coordinator: Janet Orton—(503) 947-1724

471-030-0215

Union Referral List

As used in ORS 657.176(11)(c), "referral list under the collective bargaining agreement" means a list of unemployed members in good standing maintained by a union/labor organization to which the worker belongs. The union/labor organization maintains the referral list for the sole purpose of selecting, notifying, directing and dispatching eligible members to job openings with employers who have a contract/collective bargaining agreement with that union/labor organization and, based on the agreement, only hire members of that union/labor organization referred by that union/labor organization to perform specific categories of job duties. A referral list does not include any list maintained by a union/labor organization solely for the purpose of rehire or recall to the worker's former/current position.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657

Hist.: ED 5-2008(Temp), f. & cert. ef. 4-24-08 thru 10-21-08

Rule Caption: Agency's adoption of 2008 AG Model Rules.

Adm. Order No.: ED 6-2008

Filed with Sec. of State: 4-29-2008

Certified to be Effective: 4-29-08

Notice Publication Date:

Rules Amended: 471-010-0020

Subject: This is an update of the agency's rule adopting the AG Model Rules — the agency adopts the 2008 AG model rules as of January 1, 2008.

Rules Coordinator: Janet Orton—(503) 947-1724

471-010-0020

Attorney General's Model Rules

Division 1 of the Attorney General's Model Rules of Procedure effective January 1, 2008, shall be applicable to rulemaking functions of the Employment Department.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Employment Department.]

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.610 & 183.341

Hist.: IDE 150, f. & cert. ef. 2-9-76; IDE 1-1978, f. & cert. ef. 3-6-78; IDE 1-1980, f. & cert. ef. 1-11-80; IDE 9-1981, f. & cert. ef. 12-14-81; IDE 1-1984, f. & cert. ef. 3-21-84; IDE 1-1986, f. & cert. ef. 2-7-86; ED 1-1988, f. & cert. ef. 4-1-88; ED 1-1991, f. & cert. ef. 4-1-91; ED 1-1992, f. & cert. ef. 2-3-92; ED 1-1996, f. & cert. ef. 4-24-96, cert. ef. 4-29-96; ED 2-1997, f. 10-24-97, cert. ef. 11-3-97; ED 4-2004, f. 7-30-04, cert. ef. 8-1-04; ED 6-2008, f. & cert. 4-29-08

Land Conservation and Development Department Chapter 660

Rule Caption: Conform LCDC goals and rules to legislation and court decisions; other "housekeeping" rule amendments.

Adm. Order No.: LCDD 3-2008

Filed with Sec. of State: 4-18-2008

Certified to be Effective: 4-18-08

Notice Publication Date: 3-1-2008

Rules Amended: 660-004-0010, 660-006-0005, 660-006-0010, 660-006-0026, 660-006-0055, 660-007-0005, 660-008-0005, 660-011-0060, 660-015-0000, 660-015-0005, 660-015-0010, 660-018-0005, 660-018-0010, 660-018-0020, 660-018-0021, 660-018-0022, 660-018-0025, 660-018-0030, 660-018-0035, 660-018-0040, 660-018-0045, 660-018-0050, 660-018-0055, 660-018-0060, 660-018-0085, 660-018-0140, 660-018-0150, 660-024-0030, 660-033-0020, 660-033-0030, 660-033-0120, 660-033-0130

Rules Repealed: 660-026-0000, 660-026-0010, 660-026-0020, 660-026-0030, 660-026-0040

Subject: Agency rules under OAR chapter 660, divisions 4, 6, 7, 8, 11, 18, 15, 24 and 33, including Statewide Planning Goal 8 and the Statewide Planning Goal Definition of LCDC (OAR chapter 660, division 15), were amended to conform to state laws, or to respond

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to Land Use Board of Appeals or other court opinions, or to update or clarify existing rule provisions.

OAR chapter 660, divisions 6 and 33 (administrative rules implementing Statewide Planning Goals 3 and 4 regarding Agricultural Lands and Forest Lands) were amended to conform these rules to 2007 legislation that amended ORS chapter 215 (Or Laws 2007, chapter 143 and Or Laws 2007, chapter 739) regarding land divisions for conservation purposes in forest and mixed farm/forest zones and regarding the production of biofuel in exclusive farm use (EFU) zones. Additional amendments to OAR chapter 660, division 33, were in response to the Oregon Supreme Court decision in *Wetherell v. Douglas County*, 342 Or 666 (2007), which invalidated OAR 660-033-030(5) regarding the identification of “agricultural land” under Statewide Goal 3. Amendments to this division also clarified provisions for on-farm composting operations allowed on high-value farmland. Finally, amendments to OAR 660, division 6, clarified the type of forest productivity information needed for evaluating forest land.

OAR 660-007-005 (Metropolitan Housing Rules Definitions) and OAR 660-008-005 (Statewide Housing Rules Definitions) were amended to conform the definitions of terms in these divisions to statutory definitions for the same terms in ORS chapter 197, which were enacted or amended subsequent to adoption of these rules. These rule amendments either eliminated the rule definition and replaced it with a reference to the statutory definition, or in some cases amended the definition to conform to and/or interpret statutory wording.

Amendments to OAR 660-015-000(8) (Statewide Planning Goal 8) conform the goal to ORS 197.455 as amended by the 2007 legislature (Or Laws 2007, ch. 593), regarding the ratio of overnight lodging allowed in destination resorts in Eastern Oregon. (NOTE: ORS 197.235(4) authorizes LCDC to amend a statewide planning goal after only one public hearing, rather than the ten hearings generally require, provided the amendment is necessitated by new or amended state laws).

The Statewide Planning Goal Definition of “LCDC” conform that definition to the statutory definition enacted and amended after LCDC’s initial adoption of the Goal definitions (the Statewide Planning Goal Definitions are incorporated, by reference, into the Goals adopted under OAR chapter 660, division 15).

OAR chapter 660, division 18 (Plan and Land Use Regulation Amendment Review Rules) were amended to conform the rules to statutory provisions under ORS chapter 197 enacted or amended since adoption of these rules. The amendments also update these rules to reflect current methods of electronic communication and clarify certain requirements in the rules. These amendments also respond to the Land Use Board of Appeals opinion in *Medford Neighbors v Medford* (LUBA 2006-132). Finally, the title of this division was also amended to better reflect the subject matter of the rules under this division.

Amendments to OAR chapter 660, division 11 (rules regarding the extension of sewer systems outside urban growth boundaries), and amendments to a related rule under OAR chapter 660, division 4, (Goal Exceptions), respond to a 2006 interpretation of those rules by LUBA in *Todd v City of Florence*; LUBA 2006-068 regarding goal exceptions requirements for extension of sewer systems outside UGBs.

Amendments to OAR 660-024-0030 regarding population forecasts cite new related statutory provisions in 2007 legislation (Or Laws 2007, ch. 689, codified as ORS 195.034).

OAR 660, division 26 regarding Regional Urban Growth Boundaries and all rules under that division were repealed due to the invalidation of these rules by the Oregon Court of Appeals (*City of West Linn v. LCDC*, 200 Or App 269; 113 P3d 935 (2005)).

Rules Coordinator: Bryan Cruz Gonzalez—(503) 373-0050, ext. 271

660-004-0010

Application of the Goal 2 Exception Process to Certain Goals

(1) The exceptions process is not applicable to Statewide Goal 1 “Citizen Involvement” and Goal 2 “Land Use Planning.” The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services. These statewide goals include but are not limited to:

(a) Goal 3 “Agricultural Lands”; however, an exception to Goal 3 “Agricultural Lands” is not required for any of the farm or nonfarm uses permitted in an exclusive farm use (EFU) zone under ORS chapter 215 and OAR chapter 660, division 33, “Agricultural Lands”;

(b) Goal 4 “Forest Lands”; however, an exception to Goal 4 “Forest lands” is not required for any of the forest or nonforest uses permitted in a forest or mixed farm/forest zone under OAR chapter 660, division 6, “Forest Lands”;

(c) Goal 14 “Urbanization” as provided for in OAR chapter 660, division 14 and the applicable paragraph (1)(c)(A), (B) or (C) of this rule:

(A) An exception is not required for the establishment of an urban growth boundary around or including portions of an incorporated city;

(B) When a local government changes an established urban growth boundary applying Goal 14 as it existed prior to the amendments adopted April 28, 2005, it shall follow the procedures and requirements set forth in Goal 2 “Land Use Planning,” Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251, 197.625 or 197.626. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

(i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14);

(ii) Areas which do not require a new exception cannot reasonably accommodate the use;

(iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

(C) When a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable goals;

(d) Goal 11 “Public Facilities and Services” as provided in OAR 660-011-0060;

(e) Goal 16 “Estuarine Resources”;

(f) Goal 17 “Coastal Shorelands”; and

(g) Goal 18 “Beaches and Dunes.”

(2) The exceptions process is generally not applicable to those statewide goals which establish planning procedures and standards that do not prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services, because these goals contain general planning guidance or their own procedures for resolving conflicts between competing uses. However, exceptions to these goals, although not required, are possible and exceptions taken to these goals will be reviewed when submitted by a local jurisdiction. These statewide goals are:

(a) Goal 5 “Natural Resources”;

(b) Goal 6 “Air, Water, and Land Resources Quality”;

(c) Goal 7 “Natural Disasters and Hazards”;

(d) Goal 8 “Recreational Needs”;

(e) Goal 9 “Economy of the State”;

(f) Goal 10 “Housing” except as provided for in OAR 660-008-0035, “Substantive Standards for Taking a Goal 2, Part II, Exception Pursuant to ORS 197.303(3)”;

(g) Goal 12 “Transportation” except as provided for by OAR 660-012-0070, “Exceptions for Transportation Improvements on Rural Land”;

(h) Goal 13 “Energy Conservation”;

(i) Goal 15 “Willamette Greenway” except as provided for in OAR 660-004-0022(6); and

(j) Goal 19 “Ocean Resources.”

(3) An exception to one goal or goal requirement does not assure compliance with any other applicable goals or goal requirements for the proposed uses at the exception site. Therefore, an exception to exclude certain

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lands from the requirements of one or more statewide goals or goal requirements does not exempt a local government from the requirements of any other goal(s) for which an exception was not taken.

Stat. Auth.: ORS 197

Stats. Implemented: ORS 197.732

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1984, f. & ef. 2-10-84; LCDC 3-1984, f. & ef. 3-21-84; LCDC 2-1987, f. & ef. 11-10-87; LCDC 3-1988(Temp), f. & cert. ef. 8-5-88; LCDC 6-1988, f. & cert. ef. 9-29-88; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2005, f. & cert. ef. 6-28-05; LCDD 3-2008, f. & cert. ef. 4-18-08

660-006-0005

Definitions

For the purpose of this division, the following definitions apply:

(1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.

(2) "Cubic Foot Per Acre" means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality. Where such data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and be approved by the Oregon Department of Forestry.

(3) "Cubic Foot Per Tract Per Year" means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality. Where such data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and be approved by the Oregon Department of Forestry.

(4) "Date of Creation and Existence." When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

(5) "Eastern Oregon" means that portion of the state lying east of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

(6) "Forest Operation" means any commercial activity relating to the growing or harvesting or any forest tree species as defined in ORS 527.620(6).

(7) "Governing Body" means a city council, county board of commissioners, or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

(8) "Western Oregon" means that portion of the state lying west of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

(9) "Lot" shall have the meaning set forth in ORS 92.010 and "parcel" shall have the meaning set forth ORS 215.010.

Stat. Auth.: ORS 183, 197.040, 197.230 & 197.245

Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.705, 215.720, 215.740, 215.750, 215.780 & Ch. 792, 1993 OL

Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-006-0010

Inventory

Governing bodies shall include an inventory of "forest lands" as defined by Goal 4 in the comprehensive plan. Lands inventoried as Goal 3 agricultural lands or lands for which an exception to Goal 4 is justified pursuant to ORS 197.732 and taken are not required to be inventoried under this rule. Outside urban growth boundaries, this inventory shall include a mapping of average annual wood production capability by cubic foot per acre (cf/ac). If site information is not available then an equivalent method

of determining forest land suitability must be used. Notwithstanding this rule, governing bodies are not required to reinventory forest lands if such an inventory was acknowledged previously by the Land Conservation and Development Commission.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL

Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; LCDD 3-2008, f. & cert. ef. 4-18-08

660-006-0026

New Land Division Requirements in Forest Zones

(1) Governing bodies shall legislatively amend their land division standards to incorporate one or more of the following parcel sizes. Under these provisions, a governing body may not determine minimum parcel sizes for forest land on a case-by-case basis:

(a) An 80-acre or larger minimum parcel size; or

(b) One or more numeric minimum parcel sizes less than 80 acres provided that each parcel size is large enough to ensure:

(A) The opportunity for economically efficient forest operations typically occurring in the area;

(B) The opportunity for the continuous growing and harvesting of forest tree species;

(C) The conservation of other values found on forest lands as described in Goal 4; and

(D) That parcel meets the requirements of ORS 527.630.

(2) New land divisions less than the parcel size in section (1) of this rule may be approved for any of the following circumstances:

(a) For the uses listed in OAR 660-060-0025(3)(m) through (o) and (4)(a) through (o) provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the parcel created from the division is the minimum size necessary for the use.

(b) For the establishment of a parcel for a dwelling on land zoned for forest use, subject to the following requirements:

(A) The parcel established shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(B) The dwelling existed prior to June 1, 1995;

(C)(i) The remaining parcel, not containing the dwelling, meets the minimum land division standards of the zone; or

(ii) The remaining parcel, not containing the dwelling, is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.

(D) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal.

(c) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of subsection (1)(a) or (b). Approvals shall be based on findings which demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of subsections (1)(a) or (b) of this rule in order to conduct the forest practice. Parcels created pursuant to this subsection:

(A) Shall not be eligible for siting of new dwelling;

(B) Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(C) Shall not result in a parcel of less than 35 acres, except:

(i) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or

(ii) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and

(D) If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone or the minimum size required for dwellings approved under OAR 660-006-0027(1)(e).

(d) To allow the division of a lot or parcel as provided for by OAR 660-006-0055(2)(d), (3), (4) and (6).

(e) To allow a proposed division of land as provided in ORS 215.783.

(3)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) of this section shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under subsection (2) of this section.

(b) A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of

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the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

(c) The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this subsection. The record shall be readily available to the public.

(4) A landowner allowed a land division under section (2) of this rule shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Stat. Auth.: ORS 197.040, 197.230 & 197.245
Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780, 215.783 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7 1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 3-2008, f. & cert. ef. 4-18-08

660-006-0055

New Land Division Requirements in Agriculture/Forest Zones

(1) A governing body shall apply the standards of OAR 660-006-0026 and 660-033-0100 to determine the proper minimum lot or parcel size for a mixed agriculture/forest zone. These standards are designed: To make new land divisions compatible with forest operations; to maintain the opportunity for economically efficient forest and agriculture practices; and to conserve values found on forest lands.

(2) New land divisions less than the parcel size established according to the requirements in section (1) of this rule may be approved for any of the following circumstances:

(a) For the uses listed in OAR 660-006-0025(3)(m) through (o) and (4)(a) through (n) provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the land division created is the minimum size necessary for the use.

(b) For the establishment of a parcel for a dwelling on land zoned for mixed farm and forest use, subject to the following requirements:

(A) The parcel established shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(B) The dwelling existed prior to June 1, 1995;

(C)(i) The remaining parcel, not containing the dwelling, meets the minimum land division standards of the zone; or

(ii) The remaining parcel, not containing the dwelling, is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;

(D) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal.

(E) The minimum tract eligible under subsection (b) of this section is 40 acres.

(F) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS chapter 321.

(G) The remainder of the tract shall not qualify for any uses allowed under ORS 215.213 and 215.283 that are not allowed on forestland.

(c) To allow a division of forestland to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of section (1), Parcels created pursuant to this subsection:

(A) Shall not be eligible for siting of new dwelling;

(B) Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(C) Shall not result in a parcel of less than 35 acres, except:

(i) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or

(ii) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland; and

(D) If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.

(d) A division of a lot or parcel zoned for mixed farm forest may be allowed if:

(A) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(B) Each dwelling complies with the criteria for a replacement dwelling under ORS 215.213(1)(u) or 215.283(1)(t);

(C) Except for one lot or parcel, each lot or parcel created under this section is between two and five acres in size;

(D) At least one dwelling is located on each lot or parcel created under this section; and

(E) The landowner of a lot or parcel created under this section provides evidence that a restriction prohibiting the landowner and the land owner's successors in interest from further dividing the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel is located. A restriction imposed under this section shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the lot or parcel is located indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide goal 4 (Forest Lands) or unless the land division is subsequently authorized by law or by a change in statewide goal 4 (Forest Land);

(e) To allow a proposed division of land as provided in ORS 215.783;

(3) A county planning director shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed by OAR 660-006-0055(2)(d) and (4). The record shall be readily available to the public.

(4) A lot or parcel may not be divided under OAR 660-006-0055(2)(d) if an existing dwelling on the lot or parcel was approved under:

(a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or

(b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under statewide goal 4 (Forest Lands).

(5)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) of this rule shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under section (2) of this rule.

(b) A restriction imposed under this section shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forestland.

(c) The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.

(6) A landowner allowed a land division under section (2) of this rule shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Stat. Auth.: ORS 197.040, 197.230 & 197.245

Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.213, 215.283, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780, 215.783 & Ch. 792, 1993 OL
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 3-2008, f. & cert. ef. 4-18-08

660-007-0005

Definitions

For the purposes of this rule, the definitions in ORS 197.015, 197.295, and 197.303 shall apply. In addition, the following definitions apply:

(1) A "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas.

(2) "Attached Single Family Housing" means common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot.

(3) "Buildable Land" means residentially designated land within the Metro urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

(a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;

(b) Is subject to natural resource protection measures determined under statewide Planning Goals 5 or 15;

(c) Has slopes of 25 percent or greater;

(d) Is within the 100-year flood plain; or

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(e) Cannot be provided with public facilities.

(4) "Detached Single Family Housing" means a housing unit that is free standing and separate from other housing units.

(5) "Housing Needs Projection" refers to a local determination, justified in the plan, as to the housing types and densities that will be:

(a) Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period;

(b) Consistent with OAR 660-007-0010 through 660-007-0037 and any other adopted regional housing standards; and

(c) Consistent with Goal 14 requirements for the efficient provision of public facilities and services, and efficiency of land use.

(6) "Multiple Family Housing" means attached housing where each dwelling unit is not located on a separate lot.

(7) "Redevelopable Land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.295 - 197.314 & 197.475 - 197.490

Hist.: LCD 10-1981, f. & ef. 12-11-81; LCDC 1-1987, f. & ef. 2-18-87; LCDC 3-1990, f. & cert. ef. 6-6-90; LCDD 3-2008, f. & cert. ef. 4-18-08

660-008-0005

Definitions

For the purpose of this rule, the definitions in ORS 197.015, 197.295, and 197.303 shall apply. In addition, the following definitions shall apply:

(1) "Attached Single Family Housing" means common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot.

(2) "Buildable Land" means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

(a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;

(b) Is subject to natural resource protection measures determined under statewide Planning Goals 5, 15, 16, 17, or 18;

(c) Has slopes of 25 percent or greater;

(d) Is within the 100-year flood plain; or

(e) Cannot be provided with public facilities.

(3) "Detached Single Family Housing" means a housing unit that is free standing and separate from other housing units.

(4) "Housing Needs Projection" refers to a local determination, justified in the plan, of the mix of housing types and densities that will be:

(a) Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period;

(b) Consistent with any adopted regional housing standards, state statutes and Land Conservation and Development Commission administrative rules; and

(c) Consistent with Goal 14 requirements.

(5) "Multiple Family Housing" means attached housing where each dwelling unit is not located on a separate lot.

(6) "Redevelopable Land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive residential uses during the planning period.

Stat. Auth.: ORS 183, 196 & 197

Stats. Implemented: ORS 197.295 - 197.314 & 197.475 - 197.490

Hist.: LCDC 3-1982, f. & ef. 7-21-82; LCDC 3-1990, f. & cert. ef. 6-6-90; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 3-2008, f. & cert. ef. 4-18-08

660-011-0060

Sewer Service to Rural Lands

(1) As used in this rule, unless the context requires otherwise:

(a) "Establishment of a sewer system" means the creation of a new sewage system, including systems provided by public or private entities;

(b) "Extension of a Sewer System" means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing sewer system in order to provide service to a use, regardless of whether the use is inside the service boundaries of the public or private service provider. The sewer service authorized in section (8) of this rule is not an extension of a sewer;

(c) "No practicable alternative to a sewer system" means a determination by the Department of Environmental Quality (DEQ) or the Oregon Health Division, pursuant to criteria in OAR chapter 340, division 71, and

other applicable rules and laws, that an existing public health hazard cannot be adequately abated by the repair or maintenance of existing sewer systems or on-site systems or by the installation of new on-site systems as defined in OAR 340-071-0100;

(d) "Public health hazard" means a condition whereby it is probable that the public is exposed to disease-caused physical suffering or illness due to the presence of inadequately treated sewage;

(e) "Sewage" means the water-carried human, animal, vegetable, or industrial waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present;

(f) "Sewer system" means a system that serves more than one lot or parcel, or more than one condominium unit or more than one unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. The following are not considered a "sewer system" for purposes of this rule:

(A) A system provided solely for the collection, transfer and/or disposal of storm water runoff;

(B) A system provided solely for the collection, transfer and/or disposal of animal waste from a farm use as defined in ORS 215.303.

(2) Except as provided in sections (3), (4), (8), and (9) of this rule, and consistent with Goal 11, a local government shall not allow:

(a) The establishment of new sewer systems outside urban growth boundaries or unincorporated community boundaries;

(b) The extension of sewer lines from within urban growth boundaries or unincorporated community boundaries in order to serve uses on land outside those boundaries;

(c) The extension of sewer systems that currently serve land outside urban growth boundaries and unincorporated community boundaries in order to serve uses that are outside such boundaries and are not served by the system on July 28, 1998.

(3) Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) Such placement is necessary to:

(A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;

(B) Serve lands inside a nearby UGB or unincorporated community;

(C) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or

(D) Transport leachate from a landfill on rural land to a sewer system inside a UGB;

(b) The local government:

(A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and

(B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.

(4) A local government may allow the establishment of a new sewer system, or the extension of an existing sewer system, to serve land outside urban growth boundaries and unincorporated community boundaries in order to mitigate a public health hazard, provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) The DEQ or the Oregon Health Division initially:

(A) Determines that a public health hazard exists in the area;

(B) Determines that the health hazard is caused by sewage from development that existed in the area on July 28, 1998;

(C) Describes the physical location of the identified sources of the sewage contributing to the health hazard; and

(D) Determines that there is no practicable alternative to a sewer system in order to abate the public health hazard; and

(b) The local government, in response to the determination in subsection (a) of this section, and based on recommendations by DEQ and the Oregon Health Division where appropriate:

(A) Determines the type of sewer system and service to be provided, pursuant to section (5) of this rule;

(B) Determines the boundaries of the sewer system service area, pursuant to section (6) of this rule;

(C) Adopts land use regulations that ensure the sewer system is designed and constructed so that its capacity does not exceed the minimum necessary to serve the area within the boundaries described under para-

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graph (B) of this subsection, except for urban reserve areas as provided under OAR 660-021-0040(6);

(D) Adopts land use regulations to prohibit the sewer system from serving any uses other than those existing or allowed in the identified service area on the date the sewer system is approved;

(E) Adopts plan and zone amendments to ensure that only rural land uses are allowed on rural lands in the area to be served by the sewer system, consistent with Goal 14 and OAR 660-004-0018, unless a Goal 14 exception has been acknowledged;

(F) Ensures that land use regulations do not authorize a higher density of residential development than would be authorized without the presence of the sewer system; and

(G) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.

(5) Where the DEQ determines that there is no practicable alternative to a sewer system, the local government, based on recommendations from DEQ, shall determine the most practicable sewer system to abate the health hazard considering the following:

(a) The system must be sufficient to abate the public health hazard pursuant to DEQ requirements applicable to such systems; and

(b) New or expanded sewer systems serving only the health hazard area shall be generally preferred over the extension of a sewer system from an urban growth boundary. However, if the health hazard area is within the service area of a sanitary authority or district, the sewer system operated by the authority or district, if available and sufficient, shall be preferred over other sewer system options.

(6) The local government, based on recommendations from DEQ and, where appropriate, the Oregon Health Division, shall determine the area to be served by a sewer system necessary to abate a health hazard. The area shall include only the following:

(a) Lots and parcels that contain the identified sources of the sewage contributing to the health hazard;

(b) Lots and parcels that are surrounded by or abut the parcels described in subsection (a) of this section, provided the local government demonstrates that, due to soils, insufficient lot size, or other conditions, there is a reasonably clear probability that onsite systems installed to serve uses on such lots or parcels will fail and further contribute to the health hazard.

(7) The local government or agency responsible for the determinations pursuant to sections (4) through (6) of this rule shall provide notice to all affected local governments and special districts regarding opportunities to participate in such determinations.

(8) A local government may allow a residential use to connect to an existing sewer line provided the conditions in subsections (a) through (h) of this section are met:

(a) The sewer service is to a residential use located on a parcel as defined by ORS 215.010(1), or a lot created by subdivision of land as defined in ORS 92.010;

(b) The parcel or lot is within a special district or sanitary authority sewer service boundary that existed on January 1, 2005, or the parcel is partially within such boundary and the sewer service provider is willing or obligated to provide service to the portion of the parcel or lot located outside that service boundary;

(c) The sewer service is to connect to a residential use located within a rural residential area, as described in OAR 660-004-0040, which existed on January 1, 2005;

(d) The nearest connection point from the residential parcel or lot to be served is within 300 feet of a sewer line that existed at that location on January 1, 2005;

(e) It is determined by the local government to be practical to connect the sewer service to the residential use considering geographic features or other natural or man-made constraints;

(f) The sewer service authorized by this section shall be available to only those parcels and lots specified in this section, unless service to other parcels or lots is authorized under sections (4) or (9) of this rule;

(g) The existing sewer line, from where the nearest connection point is determined under subsection (8)(d) of this rule, is not located within an urban growth boundary or unincorporated community boundary; and

(h) The connection of the sewer service shall not be relied upon to authorize a higher density of residential development than would be authorized without the presence of the sewer service, and shall not be used as a basis for an exception to Goal 14 as required by OAR 660-004-0040(6).

(9) A local government may allow the establishment of new sewer systems or the extension of sewer lines not otherwise provided for in sec-

tion (4) of this rule, or allow a use to connect to an existing sewer line not otherwise provided for in section (8) of this rule, provided the standards for an exception to Goal 11 have been met, and provided the local government adopts land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception. Appropriate reasons and facts for an exception to Goal 11 include but are not limited to the following:

(a) The new system, or extension of an existing system, is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not provided; and, there is no practicable alternative to the sewer system in order to avoid the imminent public health hazard, or

(b) The extension of an existing sewer system will serve land that, by operation of federal law, is not subject to statewide planning Goal 11 and, if necessary, Goal 14.

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

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.712

Hist.: LCDD 4-1998, f. & cert. ef. 7-28-98; LCDD 1-2005, f. 2-11-05, cert. ef. 2-14-05; LCDD 1-2008, f. & cert. ef. 2-13-08; LCDD 3-2008, f. & cert. ef. 4-18-08

660-015-0000

Statewide Planning Goals and Guidelines #1 through #14

(1) #1 — Citizen Involvement;

(2) #2 — Land Use Planning;

(3) #3 — Agricultural Lands;

(4) #4 — Forest Lands;

(5) #5 — Natural Resources, Scenic and Historic Areas, and Open Spaces;

(6) #6 — Air, Water, and Land Resources Quality;

(7) #7 — Areas Subject to Natural Disasters and Hazards;

(8) #8 — Recreational Needs;

(9) #9 — Economy of the State;

(10) #10 — Housing;

(11) #11 — Public Facilities and Services;

(12) #12 — Transportation;

(13) #13 — Energy Conservation; and

(14) #14 — Urbanization.

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

Stat. Auth.: ORS 183, 197 & 215

Stats. Implemented: ORS 197.010, 197.013, 197.015, 197.030, 197.040, 197.045, 197.225, 197.230, 197.235, 197.240; 197.245 & 197.435 — 197.467

Hist.: LCDC 1, f. 12-31-74, ef. 1-25-75; Renumbered from 660-010-0060; LCDC 6-1980, f. & ef. 9-15-80; LCDC 10-1983, f. & ef. 12-30-83; LCDC 5-1984, f. & ef. 10-19-84; LCDC 2-1988, f. & cert. ef. 3-31-88; LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 5-1992, f. 8-21-92, cert. ef. 8-7-93; LCDC 2-1994, f. & cert. ef. 3-1-94; LCDC 4-1994, f. & cert. ef. 3-18-94; LCDC 8-1994, f. & cert. ef. 12-5-94; LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96; LCDC 4-1998, f. & cert. ef. 7-28-98; LCDD 8-2000, f. 10-3-00, cert. ef. 10-4-00; LCDD 6-2001, f. 11-2-01, cert. ef. 6-1-02; LCDD 1-2005, f. 2-11-05, cert. ef. 2-14-05; LCDD 4-2005, f. & cert. ef. 6-28-05; LCDD 8-2005, f. & cert. ef. 12-13-05; LCDD 1-2006, f. & cert. ef. 2-10-06; LCDD 3-2008, f. & cert. ef. 4-18-08

660-015-0005

Statewide Planning Goal and Guideline #15

#15 — Willamette Greenway.

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

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 197.010, 197.013, 197.015, 197.040, 197.045, 197.225, 197.230, 197.235, 197.240, 197.245, 390.010 - 390.220 & 390.310 - 390.368

Hist.: LCDC 6, f. & ef. 12-24-75; LCDC 8-1980, f. & ef. 12-17-80; LCDC 2-1988, f. & cert. ef. 3-31-88; LCDD 3-2008, f. & cert. ef. 4-18-08

660-015-0010

Statewide Planning Goals and Guidelines #16 Through #19

Coastal State-Wide Planning Goals:

(1) #16 — Estuarine Resources;

(2) #17 — Coastal Shorelands;

(3) #18 — Beaches and Dunes; and

(4) #19 — Ocean Resources.

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

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 197.010, 197.013, 197.015, 197.040, 197.045, 197.225, 197.230, 197.235, 197.240 & 197.245

Hist.: LCDC 10, f. & ef. 6-7-77; LCDC 6-1984, f. & ef. 10-19-84; LCDC 2-1988, f. & cert. ef. 3-31-88; LCDD 7-1999, f. & cert. ef. 8-20-99; LCDD 2-2001, f. & cert. ef. 1-30-01; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0005

Purpose

This division is intended to implement provisions of ORS 197.610 through 197.625. The overall purpose is to carry out the state policies outlined in ORS 197.010 and Or Laws 2003, Chapter 800, Section 17(2)).

Stat. Auth.: ORS 197.040

ADMINISTRATIVE RULES

Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0010

Definitions

For the purpose of this division, the definitions contained in ORS 197.015 apply. In addition, the following definitions apply:

(1) "Computation of Time" means unless otherwise provided in this rule, the time within which an act is to be done is computed by excluding the first day and including the last unless the last day falls upon any legal holiday, Saturday, or Sunday in which case the last day is also excluded.

(2) "Electronic copy" means a computer file or files, which can be submitted as digital media such as disc, electronic mail, or other method of file transfer.

(3) "Final Decision" means the written, signed approval, or approval as modified, by the local government, of a proposed amendment to, or adoption of, a comprehensive plan or land use regulation. A denial of a proposed amendment by the local government shall not be considered a "Final Decision" and therefore is not subject to review under this administrative rule. The date of the "Final Decision" as described in OAR 660-018-0040 shall be the date on which the local government takes final action on the amendment to, or adoption of, a comprehensive plan or land use regulation. In order to be deemed final, the local government action must include the adoption of all supplementary findings and data. In addition, the date of final action shall be the day following exhaustion of all appeal rights before local government.

(4) "Final Hearing on Adoption" as described in OAR 660-018-0020 and 660-018-0030 means the last hearing where all interested persons are allowed to present evidence and rebut testimony on the proposal to adopt or amend a comprehensive plan or land use regulation. "Final Hearing on Adoption" shall not include a hearing held solely on the record of a previous hearing held by the governing body or its designated hearing body.

(5) "First Evidentiary Hearing" means the first hearing conducted by the local government where interested persons are allowed to present and rebut evidence and testimony on a proposal to adopt or amend a comprehensive plan or land use regulation. "First evidentiary hearing" does not include a work session or briefing where testimony is not allowed.

(6) "Map Change" as used in OAR 660-018-0020 means a change in the designation of an area as shown on the comprehensive plan map, zoning map or both.

(7) "Substantially Amended" as used in OAR 660-018-0045 shall mean any change in text that differs from the proposal submitted under OAR 660-018-0020 to such a degree that the notice under OAR 660-018-0020 did not reasonably describe the nature of the local government final action.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0020

Filing of a Proposed Amendment to or Adoption of a Comprehensive Plan or Land Use Regulation with the Director

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation must:

(a) Be submitted to the director at least 45 days before the first evidentiary hearing on adoption. The submittal must be received by the department at its Salem office;

(b) Be accompanied by appropriate forms provided by the department;

(c) Contain two copies of the text and any supplemental information the local government believes is necessary to inform the director as to the effect of the proposal. One of the required copies may be an electronic copy;

(d) Indicate the date of the final hearing on adoption. If a final hearing on adoption is continued or delayed, following proper procedures, the local government is not required to submit a new notice under OAR 660-018-0020.

(e) In the case of a map change, include a map showing the area to be changed as well as the existing and proposed designations. Wherever possible, this map should be on 8-1/2 by 11-inch paper;

(f) Where a goal exception is being proposed, include the proposed language of the exception. The Commission urges the local government to submit information that explains the relationship of the proposal to the acknowledged plan and the goals, where applicable.

(2) The text submitted to comply with subsection (1)(c) of this rule must include the specific language being proposed as an addition to or deletion from the acknowledged plan or land use regulations. A general description of the proposal or its purpose is not sufficient. In the case of map changes, the text must include a graphic depiction of the change, and not just a legal description, tax account number, address or other similar general description.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0021

Submittal of Joint Amendments

Where two or more local governments are required by plan provisions or statewide goals to jointly consider or agree on a comprehensive plan or land use regulation amendment, the local governments shall jointly submit the proposed amendment and adopted action. Notice of jointly proposed amendments must be provided 45 days prior to the first evidentiary hearing. For purposes of notice and appeal, the date of the final decision is the date of the last local government's adoption.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0022

Exemptions to Filing Requirements Under OAR 660-018-0020

Exemptions to the requirements of OAR 660-018-0020 are governed by ORS 197.610(2).

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610(2)
Hist.: LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0025

Notice of Proposed Amendment to or Adoption of a Comprehensive Plan or Land Use Regulation Sent to Those Requesting

Persons requesting written notice of proposed amendments to acknowledged comprehensive plans or land use regulations or proposed adoptions of new land use regulations who have paid the fee established under the provisions of OAR 660-018-0140 shall be mailed a notice by the department of the proposed action within 15 days of the receipt of notice from local government required by OAR 660-018-0020. The department may provide such notice by electronic mail, in which case no fee is required. The department may provide the notice via the World Wide Web.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0030

Report to Commission

The director must report the department position on proposed comprehensive plan or land use regulation adoption or amendments to the Commission at least 20 days prior to the final hearing on adoption. This report shall indicate whether the department will participate in local government proceedings and whether the director believes the proposal violates the goals.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0035

Department Participation

If the department chooses to participate in a local government proceeding for which notice was received under OAR 660-018-0020, the department shall notify the local government. The department notification shall occur at least 15 days prior to the first evidentiary hearing on adoption as specified in notice received under OAR 660-018-0020, provided the director received the proposal at least 45 days prior to the first evidentiary hearing, and shall indicate any concerns with the proposal and recommendations considered necessary to address the concerns including, but not limited to, suggested corrections to achieve compliance with the goals.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

ADMINISTRATIVE RULES

660-018-0040

Submittal of Adopted Material

(1) Amendments to acknowledged comprehensive plans or land use regulations, new land use regulations adopted by local government, and findings to support the adoption shall be mailed or otherwise submitted to the director within five working days after the final decision by the governing body and shall be accompanied by appropriate forms provided by the department. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail.

(2) Local government must notify the department of withdrawals or denials of proposals previously sent to the department under requirements of OAR 660-018-0020.

(3) The local government must clearly indicate in its transmittal which provisions of ORS 196.610(2) are applicable where the adopted amendment was not submitted for review 45 days prior to the first evidentiary hearing on adoption.

NOTE: (ORS 197.610 clearly requires all adopted plan and land use regulation amendments and new land use regulations to be submitted to the director even though they were not required to be submitted for review prior to adoption.)

(4) Where amendments, including supplementary materials exceed 100 pages, a summary of the amendment briefly describing its purpose and requirements shall be submitted to the director. Such amendments should be submitted as an electronic copy.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0045

Changes in Proposals

If comprehensive plan or land use regulation amendments or new land use regulations that are adopted by a local government have been substantially amended, the local government must specify the changes that have been made in the notice to the director provided in OAR 660-018-0040.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0050

Notice to Other Parties

Notice of adopted plan amendments to parties other than director is governed by ORS 197.615(2).

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.615(2)

Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0055

Notice of Local Government Action by the Director

Within five working days of the receipt of notice under OAR 660-018-0040, the director shall provide notice by mail or other submission to those who have requested notice under OAR 660-018-0055 and have paid the fee established under the provisions of OAR 660-018-0140. Such notice may, with the requestor's consent, be provided by electronic mail or the World Wide Web, in which case no fee is required. This notice shall explain the requirements for appealing the local government action to the Land Use Board of Appeals and indicate the locations where the adopted documents may be reviewed.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0060

Who May Appeal

Eligibility for appeal of a local government decision to adopt or amend a comprehensive plan or land use regulation is governed by ORS 197.620.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.845

Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDC 3-1990, f. & cert. ef. 6-6-90; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0085

Action Where No Appeal or Objection is Timely Filed

Pursuant to ORS 197.625, if the Land Use Board of Appeals or the appellate courts affirm a local government action, or no appeal is timely filed, a local action under this division is considered acknowledged.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0140

Fee for Notice

(1) An annual fee of \$300 to defray the costs of mailed notice provided under OAR 660-018-0025 is established. The fee shall be assessed for each fiscal year, or fraction thereof, commencing July 1, 2008. The fee is payable in advance of any notice being provided under OAR 660-018-0025. For each subsequent fiscal year, the department shall bill persons requesting such notice the annual fee each July. Persons failing to remit the fee within 30 days of the date of the invoice shall be deemed as having terminated the request for notice provided under OAR 660-018-0025.

(2) An annual fee of \$500 to defray the costs of mailed notice provided under OAR 660-018-0055 is established. The fee shall be assessed for each fiscal year, or fraction thereof, commencing July 1, 2008. The fee is payable in advance of any notice being provided under OAR 660-018-0055. For each subsequent fiscal year, the department shall bill persons requesting such notice the annual fee each July. Persons failing to remit the fee within 30 days of the date of the invoice shall be deemed as having terminated the request for notice provided under OAR 660-018-0055.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2008, f. & cert. ef. 4-18-08

660-018-0150

Time Limits Regarding Certified Industrial Sites

(1) Upon application for a comprehensive plan or land use regulation amendment or a new land use regulation necessary to expedite and facilitate industrial or traded sector development on any of the certified industrial sites identified and prioritized under Or Laws 2003, Chapter 800, Section 12, a local government shall take final action approving, approving with modifications, or denying the application no later than 180 days after the date the application is deemed complete by the local government.

(2) For purposes of this rule, "certified industrial sites" are those sites so designated by the Economic Revitalization Team Regulatory Efficiency Group established by Or Laws 2003, Chapter 800, Section (2) in accordance with the requirements of Or Laws 2003, Chapter 800, Section 12.

(3) Persons, including the director, who participated in the local government proceedings leading to the adoption of a comprehensive plan or land use regulation amendment or new land use regulation described in section (1) of this rule may appeal the final decision by the local government in accordance with requirements and time limits specified in ORS 197.610 through 197.625, except as provided in section (4) of this rule.

(4) For a final action to expand an urban growth boundary or designate an urban reserve necessary to expedite and facilitate industrial or traded sector development on any of the certified industrial sites identified and prioritized under Or Laws 2003, Chapter 800, Section 12, and provided the decision is subject to ORS 197.626, the Commission shall review the action following the timelines and procedures specified in OAR 660-025-040, 660-025-140 through 660-025-160, and 660-025-175.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 3-2008, f. & cert. ef. 4-18-08

660-024-0030

Population Forecasts

(1) Counties must adopt and maintain a coordinated 20-year population forecast for the county and for each urban area within the county consistent with statutory requirements for such forecasts under ORS 195.025 and 195.036. Cities must adopt a 20-year population forecast for the urban area consistent with the coordinated county forecast, except that a metropolitan service district must adopt and maintain a 20-year population forecast for the area within its jurisdiction. In adopting the coordinated forecast, local governments must follow applicable procedures and requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan.

(2) The forecast must be developed using commonly accepted practices and standards for population forecasting used by professional

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practitioners in the field of demography or economics, and must be based on current, reliable and objective sources and verifiable factual information, such as the most recent long-range forecast for the county published by the Oregon Office of Economic Analysis (OEA). The forecast must take into account documented long-term demographic trends as well as recent events that have a reasonable likelihood of changing historical trends. The population forecast is an estimate which, although based on the best available information and methodology, should not be held to an unreasonably high level of precision.

(3) As a safe harbor, if a coordinated population forecast was adopted by a county within the previous 10 years but does not provide a 20-year forecast for an urban area at the time a city initiates an evaluation or amendment of the UGB, a city and county may adopt an updated forecast for the urban area consistent with this section. The updated forecast is deemed to comply with applicable goals and laws regarding population forecasts for purposes of the current UGB evaluation or amendment provided the forecast:

(a) Is adopted by the city and county in accordance with the notice, procedures and requirements described in section (1) of this rule; and

(b) Extends the current urban area forecast to a 20-year period commencing on the date determined under OAR 660-024-0040(2) by using the same growth trend for the urban area assumed in the county's current adopted forecast.

(4) As a safe harbor, a city and county may adopt a 20-year forecast for an urban area consistent with this section. The forecast is deemed to comply with applicable goals and laws regarding population forecasts for purposes of the current UGB evaluation or amendment provided the forecast:

(a) Is adopted by the city and county in accordance with the notice, procedures and requirements described in section (1) of this rule;

(b) Is based on OEA's population forecast for the county for a 20-year period commencing on the date determined under OAR 660-024-0040(2); and

(c) Is developed by assuming that the urban area's share of the forecasted county population determined in subsection (b) of this rule will be the same as the urban area's current share of county population based on the most recent certified population estimates from Portland State University and the most recent data for the urban area published by the U.S. Census Bureau.

(5) A city may propose a revised 20-year forecast for its urban area by following the requirements described in ORS 195.034.

Stat. Auth.: ORS 197.040, 195.034, Other Auth. Statewide Planning Goal 14
Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650, 197.764, 195.034

Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07; LCDD 3-2008, f. & cert. ef. 4-18-08

660-033-0020

Definitions

For purposes of this division, the definitions in ORS 197.015, the Statewide Planning Goals and OAR chapter 660 shall apply. In addition, the following definitions shall apply:

(1)(a) "Agricultural Land" as defined in Goal 3 includes:

(A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;

(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and

(C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

(b) Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;

(c) "Agricultural Land" does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

(2)(a) "Commercial Agricultural Enterprise" consists of farm operations that will:

(A) Contribute in a substantial way to the area's existing agricultural economy; and

(B) Help maintain agricultural processors and established farm markets.

(b) When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.

(3) "Contiguous" means connected in such a manner as to form a single block of land.

(4) "Date of Creation and Existence". When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

(5) "Eastern Oregon" means that portion of the state lying east of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the Counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

(6) "Exception Area" means an area no longer subject to the requirements of Goal 3 or 4 because the area is the subject of a site specific exception acknowledged pursuant to ORS 197.732 and OAR chapter 660, division 4.

(7)(a) "Farm Use" as that term is used in ORS chapter 215 and this division means "farm use" as defined in ORS 215.203.

(b) As used in the definition of "farm use" in ORS 215.203 and in this division:

(A) "Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and

(B) "Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

(8)(a) "High-Value Farmland" means land in a tract composed predominantly of soils that are:

(A) Irrigated and classified prime, unique, Class I or II; or

(B) Not irrigated and classified prime, unique, Class I or II.

(b) In addition to that land described in subsection (a) of this section, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa;

(c) In addition to that land described in subsection (a) of this section, high-value farmland, if in the Willamette Valley, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection (a) of this section and the following soils:

(A) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hult, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(B) Subclassification IIIw, specifically, Concord, Conser, Cornelius, Variant, Dayton (thick surface) and Sifton (occasionally flooded);

(C) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(D) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

(d) In addition to that land described in subsection (a) of this section, high-value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection (a) of this section and the following soils:

(A) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;

(B) Subclassification IIIw, specifically, Brennar and Chitwood;

(C) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and

(D) Subclassification IVw, specifically, Coquille.

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(e) In addition to that land described in subsection (a) of this section, high-value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection (a) of this section and the following soils:

(A) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

(B) Subclassification IIIe, specifically, Klooqueth Silty Clay Loam and Winchuck Silt Loam; and

(C) Subclassification IVw, specifically, Huffling Silty Clay Loam.

(f) For the purposes of approving a land use application under ORS 215.705, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if:

(A) The property owner submits a statement of agreement from the Natural Resources Conservation Service (NRCS) that the soil class, soil rating or other soil designation should be adjusted based on new information; or

(B) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and

(C) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in paragraph (8)(f)(B) of this rule and finds the analysis in the report to be soundly and scientifically based.

(g) For the purposes of approving a land use application under ORS 215.705, soil classes, soil ratings or other soil designations used in or made pursuant to this definition are those of the NRCS in its most recent publication for that class, rating or designation before November 4, 1993 except for changes made pursuant to subsection (f) of this rule. Within six months of the effective date of this rule, the department shall provide to all counties and other interested persons a list of soils that qualify land as high-value farmland under this subsection.

(h) For the purposes of approving a land use application under OAR 660-033-0090, 660-033-0120, 660-033-0130 and 660-033-0135, soil classes, soil ratings or other soil designations used in or made pursuant to this definition are those of the NRCS in its most recent publication for that class, rating or designation.

(i) Lands designated as "marginal lands" according to the marginal lands provisions adopted before January 1, 1993, and according to the criteria in ORS 215.247 (1991), are excepted from this definition of "high-value farmlands";

(j) Any county that adopted marginal lands provisions before January 1, 1993, may continue to designate lands as "marginal lands" according to those provisions and criteria in ORS 215.247 (1991), as long as the county has not applied the provisions of ORS 215.705 to 215.750 to lands zoned for exclusive farm use.

(9) "Irrigated" means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this division, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

(10) "Tract" means one or more contiguous lots or parcels in the same ownership.

(11) "Western Oregon" means that portion of the state lying west of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the Counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

(12) "Willamette Valley" is Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and that portion of Benton and Lane Counties lying east of the summit of the Coast Range.

(13) "Lot" shall have the meaning set forth in ORS 92.010 and "parcel" shall have the meaning set forth in ORS 215.010.

(14) "Manufactured dwelling" and "manufactured home" shall have the meaning set forth in ORS 446.003(26).

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

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.015, 197.040, 197.230, 197.245, 215.203, 215.243, 215.283 & 215.700 - 215.710

Hist.: LCDC 6-1992, f. 12-10-92, cert. ef. 8-7-93; LCDC 3-1994, f. & cert. ef. 3-1-94; LCDC 6-1994, f. & cert. ef. 6-3-94; LCDC 5-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 1-2004, f. & cert. ef. 4-30-04; LCDD 3-2008, f. & cert. ef. 4-18-08

660-033-0030

Identifying Agricultural Land

(1) All land defined as "agricultural land" in OAR 660-033-0020(1) shall be inventoried as agricultural land.

(2) When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried. However, whether land is "suitable for farm use" requires an inquiry into factors beyond the mere identification of scientific soil classifications. The factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). This inquiry requires the consideration of conditions existing outside the lot or parcel being inventoried. Even if a lot or parcel is not predominantly Class I-IV soils or suitable for farm use, Goal 3 nonetheless defines agricultural "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands." A determination that a lot or parcel is not agricultural land requires findings supported by substantial evidence that addresses each of the factors set forth in OAR 660-033-0020(1).

(3) Goal 3 attaches no significance to the ownership of a lot or parcel when determining whether it is agricultural land. Nearby or adjacent land, regardless of ownership, shall be examined to the extent that a lot or parcel is either "suitable for farm use" or "necessary to permit farm practices to be undertaken on adjacent or nearby lands" outside the lot or parcel.

(4) When inventoried land satisfies the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.

(5) More detailed data on soil capability than is contained in the U.S. Natural Resources Conservation Service (NRCS) soil maps and soil surveys may be used to define agricultural land. However, the more detailed soils data shall be related to the U.S. Natural Resources Conservation Service (NRCS) land capability classification system.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.015, 197.040, 197.230, 197.245, 215.203, 215.243, 215.283 & 215.700 - 215.710

Hist.: LCDC 6-1992, f. 12-10-92, cert. ef. 8-7-93; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 3-2008, f. & cert. ef. 4-18-08

660-033-0120

Uses Authorized on Agricultural Lands

The specific development and uses listed in the following table are permitted in the areas that qualify for the designation pursuant to this division. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this division. The abbreviations used within the schedule shall have the following meanings:

(1) A — Use may be allowed. Authorization of some uses may require notice and the opportunity for a hearing because the authorization qualifies as a land use decision pursuant to ORS chapter 197. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns as authorized by law.

(2) R — Use may be approved, after required review. The use requires notice and the opportunity for a hearing. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns as authorized by law.

(3) * — Use not permitted.

(4) # — Numerical references for specific uses shown on the chart refer to the corresponding section of OAR 660-033-0130. Where no numerical reference is noted for a use on the chart, this rule does not establish criteria for the use.

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

Stat. Auth.: ORS 197.040, 197.245

Stats. Implemented: ORS 197.015, 197.040, 197.230, 197.245, 215.203, 215.243, 215.283, 215.700 - 215.710 & 215.780

Hist.: LCDC 6-1992, f. 12-10-92, cert. ef. 8-7-93; LCDC 3-1994, f. & cert. ef. 3-1-94; LCDC 6-1994, f. & cert. ef. 6-3-94; LCDC 2-1995(Temp), f. & cert. ef. 3-14-95; LCDC 7-1995, f. & cert. ef. 6-16-95; LCDC 5-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 1-2004, f. & cert. ef. 4-30-04; LCDD 2-2006, f. & cert. ef. 2-15-06; LCDD 3-2008, f. & cert. ef. 4-18-08

660-033-0130

Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The following standards apply to uses listed in OAR 660-033-0120 where the corresponding section number is shown on the chart for a specific use under consideration. Where no numerical reference is indicated on the chart, this division does not specify any minimum review or approval

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criteria. Counties may include procedures and conditions in addition to those listed in the chart as authorized by law:

(1) A dwelling on farmland may be considered customarily provided in conjunction with farm use if it meets the requirements of OAR 660-033-0135.

(2) The use shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

(3)(a) A dwelling may be approved if:

(A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (3)(g) of this rule:

(i) Since prior to January 1, 1985; or

(ii) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(B) The tract on which the dwelling will be sited does not include a dwelling;

(C) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

(D) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;

(E) The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in subsections (3)(c) and (d) of this rule;

(F) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

(b) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(c) Notwithstanding the requirements of paragraph (3)(a)(E) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a); and

(C) A hearings officer of a county determines that:

(i) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use.

(ii) The dwelling will comply with the provisions of ORS 215.296(1);

(iii) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule.

(D) A local government shall provide notice of all applications for dwellings allowed under subsection (3)(c) of this rule to the State Department of Agriculture. Notice shall be provided in accordance with the governing body's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the hearings officer under paragraph (3)(c)(C) of this rule.

(d) Notwithstanding the requirements of paragraph (3)(a)(E) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The tract on which the dwelling will be sited is:

(i) Identified in OAR 660-033-0020(8)(c) or (d); and

(ii) Not high-value farmland defined in OAR 660-033-0020(8)(a); and

(iii) Twenty-one acres or less in size; and

(C)(i) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

(ii) The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within 1/4 mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or

(D) The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within 1/4 mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:

(i) "flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

(ii) "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

(e) If land is in a zone that allows both farm and forest uses is acknowledged to be in compliance with both Goals 3 and 4 and may qualify as an exclusive farm use zone under ORS chapter 215, a county may apply the standards for siting a dwelling under either section (3) of this rule or OAR 660-006-0027, as appropriate for the predominant use of the tract on January 1, 1993;

(f) A county may, by application of criteria adopted by ordinance, deny approval of a dwelling allowed under section (3) of this rule in any area where the county determines that approval of the dwelling would:

(A) Exceed the facilities and service capabilities of the area;

(B) Materially alter the stability of the overall land use pattern of the area; or

(C) Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

(g) For purposes of subsection (3)(a) of this rule, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

(h) The county assessor shall be notified that the governing body intends to allow the dwelling.

(i) When a local government approves an application for a single-family dwelling under section (3) of this rule, the application may be transferred by a person who has qualified under section (3) of this rule to any other person after the effective date of the land use decision.

(4) Requires approval of the governing body or its designate in any farmland area zoned for exclusive farm use:

(a) In the Willamette Valley, the use may be approved if:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(C) The dwelling will be sited on a lot or parcel created before January 1, 1993;

(D) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the county shall:

(i) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topog-

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raphy, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

(ii) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under subsections (3)(a), (3)(d) and section (4) of this rule, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph;

(iii) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(E) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(b) In the Willamette Valley, on a lot or parcel allowed under OAR 660-033-0100(11) of this rule, the use may be approved if:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated and whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

(C) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(c) In counties located outside the Willamette Valley require findings that:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B)(i) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

(ii) A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not "generally unsuitable". A lot or parcel or portion of a lot or parcel is presumed to be suitable if, in Western Oregon it is composed predominantly of Class I-IV soils or, in Eastern Oregon, it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(iii) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under

forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if, in Western Oregon, it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year, or in Eastern Oregon it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(C) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in paragraph (4)(a)(D) of this rule. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

(D) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(d) If a single-family dwelling is established on a lot or parcel as set forth in section (3) of this rule or OAR 660-006-0027, no additional dwelling may later be sited under the provisions of section (4) of this rule;

(e) Counties that have adopted marginal lands provisions before January 1, 1993, shall apply the standards in ORS 215.213(3) — (8) for nonfarm dwellings on lands zoned exclusive farm use that are not designated marginal or high-value farmland.

(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(6) Such facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in ORS 215.203(2). Such facility may be approved for a one-year period which is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

(7) A personal use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

(8)(a) A lawfully established dwelling is a single family dwelling which:

(A) Has intact exterior walls and roof structure;

(B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(C) Has interior wiring for interior lights; and

(D) Has a heating system.

(b) In the case of replacement, the dwelling to be replaced shall be:

(i) Removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this section regarding replacement

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dwellings have changed to allow the siting of another dwelling. The county planning director or the director's designee shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section; and

(ii) For which the applicant has requested a deferred replacement permit, is removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

(c) An accessory farm dwelling authorized pursuant to OAR 660-033-0130(24)(a)(B)(iii), may only be replaced by a manufactured dwelling.

(9)(a) To qualify, a dwelling shall be occupied by persons whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

(b) Notwithstanding ORS 92.010 to 92.190 or the minimum lot or parcel requirements under ORS 215.780, if the owner of a dwelling described in OAR 660-033-0130(9) obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect.

(c) For the purpose of OAR 660-033-0130(9)(b), "foreclosure" means only those foreclosures that are exempt from partition under ORS 92.010(7)(a).

(10) A manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. Governing bodies shall review the permit authorizing such manufactured homes every two years. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this section is not eligible for replacement under ORS 215.213(1)(u) or 215.283(1)(t). Oregon Department of Environmental Quality review and removal requirements also apply. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

(11) Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zones under this division.

(12) In order to meet the requirements specified in the statute, a historic dwelling shall be listed on the National Register of Historic Places.

(13) Such uses may be established, subject to the adoption of the governing body or its designate of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply. In addition, transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.

(14) Home occupations and the parking of vehicles may be authorized. Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located. A home occupation shall be operated by a resident or employee of a resident of the property on which the business is

located, and shall employ on the site no more than five full-time or part-time persons.

(15) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(16)(a) A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(A) Technical and engineering feasibility;

(B) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of available urban and nonresource lands;

(D) Availability of existing rights of way;

(E) Public health and safety; and

(F) Other requirements of state and federal agencies.

(b) Costs associated with any of the factors listed in subsection (16)(a) of this rule may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(c) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(d) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

(e) In addition to the provisions of subsections 16(a) to (d) of this rule, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

(f) The provisions of subsections 16(a) to (d) of this rule do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(17) A power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR chapter 660, division 4.

(18) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of sections (5) and (20) of this rule, but shall not be expanded to contain more than 36 total holes.

(19)(a) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(b) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not

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be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection (19)(c) of this rule.

(c) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in section (19) of this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(20) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(f) and this division means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

(a) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(b) A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(c) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(d) Counties shall limit accessory uses provided as part of a golf course consistent with the following standards:

(A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.

(B) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.

(C) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

(21) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in this rule, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS chapter 65.

(22) A power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

(23) A farm stand may be approved if:

(a) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(b) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

(c) As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(d) As used in this section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(24) Accessory farm dwellings as defined by subsection (24)(e) of this section may be considered customarily provided in conjunction with farm use if:

(a) Each accessory farm dwelling meets all the following requirements:

(A) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and

(B) The accessory farm dwelling will be located:

(i) On the same lot or parcel as the primary farm dwelling; or

(ii) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(iii) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these rules; or

(iv) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a non-residential use when farm worker housing is no longer required; or

(v) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(5) or (7), whichever is applicable; and

(C) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

(b) In addition to the requirements in subsection (a) of this section, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(A) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:

(i) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

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(ii) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(B) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(C) On land not identified as high-value farmland in counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition) before January 1, 1993, the primary farm dwelling is located on a farm or ranch operation that meets the standards and requirements of ORS 215.213(2)(a) or (b) or OAR 660-033-0130(24)(b)(A); or

(D) It is located on a commercial dairy farm as defined by OAR 660-033-0135(11); and

(i) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(ii) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

(iii) A Producer License for the sale of dairy products under ORS 621.072.

(c) The governing body of a county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of OAR 660-033-0135, a parcel may be created consistent with the minimum parcel size requirements in OAR 660-033-0100;

(d) An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to section (4) of this rule.

(e) For the purposes of OAR 660-033-0130(24), "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code."

(25) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition) before January 1, 1993, an armed forces reserve center, if the center is within one-half mile of a community college. An "armed forces reserve center" includes an armory or National Guard support facility.

(26) Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this section. As used in this section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.

(27) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The county shall provide notice of all applications under this section to the State Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(28) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. A county shall not approve any division of a lot or parcel that separates a processing facility from the farm operation on which it is located.

(29)(a) Composting operations and facilities allowed on high-value farmland are limited to those that are exempt from a permit from the Department of Environmental Quality (DEQ) under OAR 340-093-0050, only require approval of an Agricultural Compost Management Plan by the Oregon Department of Agriculture, or require a permit from the DEQ under OAR 340-093-0050 where the compost is applied primarily on the subject

farm or used to manage and dispose of by-products generated on the subject farm. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

(b) Composting operations and facilities allowed on land not defined as high-value farmland shall be limited to the composting operations and facilities allowed by subsection (29)(a) of this rule or that require a permit from the Department of Environmental Quality under OAR 340-093-0050. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(30) The County governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(31) Public parks including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

(32) Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(a) A public right of way;

(b) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(c) The property to be served by the utility.

(33) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this Division.

(34) Any gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period.

(35)(a) As part of the conditional use approval process under ORS 215.296 and OAR 660-033-0130(5), for the purpose of verifying the existence, continuity and nature of the business described in ORS 215.213(2)(w) or 215.283(2)(y), representatives of the business may apply to the county and submit evidence including, but not limited to, sworn affidavits or other documentary evidence that the business qualifies; and

(b) Alteration, restoration or replacement of a use authorized in ORS 215.213(2)(w) or 215.283(2)(y) may be altered, restored or replaced pursuant to ORS 215.130(5), (6) and (9).

(36) For counties subject to ORS 215.283 and not 215.213, a community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

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

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.040 & 215.213

Hist.: LCDC 6-1992, f. 12-10-92, cert. ef. 8-7-93; LCDC 3-1994, f. & cert. ef. 3-1-94; LCDC 6-1994, f. & cert. ef. 6-3-94; LCDC 8-1995, f. & cert. ef. 6-29-95; LCDC 5-1996, f. & cert. ef. 12-23-96; LCDD 5-1997, f. & cert. ef. 12-23-97; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 9-2000, f. & cert. ef. 11-3-00; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 1-2004, f. & cert. ef. 4-30-04; LCDD 2-2006, f. & cert. ef. 2-15-06; LCDD 3-2008, f. & cert. ef. 4-18-08

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Landscape Contractors Board Chapter 808

Rule Caption: Adopts a charge for the Owner/Managing Employee Study Guide & Manual by hard copy and CD.

Adm. Order No.: LCB 4-2008(Temp)

Filed with Sec. of State: 4-23-2008

Certified to be Effective: 4-23-08 thru 9-22-08

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Amended: 808-001-0020

Subject: This rule amendment adopts a charge for the Owner/Managing Employee Study Guide & Manual by hard copy and CD. This manual needs to be made available to the public and the industry in order for those specific individuals who are required to take the course and pass the examination have access to the information covered by the course and examination. If this rule is not in place immediately, those individuals will not have access to the proper information to prepare for these courses and examination.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-001-0020

Charges for Documents; Refunds

(1) All requests for copies of public records pertaining to the State Landscape Contractors Board and available at the Board's office shall be in writing.

(2) Charges to the general public and to state agencies shall be payable in cash, check, money order, Visa or Mastercard unless billing to such agencies is authorized by the Administrator. Checks or money orders shall be made payable to the Landscape Contractors Board.

(3) The Board accepts Visa and Mastercard submitted in person or by mail, e-mail or fax. Any Visa or Mastercard that is rejected by the bank and requested to be confiscated will be retained and returned to the bank. All payments by Visa or Mastercard that are rejected must be paid in full by a check or money order within ten days from notification of rejection.

(4) Charges for copies, documents, and services shall be as follows:

(a) For machine copies requested by other state agencies and by the general public, twenty-five cents per image;

(b) \$20 for each certification that an entity has or has not been licensed with the Landscape Contractors Board.

(c) \$20 for certified copies of documents.

(d) \$100 for listing of individual landscape construction professional or landscape contracting businesses on CD or disk. Requests for searching or formatting the data will be billed as per subsection (e) of this rule. The Administrator may waive this charge for other public agencies.

(e) \$10 per half-hour unit or portion of a half-hour unit for research of records for each request from a person beginning with the 31st minute of research time;

(f) For both machine copies and documents, an additional amount set at the discretion of the Administrator for staff time required for search, handling, and copying.

(g) \$20 for duplicate tape recording of Board meetings.

(h) \$20 for duplicate tape recordings of a three hour agency hearing or arbitration and \$10 for each additional 90 minute or fraction thereof of the hearing or arbitration.

(i) Vehicle Stickers:

(A) Year stickers are \$.50 each;

(B) Set of stickers includes one year sticker and one license sticker and are \$1.00 per set.

(j) Plant CD:

(A) First copy is free to landscape construction professional application;

(B) \$5.00 (this includes shipping & handling).

(k) Landscape Construction book by David Sauter is the cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(k) Owner/Managing Employee Study Guide & Manual

(A) \$10 for paper copy; and

(B) \$5 for CD.

(5) Refunds: All requests for refunds must be in writing.

(a) Except as set forth in subsection (b) of this section, applicant and licensing fees are non-refundable and nontransferable.

(b) When an applicant withdraws their renewal or fails to complete the renewal process the agency may retain a-processing fee of \$20. When an applicant withdraws their application for a landscape contracting business license or renewal or fails to complete the licensing process, the agency may retain a-processing fee of \$50.

(6) If the agency receives payment of any fees or penalty by check and the check is returned to the agency by the bank, the payer of the fees will be assessed a charge of \$25 in addition to the required payment of the fees or penalty.

(7) The agency shall not refund fees or civil penalties overpaid by an amount of \$20 or less unless requested by the payer in writing within three years after the date payment is received by the agency, as provided by ORS 293.445.

Stat. Auth.: ORS 183, 293.445, 671, Ch 541 OL 2007

Stats. Implemented: ORS 183, 192.430, 293.445 & 671

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; LCB 2-1988(Temp), f. 3-17-88, cert. ef. 4-1-88; LCB 4-1988, f. 11-23-88, cert. ef. 12-1-88; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 2-1999, f. & cert. ef. 5-4-99; LCB 4-2002, f. & cert. ef. 12-4-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2004(Temp), f. & cert. ef. 6-11-04 thru 12-6-04; LCB 5-2004, f. & cert. ef. 10-4-04; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 7-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 4-2008(Temp), f. & cert. ef. 4-23-08 thru 9-22-08

Rule Caption: Amended to adopt the current version of the Oregon Attorney General's Administrative Law Manual.

Adm. Order No.: LCB 5-2008

Filed with Sec. of State: 4-25-2008

Certified to be Effective: 4-25-08

Notice Publication Date: 4-1-2008

Rules Amended: 808-001-0005

Subject: This rule is being amended to adopt the current version of the Attorney General's Uniform and Model Rules of Procedures.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-001-0005

Model Rules

The Landscape Contractors Board adopts the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act in effect January 1, 2008, with the following exceptions: OAR 137-003-0015, 137-005-0050, 137-005-0060, and 137-005-0070.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Landscape Contractors Board.]

Stat. Auth.: ORS 671

Stats. Implemented: ORS 183.341 & 279

Hist.: LC 2, f. & ef. 5-18-76; LC 3, f. & ef. 2-7-77; LC 1-1984, f. & ef. 7-17-84; 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 1-1991, f. & cert. ef. 7-22-91; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LSCB 1-1995, f. & cert. ef. 2-2-95; LSCB 1-1996, f. & cert. ef. 6-18-96; LCB 2-1999, f. & cert. ef. 5-4-99; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 1-2005, f. & cert. ef. 2-15-05; LCB 3-2006, f. & cert. ef. 8-2-06; LCB 5-2008, f. & cert. ef. 4-25-08

Oregon Commission on Children and Families

Chapter 423

Rule Caption: CCDF funds to be used in accordance with current State Plan for federal Child Care and Development Fund.

Adm. Order No.: OCCF 1-2008

Filed with Sec. of State: 4-16-2008

Certified to be Effective: 4-16-08

Notice Publication Date: 4-1-2008

Rules Amended: 423-010-0024

Subject: CCDF program and services support priorities established in the State Plan for the federal Child Care and Development Fund and the Child Care and Development Fund Guidelines.

Rules Coordinator: Marsha Clark—(503) 373-1283

423-010-0024

Program Purposes and Restrictions

Activities and initiatives will have measurable outcomes and support county goals adopted in the Local Plan. These outcomes will be reported using the format and timeline prescribed by the Agency. It is the intent of the State Commission that activities and initiatives will be provided in a culturally competent and gender-specific manner that reflects the population, needs and resources of the county. The following purposes and restrictions will apply to county allocations:

(1) Program Area: Great Start:

(a) Age: Prenatal services to expectant mothers, children 0 through eight years of age and the children's families;

(b) Service Areas: Programs and services that promote outcomes identified in the Local Plan including, but not limited to, research-based early childhood programs and services in county settings that meet the needs of the community.

(2) Program Area: Child Care and Development Fund:

(a) Age: 0 up to 13 years of age, except children with special needs 0 up to 18 years of age;

(b) Service areas: Program and services support priorities established in the State Plan for the Federal Child Care and Development Fund and the Child Care and Development Fund Guidelines. Both documents are available on the Agency's website or by contacting the Agency.

(3) Program Area: Children, Youth and Families Fund:

(a) Age: 0-through 18 and their families;

ADMINISTRATIVE RULES

(b) Service Area: Programs and services supported with Children, Youth and Families Funds will be used to promote outcomes identified in the local comprehensive plans. These funds must support research-based services, systems, initiatives, and programs. These funds are intended to allow maximum flexibility by counties to fund those areas of highest priority.

(4) Program Area: Court Appointed Special Advocates (CASA):

(a) Age: 0 through 18 years of age;

(b) Service areas: CASA programs provide for the recruitment, training, support and supervision of CASA. See OAR 423-045-0030 through 423-045-0035.

(5) Program Area: Youth Investment:

(a) Age: Ages 13 through 18 years, although 11 and 12 year olds may be included where appropriate;

(b) Service Areas: Services to non-delinquent youth who are chronically acting out or are victims of neglect. Programs and services will promote outcomes identified in the Local Plan. Youth are considered chronically acting out when they are exhibiting school behavior problems, are out of parental control, are runaway and homeless, or are exhibiting other risk factors. Youth are non-delinquent if they have no history of, or current involvement with, the juvenile justice system, or have been diverted from the juvenile justice system. Youth who have been referred to a juvenile department for a criminal activity, or who have been placed on an informal accountability agreement are not considered to be non-delinquent for purposes of this funding. These funds must support research-based services, systems, initiatives and programs.

(6) Program Area: Healthy Start:

(a) Age: Children prenatal through five and their families;

(b) Service Areas: Provide funding for voluntary family support services following the Healthy Families America model. See OAR 423-045-0005 through 423-045-0015.

(7) Program Area: Family Preservation and Support:

(a) Age: All children and their families;

(b) Service Areas:

(A) Family Preservation Services: Family preservation services refers to services for children and families designed to protect children from harm and help families (including foster, adoptive, and extended families) at risk or in crisis, including:

(i) Pre-placement preventive services programs, such as intensive family preservation programs, designed to help children at risk of foster care placement remain with their families, where possible. Examples of programs may include Intensive Family Treatment, Domestic Violence prevention programs, or other pre-placement preventative programs for families at risk of foster care placement;

(ii) Service programs designed to help children, where appropriate, return to families from which they have been removed; or be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement. Examples of programs may include family preservation services to assist in re-unification of families;

(iii) Service programs designed to provide follow-up care to families to whom a child has been returned after a foster care placement. Examples of programs may include family-centered service programs that provide follow-up care to families re-united with their child;

(iv) Respite care of children to provide temporary relief for parents and other caregivers (including foster parents). Example of programs may include Family Respite Care;

(v) Services designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition. Example of programs may include Parenting Skill Building;

(vi) Case management services designed to stabilize families in crisis such as transportation, assistance with housing and utility payments, and access to adequate health care. Example of acceptable programs could include Community Safety Net.

(B) Family Support Services: Family support services means community-based services to promote the well-being of children and families designed to increase the strength and stability of families (including adoptive, foster, and extended families), to increase parents' confidence and competence in their parenting abilities, to afford children a stable and supportive family environment, and otherwise to enhance child development. Family support services may include:

(i) Services, including in-home visits, parent support groups, and other programs designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition. Example of programs may include Parenting Classes, Parent-to-Parent Support, and In-Home Visitation classes;

(ii) Respite care of children to provide temporary relief for parents and other caregivers. Example of program may include Family Respite Care;

(iii) Structured activities involving parents and children to strengthen the parent-child relationship. Example of program may include Healthy Start;

(iv) Drop-in centers to afford families opportunities for informal interaction with other families and with program staff. Example of program may include Family Resource Centers;

(v) Transportation, information and referral services to afford families access to other community services, including child care, health care, nutrition programs, adult education literacy programs, legal services, and counseling and mentoring services. Example of programs may include Dial-a-ride, Child Care Referral, and Outreach Centers;

(vi) Early developmental screening of children to assess the needs of such children, and assistance to families in securing specific services to meet these needs. Example of programs may include Healthy Start.

(8) Program Area: Relief Nurseries:

(a) Clients: The clients of Relief Nurseries are children birth through age five and their parents or caregivers who have multiple risk factors linked to child abuse and neglect. Some children may turn six years of age and continue in the program until the start of school;

(b) Service Areas: Relief Nurseries are community-based organizations that seek to prevent the cycle of child abuse and neglect through early intervention programs that focus on developing successful and resilient children, strengthening family skills of parents or caregivers, and preserving families. Relief Nursery services are offered within a comprehensive and integrated early childhood and family support system to appropriately meet the needs of the individual family with children who have been abused or are at risk of child abuse and neglect. Relief Nurseries must include therapeutic early childhood education programs, home visitation and parent education and support. Relief Nursery services are voluntary, strength-based, culturally appropriate, and designed to achieve appropriate early-childhood benchmarks and healthy family functioning.

(c) Eligibility for State Funding:

(A) An emerging Relief Nursery must work collaboratively with the Local Commission to ensure that the program is consistent and aligned with the Local Comprehensive Plan. Relief Nurseries must participate in local community efforts to develop and implement an early childhood system of supports and services towards the achievement of positive outcomes for children and families, maximizing the effective use of available resources and avoiding duplication of services;

(B) Applications for State Funding must be submitted to the Agency by the Local Commission in the county where an emerging Relief Nursery exists. The application process must include no less than three existing Relief Nursery program directors in review and approval of the Relief Nursery program for meeting the requirements in OAR 423-045-0101 through 0185. The Local Commission will submit review and approval documentation to the Agency with the application for State Funding;

(C) Eligibility for State funding requires local community financial support as described in OAR 423-0024(8)(d) Matching Funds.

(d) Matching Funds: To be eligible to receive state funds, Relief Nursery programs are required to provide matching community financial support equal to a minimum of 25 percent of any state allocation;

(e) Funding Processes for Existing Relief Nurseries:

(A) Local Commissions are not required to do a competitive process every biennium to fund existing Relief Nurseries;

(B) Local Commissions may consider a competitive or collaborative funding process when significant changes occur within an existing Relief Nursery or when the Local Commission determines necessary.

Stat. Auth.: ORS 417.705 - 417.797 & 419A.170

Stats. Implemented: ORS 417.705 - 417.900 & 419A.170

Hist.: CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-1-95; CCF 1-1997, f. 12-15-97, cert. ef. 12-19-97; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04; OCCF 1-2007, f. & cert. ef. 2-12-07; OCCF 1-2008, f. & cert. ef. 4-16-08

ADMINISTRATIVE RULES

Oregon Department of Education Chapter 581

Rule Caption: Establishes requirements for use by schools of motorcoach type buses called School Pupil Activity Buses.

Adm. Order No.: ODE 10-2008

Filed with Sec. of State: 4-18-2008

Certified to be Effective: 4-18-08

Notice Publication Date: 2-1-2008

Rules Amended: 581-053-5556

Subject: The rule allows the use by schools of motorcoach type buses call School Pupil Activity Buses (SPAB) for transportation of students for activity

trips. The rule places requirements on providers of motorcoach services that contract with school districts and schools. The rule also establishes requirements for the operation of SPAB's and requirements for the drivers of SPAB's.

Rules Coordinator: Paula Merritt—(503) 947-5746

581-053-5556

School Pupil Activity Bus

(1) Definitions of terms used in this rule:

(a) "School pupil activity bus (SPAB)" means a motor coach operated by a motor carrier, used under a contractual agreement between a district or school and a carrier to transport school pupils at or below the 12th grade level on activity trips.

(b) "Activity trip" means transportation between a school or location to another school or location, but not home-to-school.

(c) "Approved" means a motor carrier approved by the Oregon Department of Education for transportation of school children for activity trips.

(d) "Carrier or Motor carrier" means for-hire carrier or private carrier as defined in ORS 825.005

(e) "Chaperone" means a district or school employee.

(f) "For-hire carrier" means:

(i) Any person who transports persons for hire by motor vehicle; or

(ii) Any person who leases, rents or otherwise provides a motor vehicle to the public and who in connection therewith in the regular course of business provides, procures or arranges for directly, indirectly or by course of dealing, a driver or operator therefore.

(g) "Certificate of Carrier Approval" means a certificate from the Department of Education authorizing a motor carrier to transport students for Oregon schools.

(h) "Home to School" means transportation between the student's resident, babysitter, daycare or designated pick up spot and their educational facility.

(i) "Motorcoach" means an over-the-road bus, having a gross vehicle weight rating (GVWR) of 26,000 lbs or more but does not include the following:

(A) Buses used in public transportation provided by a State or local government; and

(B) Vehicles owned or operated by a mass transport district created under ORS Chapter 267.

(j) "Provider of Motorcoach services" means a motor carrier providing passenger transportation service with a motorcoach for compensation, including per-trip compensation or chartered compensation.

(3) Authorization to use SPABs. A school district or school may only use school buses, activity vehicles and SPABs to provide transportation for students for school activity trips. A district or school may only use a SPAB if the district or school and the SPAB meets the requirements of this rule.

(4) Certificate of Carrier Approval. Providers of Motorcoach services must receive a Certificate of Carrier Approval from the Oregon Department of Education. The Department of Education will issue a "Certificate of Carrier Approval" to a provider of motorcoach services if the provider meets the following criteria. The provider must submit:

(a) Complete application form required by the Department of Education annually;

(b) Copy of insurance information obtained through Federal Motor Carrier Safety Administration (FMCSA's) SAFER site;

(c) Documentation of a safety rating of:

(A) "Satisfactory" from the USDOT within the last 3 years; or

(B) "1, 2, or 3" from Pupil Transportation Safety Program (PTSP); or

(C) "1, 2, or 3" from Department of Defense (DOD); or

(D) Current copies of:

(i) A level 1 or 5 safety inspection report with the number of Commercial Vehicle Safety Alliance (CVSA) decal for each SPAB; and

(ii) Documentation that the provider has implemented an alcohol and controlled substance testing program in compliance with 49 CFR parts 40 and 382; and that all drivers seeking SBAP certification are enrolled in a random testing program for alcohol and controlled substance meeting all applicable requirements; and

(iii) Driver logs as requested by the Oregon Department of Education during the past 6 months; and

(d) List of SPABs by license plate number that will be used for student activities.

(e) The Oregon Department of Education may inspect records of vehicles and drivers at the carrier's facility. Failure to allow the Department of Education to inspect records could result in revocation of the "Certificate of Carrier Approval".

(f) The Oregon Department of Education may suspend or revoke a "Certificate of Carrier Approval" for failure to maintain or meet requirements of this rule.

(4) Operations.

(a) A SPAB may:

(A) Only be used for intrastate transportation;

(B) Not be used for home to school.

(b) The district or school shall notify the parents or guardians of students if the district or school is using SPABs for pupil transportation.

(c) A chaperone is to be present on the SPAB any time students are present.

(d) Districts and schools must ensure that owners and operators of SPABs meet the requirements stated in this rule.

(e) Safety Instructions.

(A) Prior to departure the SPAB operator shall instruct passengers on the operation and location of all emergency exits;

(B) Districts and schools should encourage students to:

(i) Limit the amount of time that they are out of their seat during vehicle operation;

(ii) Have a good grip on seat back or designated hand grips when students are out of their seat during vehicle operation; and

(iii) Not walk or stand during stop and go traffic circumstances or while the SPAB is traveling roads with many twists and turns.

(C) SPAB operators shall instruct students to:

(i) Keep hand and head inside the vehicle at all times;

(ii) Keep aisle clear;

(iii) Use caution when opening the overhead compartments; and

(iv) Use seat belts if equipped.

(v) Keep emergency exits clear.

(f) Districts and schools shall keep a copy of the carrier's:

(A) Current "Certificate of Carrier Approval" issued by the Oregon Department of Education.

(B) List of SPAB qualified drivers.

(C) Districts shall document and keep evidence of required safety instructions for 2 years.

(g) Districts and schools shall report to the Oregon Department of Education carriers or their drivers that have been observed by patrons, staff, parents or students engaging in any of the following:

(A) Violating speed laws;

(B) Unsafe vehicle operation;

(C) Unsafe or poorly maintained SPAB;

(D) Inappropriate behavior, contact or language;

(E) Students left or stranded because the carrier failed to perform duties of the contract; or

(F) Supplies an unqualified SPAB driver.

(h) Districts and school may only use a carrier that has a valid "Certificate of Carrier Approval".

(i) District and schools may only use SPAB drivers that have been certified by the Oregon Department of Education.

(j) Contractors may only subcontract with carriers that possess a "Certificate of Carrier Approval" from the Oregon Department of Education to provide motorcoach services.

(k) SPABs shall not exceed 55 mph per ORS 811.111

(5) SPAB Training and Certification. A person may not transport pupils in a SPAB unless the person has completed all requirements for a SPAB and meets the standards established by the Department for issuance of certificates or holds a valid School Bus Certificate or Permit.

(a) SPAB Driver Certificate. The Oregon Department of Education may issue a SPAB certificate to qualified individuals who meet the following requirements:

ADMINISTRATIVE RULES

(A) Has filed with the Oregon Department of Education an application for a SPAB certification provided by the Department, signed by an official designated by the motor carrier certifying that the driver:

(i) Has demonstrated the knowledge and ability to perform the duties of a SPAB driver; and

(ii) To the best of the local employer's knowledge, has not been convicted of any driving or criminal offense listed in OAR 581-053-0006(8) which could prevent certification.

(B) Applicants shall submit a copy of a valid medical certificate.

(b) Applicants shall:

(A) Possess a valid Commercial Drivers License with the proper endorsements for the vehicle being driven. The Oregon Department of Education may approve an out of state operator's license if it is consistent in provisions with the required Oregon license;

(B) Possess a valid medical certificate; and

(C) Pass a check of driving and criminal records by the Oregon Department of Education.

(c) SPAB certificates shall expire when the medical certificate expires.

(d) Drivers must strictly adhere to all alcohol and controlled substance use and testing requirements of the US Department of Transportation (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA) contained in 49 CFR parts 40 and 382.

(e) In cases of serious illness, injury, or change in physical or mental condition which may impair ability to fulfill the duties and responsibilities of a SPAB driver re-examination and medical approval are required prior to resumption of driving.

(6) Driving and Criminal Records: The Oregon Department of Education will review the driving record of each applicant before a SPAB certificate is issued or renewed. Applicants who have held a driver's license in a state other than Oregon anytime during the preceding three-year period must furnish, upon request, a copy of the driving record from such state or states to the Oregon Department of Education at time of application.

(a) The Oregon Department of Education will review the criminal record of a driver upon application for a SPAB certificate or renewal.

(b) An applicant will be refused a SPAB driver's certificate or a current certificate will be suspended or revoked if the applicant or driver:

(A) Has ever been convicted of crime listed in ORS 342.143;

(B) Has ever been convicted of a crime involving violence, threat of violence, or theft. This will not apply if applicant or driver has been free from custody, probation and parole for the preceding three-year period from date of application;

(C) Has ever been convicted of a crime involving activity in drugs or alcoholic beverages. This will not apply if the applicant or driver has been free from custody, probation, and parole for the preceding three-year period from date of application;

(D) Has had a driver's license suspended by any state, within the preceding three year period, for a cause involving the unsafe operation of a motor vehicle or because of driving record or because of violations of state or Federal Motor Carrier Safety Regulations ;

(E) Has been convicted within the preceding three-year period of:

(i) Hit-and-run driving;

(ii) Driving under the influence of intoxicants as defined in ORS 813.010;

(iii) Reckless driving as defined in ORS 811.140;

(iv) Fleeing or attempting to elude a police officer while driving a motor vehicle;

(v) Failure to perform the legal duties of a driver involved in an accident or collision which results in injury or death of any person;

(F) Has had driving privileges revoked or suspended as a habitual offender under ORS 809.600. This shall not apply if applicant or driver has had driving privileges restored under ORS 809.660 for the preceding three years; or

(G) Has a driving record for the preceding three-year period that has an accumulation of 31 or more points based upon the following point system:

(i) Each chargeable accident and each conviction for a moving violation of traffic laws shall have a value of 10 points. A chargeable accident is one in which the driver is answerable as the primary cause of, or chargeable with the result of an accident;

(ii) One point shall be subtracted from the total number of points for each full month, since the last chargeable accident or conviction, to the time of driving record check; however, all subtracted points will be reinstated if any additional moving violation convictions or chargeable accidents occur within the three-year calculation period.

(7) Refusals and Suspensions.

(a) The Oregon Department of Education may refuse, suspend or revoke the certificate of a SPAB driver for noncompliance with certification or physical requirements, giving false or incomplete information on application forms, or failure to comply with laws, rules and regulations applicable to SPAB drivers. Applications with obvious incomplete or inaccurate information will be returned to the employer with no action taken regarding denial or approval.

(b) Upon suspension or revocation, the certificate holder must surrender the suspended or revoked certificate to the Oregon Department of Education.

(c) Hearings on appeal for refusal, suspension or revocation of SPAB driver's certificates will be pursuant to ORS Chapter 183.

(d) A certificate may be suspended for any period up to 90 days. If conditions of the suspension have not been met within the suspension period, the certificate will be revoked.

(e) Districts, Schools, Carriers and SPAB operators will inform the Oregon Department of Education if the SPAB operator no longer meets the qualifications of section 4 and 5 of this rule.

(8) Operator of SPAB's must:

(a) Notify the Oregon Department of Education within 30 days of a change of name, address or employer. A duplicate certificate will be issued if necessary; and

(b) Not use a cellular telephone while operating a motorcoach except under the following conditions:

(A) For the purpose of communication with any of the following regarding an emergency situation:

(i) An emergency system response operator or 911 public safety communications dispatcher;

(ii) A hospital or emergency room;

(iii) A physician's office or health clinic;

(iv) An ambulance or fire department rescue service;

(v) A fire department; or

(vi) A police department;

(B) To call for assistance if there is a mechanical breakdown or mechanical problem impairing the operation of the bus; or

(C) When the SPAB is parked.

(9) SPAB equipment requirements:

(a) Emergency exits must be labeled with instructions to meet FMVSS 217.

(b) Must have roof hatches that meet FMVSS 217.

(c) Must have reflective "conspicuity marking" on the rear that has reflective values equal or greater than 3 M Scotchlite Series 3200.

(d) Rear wheel wells shall not be composed of exposed flammable material or rear wheel wells must have pressure and temperature sending units mounted inside rear wheel rims that will activate an alarm in the drivers compartment when either pressure or temperature are outside normal ranges.

(10) Emergency Equipment:

(a) Emergency road reflectors:

(A) Each SPAB must be equipped with at least three DOT triangle reflectorized disabled vehicle warning devices;

(B) Reflectors must be in a container securely mounted with nut-and-bolt fasteners enhanced with large flat (fender) washers or held in place by a nut-and-bolt mounted metal bracket that also protects and secures the container lid or in a location provided by the Original Equipment Manufacturer (OEM) which securely holds the container. Both must be located in an accessible location. Reflectors must not be mounted in any engine compartment;

(C) If not mounted in plain view of the driver, the location must be clearly designated.

(b) Fire extinguishers:

(A) Each SPAB shall be equipped with at least one pressurized, dry, chemical type fire extinguisher, mounted in a bracket. A pressure gauge shall be mounted on each extinguisher so as to be readily read without removing the extinguisher from its mounted position. A SPAB must have either:

(i) One or more fire extinguishers of a type approved by the Underwriters Laboratories, Inc., with a rating of 5 BC or more; or

(ii) Two or more fire extinguishers, each of which has Underwriters Laboratories, Inc., rating of 4 BC or more.

(B) Extinguishers with plastic heads are not permitted.

(c) A first aid kit.

(11) Maintenance and inspections:

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(a) SPABs must be maintained in safe operating condition and must meet or exceed the minimum standards in effect at the time of purchase for the type of vehicle, plus any subsequent rules applicable to the vehicle.

(b) Vehicle maintenance records must be kept for each vehicle used to transport students. These records must be available to Department of Education personnel upon request. The following minimum information must be kept for each vehicle by date and mileage at the time of service, adjustment or repair:

- (A) Chassis lubrication;
- (B) Engine oil and filter changes;
- (C) Major engine tune-ups and repairs;
- (D) All adjustment, service and repair of brake system;
- (E) All adjustment, service and repair of steering mechanism and other related parts;
- (F) Tires; and
- (G) Drive train components.

(c) Motorcoach carriers must have all vehicles used in transporting pupils inspected annually, and certify to the Oregon Department of Education that all deficiencies have been corrected before the SPAB is used to transport students. Copies of the Annual Vehicle Inspection Report must be sent to the Oregon Department of Education.

(d) The Oregon Department of Education must furnish forms for the certification reports.

(e) Oregon Department of Education personnel may conduct an inspection of a SPAB at any time or upon request of the motorcoach carrier. The Department may investigate accidents and examine SPABs involved in accidents as the Department considers necessary.

(f) Upon inspection of a SPAB by Oregon Department of Education personnel, motorcoach carrier must be notified in writing of deficiencies. Such deficiencies must be corrected by the motorcoach carrier before the SPAB is dispatched.

(g) The motorcoach carrier must notify the Oregon Department of Education in writing that the deficiency is corrected before transporting students in a SPAB that has been declared unsafe in subsection (f) of this section.

(12) Extension of variance. Districts or schools that have been granted a variance from the Oregon Department of Education for the use of one or more Motor Carriers prior to the effective date of this rule are granted an extension of that variance until June 22, 2008.

Stat. Auth.: ORS 820.100, 820.150
Stats. Implemented: ORS 820.100 - 820.190
Hist.: ODE 21-2007(Temp), f. & cert. ef. 10-22-07 thru 4-18-08; ODE 10-2008, f. & cert. ef. 4-18-08

Rule Caption: Establishes minimum standards for sign language interpreters serving students in public schools.

Adm. Order No.: ODE 11-2008

Filed with Sec. of State: 4-21-2008

Certified to be Effective: 4-21-08

Notice Publication Date: 2-1-2008

Rules Adopted: 581-015-2035

Subject: The rules establishes minimum standards for sign language interpreters employed by or contracted with by public schools to provide services to students. The rules also establishes a timeline for meeting the standards.

Rules Coordinator: Paula Merritt—(503) 947-5746

581-015-2035

Minimum Standards for Sign Language Interpreters Serving Students in Public Schools

(1) Definitions. For purposes of this rule, the following definitions shall apply:

- (a) "CI" means Certificate of Interpretation issued by RID.
- (b) "CT" means Certificate of Transliteration issued by RID.
- (c) "EI/ECSE" means Early Intervention and Early Childhood Special Education.
- (d) "EIPA" means the Educational Interpreter Performance Assessment®, including both the written and performance components.
- (e) "NIC" means the National Interpreter Certification by RID.
- (f) "Public School" means a public agency or school district or as defined in OAR 581-015-2000.
- (g) "RID" means Registry of Interpreters for the Deaf Inc.
- (h) "Sign Language Interpreter" means a person who provides educational interpreting services to students with hearing impairments.
- (i) "Student" means a student with a hearing impairment who is:

(A) Eligible for EI/ECSE or special education services under OAR 581-015-2150; or

(B) A qualified student with a disability under Section 504 as defined in OAR 581-015-2390.

(2) Minimum Standard. A public school may employ or contract for the services of a sign language interpreter for a student only if the sign language interpreter meets the following minimum standards:

(a) The sign language interpreter must achieve a passing score of 3.5 or above on the EIPA Performance Test or hold RID NIC, CI or CT Certification; and

(b)(A) Hold a Bachelor's or Associate's Degree from an Interpreter Education Program or in a related educational field; or

(B) Achieve a passing score on the EIPA Written test.

(3) Continuing professional development. Each sign language interpreter must complete and document 12 seat hours of continuing professional development related to sign-language interpretation each school year that the sign language interpreter is employed by or working under a contract for a public school in Oregon. A public school may only employ or contract for the services of sign language interpreters that meet this continuing professional development requirement.

(4) Timeline for meeting rule requirements. Sign language interpreters must meet the following requirements if the interpreter is employed by or under a contract with a public school:

(a) On or after July 1, 2008, the interpreter must meet the standards required by section (3) of this rule.

(b) On or after July 1, 2013, the interpreter must meet all of the requirements of this rule.

Stat. Auth.: ORS 185.225, 343.041
Stats. Implemented: ORS 185.110, 185.225
Hist.: ODE 11-2008, f. & cert. ef. 4-21-08

Rule Caption: Rule will define process for awarding school improvement grants authorized by SB 318.

Adm. Order No.: ODE 12-2008

Filed with Sec. of State: 4-21-2008

Certified to be Effective: 4-21-08

Notice Publication Date: 11-1-2007

Rules Amended: 581-023-0112

Subject: In 2007, SB 318 directed the Oregon Department of Education to award grants to school districts, education service districts, and Youth Corrections Education Program, and Juvenile Detention Education Program for school improvement activities designed to increase student achievement. Rule will define terms needing clarity and define process for awarding of grants.

Rules Coordinator: Paula Merritt—(503) 947-5746

581-023-0112

School Improvement Fund

(1) For purposes of this rule, "School Improvement Fund" means the fund established by

ORS 327.294.

(2) Each fiscal year the Department of Education shall award grants from the School Improvement Fund to school districts, education service districts, the Youth Corrections Education Program and the Juvenile Detention Education Program for activities that relate to increases in student achievement, including:

(a) Early childhood support including establishing, maintaining or expanding quality Pre-kindergarten programs and full-day kindergarten programs;

(b) Class size reduction with an emphasis on the reduction of kindergarten through grade three class sizes;

(c) Increases in instructional time including summer programs and before and after school programs;

(d) Mentoring, teacher retention and professional development;

(e) Remediation, alternative learning and student retention;

(f) Services to at-risk youth;

(g) Programs to improve a student achievement gap between student groups identified by culture, poverty, language and race and other student groups;

(h) Vocational education programs;

(i) Literacy programs; and

(j) Other research-based student improvement strategies approved by the State Board of Education.

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(3) Grant applications for each school district, education service district and for the Youth Corrections Education and Juvenile Detention Education Programs shall identify the goals of the district or program for increases in student performance for the year and shall outline how the district or program plans to use the resources provided from the Fund to reach the performance goals. The Department shall evaluate the grant applications based on the following criteria:

(a) The goals set by the school districts, education service districts and programs for increases in student performance;

(b) The evidenced-based activities identified to meet the stated goals;

(c) Consistency with the district's Continuous Improvement Plan;

(d) The quantifiable performance measures for demonstrating progress on one or more Key Performance Measures adopted by the 2007 Legislative Assembly and identified by the Department; and

(e) The evaluation process identified in the application that will be used by the district or program to determine if the district or program is effective in the implementation of the activities for which the district or program is requesting funds.

(4) The amount of each grant for a school district, education service district or program shall be determined based on ORS 327.294 and 327.297. After the initial determination of the grant amount for each district or program, the Department may adjust the grant amount based on additional data and information received by the department.

(5)(a) Each school district, education service district and program shall account for the grant amounts it receives separately, and shall apply these amounts to pay for activities described in the district or program's application. School districts, education service districts and programs may only expend grant funds on approved activities identified in the grant application of the district or program.

(b) School districts, education service districts and programs shall report improvement data to the Department that relates to the activities, as identified in their grant application, for which the district or program received grant funds. The Department shall evaluate the annual progress of each district or program that received grant funds and include the department's findings in its report on the grant program to the State Board of Education and the Legislative Assembly.

(c) School districts and education service districts may choose to budget grantfunds in the district's General Fund or a Special Revenue Fund. Programs may choose to budget these funds in a Special Revenue Fund. The Department will establish an Area of Responsibility code in the Program Budgeting and Accounting Manual for School Districts and Education Service Districts in Oregon to identify all expenditures for the School Improvement Fund. School districts and education service districts and programs shall use the Area of Responsibility code to identify all expenditures for the School Improvement Fund.

(d) School districts, education service district and programs may carry over grant funds received in a fiscal year until the end of the next fiscal year. If a district or program has not expended all of its grant funds prior to the end of the carry over period, the district or program shall return the unused portion of the grant funds to the Department.

(e) If the department determines that a school district, education service district or program did not expend grant funds in accordance with ORS 327.297 or this rule, the Department may deny a subsequent request for grant funds from the district or program and may require the district or program to repay grant funds received by the district or program for any year.

(f) The Department shall deposit any moneys it receives under this section in the School Improvement Fund and distribute those moneys as part of the grants awarded from the fund.

(6) In accordance with ORS 334.177 and the Program Budgeting and Accounting Manual for School Districts and Education Service Districts in Oregon, an education service district may transfer grant funds to component school districts for activities, as identified in the grant application of the education service district, for which the education service district received grant funds. The education service district shall report to the Department about how much grant funds were transferred and shall report improvement data relating to the activities.

(7) In accordance with ORS 327.297 and the Program Budgeting and Accounting Manual for School Districts and Education Service Districts in Oregon, a school district may transfer grant funds to a public charter school for activities, as identified in the grant application of the school district, for which the school district received grant funds. The school district shall report to the Department about how much grant funds were transferred and shall report improvement data relating to the activities.

(8) The State Superintendent of Public Instruction shall resolve any issues arising from the administration of the School Improvement Fund

grants not specifically addressed by this rule and the Superintendent's determination shall be final.

Stat. Auth.: ORS 327

Stats. Implemented: ORS 327.290, 327.294, 327.297

Hist.: ODE 18-2001(Temp), f. & cert. ef. 8-15-01 thru 1-02-02; ODE 31-2001, f. & cert. ef. 12-20-01; ODE 24-2007(Temp), f. & cert. ef. 10-26-07 thru 4-23-08; ODE 12-2008, f. & cert. ef. 4-21-08

Oregon Liquor Control Commission Chapter 845

Rule Caption: Amend five temporary rules removing off-premises sales licensees from the Direct Shipper Permit requirements.

Adm. Order No.: OLCC 6-2008(Temp)

Filed with Sec. of State: 4-18-2008

Certified to be Effective: 4-18-08 thru 6-28-08

Notice Publication Date:

Rules Amended: 845-005-0416, 845-005-0417, 845-006-0391, 845-006-0392, 845-006-0396

Rules Suspended: 845-005-0416(T), 845-005-0417(T), 845-006-0391(T), 845-006-0392(T), 845-006-0396(T)

Subject: The Commission adopted, amended or suspended a package of 16 rules effective January 1, 2008 creating a new Direct Shipper Permit and Wine Self-Distribution Permit. The temporary rules were promulgated to implement the statutory changes made to ORS 471.282 and ORS 471.274 by HB 2171 and HB 2677, which become effective January 1, 2008. During the February 2008 special session, the legislature passed HB 3636, which amends ORS 471.186 and ORS 471.282 allowing off-premises sales licensees to deliver wine & cider to Oregon residents without a Direct Shipper Permit. The five temporary rules in this package include amendments to remove off-premises sales licensees from the Direct Shipper Permit requirements while still applying the Commission's alcohol delivery requirements, including special requirements for same-day delivery.
Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-005-0416

Definitions

As used in OAR 845-005-0416 through 845-005-0426:

(1) The term "ship" means to cause the delivery or transport of malt beverages, wine or cider to either a resident of Oregon or a licensee of the Commission. The term "deliver" has a similar meaning and includes the transport and handing over of malt beverages, wine or cider to a resident or a licensee of the Commission. The terms ship and deliver may be used interchangeably.

(2) "Same-day delivery" means a person causes a resident of Oregon to receive malt beverages, wine, or cider on the same day the person receives the order from the customer.

(3) "Next-day delivery" means a person causes a resident of Oregon to receive malt beverages, wine, or cider after the day the person receives the order from the customer.

(4) "For-hire carrier" means any person or company who holds itself out to the public as willing to transport property in return for compensation.

(5) "Month" means a calendar month.

Stat. Auth.: ORS 471, including ORS 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.282

Hist.: OLCC 23-2007(Temp), f. 12-14-07, cert. ef. 1-1-08 thru 6-28-08; OLCC 6-2008(Temp), f. & cert. ef. 4-18-08 thru 6-28-08

845-005-0417

Qualifications for Direct Shipper Permit for Wine and Cider to a Resident of Oregon

ORS 471.282 allows a person with a Direct Shipper Permit to sell and ship wine or cider directly to a resident of Oregon who is at least 21 years of age. ORS 471.186 allows an off-premises sales licensee to deliver wine and cider to a resident of Oregon who is at least 21 years of age. This rule sets the qualifications to obtain a Direct Shipper Permit and for an off-premises sales licensee to obtain approval from the Commission to make same-day delivery of wine and cider.

(1) Only the following persons may qualify for a Direct Shipper Permit:

(a) A person holding a winery license issued under ORS 471.223 or a grower sales privilege license issued under ORS 471.227.

(b) A person holding a temporary sales license issued under ORS 471.190 that is also a nonprofit trade association and that has a membership

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primarily composed of persons holding winery licenses issued under ORS 471.223 and grower sales privilege licenses issued under ORS 471.227.

(c) A person holding a license issued by another state within the United States that authorizes the manufacture of wine or cider.

(d) A person holding a license issued by another state within the United States that authorizes the sale of wine or cider produced only from grapes or other fruit grown under the control of the licensee.

(e) A person holding a license issued by another state within the United States that authorizes the sale of wine or cider at retail for consumption off the licensed premises.

(2) Application for a Direct Shipper Permit. A person, other than an off-premises sales licensee, must make application to the Commission upon forms to be furnished by the Commission and receive a Direct Shipper Permit from the Commission before shipping any wine or cider directly to a resident of Oregon. The application shall include:

(a) If the application is by a person described under subsection (1)(a) of this rule: a statement that the person understands and will follow the requirements listed in OAR 845-006-0392.

(b) If the application is by a person described under subsection (1)(b) of this rule: a statement that the person understands and will follow the requirements listed in OAR 845-006-0392; a bond or other security described in ORS 471.155 in the minimum amount of \$1,000; and a \$50 fee.

(c) If the application is by a person described under subsection (1)(c), (1)(d), or (1)(e) of this rule: a statement that the person understands and will follow the requirements listed in OAR 845-006-0392; a true copy of their license; a bond or other security described in ORS 471.155 in the minimum amount of \$1,000; and a \$50 fee.

(3) The Commission may revoke or refuse to issue or renew a Direct Shipper Permit if the permit holder or applicant fails to qualify for the permit under this rule or a refusal basis applies under ORS Chapter 471 or any other rule of the Commission and good cause does not overcome the refusal basis.

(4) A Direct Shipper Permit must be renewed annually.

(a) If the person holds the permit based on a license issued by another state, the permit may be renewed by paying a \$50 renewal fee, providing the Commission with a true copy of a current license issued to the person by the other state, and providing proof of a bond or other security described in ORS 471.155 in the minimum amount of \$1,000.

(b) If the person holds the permit based on an annual license issued by this state, the permit may be renewed at the same time that the license is renewed.

(5) Application for Same-Day Delivery. A person who holds, or is applying for, a Direct Shipper Permit or an off-premises sales license issued by the Commission who intends to provide the service of same-day delivery of wine or cider to a resident of Oregon must make application to the Commission upon forms to be furnished by the Commission and receive approval from the Commission prior to beginning the same-day delivery service. The application for same-day delivery approval shall include a statement that the person understands and will follow the same-day delivery requirements listed in OAR 845-006-0392.

(6) The Commission may refuse to process any application required under this rule if the application is not complete and accompanied by the documents or disclosures required by the form. The Commission shall give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS chapter 183.

Stat. Auth.: ORS 471, including ORS 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.155 & ORS 471.229

Hist.: OLCC 23-2007(Temp), f. 12-14-07, cert. ef. 1-1-08 thru 6-28-08; OLCC 6-2008(Temp), f. & cert. ef. 4-18-08 thru 6-28-08

845-006-0391

Definitions

As used in OAR 845-006-0391 through 845-006-0401:

(1) The term "ship" means to cause the delivery or transport of malt beverages, wine or cider to either a resident of Oregon or a licensee of the Commission. The term "deliver" has a similar meaning and includes the transport and handing over of malt beverages, wine or cider to a resident or a licensee of the Commission. The terms ship and deliver may be used interchangeably.

(2) "Same-day delivery" means a person causes a resident of Oregon to receive malt beverages, wine, or cider on the same day the person receives the order from the customer.

(3) "Next-day delivery" means a person causes a resident of Oregon to receive malt beverages, wine, or cider after the day the person receives the order from the customer.

(4) "For-hire carrier" means any person or company who holds itself out to the public as willing to transport property in return for compensation.

(5) "Month" means a calendar month.

Stat. Auth.: ORS 471, including ORS 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.282

Hist.: OLCC 23-2007(Temp), f. 12-14-07, cert. ef. 1-1-08 thru 6-28-08; OLCC 6-2008(Temp), f. & cert. ef. 4-18-08 thru 6-28-08

845-006-0392

Requirements for Direct Shipment of Wine and Cider to a Resident of Oregon

(1) A person may sell and ship wine or cider to a resident of Oregon only if the person holds:

(a) A valid Direct Shipper Permit and holds a license issued by this state or another state that authorizes the person to hold a Direct Shipper Permit; or

(b) An off-premises sales license issued by the Commission.

(2) A person holding a Direct Shipper Permit must ship not more than a total of two cases of wine or cider containing not more than nine liters per case per month to a resident of Oregon who is at least 21 years of age.

(3) A person holding a Direct Shipper Permit or an off-premises sales license must ship:

(a) Only wine or cider and only in manufacturer-sealed containers;

(b) Only to a resident of Oregon who is at least 21 years of age and only if the wine or cider is for personal use and not for the purpose of resale;

(c) Only for delivery to a resident who is not visibly intoxicated at the time of receiving the alcohol;

(d) The product in a container that is conspicuously labeled with the words "Contains alcohol: signature of person age 21 years or older required for delivery;"

(e) Only pursuant to an order for the wine or cider that is received by the permit holder or licensee prior to shipment of the alcohol;

(f) Only for next-day delivery, unless the permit holder or licensee has been approved for same-day delivery; and

(g) Only to a home or business with a permanent address.

(4) If the permit holder or licensee ships via a for-hire carrier the permit holder and licensee must use a for-hire carrier with a plan approved by the Commission under OAR 845-005-0424. A for-hire carrier may not be used for same-day delivery. In addition:

(a) The permit holder must comply with subsections (2) and (3) of this rule;

(b) The licensee must comply with subsection (3) of this rule.

(5) If the permit holder or licensee do not use a for-hire carrier, in addition to complying with subsections (2) and (3) of this rule, as applicable, only the permit holder, the permit holder's employee, the licensee, or the licensee's employee may deliver the wine or cider to a resident of Oregon. Also, the person making the delivery of the wine or cider must:

(a) Be age 18 or over;

(b) Verify by inspecting government-issued photo identification that the person receiving the alcohol is at least 21 years of age;

(c) Verify that the person receiving the alcohol is not visibly intoxicated; and

(d) Complete a Commission-approved form that must be retained by the permit holder or licensee for a minimum of two years from the date of delivery of the alcohol to the resident. The form must include:

(A) A statement that the person receiving the alcohol is required to sign that says "I am age 21 years or older;"

(B) A place for recording the date and time the alcohol was delivered to the resident;

(C) A place for recording the amount of wine or cider delivered to the resident;

(D) A place for recording the name of the person delivering the alcohol to the resident;

(E) A place for recording the name, birth date, and delivery address of the person receiving the alcohol;

(F) A place for recording that the person delivering the alcohol verified by inspecting government-issued photo identification that the person receiving the alcohol is at least 21 years of age;

(G) A place for recording the government and type of photo identification accepted; and

(H) A place for verifying that the person receiving the alcohol is not visibly intoxicated.

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(6) Same-day delivery. If the permit holder or licensee has also obtained approval to make same-day delivery of wine or cider, in addition to complying with subsections (2), (3), and (5) of this rule, as applicable, the permit holder or licensee must:

(a) Receive the order from the resident no later than 4:00 pm on the day the order is delivered;

(b) Ensure that the wine and cider is delivered to the resident before 9:00 pm; and

(c) Utilize only the permit holder, the permit holder's employee, the licensee, or the licensee's employee to deliver the wine or cider to the resident; and

(d) Deliver not more than a total of two cases of wine or cider containing not more than nine liters per case per day to a resident of Oregon.

(7) A permit holder must:

(a) Keep a record of all shipment of wine and cider to a resident of Oregon, including the name of the resident, the date of shipment and the amount of wine or cider shipped, and shall retain such records for a minimum of two years from the date of the shipment. The permit holder must allow the Commission to audit the permit holder's records upon request and shall make those records available to the Commission in this state;

(b) Report to the Commission all shipments of wine or cider made to a resident of Oregon under the permit as required by ORS chapter 473. The report must be made in a form prescribed by the Commission; and

(c) Timely pay to the Commission all taxes imposed under ORS chapter 473 on wine and cider sold and shipped directly to a resident of Oregon under the permit. For the purpose of the privilege tax imposed under ORS chapter 473, all wine or cider sold and shipped pursuant to a direct shipper permit is sold in this state. The permit holder, not the purchaser, is responsible for the tax.

(8) If the permit holder is a person holding a license issued by another state within the United States, it consents to the jurisdiction of the Commission and the courts of this state for the purpose of enforcing the provisions of this rule and any related laws or rules.

(9) A violation of section (7) of this rule is a Category IV violation. A violation of any other section of this rule is a Category III violation. In lieu of a criminal citation, the Commission may assess an administrative penalty for shipping wine or cider without a valid Direct Shipper Permit in violation of section (1) of this rule against any Oregon license held by the shipper, including a Certificate of Approval issued pursuant to ORS 471.289.

Stat. Auth.: ORS 471, including ORS 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.186, 471.282, 473

Hist.: OLCC 23-2007(Temp), f. 12-14-07, cert. ef. 1-1-08 thru 6-28-08; OLCC 6-2008(Temp), f. & cert. ef. 4-18-08 thru 6-28-08

845-006-0396

Requirements for Same-Day and Next-Day Retail Delivery of Malt Beverages to Residents of Oregon

This rule sets the requirements for same-day and next-day delivery of malt beverages to a resident of Oregon. A licensee must be approved by the Commission under OAR 845-005-0420 in order to provide same-day delivery of malt beverages.

(1) A licensee qualified to make same-day or next-day delivery of malt beverages under OAR 845-005-0420 must ship:

(a) Only malt beverages and only in a manufacturer-sealed container. A container must not hold more than two and one-quarter gallons;

(b) Only to a resident of Oregon who is at least 21 years of age and only if the malt beverage is for personal use and not for the purpose of resale;

(c) Only for delivery to a resident who is not visibly intoxicated at the time of receiving the alcohol;

(d) The malt beverage in a package that is conspicuously labeled with the words "Contains alcohol: signature of person age 21 years or older required for delivery;"

(e) Only pursuant to an order for the malt beverage that is received by the licensee prior to shipment of the alcohol;

(f) Only for next-day delivery unless the licensee has been approved for same-day delivery by the Commission; and

(g) Only to a home or business with a permanent address.

(2) If the licensee ships via a for-hire carrier, in addition to subsection (1) of this rule, the licensee must use a for-hire carrier with a plan approved by the Commission under OAR 845-005-0424. The licensee may not use a for-hire carrier for same day delivery.

(3) If the licensee does not use a for-hire carrier, in addition to complying with subsection (1) of this rule, only the licensee or an employee of the licensee may deliver the malt beverage to a resident of Oregon. Also, the person delivering the malt beverage must:

(a) Be age 18 or over;

(b) Verify by inspecting government-issued photo identification that the person receiving the alcohol is at least 21 years of age;

(c) Verify that the person receiving the alcohol is not visibly intoxicated; and

(d) Complete a Commission-approved form that must be retained by the licensee for a minimum of two years from the date of delivering the alcohol to the resident. The form must include:

(A) A statement that the person receiving the alcohol is required to sign that says "I am age 21 years or older;"

(B) A place for recording the date and time the alcohol was delivered to the resident;

(C) A place for recording the amount of alcohol delivered to the resident;

(D) A place for recording the name of the person delivering the alcohol to the resident;

(E) A place for recording the name, birth date, and delivery address of the person receiving the alcohol;

(F) A place for recording that the person delivering the alcohol verified by inspecting government-issued photo identification that the person receiving the alcohol is at least 21 years of age;

(G) A place for recording the government and type of photo identification accepted; and

(H) A place for verifying that the person receiving the alcohol is not visibly intoxicated.

(4) Same-day delivery. If the licensee is approved to make same-day delivery of malt beverages, in addition to complying with subsections (1) and (3) of this rule, the licensee must:

(a) Receive the order from the resident no later than 4:00 pm on the day the order is delivered;

(b) Ensure that the malt beverage is delivered to the resident before 9:00 pm;

(c) Utilize only the licensee or the licensee's employee to deliver the malt beverage to the resident; and

(d) Deliver not more than a total of five gallons of malt beverages per day to a resident of Oregon.

(5) Sanction. A violation of any section of this rule is a Category III violation.

Stat. Auth.: ORS 471, including 471.030, 471.040, 471.730(1) & (5)

Stats. Implemented: ORS 471.305

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 7-2003(Temp), f. & cert. ef. 5-20-03 thru 11-16-03; OLCC 12-2003, f. 9-23-03, cert. ef. 11-1-03; OLCC 23-2007(Temp), f. 12-14-07, cert. ef. 1-1-08 thru 6-28-08; OLCC 6-2008(Temp), f. & cert. ef. 4-18-08 thru 6-28-08

Rule Caption: Amend rule creating a new Number VI minor posting for "mixed use" on-premises licenses.

Adm. Order No.: OLCC 7-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 6-1-08

Notice Publication Date: 2-1-2008

Rules Amended: 845-006-0340

Subject: This rule describes the minor postings that the Commission assigns to those licensed premises that allow on-premises consumption. These minor postings define if and under what conditions minors are allowed in areas where alcohol is consumed or there is a drinking environment. Staff proposes revising and clarifying the definition of "drinking environment" to reflect a premises, room or area where the consumption of alcoholic beverages is the predominant activity. The proposed amendments would allow the Commission to determine that there is no "drinking environment" when activities besides "eating meals" (i.e. watching a performance, bowling, etc) are the predominant activity. In order to standardize how minors are regulated in a premises, room or area with "mixed use" operations (i.e. concert halls, performing arts centers, movie theaters, sport arenas, convention centers, or dance halls), staff proposes the deletion of the current section (2)(a)-(j), When Minor Patrons are Allowed, and the addition of a new Number VI minor posting instead. This new Number VI minor posting (section (5)(g)) will put into our rule our current practice of using an approved minor control plan to regulate minors in certain types of premises. Staff further proposes the addition of a new section (8) regarding the minor control plan required for a Number VI minor posting, which would include exam-

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ples of control plan elements which will prevent minors from obtaining alcohol and minimize minors' exposure to a drinking environment, and also establish violations for both failure to follow the approved minor control plan and failure to make to the minor control plan available. Staff also proposes amending section (7), Permanent Changes to Minor Postings, by separating it from the section on temporary changes, and revising the language to simplify the process for licensees and staff while also clarifying the criteria for permanently changing a minor posting.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-006-0340

Minor Postings

(1) The Commission is charged with regulating the sale of alcohol in a manner which protects the safety and welfare of the citizens, and ensures that alcohol is used legally. As a policy making body, the Commission has a responsibility to send a clear message to the community and its youth that drinking alcohol is an adult activity, and that drinking environments are for adults. This rule applies only to licenses that allow on-premises alcohol consumption including tastings, except for tasting areas at an Off-Premises license approved under OAR 845-006-0450.

(2) Definitions. For this rule:

(a) "Eating food is the predominant activity" means the Commission has determined that more people eat food than drink alcohol (or the Commission determines that the licensee has reasonably projected this).

(b) "Drinking predominates" means the Commission has determined that more people are, or at times are likely to be, drinking alcohol than not drinking alcohol.

(c) "Drinking environment" means the Commission determines that there is a combination of conditions or factors in a premises, room, or area which make it likely that minors will obtain alcohol or which create an environment where drinking alcohol is or appears to be the predominant activity. Some examples of factors that contribute to a drinking environment include but are not limited to cocktail tables, a bar, bar equipment and accessories, dim lighting, alcohol advertising, events or entertainment primarily targeted to adults, and events or operations where the monitoring of patron behavior is or could be insufficient to prevent minors from obtaining alcohol.

(d) "Recent serious violation history" means:

(A) Two or more category III or IIIa administrative violations of any type, or category IV violations involving minors, at the premises by the applicant or licensee within the last two years. However, if the circumstances of a violation include aggravation, one violation may be sufficient; or

(B) One category I, II or IIa administrative violation at the premises by the applicant or licensee within the last two years; or

(C) The applicant or licensee has incurred an immediate license suspension at the premises within the last two years; or

(D) There are two or more crimes or offenses involving liquor laws within the last two years at the premises.

(e) "Civic group" means a non-profit corporation, association or political entity, or any authorized representative of a governmental entity. Examples are parent-teacher associations, Rotary and Toastmasters. Civic group does not include any group made up primarily of minors.

(f) "Stage revue" means a live performance with adult or sexual themes of a type usually performed on a stage, involving players performing such activities as skits, song, dance and comedy routines.

(g) "Minor" means a person under the age of 21.

(h) "Adult" means a person 21 years of age or older.

(i) "Bar" means a counter at which the preparation, pouring, serving, sale or consumption of alcoholic beverages is the primary activity.

(j) "Food counter" means a counter in an area in which minors are allowed and at which the primary activity at all times is the preparation, serving, sale or consumption of food.

(k) "Video lottery game" means a video lottery game terminal authorized by the Oregon State Lottery. Examples include but are not limited to video poker and video slots. Keno monitors are not considered a video lottery game.

(l) "Social game" means a game other than a lottery, if authorized by a local county or city ordinance pursuant to ORS 167.121, between players in a private business, private club, or place of public accommodation where no house player, house bank, or house odds exist and there is no house income from the operation of the social game.

(m) "Domestic Partner" means an individual who, along with another individual of the same sex, has received a Certificate of Registered Domestic Partnership pursuant to the Oregon Family Fairness Act.

(n) "Minor control plan" means a written, dated and signed plan submitted to the Commission by an applicant or licensee for a premises, room, or area that shows where and when minors are permitted and the control measures used to prevent minors from obtaining alcohol, prohibit minors when drinking alcohol predominates, and minimize minors' exposure to a drinking environment.

(3) The Commission uses Section (5) to assign minor postings to a premises, room, or area where alcohol is consumed or where there is a drinking environment. When the facts do not clearly and convincingly meet the criteria for allowing minors, the Commission interprets the rule to prohibit minors. The Commission does not assign more than one type of minor posting to an area unless there are definable boundaries.

(4) Even when minors are otherwise allowed under this rule:

(a) Minors may not sit or stand at a bar; however, minors may sit or stand at a food counter;

(b) Minors may not be in a Number IV posted area during happy-hours or similar reduced-price drink hours;

(c) Minors may not be in a room or area where there is entertainment which is often found in a drinking environment. Examples include but are not limited to: video lottery games; social games; stage revues; nude entertainment; and wet t-shirt events. Minors may not be in an area where this entertainment is visible.

(d) Subsections (4)(a) through (4)(c) of this rule do not apply to a minor in the immediate company of his/her spouse or Domestic Partner who is at least 21 years of age, if allowed by subsection (10)(e) of this rule.

(5) The Commission uses the following minor posting signs to tell the public where minors are allowed or prohibited, and to assist licensees in controlling the presence of minors. In those circumstances when the licensee's operation would qualify for a Number III, IIIA, IV, V, or VI minor posting, the licensee may have a Number I or II posting prohibiting minors.

(a) "No Minors Permitted Anywhere on This Premises", (Number I Minor Posting). The Commission assigns this posting to an entire premises where there is a drinking environment or drinking alcohol does or is likely to predominate most of the time. An example could be a tavern.

(b) "No Minors Permitted in This Portion of The Premises or at This Bar", (Number II Minor Posting). The Commission assigns this posting to rooms or areas of a premises where there is a drinking environment or drinking alcohol does or is likely to predominate most of the time. Some examples are lounges, gambling rooms, the bar and other rooms or areas where drinking alcohol is the predominant activity.

(c) "Minors Allowed in This Area", (Number III Minor Posting). The Commission assigns this posting to a premises, room, or area where there is no drinking environment and drinking alcohol will never predominate. The Commission does not generally require the Number III sign to be physically posted. Minors may use entertainment devices. Some examples are restaurants and dining rooms in premises with separate lounges.

(d) "Minors Allowed From: ___ To: ___ (Hours) On: ___ (days)", (Number III-A Minor Posting). The Commission assigns this posting to allow minors in a premises, room, or area during times when there is no drinking environment and drinking alcohol does not predominate and to prohibit minors during times when there is a drinking environment or drinking alcohol does or is likely to predominate. Minors may use entertainment devices during the times minors are allowed. An example is a pizza parlor with karaoke during some times. Minors are allowed in the area and may participate in karaoke during the times when there is no drinking environment and drinking alcohol does not predominate.

(e) "Minors Allowed During These Hours Only. On: (days) from: ___ to: ___ and only for the purpose of consuming food", (Number IV Minor Posting). The Commission assigns this posting to an area or entire premises that often has a drinking environment to let minors consume food during times when drinking does not predominate and eating food is the predominant activity. Eating food must predominate during all times when minors are allowed, even if minors are not present. Minors may not use entertainment devices in this area.

(f) "Minors Allowed Only with their Parent or Spouse or Domestic Partner age 21 or over", (Number V Minor Posting). The Commission assigns this posting to rooms or areas where the only alcoholic beverages served or consumed are sample tastings of distilled spirits, wine, malt beverages or cider. For purposes of this rule, a sample tasting is defined as no more than one and a half ounces for wine or cider, three ounces for malt beverages, or one-quarter ounce for distilled spirits.

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(g) “Minors Allowed in this Premises or in this Portion of this Premises only as provided in the Licensee’s Minor Control Plan Approved by the Commission” (Number VI Minor Posting). The Commission may assign this posting to a premises, room, or area where minors will be allowed only as per the minor control plan approved by the Commission. Minors are allowed only during the days and times or types of events approved in the minor control plan. The Commission will not approve a minor control plan that proposes to allow minors in a premises, room, or area during times when the Commission determines that the predominant activity is the consumption of alcohol or when the drinking environment is not minimized. The minor control plan must be in writing, dated and signed by the licensee, and approved by the Commission prior to operating with this posting.

(6) Temporary Relaxation of Minor Postings. The Commission recognizes that under special, limited circumstances, it may be appropriate to allow minors in a premises, room, or area where minors are normally prohibited. Therefore, the Commission may grant a temporary relaxation of a minor posting for an occasional event held on a licensed premises. The licensee must submit a written, dated, and signed request, including a minor control plan, to the Commission explaining the details of the temporary relaxation and how the licensee will prevent minors from obtaining alcohol, prohibit minors when drinking alcohol predominates, and minimize minors’ exposure to a drinking environment. The licensee must obtain Commission approval prior to temporarily relaxing the minor posting.

(a) The Commission does not grant relaxations when:

(A) There has been a recent serious violation history in the room, area or entire premises; or

(B) During the activity, the premises, room, or area has or will have entertainment described under section (4)(c) of this rule. The Commission does not grant relaxations if any of this entertainment is visible from the area where the activity is held.

(b) The Commission may temporarily allow minors into a normally prohibited area under these circumstances:

(A) The licensee needs additional space for overflow family dining for widely recognized holidays, such as Mother’s Day, Father’s Day and Thanksgiving, and eating predominates during all times when minors are allowed, even if minors are not present;

(B) The activity is a family-oriented event held in a physically separate room or area. The general public is not allowed at the event. Some examples are wedding receptions and family reunions;

(C) The activity is sponsored and promoted by a civic group. An example is a school-sponsored party. The following conditions apply:

(i) The group must make a written statement that no other facility in the community is available that can reasonably accommodate the activity;

(ii) A group may sponsor one activity at a licensed premises per quarter;

(iii) All alcohol must be covered and may not be served or consumed in the room or area;

(iv) No imitation cocktails or non-alcoholic beer or non-alcoholic wine are allowed;

(v) No alcohol advertising is visible; and,

(vi) Minor posting signs which prohibit minors must be covered during the activity.

(c) When the Commission refuses to temporarily relax a minor posting, the licensee has a right to contest the decision. The licensee must comply with the assigned minor posting unless the refusal is overturned through the contested case process.

(7) Permanent Changes to Minor Postings:

(a) The Commission may change a minor posting at any time if:

(A) The existing posting is inconsistent with this rule;

(B) There has been a recent serious violation history in the premises, room, or area; or

(C) The Commission determines that the minor control plan that is the basis for the minor posting is not adequate to control the premises, room, or area.

(b) When the Commission changes a minor posting, the licensee has a right to contest the decision. The licensee must comply with the changed minor posting unless the change is overturned through the contested case process.

(c) A licensee may not change a minor posting or the minor control plan on which a posting is based without prior written approval of the Commission. A licensee must submit a change request in writing. The Commission approves or denies a licensee’s request in writing.

(d) The Commission may refuse a licensee’s request to change a minor posting or minor control plan when:

(A) The requested posting is inconsistent with this rule;

(B) There has been a recent serious violation history in the premises, room, or area; or

(C) The Commission determines that the proposed minor control plan is not adequate to control the premises, room, or area.

(e) When the Commission refuses a licensee’s request to change a minor posting or minor control plan, the licensee has a right to contest the decision. The licensee must comply with the assigned minor posting unless the refusal is overturned through the contested case process.

(8) Minor Control Plan:

(a) The minor control plan must explain where and when minors are permitted and the control measures the applicant or licensee will use to prevent minors from obtaining alcohol, prohibit minors when drinking alcohol predominates, and minimize minors’ exposure to a drinking environment. Examples of elements to be addressed in a minor control plan include but are not limited to: amount and type of bar equipment and accessories; alcohol advertising; how identification will be checked; methods for identifying minors or adults (such as with wristbands); lighting; ratio of licensee’s staff to patrons; drink identification; drink limits; container sizes; if minor patrons are allowed without parent or guardian; separation of minors from alcohol; types and amount of food service; defined times when minors are allowed; type of activity or entertainment; posting signs explaining where and when minors are allowed; addressing unique requirements of the premises, room, or area; addressing the history of compliance with liquor laws and rules at the premises, room, or area; the projected average age of attendees at the event; and a plan for dealing with issues that arise (such as a minor in a prohibited area, a minor with fake identification, a minor found with alcohol, etc.). Further guidance on the elements that may be required in particular circumstances is set forth in guidelines as developed by the Commission.

(b) When the Commission approves a minor control plan that is the basis to assign a minor posting or temporarily relax a minor posting, the licensee must follow that minor control plan. Failure to follow that control plan is a Category III violation.

(c) The licensee must keep the minor control plan that was the basis to assign a minor posting and last approved by the Commission on the licensed premises and make the minor control plan available at any time for immediate inspection by any Commission employee or any peace officer. Failure to comply with this requirement is a Category IV violation.

(9) Licensee Responsibilities:

(a) The burden is on the licensee to convince the Commission that the premises does not have a “drinking environment” or that “eating food is the predominant activity” where those standards apply;

(b) The licensee is responsible for developing and completing any required written minor control plan;

(c) A licensee must use the minor posting signs provided by the Commission and place minor posting signs in full public view as directed by the Commission. A licensee must immediately replace any altered, unreadable or missing sign. Failure to do so is a Category V violation.

(10) Other Information on Minor Postings.

(a) This rule does not apply to a premises with a temporary license that is not on any part of a premises with a permanent license issued by the Commission. Examples of a temporary license or authority include: a Temporary Sales License issued under ORS 471.190; a Special Events Winery license issued under ORS 471.223; a Special Events Grower license issued under ORS 471.227; and a temporary use of an annual license issued under OAR 845-005-0410.

(b) The Commission does not usually assign minor postings in:

(A) Private clubs licensed as per ORS 471.175;

(B) Pre-approved small-scale private catered events as per OAR 845-005-0405 and pre-approved large-scale private catered events as per OAR 845-005-0410.

(c) However, the Commission may assign a minor posting to these businesses for the following reasons:

(A) To prevent violations from occurring or reoccurring; or

(B) In response to the licensee’s request.

(d) Minor Postings apply 24 hours a day, including when the premises is closed to the public or the liquor license is suspended.

(e) Notwithstanding other provisions, a minor in the immediate company of his/her spouse or Domestic Partner who is at least 21 years old may be in a premises or area where minors are prohibited if the licensee permits it. The minor must not buy, possess, or drink alcoholic beverages.

Stat. Auth.: ORS 471 including ORS 471.030, 471.430(3), 471.730(1) & (5)

Stats. Implemented: ORS 471.430(3)

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 14-2003, f. 9-23-03 cert. ef. 11-1-03; OLCC 25-2007, f. 12-17-07, cert. ef. 1-1-08; OLCC 7-2008, f. 4-24-08, cert. ef. 6-1-08

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Oregon Medical Board Chapter 847

Rule Caption: Change timeframe requirements for alternate pathway acupuncture applicants.

Adm. Order No.: BME 7-2008(Temp)

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08 thru 10-6-08

Notice Publication Date:

Rules Amended: 847-070-0016

Subject: Temporary rule deletes reference to the date July 1, 1998 in the requirement that applicants for licensure by the alternate pathway must document five years of practice prior to July 1, 1998 and meet the curriculum's western medicine standards in place on July 1, 1998. 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

847-070-0016

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) 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; or

(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; or

(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; and

(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

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

Rule Caption: Require documentation of active duty in military and completion of reactivation process prior to practice.

Adm. Order No.: BME 8-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Adopted: 847-008-0018

Rules Amended: 847-008-0015, 847-008-0022, 847-008-0023, 847-008-0037

Subject: Proposed rules create a separate section for the Active - Military/Public Health status and require documentation of the licensee's active duty in the military prior to granting this status. Amended rules clarify that the reactivation process must be satisfactorily complete before a licensee can begin active practice in Oregon.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-008-0015

Active Registration

(1) Each licensee of the Board who practices within the State of Oregon shall register and pay a biennial active registration fee prior to the last day of the registration period, except where:

(a) The licensee is in a qualified training program and elects to register on an annual basis.

(b) The licensee practices on an intermittent, locum-tenens basis, as defined in OAR 847-008-0020.

(c) The licensee is in the Military or Public Health Service where the licensee's official state of residence is Oregon as defined in OAR 847-008-0018.

(d) The licensee practices teleradiology as defined in OAR 847-008-0022, telemonitoring as defined in OAR 847-008-0023, or telemedicine as defined in OAR 847-025.

(2) Each licensee of the Board whose practice address of record with the Board is within 100 miles of the border of the State of Oregon and who intends to practice within Oregon shall qualify for active registration status. Such licensee shall submit a statement to the Board attesting to practice in Oregon.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.228

Hist.: ME 5-1990, f. & cert. ef. 4-25-90; ME 5-1991, f. & cert. ef. 7-24-91; BME 2-2004, f. & cert. ef. 1-27-04; BME 14-2004, f. & cert. ef. 7-13-04; BME 7-2006, f. & cert. ef. 5-8-06; BME 2-2007, f. & cert. ef. 1-24-07; BME 8-2008, f. & cert. ef. 4-24-08

ADMINISTRATIVE RULES

847-008-0018

Active — Military/Public Health Registration

(1) Any licensee who is in the Military or Public Health Service whose official state of residence is Oregon may maintain an active status by request and by paying the active biennial registration fee.

(2) Prior to being granted a status of Active — Military/Public Health status, the applicant for licensure or the licensee requesting a change of status, shall provide the Board with documentation of:

(a) Current military service with a copy of their military identification card; and

(b) Residency in Oregon with a copy of their Defense Finance and Accounting Service Military Leave and Earnings Statement.

(3) Practice must be limited to the military or US Public Health Service.

(4) The licensee granted Active — Military/Public Health status must register and pay a biennial active registration fee.

(5) The Active — Military/Public Health status remains valid as long as the licensee maintains active duty in the military or public health, and the licensee's official state of residence is Oregon.

(6) The licensee with Active — Military/Public Health status desiring to have Active status in Oregon must submit the Affidavit of Reactivation, and satisfactorily complete the reactivation process before beginning active practice in Oregon.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.172, 677.265
Hist.: BME 8-2008, f. & cert. ef. 4-24-08

847-008-0022

Teleradiology Registration

(1) Teleradiology is the electronic transmission of radiological images from one location to another for the purposes of interpretation and/or consultation.

(2) A physician whose specialty is radiology or diagnostic radiology who practices in a location outside of Oregon and receives radiological images via teleradiology from an Oregon location for interpretation or consultation and who communicates his/her radiological findings back to the ordering physician is practicing teleradiology for Oregon. A physician practicing teleradiology for Oregon is not required to be licensed in Oregon. The Board, however, offers a license with Active — Teleradiology registration status for those physicians who require such for administrative reasons.

(3) Physicians granted Active — Teleradiology status register and pay a biennial active registration fee. The physician with Active — Teleradiology status desiring to have Active status to practice in Oregon must submit the Affidavit of Reactivation and processing fee, and satisfactorily complete the reactivation process before beginning active practice in Oregon.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.172
Hist.: BME 14-2004, f. & cert. ef. 7-13-04; BME 2-2007, f. & cert. ef. 1-24-07; BME 8-2008, f. & cert. ef. 4-24-08

847-008-0023

Telemonitoring Registration

(1) Telemonitoring is the intraoperative monitoring of data collected during surgery and electronically transmitted to a physician who practices in a location outside of Oregon via a telemedicine link for the purpose of allowing the monitoring physician to notify the operating team of changes that may have a serious effect on the outcome and/or survival of the patient. The monitoring physician is in communication with the operation team through a technician in the operating room.

(2) The facility where the surgery is to be performed must be a licensed hospital or ambulatory surgical center licensed by the Department of Human Services, must grant medical staff membership and/or clinical privileges to the monitoring physician, and must request the Board of Medical Examiners grant Active — Telemonitoring status to the monitoring physician to perform intraoperative telemonitoring on patients during surgery.

(3) Physicians granted Active — Telemonitoring status may register and pay a biennial active registration fee. The physician with Active — Teleradiology status desiring to have Active status to practice in Oregon must submit the Affidavit of Reactivation and processing fee, and satisfactorily complete the reactivation process before beginning active practice in Oregon.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.172, 677.175
Hist.: BME 1-2006(Temp), f. & cert. ef. 2-8-06 thru 7-7-06; BME 8-2006, f. & cert. ef. 5-8-06; BME 2-2007, f. & cert. ef. 1-24-07; BME 8-2008, f. & cert. ef. 4-24-08

847-008-0037

Administrative Medicine

(1) A physician or podiatric physician who proposes to practice Administrative Medicine within the State shall apply for and obtain a license.

(2) A physician or podiatric physician with an Administrative Medicine license may not examine, care for or treat patients. A physician or podiatric physician with an Administrative Medicine license may advise organizations, both public and private, on healthcare matters; authorize and deny financial payments for care; organize and direct research programs; review care provided for quality; and other similar duties that do not require direct patient care.

(3) Physicians or podiatric physicians granted Active — Administrative Medicine status must register and pay a biennial active registration fee.

(4) The licensee with Active — Administrative Medicine status desiring to have Active status to practice in Oregon must submit the Affidavit of Reactivation and processing fee, and satisfactorily complete the reactivation process before beginning active practice in Oregon.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.172, 677.265
Hist.: BME 2-2007, f. & cert. ef. 1-24-07; BME 21-2007(Temp), f. & cert. ef. 10-24-07 thru 4-7-08; BME 2-2008, f. & cert. ef. 1-22-08; BME 8-2008, f. & cert. ef. 4-24-08

Rule Caption: Discuss and document procedures, alternatives and risks of treatment for intractable pain with controlled substances.

Adm. Order No.: BME 9-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Amended: 847-015-0030

Subject: Proposed rule amendment brings the language used in OAR 847-015-0030 in line with changes made to ORS 677.470-.485 as a result of SB 880 (2007).

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-015-0030

Written Notice Disclosing the Material Risks Associated with Prescribed or Administered Controlled Substances for the Treatment of "Intractable Pain"

(1) Definitions

(a) "Controlled substance" has the meaning given that term under ORS 475.005.

(b) "Intractable pain" means a chronic pain state in which the cause of the pain cannot be removed or otherwise treated and for which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain has been found after reasonable efforts, including, but not limited to, evaluation by the attending physician.

(2) Controlled substances may be prescribed for long term treatment of intractable pain. The attending physician records must contain the attending physician's examination, diagnosis and any other supporting diagnostic evaluations and other therapeutic trials, including records from previous providers. If there is a consulting physician, written documentation of his/her corroborating findings, diagnosis and recommendations shall be included in the record.

(3) Before initiating treatment of intractable pain with controlled substances or, when it is apparent that pain which is already being treated with controlled substances has now become intractable, the attending physician shall discuss with the patient the procedures, alternatives and risks associated with the prescribing or administering controlled substances for long term management of pain. Following the discussion the patient will be given an opportunity to request further explanations. When the patient is satisfied with the explanation of the issues related to the prescribing of these drugs over long periods of time, the attending physician shall provide to the person and the person shall sign a written document outlining the issues discussed associated with the prescribed or administered controlled substances.

(4) The material risk notice should include but not be limited to:

(a) The diagnosis;

(b) The controlled substance and/or group of controlled substances to be used;

(c) Anticipated therapeutic results;

(A) Pain relief;

(B) Functional goals;

(d) Alternatives to controlled substance therapy;

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- (e) Potential additional therapies to be used in conjunction with controlled substances; and
 - (f) Potential side effects (if applicable):
 - (A) Cardiovascular;
 - (B) Central Nervous System;
 - (C) Gastrointestinal;
 - (D) Endocrine;
 - (E) Respiratory;
 - (F) Dermatologic;
 - (G) Urinary;
 - (H) Pregnancy, and
 - (I) Other.
 - (g) Allergy Potential;
 - (h) Interaction/Potential of other medications;
 - (i) Potential for dose escalation/tolerance;
 - (j) Withdrawal precautions;
 - (k) Potential for dependence and addiction;
 - (l) Potential for impairment of judgment and/or motor skills;
 - (m) Satisfaction with or desire for more explanation; and
 - (n) Patient signature (dated).
- (5) The material risk consent form will be maintained as a permanent component of the patient record as shall documentation of long term follow-up to demonstrate the continued need for this form of therapy. A dispensing record of the amount and dose of the prescribed or administered controlled substances shall be maintained as part of the patient record.

Stat. Auth.: ORS 677.265, SB 880 2007
Stats. Implemented: ORS 677.470 - 485
Hist.: ME 4-1996, f. & cert. ef. 7-26-96; BME 8-2000, f. & cert. ef. 7-27-00; BME 6-2004, f. & cert. ef. 4-22-04; BME 9-2008, f. & cert. ef. 4-24-08

Rule Caption: Allow maxillofacial procedures under OAR Chapter 818, Division 026 for medical/dental dual-degree holders.

Adm. Order No.: BME 10-2008
Filed with Sec. of State: 4-24-2008
Certified to be Effective: 4-24-08
Notice Publication Date: 3-1-2008
Rules Amended: 847-017-0010

Subject: Proposed rule amendment adds the Oregon Society of Oral Maxillofacial Surgeons (OSOMS) to the list of Board recognized accrediting organizations, and adds an allowance for licensees who hold a MD/DO degree as well as a DDS/DMD degree and who are active members of the OSOMS to perform maxillofacial procedures under the administrative rules of the Oregon Board of Dentistry, OAR Chapter 818, Division 026.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-017-0010

Patient Safety

(1) Offices in which only minor procedures are performed do not require accreditation or the presence of ACLS certified providers.

(2) The facility in which the office-based surgeries or procedures are performed must be appropriately equipped and maintained to ensure patient safety through accreditation by an appropriate, Board recognized, national or state organization, i.e., the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Accreditation Association for Ambulatory Health Care (AAAHC), the American Association for Accreditation of Ambulatory Surgical Facilities (AAAASF), the American Osteopathic Association (AOA), the Institute for Medical Quality (IMQ), the Oregon Society of Oral Maxillofacial Surgeons (OSOMS), or the Oregon Medical Association (OMA). Effective August 1, 2007, for an office or facility in which office-based surgeries are already being performed, the office or facility must become accredited within two years, or by August 1, 2009. When licensees of the Board start performing office-based procedures in a new office or facility, the new office or facility must be accredited within one year of the start date of the office-based procedures being performed. During the period of time the facility is in the accreditation process, the facility will make changes to come into compliance with the Administrative Rules in this Division.

(3) The licensee must be able to demonstrate qualifications and competency for the procedures performed by becoming or being board certified and maintaining board certification by a member of the American Board of Medical Specialties (ABMS). Alternatively, the governing body of the office facility is responsible for a peer review process for privileging physicians based on nationally recognized credentialing standards.

(4) The licensee must insure that a practitioner administering deep sedation or anesthesia and or monitoring the patient shall not play an integral role in performing the procedure.

(5) At least one physician who is currently certified in advanced resuscitative techniques appropriate for the patient age group (e.g., ACLS, PALS or APLS) must be present or immediately available with age-size-appropriate resuscitative equipment until the patient has met the criteria for discharge from the facility. In addition other medical personnel with direct patient contact must at a minimum be trained in Basic Life Support (BLS).

(6) The governing body of the facility is responsible for providing healthcare providers who have appropriate education and training for administration of moderate sedation/analgesia, deep sedation/analgesia or general anesthesia.

(7) A licensee who holds a MD or DO degree as well as a DDS (Doctor of Dental Surgery) or DMD (Doctor of Dental Medicine) degree and is an active member of the Oregon Society of Oral Maxillofacial Surgeons (OSOMS) may perform maxillofacial procedures in a facility approved by the OSOMS and function under the administrative rules of the Oregon Board of Dentistry, OAR chapter 818, division 026. For all procedures that are not oral maxillofacial in nature, licensees with medical and dental licenses must follow rules laid out in OAR chapter 847, division 017.

Stat. Auth.: ORS 677.265, 679.255
Stats. Implemented: ORS 677.060, 677.265, 679.255
Hist.: BME 23-2006, f. & cert. ef. 10-23-06; BME 14-2007, f. & cert. ef. 7-23-07; BME 10-2008, f. & cert. ef. 4-24-08

Rule Caption: Specify administration of analgesics for acute pain only for EMT-Intermediates.

Adm. Order No.: BME 11-2008
Filed with Sec. of State: 4-24-2008
Certified to be Effective: 4-24-08
Notice Publication Date: 3-1-2008
Rules Amended: 847-035-0030
Subject: Proposed rule amendment specifies that EMT-Intermediates (EMT-Is) may administer analgesics for acute pain only.
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 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;

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(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 introsseous 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;

(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.

(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;

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- (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 thoracocentesis 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 677.265, 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

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Rule Caption: Amend requirement to take Part III of podiatric national licensing exam.

Adm. Order No.: BME 12-2008

Filed with Sec. of State: 4-24-2008

Certified to be Effective: 4-24-08

Notice Publication Date: 3-1-2008

Rules Amended: 847-080-0010, 847-080-0018

Subject: Proposed rules change the requirement regarding the date after which podiatric physician applicants must pass Part III of the National Board of Podiatric Medical Examiners (NBPME) examination to be eligible for licensure, from taking the exam on or after 01/01/1987 to graduation on or after 01/01/2001. The rule amendment also adds two waivers for the requirement to take NBPME Part III: licensure in another state and board certification.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-080-0010

Requirements for Licensure

- (1) The applicant for licensure shall be required to:
 - (a) Have graduated from a school or college of podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.
 - (b) Successfully pass the National Board of Podiatric Medical Examiners (NBPME) examination Part I and Part II. Effective April 25, 2008, the applicant for licensure who took the NBPME examination on or after January 1, 2001 must also pass the NBPME examination Part III, unless the applicant is licensed as a podiatric physician in another state, or certified by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.
 - (c) Fulfill one of the following:

(A) Satisfactory completion of one year of post-graduate training served in a hospital that is approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, or

(B) Satisfactory completion of one year of post-graduate training in a hospital residency program that was not approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association; and current certification by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.

(d) Have satisfactorily met the requirements of ORS 677.825.

(2) No application will be accepted on the basis of reciprocity or written examination, other than the National Board of Podiatric Medical Examiners.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.820

Hist.: ME 4-1982, f. & ef. 4-23-82; ME 7-1982, f. & ef. 10-27-82; Suspended by ME 3-1983(Temp), f. & ef. 10-3-83 to 10-7-83; Suspended by ME 2-1984(Temp), f. & ef. 1-20-84; ME 11-1985, f. & ef. 8-6-85; ME 6-1986, f. & ef. 4-23-86; ME 8-1994, f. & cert. ef. 4-29-94; BME 16-2004, f. & cert. ef. 7-13-04; BME 13-2005, f. & cert. ef. 10-12-05; BME 18-2006, f. & cert. ef. 7-25-06; BME 12-2008, f. & cert. ef. 4-24-08

847-080-0018

Endorsement, Competency Examination and Personal Interview

(1) The applicant shall base an application upon certification by the National Board of Podiatric Medical Examiners.

(a) For applicants who graduated from a school or college of podiatric medicine on or after January 1, 2001, certification by the NBPME must include Part III of the examination. This requirement may be waived if the applicant is:

(A) Licensed as a podiatric physician in another state; or

(B) Certified by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.

(b) All three Parts of the NBPME examination must be passed within a seven-year period which begins when the first Part, either Part I or Part II, is passed. The score achieved on each Part of the examination must equal or exceed the figure established by the National Board of Podiatric Medical Examiners as a recommended passing score.

(c) An applicant who took the NBPME examination on or after January 1, 2001 and who has not passed all three Parts within the seven-year period may request an exception to the seven-year requirement if he/she:

(A) Has current certification by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery, or

(B) Suffered from a documented significant health condition which by its severity would necessarily cause a delay to the applicant's podiatric study.

(d) Except as noted in Section (1) (e) of this rule, effective April 25, 2008, to be eligible for licensure, the applicant who took the NBPME Part III examination on or after January 1, 2001 must have passed NBPME Part III within four attempts whether for Oregon or for any other state. After the third failed attempt, the applicant must have completed one additional year of postgraduate training in the United States 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 Part III on their fourth and final attempt. If the fourth attempt of Part III 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 Part III, the applicant is not eligible for licensure.

(e) An applicant who has passed the NBPME Part III, but not within the four attempts required by OAR 847-080-0018(1)(d), may request a waiver of this requirement if he/she has current certification by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.

(2) The applicant may also be required to pass a competency examination in podiatry. The competency examination may be waived if, within ten years of filing the application with the Board, the applicant has:

(a) Passed the examination administered by the National Board of Podiatric Medical Examiners; or

(b) Been certified or recertified by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery; or

(c) Completed an approved one-year residency, and has not ceased the practice of podiatry for a period of 12 or more consecutive months.

(3) After the applicant has met all requirements for licensure, the applicant may be required to appear before the Board for a personal inter-

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view regarding information received during the processing of the application. The interview shall be conducted during a regular meeting of a committee of the Board or the Board.

(4) Licensure shall not be granted until all requirements of OAR 847-080-0002 through 847-080-0020 are completed satisfactorily.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.825, 677.830

Hist.: ME 6-1986, f. & ef. 4-23-86; ME 17-1987, f. & ef. 8-3-87; ME 23-1989(Temp), f. & cert. ef. 10-20-89; ME 3-1990, f. & cert. ef. 1-29-90; ME 13-1992, f. & cert. ef. 10-22-92; ME 8-1994, f. & cert. ef. 4-29-94; ME 11-1996, f. & cert. ef. 10-29-96; BME 2-1999, f. & cert. ef. 1-26-99; BME 4-1999, f. & cert. ef. 2-17-99; BME 10-2005, f. & cert. ef. 7-20-05; BME 19-2006, f. & cert. ef. 7-25-06; BME 17-2007, f. & cert. ef. 7-23-07; BME 18-2007(Temp), f. & cert. ef. 7-23-07 thru 1-8-08; BME 22-2007, f. & cert. ef. 10-24-07; BME 12-2008, f. & cert. ef. 4-24-08

Oregon State Marine Board
Chapter 250

Rule Caption: Oregon Ocean Charter Vessel Financial Assistance Program.

Adm. Order No.: OSMB 4-2008(Temp)

Filed with Sec. of State: 5-7-2008

Certified to be Effective: 5-7-08 thru 10-31-08

Notice Publication Date:

Rules Adopted: 250-015-0003

Rules Amended: 250-015-0001

Subject: This action establishes the eligibility, allocation criteria and the process that charter vessels licensed by the Oregon State Marine Board will follow to participate in the Oregon Charter Vessel Financial Assistance Program as directed by the Governor's Executive Order No. 08.10, dated April 10, 2008.

Rules Coordinator: June LeTarte—(503) 378-2617

250-015-0001

Definitions

As used in this Division:

(1) "Approved" means those items accepted and formally approved for use by the U.S. Coast Guard.

(2) "Board" means the Oregon State Marine Board.

(3) "Cape Falcon" refers to 45°46'00" N. latitude in Tillamook County.

(4) "Carrying Passengers for Hire" means the carriage of any person or persons by a vessel for a paid valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator or any other person interested in the vessel.

(5) "Nearest Port" means a straight line measurement between the vessel and either the closest point on the demarcation line of a port entrance or a harbor of refuge.

(6) "Port" means a coastal town or city where ocean charter vessels normally depart from and return to. As used in this Division the term "Nearest Port" shall also include beach sites where passenger carrying dory-styled craft normally depart from and return to.

(7) "Ocean" means those waters of the Pacific Ocean that are west of the demarcation lines described in the applicable sections of Part 80, Title 33 of the Code of Federal Regulations.

(8) "Ocean Charter Vessel" means a vessel used in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes in the ocean.

(9) "Ocean Charter Vessel License" means the license issued under ORS 830.435(1).

(10) "Open Boat(s)" means motorboats with engine and fuel tank compartments and/or other spaces so constructed as to be open to the atmosphere thereby preventing entrapment of flammable gases.

(11) "Open to the Atmosphere" means an otherwise enclosed compartment/space containing at least 15 square inches of open area per cubic foot of the net compartment/space volume.

(12) "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.

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

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; OSMB 4-2008(Temp), f. & cert. ef. 5-7-08 thru 10-31-08

250-015-0003

Oregon Ocean Charter Vessel Financial Assistance Program

(1) An owner of an Oregon Ocean Charter Vessel is eligible to participate in the Oregon Ocean Charter Vessel Financial Assistance Program, if the owner meets the following criteria:

(a) The owner is an Oregon resident;

(b) The owner has a current 2008 Ocean Charter Vessel license;

(c) The owner has been an Ocean Charter Vessel license holder in 2005, 2006 and 2007;

(d) The owner has conducted salmon trips in 2005, 2006 and 2007 south of Cape Falcon; and

(e) The owner has completed all of the information on the financial assistance application and has submitted it to the Board by the application deadline.

(2) Applications for financial assistance must be submitted to the Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309-5065, and must be postmarked by the application deadline established by the Board. No late applications will be accepted.

(3) Financial assistance under this program is subject to available levels of funding.

(4) The Board will place information from the applications into a database that will be used to determine allocation of financial assistance within available levels of funding.

(5) Allocation of financial assistance is based on data provided in the applications. The criteria for allocating financial assistance include:

(a) The number of ocean salmon trips made in 2007;

(b) The percent of income in 2007 reported from salmon trips; and

(c) The percent of total reportable income in 2007 derived from charter vessel business.

(6) Financial assistance payments will be issued by the Oregon Department of Economic Development.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - ORS 830.460

Hist.: OSMB 4-2008(Temp), f. & cert. ef. 5-7-08 thru 10-31-08

Oregon University System,
Portland State University
Chapter 577

Rule Caption: Amend Portland State University's Rule Regarding Student Procedure to Challenge Content of Student Record.

Adm. Order No.: PSU 4-2008

Filed with Sec. of State: 5-14-2008

Certified to be Effective: 5-16-08

Notice Publication Date: 3-1-2008

Rules Adopted: 577-030-0035

Subject: This rule making action will make permanent a temporary rule currently in place regarding the procedure for a student to challenge the content of the student's education record. Portland State University is required to comply with the federal Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, and the U.S. Department of Education's rules regarding student records. This new permanent rule mirrors the federal requirements found in CFR 99.22.

Rules Coordinator: Tanja Dill—(503) 725-3701

577-030-0035

Student's Right to Challenge Information Contained in Education Records

(1) If a student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the unit custodian of the student record or the university custodian of student records, whichever custodian is in possession of the record, to amend the record. Such a request shall be submitted to the appropriate record custodian in writing and shall include at a minimum the following:

(a) If available, a copy of the record the student is seeking to amend;

(b) The specific amendment sought;

(c) The reasons why the student is seeking the amendment; and

(d) All evidence the student wishes the University to consider.

(2) The University shall decide whether to amend the record within a reasonable time after it receives the request. If the University decides not to amend the record as requested, it will inform the student of its decision and of his or her right to a hearing.

(3) A hearing requested by the student will be informal but must meet the requirements of the federal Family Educational Rights and Privacy Act

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of 1974 as amended and 34 CFR 99.22. The hearing must be held within a reasonable period of time after the University has received the request for the hearing. The student must be given notice of the date, time and place reasonably in advance of the hearing. The hearing must be conducted by a person who does not have a direct interest in the outcome of the hearing. The student shall be provided with a full and fair opportunity to present evidence relevant to the student's request to amend the record. The student may, at his or her own request, be assisted at the hearing by one or more individuals of his or her own choice, including an attorney. The University shall make its decision in writing within a reasonable period of time after the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

(4) If, as a result of the hearing, the University decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the record accordingly and inform the eligible student of the amendment in writing. If the University decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of the right to place a statement in the record commenting on the contested information or stating why he or she disagrees with the University's decision, or both. Any such statement will be maintained with the contested part of the record for as long as the record is maintained and disclosed whenever the relevant portion of the record is disclosed.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: PSU 14, f. & ef. 4-26-77; PSU 4-2007(Temp) f. 12-26-07, cert. ef. 1-1-08 thru 6-27-08; PSU 4-2008, f. 5-14-08, cert. ef. 5-16-08

**Oregon University System,
University of Oregon
Chapter 571**

Rule Caption: Amend special fees, fines, penalties, and service charges — specifically for Family Housing Rental Rates.

Adm. Order No.: UO 2-2008

Filed with Sec. of State: 5-6-2008

Certified to be Effective: 7-1-08

Notice Publication Date: 3-1-2008

Rules Amended: 571-060-0005

Subject: Increase in family housing rental rates to cover projected costs for 2008–2009.

Rules Coordinator: Deb Eldredge—(541) 346-3082

571-060-0005

Special Fees, Fines, Penalties, Service Charges

The University of Oregon has adopted by reference a list of Special Fees, Fines, Penalties, Service Charges, etc., for the current fiscal year:

(1) The fees, fines, penalties and service charges listed by reference in this rule are updated annually and copies are on file in the listed departments by July 1.

(2) The amounts and conditions of these fees may change from time to time throughout the year due to administrative considerations, changing costs, changes in institutional budgets, etc. If the size and the amount of these fees are or could be of importance to users, they should verify the details prior to making a commitment, before entering into any planning activities or before actually incurring any charges.

(3) The master copy of the current list of fees is maintained in the Office of the Director of Business Affairs and is available upon request to any person during regular business hours. The Director of Business Affairs also maintains a bulletin board where fee changes made during each 30-day period are posted. Following that posted period, the changes are filed with in the master copy.

(4) University departments charging fees shall maintain a copy of at least that department's section of the list of special fees, fines, penalties and service charges including any updates made during the course of the fiscal year. The list and all current changes shall be available upon request to any person during regular departmental business hours.

(5) No department may change fees between annual amendments to this rule without first obtaining an approved statement of justification signed by the appropriate Vice-President. Prior to granting approval of any fee charged to students, the Vice-President shall consult with the Office of Student Advocacy. Changes in fees approved by the Vice-President and the justification statement shall be posted for 15 days in a public area of the departmental office. The new fee, fine, penalty or charge becomes effective

at the end of the 15-day posting period after it is filed with the Director of Business Affairs along with the justification statement.

(6) However, student loan service charges, charges levied as penalties for prohibited conduct, general tuition, building fees, incidental fees, health service fees, and residence hall and housing charges, shall be adopted in accordance with the provision of ORS 183.310 to 183.500.

(7) Certain charges, fees or fee schedules may, according to ORS 351.072(b), be adopted without compliance with rulemaking provisions of ORS 183.310 to 183.500. They are: charges relating to symposiums, conferences, short courses, food, books or other retail goods, prices of admission to athletic, entertainment or cultural events or advertising rates in student or institutional publications.

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

Stat. Auth.: ORS 351.070, 351 & 352

Stats. Implemented: ORS 351.070

UOO 20, f. & cert. ef. 4-27-76; UOO 34(Temp), f. & cert. ef. 8-8-77; UOO 37, f. & cert. ef. 9-30-77; UOO 3-1978, f. & cert. ef. 7-1-78; UOO 1-1979(Temp), f. 6-26-79, ef. 7-1-79; UOO 4-1979, f. & cert. ef. 10-3-79; UOO 7-1980, f. 6-30-80, ef. 7-1-80; UOO 7-1981(Temp), f. 6-16-81, ef. 7-1-81; UOO 9-1981(Temp), f. & cert. ef. 6-29-81; UOO 2-1982, f. & cert. ef. 4-14-82; UOO 4-1982, f. & cert. ef. 6-10-82; UOO 4-1983, f. & cert. ef. 6-10-83; UOO 5-1983(Temp), f. & cert. ef. 6-15-83; UOO 2-1984, f. 6-11-84, ef. 7-1-84; UOO 3-1985, f. 6-19-85, ef. 7-1-85; UOO 1-1986; f. 6-4-86, ef. 7-1-86; UOO 4-1986(Temp), f. & cert. ef. 11-10-86; UOO 7-1986(Temp), f. 12-30-86, ef. 1-1-87; UOO 8-1986(Temp), f. 12-30-86, ef. 1-1-87; UOO 1-1987, f. & cert. ef. 1-29-87; UOO 3-1987, f. 6-17-87, ef. 7-1-87; UOO 6-1988, f. 6-29-88, cert. ef. 7-1-88; UOO 8-1988, f. & cert. ef. 8-17-88; UOO 5-1989, f. 6-20-89, cert. ef. 7-1-89; UOO 7-1990, f. 6-14-90, cert. ef. 7-1-90; UOO 9-1991, f. 6-12-91, cert. ef. 7-1-91; UOO 1-1992, f. 4-9-92, cert. ef. 7-1-92; UOO 2-1993, f. 4-19-93, cert. ef. 7-1-93; UOO 9-1993, f. & cert. ef. 6-15-93; UOO 11-1993, f. 8-29-93, cert. ef. 9-1-93; UOO 2-1994, f. 6-13-94, cert. ef. 7-1-94; UOO 3-1994, f. 6-14-94, cert. ef. 7-1-94; UOO 4-1995, f. 6-13-95, cert. ef. 7-1-95; UOO 5-1995, f. 7-31-95, cert. ef. 8-1-95; UOO 3-1996, f. 6-6-96, cert. ef. 7-1-96; UOO 6-1997, f. 6-18-97, cert. ef. 7-1-97; UOO 7-1997, f. 6-18-97, cert. ef. 7-1-97; UO 1-1998, f. 6-17-98, cert. ef. 7-1-98; UO 2-1998, f. 6-17-98, cert. ef. 7-1-98; UO 2-1999, f. 6-1-99, cert. ef. 7-1-99; UO 3-1999, f. 6-1-99, cert. ef. 7-1-99; UO 2-2000, f. 6-15-00, cert. ef. 7-1-00; UO 1-2001, f. 6-18-01, cert. ef. 7-1-01; UO 2-2001, f. 6-18-01, cert. ef. 7-1-01; UO 2-2002, f. 6-19-02, cert. ef. 7-1-02; UO 3-2002, f. 6-19-02, cert. ef. 7-1-02; UO 1-2003, f. 6-23-03, cert. ef. 7-1-03; UO 2-2003, f. 6-23-03, cert. ef. 7-1-03; UO 2-2004, f. 5-11-04, cert. ef. 7-1-04; UO 3-2004, f. 6-30-04, cert. ef. 7-1-04; UO 6-2007, f. & cert. ef. 2-22-07; UO 8-2007, f. & cert. ef. 3-12-07; UO 9-2007, f. 5-10-07, cert. ef. 6-29-07; UO 11-2007, f. 6-19-07, cert. ef. 6-29-07; UO 2-2008, f. 5-6-08, cert. ef. 7-1-08

**Parks and Recreation Department
Chapter 736**

Rule Caption: Definitions relating to Local Government Grant Program Rules.

Adm. Order No.: PRD 5-2008

Filed with Sec. of State: 5-15-2008

Certified to be Effective: 5-15-08

Notice Publication Date: 3-1-2008

Rules Amended: 736-006-0110

Subject: OPRD proposed amendments to OAR chapter 736, division, and held hearings on the proposals. On January 17, 2008, the Oregon Parks and Recreation Commission reviewed and adopted the amendments to OAR chapter 736, division 6. However OAR 736-006-0110 was inadvertently left off the original Notice of Proposed Rulemaking filed 10-15-07. OPRD filed OAR 736-006-0110 as a temporary rule on 2-15-08 to facilitate the agency's ability to implement the changes permanently adopted in the rest of the OAR chapter 736, division 6. OAR 736-006-0110 is now being filed as a permanent rule. No new comments have been received and no changes have been made since the proposed definitions were discussed and included in the public review period and approved by the Commission at their January 17, 2008 meeting.

Rules Coordinator: Joyce Merritt—(503) 986-0730

736-006-0110

Definitions

As used in this division, unless the context requires otherwise:

(1) "Acquisition" — Means the gaining of property rights, including but not limited to fee title or easements, for public use.

(2) "Bicycle Recreation" — Means the use of bicycles for enjoyment, social interaction, education, or physical well-being while on recreational trails or paths that are not along or adjacent to public roads or streets, and that are primarily recreational rather than transportation in nature.

(3) "Commission" — Means the Oregon Parks and Recreation Commission.

(4) "Committee" — Means the Local Government Grant Advisory Committee appointed by the Director to prioritize local government project applications.

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(5) “Conversion” — Means the act of utilizing property acquired or developed using either Local Government Grant Program funds or Land and Water Conservation Funds for purposes other than public outdoor recreation uses.

(6) “Current Master Plan” — Means a site-specific resource-based plan guiding recreational site acquisition, development, protection, and management of park areas and facilities.

(7) “Department” — Means the Oregon Parks and Recreation Department (OPRD).

(8) “Development” — Means the construction or rehabilitation of facilities necessary for the use and enjoyment of public outdoor recreation resources.

(9) “Director” — Means the Director of the Oregon Parks and Recreation Department.

(10) “Eligible Project” — Means an acquisition, development, major rehabilitation undertaking, or planning or feasibility studies which satisfies the requirements of the Local Government Grant Program.

(11) “Force Account” — Means the governmental entity’s own work force performing project work rather than contracting out for the services.

(12) “LWCF or Land and Water Conservation Fund” — Means those funds made available to the state through the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).

(13) “Local Comprehensive Plan” — Means the acknowledged comprehensive land use plan prepared by each local jurisdiction within the state, as required by ORS chapter 197.

(14) “Local Governments” — Means cities, municipal corporations, counties, political subdivisions, park and recreation districts, port districts, and metropolitan service districts.

(15) “Local Government Grant Policies and Procedures Manual” — Means a manual prepared by the Department containing state and federal policies, procedures and instructions to assist local government agencies wishing to participate in the Local Government Grant Program.

(16) “Local Government Grant Program” — Means the program and process for distributing state monies to eligible local governments for outdoor park and recreation areas and facilities located on properties controlled or managed by the eligible local government.

(17) “Major Rehabilitation” — Means the repair, restoration, or reconstruction of facilities, which is necessitated by obsolescence, building code changes, or normal wear and tear not attributed to lack of maintenance.

(18) “OPRD” — Means the Oregon Parks and Recreation Department.

(19) “Outdoor Recreation” — Means structured and unstructured leisure and fitness activities that occur in open air and are not provided in a roofed and enclosed facility.

(20) “Project” — Means the planning or feasibility study documents or the site and associated improvements where acquisition, development, or major rehabilitation will occur.

(21) “Project Authorization” — Means the State/Local Agreement that authorizes the project to begin effective on or after the date signed by both the Director and Project Sponsor or their designee.

(22) “Project Sponsor” — Means the recipient of the grant funds and the entity responsible for implementation of the project and the maintenance and operation of the site.

(23) “SCORP” — Means the Statewide Comprehensive Outdoor Recreation Plan that is Oregon’s basic five-year plan for outdoor recreation and that provides the state with an up-to-date regional information and planning tool serving as the basis by which all Oregon recreation providers (state, federal, local, and private) catalogue and rank their recreation needs, obtain funding through partnerships and grants, and affirm their respective roles.

(24) “State/Local Agreement” — Means the signed agreement between the Department and Project Sponsor, which authorizes the project to begin on, or after the date signed by both the Director and the Project Sponsor and that describes the contractual relationship and responsibilities of the parties to the Project.

(25) “Sustainability” — Means using, developing, protecting, and managing the resource in a manner that enables people to meet current and future generation needs from the multiple perspective of environmental, economic, and community objectives.

Stat. Auth.: ORS 390.180

Stats. Implemented: ORS 390.180

Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04; PRD 1-2008(Temp), f. 2-15-08, cert. ef. 3-1-08 thru 8-1-08; PRD 5-2008, f. & cert. ef. 5-15-08

Rule Caption: Oregon Scenic Waterways rules being updated, corrected, clarified.

Adm. Order No.: PRD 6-2008

Filed with Sec. of State: 5-15-2008

Certified to be Effective: 5-15-08

Notice Publication Date: 2-1-2008

Rules Amended: 736-040-0005, 736-040-0015, 736-040-0020, 736-040-0035, 736-040-0041, 736-040-0042, 736-040-0043, 736-040-0044, 736-040-0046, 736-040-0056, 736-040-0070, 736-040-0071, 736-040-0072, 736-040-0073, 736-040-0080, 736-040-0085, 736-040-0090

Subject: Oregon Scenic Waterways administrative rules are in need of updating to address changes in staff, department titles and agency names, correct grammatical and typographical errors, update the “interim classification” list and clarify the notification review process.

Rules Coordinator: Joyce Merritt—(503) 986-0730

736-040-0005

Rules for Conducting Hearings on Scenic Waterways Regulations

The Commission hereby adopts and promulgates rules and procedures governing hearings on regulations for the management of related adjacent land within scenic waterways as provided in ORS 390.845(2):

(1) The Parks and Recreation Commission hereby delegates to the State Parks and Recreation Director, or his designated representative, the duty of arranging and conducting auditory public hearings, if such are requested, under the provisions of ORS 390.845(2).

(2) The Department shall fully record and transcribe any public rule-making hearing held pursuant to ORS chapter 183, and the Department will receive and properly mark all exhibits, documents or other statements introduced or received at the hearing. The record of the hearing shall include exhibits, documents or other statements the Commission receives within ten days after the hearing.

(3) The Department rules coordinator shall file in the Commission’s records a full copy of the transcript of the hearing as well as a copy of all exhibits, documents or other statements received at the hearing. The Commission will consider the transcript, including exhibits, documents or other statements, in preparing Scenic Waterways rules and regulations.

(4) The procedure under which any hearing will be conducted is as follows:

(a) The comments and exhibits to be received at this hearing will be limited to whether the rules and regulations proposed by the State Parks and Recreation Department are reasonable;

(b) The Department will explain the limits and intent of the proposed rules and regulations;

(c) Except for questions that may be asked by the hearing officer there will be no direct questions to or cross-examination of any individual who is making a statement or introducing exhibits;

(d) Following opening statements by representatives of the Department, the hearing will be open to anyone in attendance who wishes to make a statement or introduce exhibits either for or against the proposed rules and regulations. The hearing officer will recognize anyone in attendance for this purpose;

(e) The hearing will be continued with such recesses as are necessary, as determined by the hearing officer, until all persons wishing to make a statement or introduce exhibits have had an opportunity to do so.

Stat. Auth.: ORS 183.545, 183.550 & 390.805 - 390.925

Stats. Implemented: ORS 390.124 & 390.845

Hist.: HC 1252, f. 5-13-71, ef. 5-12-71; PR 15-1992, f. & cert. ef. 11-12-92; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0015

Definition of Terms

As used in these rules and regulations, unless the context requires otherwise:

(1) “The Act” means the Scenic Waterways Act (ORS 390.805 to 390.925).

(2) “Commission” means the Oregon Parks and Recreation Commission or State Parks and Recreation Commission.

(3) “Department” means the Oregon Parks and Recreation Department or State Parks and Recreation Department.

(4) “Director” means the Director of the Oregon Parks and Recreation Department.

(5) “Existing Use” means the use to which related adjacent land was being put on December 3, 1970; or on the date a river segment or lake was

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designated as a scenic waterway; or any subsequent change in use authorized under the Act or these rules.

(6) "Improvement" means the placing on related adjacent land of any building or structure or modification of existing buildings or structures or the clearing, leveling, filling or excavating of related adjacent land.

(7) "Related Adjacent Land" means all land within one-fourth of one mile (measured horizontally or level, as in usual surveying practice) of the bank on each side of a river within a scenic waterway, except land that, in the Commission's judgment, does not affect the view from the waters within a scenic waterway.

(8) "River Bank." The banks of a river are the boundaries which confine the water to its channel throughout its entire width when the stream is carrying high water at the elevation to which it ordinarily rises annually in season. Generally this will be the line at which the land becomes dominantly influenced by the river and takes on the characteristics of a riverbed and is thereby set apart from the uplands. An evulsion or sudden channel change will not change the boundaries of related adjacent lands.

(9) "Road" means all roads, public and private.

(10) "Scenic Easement" means the acquired right to control the use of related adjacent land, including airspace above such land, for the purpose of protecting the scenic view from waters within a scenic waterway.

(11) "Scenic Waterway" means a river, lake or segment thereof, including related adjacent land and the airspace above, that has been so designated by or in accordance with the Act.

(12) "Seen from the Waters" and "Visible from the River" mean not entirely concealed from view from the river within a scenic waterway by topography. Land beyond the boundaries of "related adjacent land," whether or not visible from the river, is not within the jurisdiction of this Act.

Stat. Auth.: ORS 390.805 - 390.925

Stats. Implemented: ORS 390.845

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72; PR 15-1992, f. & cert. ef. 11-12-92; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0020

Responsibility and Authority of the Oregon Parks and Recreation Commission

(1) The Commission shall administer the Act in such a manner as to protect and enhance the values which caused a scenic waterway to be included in the system. Primary emphasis shall be given to protecting the scenic beauty, fish and wildlife, scientific and recreation features, based on the special attributes of each area.

(2) The Commission has adopted these regulations governing the management of related adjacent lands, including state highway construction, after due consideration of the responsibilities outlined above and consultation with the Oregon State Department of Forestry, the Department of Agriculture, and other such federal, state, and local agencies as may be involved; and with the concurrence of the Oregon Water Resources Commission.

(3) Agreements entered into and approvals given by the Commission in no way relieve persons or entities affected thereby of requirements established by other governmental agencies, local, state or federal.

Stat. Auth.: ORS 390.805 - 390.925

Stats. Implemented: ORS 390.845

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72; PR 15-1992, f. & cert. ef. 11-12-92; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0035

Rules of Land Management

These rules and regulations governing the use of related adjacent lands and improvements made on or to these lands apply to all designated scenic waterways. Land management on scenic waterways includes, but is not limited to, the following examples:

(1) Timber Harvest: The forest cover on related adjacent land is a part of the scenic beauty of the scenic waterway and notification of planned timber harvest operations must be given to the Commission one year prior to commencement. The notification must include a plan specifying timber to be cut, road locations, logging methods, slash cleanup, soil stabilization, revegetation measures and any other details as the Commission may require.

(2) Tree Cutting: No person shall cut any living tree within a scenic waterway without prior written notice except as provided in these rules.

(3) Grazing and Farming: Existing use in the form of grazing or farming of the related adjacent land is a part of the scenic beauty of the waterway. Notification is not required for:

(a) Construction of fences;

(b) Maintenance of farm buildings, fences or appurtenances necessary to existing use;

(c) Laying of irrigation lines;

(d) Pump house construction, if not in violation of OAR 736-040-0030(5);

(e) Additions to farm buildings, if not in violation of OAR 736-040-0030(5);

(f) Crop rotation;

(g) Variations in grazing land management;

(h) Placing of grazing land under cultivation, except within classified natural river areas named in OAR 736-040-0045 through 736-040-0075;

(i) Construction of silos and grain storage facilities, and other structures or buildings as are needed in connection with the existing use of the related adjacent land, if not in violation of OAR 736-040-0030(5), except within classified natural river areas named in OAR 736-040-0045 through 736-040-0075;

(j) Cutting of danger trees. Notification is required for construction of new roads or improvement of existing roads.

(4) Suburban Housing: Notification is not required for:

(a) Maintenance of existing homes in a manner compatible with these rules and regulations;

(b) Modifications to existing single family dwellings, if not in violation of OAR 736-040-0030(5);

(c) Construction of garages necessary to the use of existing homes, if not in violation of OAR 736-040-0030(5);

(d) Changes in or additions to homesite landscaping which do not impair vegetation screening structures from view from the river;

(e) Construction of protective fences necessary to use of the home;

(f) Cutting of firewood for occupant's dwelling;

(g) Cutting of danger trees. Notification is required for construction of new roads or improvement of existing roads.

(5) Prospecting, Mining, Dredging, and Quarrying:

(a) All prospecting, mining, dredging, and quarrying operations, including removal or movement of gravel, rocks and sand within related adjacent lands, require notification to the Commission as prescribed herein;

(b) Such notification shall include plans to ensure that debris, silt, chemicals or other materials, will not be discharged into or allowed to reach the waters within a scenic waterway and that the natural beauty of the scenic waterway will not be impaired substantially.

(6) Transportation Facilities and Utilities:

(a) No roads, railroads or other facilities for transportation or utilities shall be constructed or improved within a scenic waterway without notification to the Commission as prescribed by the Act and herein;

(b) The Commission, whenever practicable, will require the sharing of land and airspace by such facilities and utilities. All permissible transportation facilities and utilities shall be so located as to minimize impairment of the natural beauty of the scenic waterway. For example, it will be desirable to place electrical and telephone lines underground wherever reasonably practicable.

(7) Structures, Buildings, and Other Improvements: Except as provided in OAR 736-040-0030(5), sections (3) and (4) of this rule and OAR 736-040-0045 through 736-040-0075, no structures, buildings, or other improvements shall be made, erected or placed on related adjacent lands without notification to the Commission as prescribed by the Act and herein. Permitted new structures, buildings, or other improvements on related adjacent lands which can be seen from the waters within a scenic waterway shall:

(a) Be of such design and be constructed of such materials as to be unobtrusive and compatible with the scenic qualities of the area. For example, the following shall apply:

(A) All structures shall be finished in muted tones appropriate to their natural surroundings;

(B) No large areas, including roofs, shall be finished with white or bright colors or reflective materials;

(C) No structures shall exceed 30 feet in height from natural grade on a side facing the river;

(D) All structures shall be so designed and constructed that little or no soil is left exposed when construction is completed.

(b) Be located in such a way that topography and natural vegetation make them as inconspicuous as reasonably practicable, and in no case obtruding on the view from the river. The Commission may require that additional vegetative screening be established and maintained. In such event, it shall be evergreen, wherever practicable, and compatible with natural growth in the area.

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(8) Mobile homes, modular residential structures, house trailers, campers and similar structures and vehicles. Mobile homes, modular residential structures, house trailers, campers, motor homes and the like shall not be established as dwellings, either permanent, (or) seasonal or temporary, within related adjacent lands unless they are entirely concealed from view from the waters within a scenic waterway by topography, except that those mobile homes, modular residential structures and house trailers, that are at least 20 feet wide, with exterior dimensions, less hitch, of 800 square feet, may be permitted under these rules subject to the same requirements and standards set forth in the previous section relating to criteria for review for structures and improvements that are visible from the waters within a scenic waterway. Additionally, except when a mobile home, modular residential structure, house trailer or the like is not set on a ground-level foundation, full skirting shall be installed which in design, color and texture appears to be an integral part of the exterior of the structure:

(a) For the purposes of this division, a structure is a mobile home, modular residential structure, house trailer, camper or motor home if it is used, designed or intended to house persons, and is transported to the site in a state of substantial prefabrication. Once a structure fulfills this test, it shall remain subject to the rule regardless of whether the wheels or other temporary assembly have been removed or detached, and regardless of whether the structure is subsequently relocated;

(b) Within public recreation sites and transient public trailer parks where travel trailers, campers, motor homes and similar vehicles are permitted by the public agency, firm or individual maintaining the facility, their transient, short-term use by travelers is allowed, but they shall not be left on the site during their user's absence of more than three day's duration.

(9) Maintenance of Structures and Improvements: Owners and users of existing structures and other improvements shall maintain them and their surroundings in a manner and condition in harmony with the environment, compatible with the objectives set forth in these rules and regulations for the classified river area in which they lie, and without impairing substantially the natural beauty of the scenic waterway. The existing color of such structures may be maintained.

(10) Replacement of Existing Structures and Improvements: The Commission may approve replacement of existing structures and improvements, including those lost by fire, flood or other casualty, provided the new structure or improvement is in compliance with provisions of the Act and this division. Notification procedures set forth in OAR 736-040-0040 are required.

(11) Advertising: No signs or other forms of outdoor advertising that are visible from waters within a scenic waterway shall be constructed or maintained. Property protection signs (No Hunting, No Trespassing, etc.) are exempted.

(12) Erosion Protection: The Commission recognizes that erosion protection work and maintenance may be necessary on riverbanks and related adjacent lands along the scenic waterways. Notification, which shall include plans to protect the natural beauty of the scenic waterway, and Commission approval are required.

(13) Submerged and Submersible Lands:

(a) No dam or reservoir or other water impoundment facility shall be constructed or placer mining permitted on waters within scenic waterways. No water diversion facility shall be constructed or used except by right previously established or as permitted by the Oregon Water Resources Department, State Engineer, or Court decree;

(b) No bank protection works or dredging facility shall be constructed or used on such waters, except as permitted by the Director of the Department of State Lands and approved by the State Land Board.

(14) Emergencies:

(a) An owner or their authorized agent may act in emergencies without prior notice when necessary in the interest of public safety, or safety of an owner's property, except that notice of any action taken shall be filed with the Commission not later than seven days following the commencement of the emergency procedures;

(b) An owner or their authorized agent must show that the emergency situation required immediate action to prevent immediate danger or damage. Such emergency procedures shall not be extended beyond the minimum necessary to accomplish the needed protection safely and shall be conducted throughout in such manner as to minimize impairment of the natural beauty of the scenic waterway. For example, car bodies and similar scrap or trash shall not be used as riprap.

(15) Solid Waste, Pollution and Sanitation: Owners, occupants and users of related adjacent land shall comply with the rules and regulations of

the Department of Environmental Quality relating to solid waste control, water, air and noise pollution control and sewage disposal.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: HC 1285, f. 6-27-72; IOTC 6, f. 11-1-73; IOTC 28, f. 6-15-74; PR 12-1981, f. & ef. 7-29-81; PR 11-1996, f. & cert. ef. 12-23-96; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0041

Nestucca River Scenic Waterway

(1) Recreational River Areas:

(a) That segment of the Nestucca River Scenic Waterway extending from the downstream end of the reservoir tailrace below McGuire Dam to its confluence with Ginger Creek (approximately RM 45.5);

(b) The Department will administer the Recreational Area described in subsection (1)(a) consistent with the purposes of OAR 736-040-0040(1)(c)(B). Within this area, the Department may permit mining operations, timber harvesting, other landscape alteration activities, new structures and improvements only when substantially screened from view from the river and from the boundary of Old Meadow Lake Wetland. The boundary of the Old Meadow Lake Wetland extends to the transition area at the edge of the wetland where hydric soils no longer occur. All landscape alteration activities (i.e., timber management) shall be carried out in this river segment in such a manner as to protect hydrological and biological functions of Old Meadow Lake wetlands. Timber harvest shall be conducted as prescribed by the Oregon Forest Practices Act and associated administrative rules. For other landscape alteration proposals, the project applicant shall provide methods by which hydrological and biological functions will be protected. Developments necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but must blend into the natural scene;

(c) For purposes relating to notification of intent within the Nestucca River Scenic Waterway, any maintenance, repair or expansion of McGuire Dam and its appurtenances (including pipes and pumping facilities) is exempt from notification review so long as said activity does not extend westerly of the north/south centerline of Section 15, Township 3 South, Range 6 West, Willamette Meridian, Yamhill County;

(d) That segment of the Nestucca River Scenic Waterway extending from the lower end of the Alder Glen Campground to its confluence with Moon Creek (approximately RM 24.5 in Blaine);

(e) The Department will administer the Recreational Area described in subsection (1)(d) consistent with the purposes of OAR 736-040-0040(1)(c)(B). Within this area, the Department may permit mining operations, timber harvesting and other landscape alteration activities only when substantially screened from view from the river by topography or vegetation. If inadequate topographic or vegetative screening exists on a site, landscape alterations may be permitted if vegetation is established which will provide substantial screening of the affected area in a reasonable time (for example 4-5 years). The condition of "substantial vegetative screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of, the landscape alteration;

(f) New structures and improvements shall be permitted when partially screened from view from the river by topography or vegetation. If inadequate, topography or vegetative screening exist on a site, the structure or improvement may be permitted if vegetation is established to provide partial screening of the proposed structure or improvement in a reasonable time (for example 4-5 years);

(g) The condition of "partial vegetative screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to partially obscure (at least one-half of the viewed improvement or structure), or allow a moderately filtered view (at least 50 percent filtering) of, the proposed structure or improvement;

(h) Developments necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but must blend into the natural scene.

(2) Scenic River Area:

(a) That segment of the Nestucca River Scenic Waterway extending from the river's confluence with Ginger Creek (approximately RM 45.5) downstream to the lower end of Alder Glen Campground;

(b) The Department will administer the Scenic Area described in subsection (2)(a) consistent with the purposes of OAR 736-040-0040(1)(b)(B). Within this area, the Department may permit new structures and improvements, mining operations and timber harvesting activities only when substantially screened from view from the river by topography or existing vegetation. If proposed structures, improvements, or landscape alterations are not adequately screened by topography or existing vegetation on a site, the

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Department may permit the project if vegetation is established which will substantially screen the project in a reasonable time (for example, 4–5 years). The condition of “substantial vegetative screening” shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure or allow only a highly filtered view of the proposed structures or improvements. Developments necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but must blend into the natural scene.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 3-1992, f. & cert. ef. 7-29-92; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0042

Walker Creek Scenic Waterway

Recreational River Area:

(1) Walker Creek from its source downstream to its confluence with the Nestucca River.

(2) The Department will administer the Recreational Area described in section (1) consistent with the purposes of OAR 736-040-0040(1)(c)(B). Within this area, the Department may permit mining operations, timber harvesting, other landscape alteration activities, new structures and improvements only when substantially screened from view from the creek and from the boundary of the Walker Creek Wetland/Meadow area. The boundary of the Walker Creek Wetland/ Meadow extends to the transition area at the edge of the wetlands where hydric soils no longer occur. All landscape alterations (i.e., timber management) shall be carried out in such a manner as to protect hydrological and biological functions of the Walker Creek Wetland/Meadow. Timber harvest shall be conducted as prescribed by the Oregon Forest Practices Act and administrative rules. For other landscape alteration proposals, the project applicant shall provide methods by which hydrological and biological functions will be protected. Developments necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but must blend into the natural scene.

(3) For the purposes relating to notification of intent within the Walker Creek Scenic Waterway, any maintenance, repair or expansion of McGuire Dam and its appurtenances (including pipes and pumping facilities) is exempt from notification review so long as said activity does not extend westerly of the north/south centerline of Section 15, Township 3 South, Range 6 West, Willamette Meridian, Yamhill County.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 3-1992, f. & cert. ef. 7-29-92; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0043

Upper McKenzie River Scenic Waterway

(1) Recreational River Areas:

(a) The following river segments from Clear Lake to Deer Creek are classified Recreational River Areas:

(A) Adjacent lands east of the river from Clear Lake to Carmen Reservoir;

(B) Adjacent lands east of the river from Tamolitch Falls to Trail Bridge Reservoir;

(C) Adjacent lands east of the river from Trail Bridge Dam to the confluence of Deer Creek with the McKenzie River.

(b) The Department will administer the Recreational River Areas described in subsection (1)(a) consistent with standards set by OAR 736-040-0035. In addition to the above standards, the Department may permit new mining operations, road construction, and similar improvements only when they are substantially screened from view from the river by topography or native vegetation. If inadequate topographic or vegetative screening exists on a site, activities mentioned above may be permitted if vegetation is established which will provide substantial screening of the affected area. The condition of “substantial vegetative screening” shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of, the landscape affected by the improvement. New structures and associated improvements shall be permitted when partially screened from view from the river by topography or vegetation. If inadequate topographic or vegetative screening exists on a site, the structure or improvements may be permitted if vegetation is established to provide partial screening of the proposed structure or improvement within a reasonable time (for example 4–5 years). The condition of “partial vegetative screening” shall consist of an ample density and mixture of native evergreen and deciduous vegetation to partially obscure view (at least one-half) of the proposed structure or improvement, or to allow a moderately filtered view (at least 50 percent filtering) of the proposed structure or improvement. Improvements needed for public recre-

ation use or resource protection may be visible from the river, but must be designed to blend with the natural character of the landscape;

(c) Land adjacent to both sides of the river from the confluence of Deer Creek to the lower end of Paradise Campground (western boundary of Section 9, Township 16 south, Range 6, East);

(d) The Department will administer the Recreation River Area described in subsection (1)(c) consistent with standards set by OAR 736-040-0035 and the Lane County Land Development Code. In addition to the above standards, timber harvesting and thinning (except for those lands in Willamette National Forest) new mining operations, road construction, and similar improvements shall be permitted only when substantially screened from view from the river by topography or vegetation. If inadequate topographic or native vegetative screening exists on or near the site, activities mentioned above may be permitted if vegetation is established which will provide substantial screening of the affected area within a reasonable period of time (for example 4–5 years);

(e) The condition of “substantial vegetative screening” shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of the improvement. The Department will review tree harvesting, thinning and other forest management activities on Willamette National Forest lands for conformance with the Willamette National Forest Plan’s visual quality objectives associated with the area where the activity is proposed;

(f) New structures and associated improvements shall be permitted when partially screened from view from the river by topography or vegetation. If inadequate, topographic or vegetative screening exist on a site, the structure or improvement may be permitted if vegetation is established to provide partial screening of the affected area within a reasonable period of time (for example 4–5 years). The condition of “partial vegetative screening” shall consist of an ample density and mixture of native evergreen and deciduous vegetation to partially obscure (at least one-half) the viewed structure or improvement, or allow a moderately filtered view (at least 50 percent filtering) of the proposed structure or improvement. Improvements needed for public recreation use or resource protection may be visible from the river, but must be designed to blend with the natural character of the landscape;

(g) Wherever the standards of OAR 736-040-0035 and the above rules are more restrictive than the Lane County Land Development Code, the above Oregon Administrative Rules shall apply.

(2) Scenic River Areas:

(a) The following river segments from Clear Lake to Deer Creek are classified as Scenic River Areas:

(A) Adjacent lands west of the river from Clear Lake to Carmen Reservoir;

(B) Adjacent lands west of the river from Tamolitch Falls to Trail Bridge Reservoir;

(C) Adjacent lands west of the river from Trail Bridge Dam to the confluence of Deer Creek with the McKenzie.

(b) The Department will administer the Scenic River Areas described in subsection (2)(a) consistent with standards set by OAR 736-040-0035. In addition to the above standards, new mining operations, road construction, and similar improvements shall be permitted only when they are substantially screened from view from the river by topography or native vegetation. If inadequate topographic or vegetative screening exists on a site, activities mentioned above may be permitted if vegetation is established which will provide substantial screening of the affected area. The condition of “substantial vegetative screening” shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure or allow only a highly filtered view of the landscape affected by the improvement;

(c) New structures and associated improvements shall be permitted when substantially screened from view from the river by topography or vegetation. If inadequate topographic or vegetative screening exists on a site, the structure or improvements may be permitted if vegetation is established to provide substantial screening of the proposed structure or improvement within a reasonable period of time (for example 4–5 years). The condition of “substantial vegetative screening” shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure the structure or improvement, or allow a highly filtered view of the proposed structure or improvement. Improvements needed for public recreation use or resource protection may be visible from the river, but must be designed to blend with the natural character of the landscape.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 4-1992, f. & cert. ef. 7-29-92; PRD 6-2008, f. & cert. ef. 5-15-08

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736-040-0044

Interim Classification of State Scenic Waterways

The Department will assign those segments of rivers under the scenic waterways program without a management plan an interim river classification until such time as the Commission, with the concurrence of the Oregon Water Resources Commission, adopts a river management plan. Only one interim river classification will be assigned to each scenic waterway as indicated in the following list: River — Classification

(1) Clackamas River:

(a) North Fork of the Clackamas River, that segment from the source to North Fork Reservoir (12 miles) — Scenic;

(b) South Fork of the Clackamas River, that segment from river mile 4 to main stem — Scenic.

(2) Deschutes River: Upper, that segment from Little Lava Lake to Crane Prairie Reservoir (8 miles) — Recreational;

(3) McKenzie River:

(a) South Fork, that segment from the Three Sisters Wilderness boundary to Cougar Reservoir (16.5 miles) — Scenic;

(b) South Fork, that segment from Cougar Dam to mainstem (4.5 miles) — Recreational.

(4) North Santiam River: Little North Fork, that segment from Battle Ax Creek to Willamette National Forest boundary (7 miles) — Scenic.

(5) North Umpqua River: From Mt. Thielsen Wilderness boundary to Lemolo Reservoir (6 miles) — Scenic.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 11-1991, f. & cert. ef. 6-18-91; PR 8-1994, f. & cert. ef. 7-11-94; PR 9-1996, f. & cert. ef. 10-9-96; PRD 9-2002, f. & cert. ef. 10-3-02; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0046

North Umpqua River Scenic Waterway

(1) Recreation River Areas:

(a) That segment of the North Umpqua River that includes shoreline and related adjacent land on both banks of the River from its intersection with a line forming the East half of the East half of Section 18, Township 26 South, Range 3 East, Willamette Meridian, Douglas County (a line forming E 1/2, E 1/2, Section 18, T26S, R3E, W.M., Douglas County; approximately just below the Soda Springs Powerhouse) downstream to the North Umpqua River Highway 138 bridge in Section 22, Township 26 South, Range 2 East, Willamette Meridian (Section 22, T26S, R2E, W.M., Douglas County);

(b) The Department will administer the Recreation River Area described in subsection (1)(a) consistent with standards set by OAR 736-040-0035 and 736-040-0040(1)(c)(B). In addition to the above standards, the Department may permit new mining operations, road construction, and similar improvements only when substantially screened from view from the river by topography or native vegetation. If inadequate topographic or vegetative screening exists on a site, activities mentioned above may be permitted if vegetation is established which will provide substantial screening of the affected area. The condition of "substantial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of the landscape affected by the improvement. New structures and associated improvements shall be permitted when partially screened from view from the river by topography or vegetation. If inadequate topographic or vegetative screening exists on a site, the structure or improvement may be permitted if vegetation is established to provide partial screening of the proposed structure or improvement within a reasonable period of time (for example 4–5 years). The condition of "partial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to partially obscure (at least one-half) the viewed improvement or structure, or allow a moderately filtered view (at least 50 percent filtering) of the proposed structure or improvement. Improvements needed for public recreation use or resource protection may be visible from the river, but must be designed to blend with the natural character of the landscape;

(c) That segment of the North Umpqua River that includes the shoreline and adjacent lands north of the river channel from the North Umpqua River Highway 138 bridge (Marsters Bridge) located in Section 22, Township 26, Range 2E, W.M. and the point at which Rock Creek converges with the North Umpqua River excluding any area classified "River Community Area";

(d) The Department will administer the Recreation River Area described in subsection (1)(c) consistent with standards set by OAR 736-040-0035, 736-040-0040(1)(c)(B) and the Douglas County Land Use and Development Ordinance. In addition to the above standards, the Department may permit new mining operations, road construction, com-

mmercial tree harvesting, and similar improvements only when substantially screened from view from the river by topography or native vegetation. If inadequate topographic or vegetative screening exists on a site, activities mentioned above may be permitted if vegetation is established which will provide substantial screening of the affected area. The condition of "substantial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of, the landscape affected by the improvement;

(A) New structures and associated improvements shall be permitted when partially screened from view from the river by topography or vegetation. If inadequate topographic or vegetative screening exists on a site, the structure or improvement may be permitted if vegetation is established to provide partial screening of the proposed structure or improvement within a reasonable period of time (for example 4–5 years). The condition of "partial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to partially obscure (at least one-half) the viewed improvement or structure, or allow a moderately filtered view (at least 50 percent filtering) of the proposed structure or improvement;

(B) Improvements needed for public recreation use or resource protection may be visible from the river, but must be designed to blend with the natural character of the landscape;

(C) Wherever the standards of OAR 736-040-0035 and the above rule are more restrictive than the Douglas County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

(2) Scenic River Area:

(a) That segment of the North Umpqua Scenic Waterway that includes the shoreline and adjacent lands south of the river channel from the North Umpqua River Highway 138 bridge (Marsters Bridge) located in Section 22, Township 26, Range 2E, W.M., and the point at which Rock Creek converges with the North Umpqua River excluding any area classified "River Community Area";

(b) The Department will administer the Scenic River Area described in subsection (2)(a) consistent with standards set by OAR 736-040-0035, 736-040-0040(1)(b)(B) and the Douglas County Land Use and Development Ordinance;

(c) In addition to the above standards, the Department may permit new mining operations, road construction, commercial tree harvesting and similar improvements only when substantially screened from view from the river by topography or vegetation. If inadequate topographic or native vegetative screening exists on or near the site, activities mentioned above may be permitted if vegetation is established which will provide substantial screening of the affected area within a reasonable period of time (for example 4–5 years). The condition of "substantial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of the improvement;

(d) New structures and associated improvements shall be permitted when substantially screened from view from the river by topography or vegetation. If inadequate, topographic or vegetative screening exist on a site, the structure or improvement may be permitted if vegetation is established to provide substantial screening of the affected area in a reasonable time (for example 4–5 years). The condition of "substantial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of the proposed structure or improvement;

(e) Improvements needed for public recreation use or resource protection may be visible from the river, but must be designed to blend with the natural character of the landscape;

(f) Wherever the standards of OAR 736-040-0035 and the above rule are more restrictive than the Douglas County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

(3) River Community Areas:

(a) Five areas are designated as River Community Areas:

(A) Rock Creek — All the shoreline and related land east of Rock Creek along the right bank (as seen when facing downstream) within the SW 1/4 of Section 1, T26S, R3W, W.M., which includes tax lots 600, 700, 800, and 900;

(B) Frontier Village — The North Umpqua Village Subdivision (Vol. 7, page 60, approved in March 1948); the plat of North Umpqua Village first addition as recorded in Volume 10, page 52; Tract 37 of Section 16, Township 26S, Range 2W, W.M., Douglas County, Oregon as filed June 25, 1954. In addition to these plats, tax lots 300 and 400 of the SW 1/4 of T26, R2W, Sec 16 (Sec 16C); tax lots 500, 600, 700, 701, and 800, in SE 1/4 of T26S, R2W, Section 17;

(C) Susan Creek Village — The shoreline and related adjacent lands lying along the right bank of the North Umpqua River (as seen facing

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downstream) and described as follows: The Northwest one-quarter of Section 23, Township 26 South, Range 2 West, Willamette Meridian, Douglas County (NW 1/2, Section 23, T26S, R2W, W.M.);

(D) Steamboat — All shoreline and related adjacent lands lying within the west half of Section 32, Township 25-1/2 South, Range 1 East, Willamette Meridian (W 1/2, Section 32, T25-1/2S, R1E, W.M.); the northwest one-quarter of Section 5, Township 26 South, Range 1 East, Willamette Meridian (NW 1/4, NW 1/4, Section 4, T26S, R1E, W.M.); the East half of Section 31, Township 25-1/2 South, Range 1 East, Willamette Meridian (E 1/2, Section 31, T25-1/2 S, R1E, W.M.); and the north half of the northeast one-quarter of Section 6, Township 26 South, Range 1 East, Willamette Meridian (N1/2, NE1/4, Section 6, T26S, R1E, W.M.) Douglas County;

(E) Dry Creek — All shoreline and related adjacent lands lying along the right bank (as seen when facing downstream) within the east half of the northwest quarter and the west half of the northeast quarter of Section 20, Township 26 South, Range Two East, Willamette Meridian (E1/2, NW 1/4, and W1/2, NE 1/4, Section 20, T26S, R2E, W.M.), Douglas County.

(b) Within these River Community areas described in OAR 736-040-0041(3)(a)(A)–(E) the Department may not permit new commercial facilities such as resorts, motels, and private recreational vehicle parks unless their plans are consistent with requirements of the Douglas County Land Use and Development Ordinance; and they are not visible from any vantage point on the banks of, or from within, the river;

(c) Any other land uses that may be permitted in the river community areas by the county, such as single family dwellings, will be allowed if their plans are consistent with Douglas County Land Use and Development Ordinance requirements and Scenic Waterway standards OAR 736-040-0035;

(d) Wherever the standards of OAR 736-040-0035 and the above rule are more restrictive than the Douglas County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 6-1992, f. & cert. ef. 10-30-92; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0056

Metolius River Scenic Waterway

(1) Recreational River Areas:

(a) Two river segments are designated as Recreational River Areas:

(A) The segment of the scenic waterway beginning at Metolius Springs at approximately river mile 41.2 extending downstream to the confluence of North Fork of Lake Creek, also known locally as Spring Creek, at approximately river mile 39.4 is classified as a Recreational River Area;

(B) The segment of the scenic waterway beginning at the Camp Sherman Bridge at approximately river mile 39.1 extending downstream to the confluence of Candle Creek at approximately river mile 29 is classified as a Recreational River Area.

(b) Within the Recreational River Area described in subsection (1)(a), all new structures, improvements and development will comply with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(c)(B), and be consistent with applicable Jefferson County land use and development regulations;

(c) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river and set back a minimum of 35 feet from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, and height of proposed structures. These setbacks shall not apply to additions to or replacement of residences existing on the effective date of these rules provided that such additions or replacement are not proposed to be built closer to the river than the closest point of the original structure;

(d) Notwithstanding the provisions of any other subsection of this section, a 50-foot riparian area will be retained in its natural condition (no cutting, mowing or removal of natural vegetation), measured from the ordinary high water line in a horizontal direction away from the river;

(e) No building shall exceed 25 feet in height measured from the natural grade on the river side of the building to the tallest point of the structure;

(f) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purposes of this rule, landscape includes indigenous vegetation, soils, and rock material. All natural evergreen vegetation will be maintained between the structures and improvements and the river. The establishment of additional vegetative screening (native veg-

etation) may be required to further mitigate the visual impact of the structures and improvements as seen from the river;

(g) Roads, mines and similar forms of development shall be set back from the river consistent with Jefferson County land use and development regulations and be screened from view from the river by topography, or by existing or established evergreen vegetation;

(h) New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Jefferson County land use and development regulations and Oregon Department of State Lands regulations;

(i) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing utility facilities will be permitted. New river crossings for new utility facilities will not be permitted;

(j) Timber harvest activities, including thinning, shall be screened by topography or vegetation when seen from the river, developed recreation sites with the scenic waterway, and trails adjacent to the river. Riparian areas shall be protected. Stumps shall be kept low, slash removed promptly and remaining trees and brush protected from damage during harvest. Reforestation shall occur within one year of completion of harvest. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed;

(k) Improvements needed for public recreation use or resource protection must be designed to blend with the natural character of the landscape.

(2) River Community Area:

(a) One river segment is designated as a River Community Area;

(b) The segment of scenic waterway beginning at the confluence of North Fork of Lake Creek, also known locally as Spring Creek, at approximately river mile 39.4 extending downstream to the Camp Sherman Bridge at approximately river mile 39.1 is classified as a River Community Area;

(c) Within these areas, all new structures, improvements and development must be in compliance with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(f), and be consistent with applicable Jefferson County land use and development regulations;

(d) No structure shall exceed 25 feet in height measured from the natural grade on the river side of the building to the tallest point of the structure;

(e) Notwithstanding the provisions of any other subsection of this section, a 50-foot riparian area will be retained in its natural condition (no cutting, mowing or removal of natural vegetation), measured from the ordinary high water line in a horizontal direction away from the river;

(f) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing utility facilities will be permitted. New river crossings for new utility facilities will not be permitted;

(g) Timber harvest activities, including thinning, shall be screened by topography or vegetation when seen from the river, developed recreation sites within scenic waterways, and trails adjacent to the river. Riparian vegetation shall be protected. Stumps shall be kept low, slash cleaned up promptly and remaining trees and brush protected from damage during harvest. Reforestation shall occur within one year of completion of harvest. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed;

(h) Improvements needed for public recreation use or resource protection must be designed to blend with the natural character of the landscape.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.826(1) & 390.845(2)

Hist.: PR 9-1996, f. & cert. ef. 10-9-96; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0070

Deschutes River Scenic Waterway

(1) Deschutes River Scenic Waterway Recreation Area:

(a) ORS 390.932 creates the Deschutes River Scenic Waterway Recreation Area. ORS 390.934 directs the Department to adopt a management plan by rule to administer the Deschutes River Scenic Waterway Recreation Area. ORS 390.124 authorizes the Commission to adopt rules to carry out the duties, functions and powers imposed by law upon the Commission and the Department.

(b) Pursuant to ORS 390.934, the Commission adopts by reference the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1 (January 1993), and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes

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River Allocation System, (June 1997) as the management plan for the Deschutes River Scenic Waterway Recreation Area. Copies of the Lower Deschutes River Management Plan and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System are available from the Oregon Parks and Recreation Department, 725 Summer St N.E., Suite C, Salem, OR 97301.

(c) The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation area according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.

(d) The Confederated Tribes of Warm Springs and the Bureau of Land Management are encouraged to exercise their jurisdiction and to manage their lands in a manner consistent with the management plan adopted by section (3) of this rule and with ORS 390.805 to 390.925 and 390.930 to 390.940.

(2) Recreational River Area:

(a) The segment of the scenic waterway extending from the Deschutes River intersection with the northerly extension of the common section line of Section 29 and Section 30, Township 9 South, Range 13 East, of the Willamette Meridian, (T 9S, R 13E, W.M.), Jefferson County, downstream approximately 96 miles to the Columbia River, but excluding the right bank shoreline (as seen when facing downstream) and adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is classified as a Recreational River Area.

(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

(3) River Community Areas:

(a) The segment of the scenic waterway extending from Pelton Re-Regulating Dam downstream approximately four miles to the Deschutes River intersection with the northerly extension of the common section line of Section 29 and Section 30, Township 9 South, Range 13 East, of the Willamette Meridian (T 9S, R 13E, W.M.), Jefferson County, is classified as a River Community Area. The shoreline and related adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is likewise classified as a River Community Area.

(b) Within the River Community Areas described in subsection (3)(a), when consistent with Jefferson County and Wasco County zoning ordinances, the Department may permit uses and structures including agriculture, single-family and multiple-family dwellings, churches, lodges, resorts, motels, transient public trailer parks, and necessary public service facilities. The Commission may establish permitted densities of improvements and structures which are visible from the river after consultation with the appropriate county planning commission, the State Fish and Wildlife Commission, the U.S. Bureau of Land Management, the City of Maupin or the Warm Springs Confederated Tribes and such other persons and agencies as the Commission may select.

(4) Public use of the Deschutes River Scenic Waterway:

(a) Policy: The Commission finds that in order to protect and enhance the Deschutes River Scenic Waterway's unique aesthetic, scenic, fish and wildlife, scientific and recreational features, and because these outstanding and unique features caused this river segment to be designated by the people of Oregon as a scenic waterway, it is necessary to adopt rules for public recreation use of the lands and waters within this scenic waterway area. These rules have as their basis the need to protect and preserve the waterway's outstanding scenic beauty and natural features while maintaining the river's wide range of recreational opportunities. Therefore, in accordance with the management requirements of ORS 390.845, the following rules shall be adhered to by persons using the Deschutes River Scenic Waterway for recreation purposes. These rules are in addition to other rules of the Commission promulgated for the management of all scenic waterways. Where more restrictive or specific than the general rules, these rules will prevail over the general rules except in the instance of private property owners where only OAR 736-040-0035 (Rules for Land Management) or this rule shall apply.

(b) Restricted Areas:

(A) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon have closed all Reservation lands to public use except by permit. This closure, enacted by the Confederated Tribes, also affects all islands west of the middle of the river between the Pelton re-regulating dam and the north boundary of the Reservation near Two Springs Ranch at the power boat deadline.

(B) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon own the east and west banks of the Deschutes River between Sandy Beach and the State Route 16 bridge crossing downstream from Sherars Falls. Sandy Beach shall be the last designated boat take out upstream from Sherars Falls. The banks of the Deschutes River from Sandy Beach downstream to the State Route 16 bridge crossing, including the former take out on the west bank of the Deschutes River immediately upstream from Sherars Falls, shall be closed to boat put in or take out. Plan at page 74.

(C) All persons using the Deschutes River Scenic Waterway shall be advised that the Deschutes River from the upstream end of Rattlesnake Rapids at about river mile 2.5 and extending downstream to the no wake zone at the downstream end of Moody Rapids at about river mile .5 is a pass through zone. All floating craft, except float tubes, shall pass through this segment of river and shall not stop along or tie up to the riverbank except in the event of an emergency. Plan at pages 58-60.

(D) Nothing in these rules gives to any person any right to trespass on the private property of others or in any way alters the rights of private property owners in regards to trespass.

(e) Definitions: For purposes of this rule, the following definitions shall apply:

(A) "Camping" means overnight occupation within the Deschutes River Scenic Waterway.

(B) "Day Use" means human presence within the Deschutes River Scenic Waterway between the hours of one hour before sunrise to 10:00 PM.

(C) "Designated Non-Fee Site" means a marked and designated campsite for which no fee is charged. The Deschutes River Managers shall designate river segments or zones where non-fee camping is allowed only in designated sites.

(D) "Fee Sites" means a marked and designated drive-in or developed camp site for which a fee is charged. Any reference in this rule, or OAR 736-040-0071, to drive-in or developed sites shall have the same meaning as Fee Site.

(E) "Group" as used in this rule means a party of two or more persons while present within the Deschutes River Scenic Waterway.

(F) "Group Site" as used in this rule means a fee site, designated non-fee site, or any other site designated by the Managing Agencies as a group site. Group sites shall be designated for use by nine persons or more, up to the maximum site capacity as designated by the Managing Agencies. Where no maximum capacity is designated, the maximum capacity shall be the maximum group size for the river segment.

(G) "Non-Fee Site" means a campsite for which a fee is not charged. As used in this rule, all references to undeveloped campsites or undeveloped sites have the same meaning as non-fee sites.

(H) "Occupied Non-Designated and/or Designated Non-Fee Boat-In Campsite" as used in this rule means the presence of at least one person for each campsite, who, if not physically present within the campsite, prominently displays in a readily legible manner, within the campsite, the person's name and boater pass number, or if the person is covered under a group pass, the person's name and the name and boater pass number of the group leader.

(I) "Overnight Occupation" means human presence between the hours of 10:00 PM and one hour before sunrise.

(J) "Recreation Site" means a marked and designated, general camping or activity area as designated by the Deschutes River Scenic Waterway Managers, or a public agency or political subdivision of the state. A recreation site shall generally contain individual campsites or a day use area.

(K) "Unoccupied" as used in this rule means the absence of human presence during the period one hour after legal sunset to one hour before legal sunrise.

(L) "Walk-In Fee Site" means a marked and designated fee site in which the main recreation site is designated to be accessed by vehicle or boat. The individual campsite is generally a satellite campsite accessed on a walk-in basis from the main recreation site. Vehicle access is prohibited.

(d) Camping:

(A) Overnight camping is prohibited on all islands. Plan at page 63.

(B) Overnight camping length of stay shall be limited to:

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- (i) Four nights in undeveloped sites. Plan at page 63;
- (ii) Fourteen nights in developed sites except at Deschutes State Park where the camping limit shall be ten days out of 14. Plan at page 63;
- (iii) Nine nights for motorized boats between May 15 and October 15 in those areas where they are allowed. Plan at page 63.

(C) No person shall leave camping equipment or personal property overnight at or in an unoccupied, public, non-fee, campsite as a means to claim, hold, reserve or secure the site for subsequent occupancy by the same person, or their friends, clients, business associates, or clients of business associates. For the purposes of this paragraph, unoccupied means the absence of human presence during the period one hour after legal sunset to one hour before legal sunrise.

(D) At the end of a consecutive four night, overnight camping length of stay specified in subparagraph (4)(c)(B)(i) of this rule, all camping equipment and personal property shall be removed from the area and cannot be relocated within 1/4-mile of the same site for a period of at least 14 nights. Plan at page 63.

(E) Between May 15 and October 15, whenever motorized boaters vacate a campsite and it will be unoccupied as that term is defined in paragraph (4)(c)(C) of this rule, all camping and personal property shall be removed from the area and cannot be relocated within 1/4 mile of the same site for a period of at least 14 nights.

(F) Group size within the Deschutes River Scenic Waterway will be limited to 16 persons in segments 1, 3 and 4, and 24 persons in segment 2.

(G) Overnight camping group size shall be determined by the size and capability of the site. In no case shall group size exceed 16 people per site in Segments 1, 3 or 4 and 24 in Segment 2. Plan at page 63.

(H) Overnight occupancy in vehicle accessible public areas of the Deschutes Scenic Waterway will be allowed within designated fee sites only.

(I) Overnight occupancy within river areas that are managed as designated non-fee camping zones will be permitted only within designated and marked non-fee sites. Non-fee areas of river segment I are designated non-fee zones.

(J) Any group occupying fee or designated non-fee sites is required to abide by the designated capacity of the site. No group leader shall allow violation of this rule by any member of his/her group.

(K) Any group occupying fee or designated non-fee sites shall be required to contain all group and personal equipment within the site. Where a site boundary is marked, all group and personal equipment shall be contained within those boundaries. Where no site boundary is provided, all group and personal equipment shall be contained within a line 1/2 the distance between site designation markers. As far as is practical, all camping equipment such as tents and/or tables shall be erected or used within the most impacted core area of the site.

(L) Groups shall, as far as practical, occupy fee and designated non-fee sites that display a capacity that generally corresponds with the size of the group. As far as practical, small groups shall not occupy large capacity sites.

(M) Groups of eight persons or less, except in an emergency, are prohibited from occupying designated group sites.

(N) All non-designated and/or designated non-fee boat-in campsites within the Deschutes River Scenic Waterway shall be occupied on a first come first serve basis. Campsites may not be reserved or held for later occupation. One person may occupy and thereby hold only one campsite. Placing group or personal property in a campsite not occupied by at least one person, for the purpose of holding or reserving the site for later occupation is prohibited

(e) Campfires, Fuel, Firepans, Smoking:

(A) Open fires and charcoal shall be prohibited from June 1 to October 15. Periods of fire closure may be extended if conditions warrant. Plan at page 77. When not prohibited, fire shall be contained in a firepan or similar device of metal. A firepan is a metal container with sides at least two inches high to prevent ashes or burning material from spilling onto the ground.

(B) Commercially manufactured metal camp stoves and lanterns are permissible for outdoor use only when fueled with bottled liquified petroleum gas (e.g., propane) or liquid gas. Such stoves or lanterns shall be operated in a responsible manner at all times.

(C) Burning of any living, dead or down vegetation within the Lower Deschutes River Management Plan area shall be prohibited. Plan at page 77.

(D) Every overnight camp, overnight hiking party or person using fire or operating a motor driven vehicle or boat within the Deschutes River Scenic Waterway designated by ORS 390.826, shall carry and keep rea-

sonably accessible one bucket of at least one gallon capacity and one spade or shovel.

(E) No person shall leave a fire unattended.

(F) All fires shall be completely extinguished after use. The extinguished remains shall be taken out of the scenic waterway for disposal or deposited in a proper garbage receptacle provided at recreation sites or litter collection stations.

(G) Smoking shall be limited to buildings, closed vehicles, boats on the water or while standing in the water. Plan at page 77.

(f) Firearms: The discharge of firearms is prohibited within the Lower Deschutes River planning area boundaries from the third Saturday in May through August 31 of each year. Plan at page 77.

(g) Water cannons: The use of motorized/mechanized water cannons is prohibited. No person shall use manual water cannons, hydro sticks, water balloons/water balloon launchers, or other water projectile device in any way that creates a hazardous or physically offensive condition or that causes personal or public alarm, nuisance, jeopardy, or violence. Plan at page 59.

(h) Litter and Personal Sanitation:

(A) Persons using the Deschutes River Scenic Waterway for recreational purposes shall place refuse, scrap, trash and garbage in proper receptacles provided for that purpose at maintained recreation sites or litter collection stations. No such refuse, litter, garbage or similar materials shall be buried, abandoned or burned and buried or abandoned. When no approved receptacle or container is available, the material shall be taken out of the scenic waterway area for disposal. Plan at page 62.

(B) All persons using the Deschutes River Scenic Waterway for recreational purposes shall use the developed toilet facilities provided at public recreation sites. An approved portable toilet shall be carried and used by overnight boating groups (1 to 16 persons in segments 1, 3 and 4; 1 to 24 persons in segment 2) that remain, intend to remain, or display intent to remain overnight within the Deschutes River Scenic Waterway, except that this requirement shall not apply to overnight kayak trips that are entirely self-contained and not supported by other craft carrying gear. While present within the Deschutes River Scenic Waterway on an overnight boating basis, all persons shall, whenever practical, use either an approved portable toilet or an agency provided toilet facility for all solid human waste. All persons who remain, intend to remain, or display intent to remain overnight in an undeveloped camp site shall set up an approved portable toilet, ready for use, as soon as practical upon landing at the camping site to be occupied. No person shall leave, deposit, or scatter human waste, toilet paper, or items used as toilet paper, on the ground within the Deschutes River Scenic Waterway. While within the Deschutes River Scenic Waterway, portable toilets shall only be dumped at facilities developed and identified especially for that purpose. Plan at page 62. Where toilets are not provided, and the situation makes it impractical to use a portable toilet, persons shall bury all human waste and toilet paper, or material used as toilet paper, at least six inches below the surface of the ground in natural soil and at least 50 feet from the edge of the river or any other water source. For purposes of this paragraph, the following definitions shall apply:

(i) "Approved portable toilet" is any non-biodegradable, rigid, durable, container designed to receive and hold human waste, in any container position, without leaking, and equipped with a dumping system that allows the container to be emptied and rinsed into a standard receiving or dump system designed for that purpose, such as a SCAT machine or recreational vehicle dump station, in a sanitary manner, without spills, seepage or human exposure to human waste.

(ii) "Remain overnight" means human presence in the Deschutes River Scenic Waterway on a boat-in basis for any period of time from one hour after legal sunset to one hour before legal sunrise.

(iii) "Display intent to remain overnight" while within the Deschutes River Scenic Waterway on a boat-in basis includes, but is not limited to, any off-loading onto the river bank, or preparing for use, common overnight camping equipment such as tents, sleeping bags or bedding, food, cooking or dining equipment, or lighting equipment, or to prepare common camping equipment for use in or on any boat.

(iv) "Developed camp site" means a motor vehicle accessible, fee site.

(i) No person shall use fireworks within the Deschutes River Scenic Waterway: Defined as any combustible or explosive composition or substance or any combination of any such compositions or substances or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers,

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torpedoes, skyrocketers, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents, or any other article of like construction or any article containing any explosive or inflammable compound or any tablets or other device containing any explosive substance or inflammable compound.

(j) Vehicle restrictions: The limitations set forth in paragraphs (A) through (B) of this subsection shall apply to all vehicles, operators and passengers on the following roads within the Deschutes River Scenic Waterway: Mecca Flat Road; Trout Creek Road; BLM Upper River Access Road-Maupin to Locked Gate; BLM Middle River Access Road-Bakeoven Road to Highway 216; and BLM Lower River Access Road-Highway 216 to Macks Canyon.

(A) No person shall operate a vehicle with a seating capacity greater than 24 passengers (each seat to hold no more than two persons) plus one driver and/or a total vehicle length greater than 28 feet. Plan at page 71.

(B) No person shall ride or allow another person to ride in or on top of a boat or boats within or on the back of any open bed motor vehicle, or on a boat or boats loaded on the top of any other motor vehicle. A person or persons may ride within a single boat that is properly secured by ropes or straps within the bed rails of a pickup truck, or properly secured as above on the bed of a flat bed motor vehicle. No person will be allowed to ride on the exterior portion of any motor vehicle within the Deschutes River Scenic Waterway.

(k) Inner tubes, float tubes, boogie boards:

(A) Swimming or floating with or without a floatation device and/or the use of inner tubes, float tubes, boogie boards, surf boards and other similar water toys used for transport of persons or property is prohibited in the Deschutes River channel in Moody Rapids on those days when power boats are allowed, except as provided below. This prohibition is in effect from the upstream end of Moody Rapids down river to the downstream side of the Moody Rapids channel marker from legal sunrise to legal sunset when power boats are allowed under the regulations of the Oregon State Marine Board. Anglers using float tubes may cross the Moody Rapids channel during these times provided they do so in the most direct route possible. Float tube anglers crossing the Moody Rapids channel shall look out for and give right-of-way to any motorized boat, which is in Moody Rapids channel or about to enter the rapids from downstream or upstream, or in any event when motorboats are approaching close enough to create a hazard.

(B) It is unlawful to secure any person(s), inner tube, float tube, boogie board, surf board or other similar water toys used for transport of persons or property, in or on the waters of the Deschutes River, to the river bank or to any tree, fixed object or anchoring device on lands adjacent to the river bank or to any such object or device within the boundaries of the river and river banks of the Deschutes River by any cable, rope, line, bungee cord, or other means except to secure boats to the river bank as a normal and recognized necessity. No person shall hold on to any such line or to any device secured to such line in order to ride or be transported into any channel of the Deschutes River.

(C) It is unlawful to secure any cable, rope, line or bungee cord or any device across the river except as necessary for rescue and/or salvage operations and other necessary uses upon consent of the managing agencies of the Confederated Tribes of Warm Springs, Oregon Parks and Recreation Department, Bureau of Land Management and Oregon State Police.

(D) The cables presently in place across the Deschutes River at Dant and the upstream area (approximately river mile 52) of the City of Maupin are exempt from this rule. Any permanent device, as described in this paragraph, will require approval from the Scenic Waterways Program of the Oregon Parks and Recreation Department in accordance with ORS 390.845 and OAR 736-040-0030 and 0035.

(E) The rules set forth in this rule shall not be applicable to the Deschutes River State Recreation Area Campground, the use of which shall instead be governed by general park area rules and the authority and discretion of the park manager.

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

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.934(2) & 390.938(3)

Hist.: HC 1285, f. 6-27-72; PR 3-1982, f. & ef. 3-26-82; PR 4-1983, f. & ef. 3-30-83; PR 3-1985, f. & ef. 6-4-85; PR 5-1985(Temp), f. 7-15-85, ef. 11-1-85; Suspended by PR 6-1985(Temp), f. & ef. 10-1-85; PR 9-1986, f. & ef. 6-12-86; PR 5-1990, f. & cert. ef. 12-18-90; PR 4-1994, f. & cert. ef. 4-22-94; PRD 2-1998, f. & cert. ef. 1-28-98; PRD 5-1999, f. 5-14-99, cert. ef. 6-1-99; PRD 6-2002, f. 5-15-02, cert. ef. 6-1-02; PRD 8-2003f. 7 cert. ef. 10-3-03; PRD 5-2004, f. 4-27-04, cert. ef. 4-30-04; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0071

Deschutes River Scenic Waterway Boater Pass System Rules

(1) Policy:

(a) The Commission finds that in order to carry out the intent of Chapter 798, Oregon Laws 1981, monies collected from the sale of the

Deschutes River Scenic Waterway Boater Pass shall be used for the following purposes:

(A) For operation of the pass system;

(B) For providing river-user oriented law enforcement services;

(C) For providing river recreation information and education;

(D) For developing and maintaining river oriented recreation facilities; and

(E) For any other purposes the Department considers appropriate for the maintenance, enhancement or protection of the natural and scenic beauty of the Deschutes River Scenic Waterway consistent with ORS 390.805 to 390.925.

(b) As provided by the statute, monies collected from this program shall be used exclusively within the Deschutes River Scenic Waterway;

(c) It shall further be the policy of the Commission that these monies shall be used first, to operate the pass system; and secondly, to provide as directly as possible, education, information and rule enforcement services to those river users who contribute directly to this fund. When in the judgment of the Department Director, these priority needs can be continually met, additional uses of these funds shall be allowed consistent with paragraphs (1)(a)(D) and (E) of this rule;

(d) In determining the future use of these funds for purposes other than those listed in paragraphs (1)(a)(A), (B), and (C) of this rule, the Department Director may consider input from the various local, state, and federal agencies involved with managing resources within the Deschutes River Scenic Waterway, the Confederated Tribes of Warm Springs Reservation of Oregon, and the general public;

(e) The Commission, by adoption of this rule, delegates the administration of this Deschutes River Scenic Waterway Boater Pass program and the funds derived from it as authorized by Chapter 798, Oregon Laws 1981, to the Department Director or the Director's designee;

(f) The Commission encourages all local, state and federal agencies involved in resource management of the Deschutes River Scenic Waterway and the river users themselves, to give their full cooperation to this program;

(g) The Commission recognizes that the Deschutes River Scenic Waterway Boater Pass program is experimental in nature. It will endeavor to annually adjust the program as new information about visitation, river user needs and trends become apparent.

(2) Definitions: For purposes of this rule, the following definitions shall apply:

(a) "Deschutes River Scenic Waterway" — That portion of the Deschutes River designated in ORS 390.826 as a State Scenic Waterway. The portion of the Deschutes River Scenic Waterway that is affected by this rule (736-040-0071) covers approximately 100 miles from Pelton Re-regulating Dam to the Columbia River, excluding the city limits of Maupin as established on October 4, 1977. The Scenic Waterway area includes all water and lands within 1/4 mile of the bank on either side of the river;

(b) "Boat" — Every watercraft or device used as a means of transport on the water of the Deschutes River Scenic Waterway;

(c) "Deschutes River Scenic Waterway Boater Pass" -- A receipt for a fee paid pursuant to ORS 390.848;

(d) "In Possession" — Possessed in such a manner as to be readily available, nearby, or in close proximity to the passholder and able to be easily and quickly produced on the site in the event the passholder is requested to do so by an authorized agent or law enforcement officer, or Department employee authorized to issue citations pursuant to ORS 390.050;

(e) "Day" — Any part of a 24-hour period running from 12:01 a.m. to the following midnight;

(f) "Group" — A boating party not to exceed 16 persons in segments 1, 3 and 4 and not to exceed 24 persons in segment 2; the group leader(s) of which possess a properly signed and valid boater pass(es) for not fewer than the total number of persons in the group;

(g) "Group Leader" — A person who obtains and signs a Deschutes boater pass via the Internet application process or an authorized boater pass vendor on behalf of a boating group. By signing the boater pass, the group leader accepts legal responsibility for the leader's and group members' compliance with all applicable Department, Oregon State Marine Board, and Oregon Liquor Control Commission administrative rules, controlled substance, juvenile and criminal laws and Deschutes River Scenic Waterway rules;

(h) "Passholder" — Any individual person or person within a group for which the appropriate fee has been paid and that individual or a member of the group is in possession of a Deschutes River Scenic Waterway Boaters Pass;

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(i) "Immediate Family" — The spouse and any natural or adopted children of a property owner who reside with the owner of property which immediately abuts the Deschutes River Scenic Waterway.

(j) "Boat Accessed Presence" — A person's or group's physical presence in the Deschutes River Scenic Waterway in conjunction with being transported in or on a boat; which presence shall be covered by a valid Deschutes boater pass from the time of initial transport by boat until the person or group leaves the Deschutes River Scenic Waterway by boat regardless of whether or not the person or group uses a boat during each day of their presence in the Deschutes River Scenic Waterway.

(3) When Pass is Required:

(a) No person shall launch, operate or ride in any boat or engage in any camping, fishing or other activity in connection with being transported by a boat on those portions of the Deschutes River designated as scenic waterways under ORS 390.826, during the time period established in section (4) of this rule, without having first obtained a valid Deschutes River Scenic Waterway Boater Pass (hereinafter referred to as "pass") for the days during which these activities are conducted. A person will be issued, upon payment of the appropriate fee and completion of the pass form, either an individual pass, annual pass, a group pass, or a special pass as specified in section (10) of this rule;

(b) Every person landing, operating or riding in a boat or engaging in any camping, fishing or other activity in connection with being transported by a boat on that portion of the Deschutes River Scenic Waterway specifically described in subsection (2)(a) of this rule, shall display his/her individual, annual, group or special pass upon the demand of any law enforcement officer or employee of the Department who is authorized to enforce these rules.

(4) Time Period of Pass: The time period for which a valid pass is required is year round.

(5) Requirements for Valid Pass:

(a) The pass will consist of the following information to be placed on a form provided by the Department and completed at the time of purchase:

- (A) Calendar date(s) pass will be used;
- (B) Number of days pass will be valid;
- (C) Total fee paid for issuance of the pass;
- (D) Number of persons authorized by pass;
- (E) Signature of passholder or group leader;
- (F) A summary of appropriate river use rules;
- (G) Driver's license number;
- (H) Date of birth.

(b) In order for a pass to be valid in subsection (a) of this section, the recipient must:

(A) Provide all of the above information as requested;

(B) Have the completed pass in possession while boating within the Deschutes River Scenic Waterway;

(C) Be boating within the Deschutes River Scenic Waterway only on the calendar days authorized for on the recipient's completed pass; and

(D) Have paid the appropriate fee.

(c) A passholder may also be issued with the pass, informational and educational material designed to encourage an appreciation of the scenic waterway and promote minimum impact recreation use.

(6) Cost of Pass:

(a) The fee for issuance of a pass, either individual or group, shall be \$2 per person per day, except that the fee for individuals or groups using only that portion of the Deschutes River Scenic Waterway from the Heritage Landing launch ramp, or the bank moorage adjacent to Deschutes River State Recreation Area, downstream to the Columbia River solely for boat access to the Columbia River, shall be \$1 per person per day. Use of the \$1 pass, also known as the Heritage to Columbia pass, for boating recreation on or access to the Deschutes River, or access to islands in the Deschutes River is prohibited.

(b) The fee for issuance of an individual annual pass shall be \$15 per person per year. Except as provided in subsection (c) of this section, each annual pass will be valid only for a single calendar year beginning on January 1 and ending on December 31 of each year a pass is required under section (4) of this rule.

(c) An annual pass shall not be valid on Fridays, Saturdays or Sundays from May 15 through September 15 in segments 1, 2 and 3, and from May 15 through October 15 in segment 4. An annual pass shall not be valid within any river segment on any day under a limited entry system. Annual pass holders who engage in boating, or activities involving boating, within the Deschutes Scenic Waterway during these periods, shall be required to obtain a daily boater pass for those days the annual pass is not valid.

(7) Group Pass:

(a) No group shall exceed the number of persons shown on the pass. In the event the number of persons in the group exceeds the number shown on the pass, the group leader shall be in violation of this rule;

(b) Group passes will be issued only for 16 persons or less for segments 1, 3 and 4, and 24 persons or less for segment 2;

(c) The daily pass shall be in the possession of the group leader at all times while within the Deschutes River Scenic Waterway.

(8) Sale of Pass:

(a) With the exception of daily passes for segment 1, daily boater passes will be available for purchase on the Internet, at selected state park offices, certain cooperating businesses and selected public agency locations throughout the state. Daily boater passes for segment 1 will be available for purchase on the Internet only. Selection of vendors will be based on location, days and hours of operation, past performance in similar governmental sales and the ability to provide service to a large number of potential Deschutes River Scenic Waterway boaters;

(b) Private vendors and cooperating agencies must comply fully with the terms of the Department/Vendor agreement and the Department's policies for vending the Deschutes River Scenic Waterway Boater Pass. Private vendors and cooperating agencies may charge a \$.50 handling fee for dispensing each pass or duplicate pass. Such fee will be in addition to any fee charged under section (6) of this rule;

(c) Passes will be available for purchase year-round. The Department will publish and make available to the public, at no cost, a listing of all vendors of the Deschutes River Scenic Waterway Boater Pass. The list will include location of vendors and days and hours the pass will be available for purchase.

(d) The annual pass shall be available for purchase in person or by mail only from the Department office in Salem and such other outlets as the Department may determine necessary. The Department may require that annual pass holders submit periodic reports detailing the use of their annual pass during any calendar year. The frequency and format of such reports shall be as prescribed by the Department. The Department may require that the issuance of an annual pass to any person be contingent on that person having submitted annual pass use reports for the previous season, if applicable.

(9) Refunds, Replacements:

(a) No cash refunds will be permitted in the event a pass is not used;

(b) The passholder may get a duplicate pass to replace one that is lost or destroyed by applying for a duplicate from the same vendor from which he purchased the original pass. A duplicate pass may only be issued prior to the effective date of the original pass. The passholder must provide to the vendor all information necessary to permit the vendor to confirm the original pass sale.

(10) Special Exceptions:

(a)(A) Pursuant to ORS 390.848(3), the Director shall issue without charge annual passes to comply with the requirements of this rule to persons who own ranch, farm, or residential property immediately abutting those portions of the Deschutes River designated as a Scenic Waterway under ORS 390.826 and more particularly described in subsection (2)(a) of this rule and to members of the immediate family of such persons. This rule does not authorize the issuance, without charge, of passes to persons holding less than a majority interest in a firm, corporation or cooperative organization which owns land immediately abutting the Deschutes River designated as a scenic waterway under ORS 390.826;

(B) Free annual passes shall be issued by the Department to persons who qualify under this section and have contacted the Department or the Department's designated contractor. All passes issued under this section are nontransferable. They are for the sole use of the person(s) to whom they are issued;

(C) Persons who believe they qualify for a free annual pass must contact in person or by mail: River Programs, Oregon Parks and Recreation Department, 725 Summer St N.E., Suite C, Salem, OR 97301, or the Department's designated contractor, and present for the Department's review evidence that substantiates the applicant's claim to a free annual pass. Evidence may consist of property tax information, deeds, birth certificates or similar legal or real estate devices.

(b)(A) The Director may issue a \$5 annual access pass to persons who own, either wholly or in partnership, farm, ranch or residential land within the specific reach of the Deschutes River Scenic Waterway described in subsection (2)(a) of this rule, and whose sole or customary means of access to their farm, ranch or residential facilities is by boat. The purpose of this pass is to permit unrestricted access to private property not reasonably or traditionally accessible by any means other than by boat. Each annual access pass will be valid for up to four persons;

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(B) Prior to the issuance of this pass, an individual must submit a written request to the Director or the Department's designated contractor, clearly stating the reasons, factors or circumstances requiring the issuance of the annual access pass.

(C) The Director, or the Department's designated contractor, may issue a \$5 annual occupational pass to persons or employees of farm, ranch or residential property owners and lessees of farm, ranch or residential property. The farm, ranch or residential property must be immediately abutting that portion of the Deschutes River Scenic Waterway more particularly described in subsection (2)(a) of this rule. The annual occupational pass shall be for those persons engaged in boating in order to access, supervise, or maintain property immediately abutting the Deschutes River Scenic Waterway. This pass will not be valid for boating in connection with any recreational activity. The pass is transferable among employees and caretakers of a single property-owner or organization; the pass is also transferable among leaseholders of a particular parcel of property. Proof of employment or lease agreement will be required prior to the issuance of this pass;

(D) Pursuant to ORS 390.851(2), no Deschutes River Scenic Waterway boater pass will be required of:

(A) Peace officers, members or employees of a governmental body, or their agents, while engaged in the discharge of official duties; or

(B) Any member of the Confederated Tribes of the Warm Springs Indian Reservation.

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

Stat. Auth.: ORS 390.124 & 390.848

Stats. Implemented: ORS 390.124, 390.848 & 390.851

Hist.: PR 2-1982, f. 2-3-82, ef. 5-15-82; PR 2-1983, f. & ef. 3-11-83; PR 15-1992, f. & cert. ef. 11-12-92; PR 5-1994, f. 4-22-94, cert. ef. 6-1-94; PRD 2-1999, f. & cert. ef. 4-15-99; PRD 5-1999, f. 5-14-99, cert. ef. 6-1-99; Administrative correction 12-27-99; PRD 6-2002, f. 5-15-02, cert. ef. 6-1-02; PRD 8-2003, f. & cert. ef. 10-3-03; PRD 5-2004, f. 4-27-04, cert. ef. 4-30-04; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0072

Middle Deschutes River Scenic Waterway

(1) North Bend River Community Area:

(a) From Sawyer Park at approximately river mile 164 to the northern Urban Growth Boundary of the City of Bend at approximately river mile 161, the river is classified North Bend River Community Area;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable City of Bend and Deschutes County land use and development regulations. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(2) Crooked River Ranch River Community Area 1:

(a) From approximately river mile 129.9 to 131.5, the residential building lots #1 — 50 within Phase 5 of the Crooked River Ranch subdivision as specified on the Plat Map recorded November 1973, in book 2, Pages 253-258, in the Deschutes County Clerk's Office, the river is classified Crooked River Ranch Community Area 1;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable Deschutes County land use and development regulations. There will be no further partitioning of designated Community Areas for residential development. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(3) Crooked River Ranch River Community Area 2:

(a) From approximately river mile 124.3 to 125.25, the residential building lots #1 — 107 within Phase 12 of the Crooked River Ranch subdivision as specified on the Plat Map recorded June 1978, in book 12, Page 582, in the Jefferson County Clerk's Office; the river is classified Crooked River Ranch River Community Area 2;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable Jefferson County land use and development regulations. There will be no further petitioning of designated Community Areas for residential development. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(4) Recreational River Area:

(a) From the northern Urban Growth Boundary of the City of Bend at approximately river mile 161 downstream to Tumalo State Park at approximately river mile 158, the river is classified Recreational River Area;

(b) Within this area, all new structures, improvements and development shall comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(c)(B), and be consistent with applicable Deschutes County land use and development regulations:

(A) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river. A set back of 20 feet or more is required from the edge of the rim rock (where this feature exists). The Department shall determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

(B) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purpose of this rule, landscape includes indigenous vegetation, soils and rock material. Natural evergreen vegetation will be maintained between the structures and the river. The establishment of additional vegetative screening (preferably native vegetation) may be required to further mitigate the visual impact of the structure as seen from the river;

(C) Roads, mines and similar forms of development shall be set back from the river consistent with County zoning and land development requirements and be screened from view from the river by topography or by existing or established evergreen vegetation;

(D) Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(5) Scenic River Area:

(a) From Deschutes Market Road at approximately river mile 157 downstream to the south boundary of the Wilderness Study Area at approximately river mile 131, excluding the Cline Falls Dam and powerhouse section between the State Highway 126 Bridge and river mile 144 and the Crooked River Ranch River Community Area, the river is classified Scenic River Area;

(b) Within this area all new structures, improvements and development will comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(b)(B) and be consistent with applicable Deschutes County land use and development regulations:

(A) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river. A set back of 20 feet or more is required from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above setbacks on a case-by-case basis dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

(B) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purposes of this rule, landscape includes indigenous vegetation, soils, and rock material. Natural evergreen vegetation shall be maintained between the improvements and the river. The establishment of additional vegetative screening (preferably native vegetation) may be required to further mitigate the visual impact of the structure as seen from the river;

(C) Roads, mines and similar forms of development shall be screened from view from the river by topography. Within this area no new roads or mines shall be allowed below the canyon rim;

(D) Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(6) Natural River Area:

(a) From the south boundary of the Wilderness Study Area at approximately river mile 131 to the Lake Billy Chinook stream gauge at approximately river mile 120, excluding the Crooked River Ranch River Community Areas as described in the River Community section, the river is classified Natural River Area;

(b) Within this area all new structures, improvements and developments shall comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(a)(C), and be consistent with applicable local land use and development regulations:

(A) No new structures and improvements shall be allowed within this area unless fully screened from view from the river by topography except those minimal facilities needed for resource protection or public outdoor recreation;

(B) Roads, mines and similar forms of development shall be permitted only when fully screened from view from the river by topography. Any existing roads shall not be extended, realigned or improved substantially unless fully screened by topography. All excess road construction materials (side cast) shall be removed to locations screened from view from the river and where they cannot be transported by gravity to the river;

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(C) New structures, improvements and development needed for resource protection or public outdoor recreation use shall be primitive in character and designed to blend with the natural character of the landscape. These structures shall be finished in colors and tones that blend with the surrounding landscape. For purposes of this rule, landscape includes indigenous vegetation, soils and rock materials.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 6-1993, f. & cert. ef. 3-15-93; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0073

Upper Deschutes River Scenic Waterway

(1) Scenic River Areas:

(a) Two river segments are designated as Scenic River Areas:

(A) The segment of the scenic waterway beginning at the Wickiup Dam stream gauge at about river mile 226.4 and extending downstream about 28 miles to the General Patch Bridge (Deschutes County Road — FAS 793) at about river mile 199 with the exception of the Wickiup (about river mile 226.4 to about river mile 224.5), Pringle Falls (about river mile 217.5 to about river mile 216.5) and General Patch Bridge (about river mile 204 to about river mile 199) River Community Areas as described in paragraphs (2)(a)(A), (B), and (C) of this rule is classified as a Scenic River area;

(B) The segment of the scenic waterway extending from the Deschutes National Forest boundary in Section 20, Township 19 South, Range 11 East, of the Willamette Meridian, (Section 20, T 19S, R 11E, W.M.) to the Bend Urban Growth Boundary at River Mile 172 is classified as a Scenic River Area.

(b) Within the Scenic River Areas described in subsection (1)(a), all new structures, improvements and development shall comply with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(b)(B) and be consistent with applicable Deschutes County land use and development regulations;

(c) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river and a minimum of 20 feet from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structures, and applicable county setback requirements;

(d) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purposes of this rule, landscape includes indigenous vegetation, soils and rock material. Natural evergreen vegetation shall be maintained between the structures and improvements and the river. The establishment of additional vegetative screening (native vegetation) may be required to further mitigate the visual impact of the structures and improvements as seen from the river;

(e) New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County land use and development regulations, and Oregon Department of State Lands regulations;

(f) New commercial public service facilities, including but not limited to resorts, hotels, motels, lodges, recreational vehicle parks, convenience stores and gas stations, shall be obscured from view from the river by topography;

(g) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing facilities will be permitted. New, above ground river crossings for new utility facilities will not be permitted;

(h) New, above ground river crossings shall not be permitted;

(i) Roads, mines and similar forms of development shall be obscured from view from the river by topography;

(j) Improvements needed for public outdoor recreation use or resource protection shall be designed to blend with the natural character of the landscape;

(k) Timber harvest activities, including thinning, shall not be visually evident after completion of the removal of the trees as viewed from the river, from developed recreation sites, or from trails adjacent to the river. Stumps shall be cut low, slash cleaned up promptly, and the remaining trees and brush protected. Reforestation shall occur within one year of the project's completion. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed.

(2) River Community Areas:

(a) Four areas are designated as River Community Areas:

(A) Those related adjacent lands made up of the residential tract of homes, cabins and similar dwellings along the river extending downstream

of the Wickiup Dam stream gauge at about river mile 226.4 approximately two miles to about river mile 224.5 is classified as the Wickiup River Community Area;

(B) Those related adjacent lands made up of residential tracts along the river at approximately river mile 217.5 (known as Pringle Falls) within the northeast quarter of Section 23, Township 21 South, Range 9 East, of the Willamette Meridian (NE 1/4 Section 23, T 21S, R 9E, W.M.), extending downstream approximately seven-tenths of a mile (0.7) to approximately river mile 216.8 is classified as the Pringle Falls River Community Area;

(C) Those related adjacent lands within platted residential tracts known as Oregon Water Wonderland Unit 1, River Forest Acres and Deschutes River Homesites, Unit 8 Part 1 and Unit 6 situated along the river extending downstream approximately five miles from about river mile 204 to about river mile 199 or the General Patch Bridge (Deschutes County Road — FAS 793) is classified as the General Patch Bridge River Community Area;

(D) Those related adjacent lands within the City of Bend Urban Growth Boundary beginning at about river mile 172 and extending downstream approximately one mile to the Central Oregon Irrigation diversion at about river mile 171 is classified as the South Bend River Community Area.

(b) Within the River Community Areas described in subsection (2)(a), all new structures, improvements and development shall be in compliance with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(f), and be consistent with applicable City of Bend and Deschutes County land use and development regulations;

(c) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river and a minimum of 20 feet from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

(d) New structures and improvements shall be finished in colors and tones that blend with the surrounding landscape. For the purpose of this rule, landscape includes indigenous vegetation, soils and rock material;

(e) Natural evergreen vegetation shall be maintained between the structures and improvements and the river. Additional vegetative screening may be required to be established and maintained;

(f) New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County and City of Bend land use and development regulations, and Oregon Department of State Lands regulations;

(g) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing utility facilities will be permitted. New river crossings for new utility facilities will not be permitted;

(h) New, above ground river crossing will not be permitted;

(i) New commercial public service facilities, including but not limited to resorts, hotels, motels, lodges, recreational vehicle parks, convenience stores and gas stations shall be screened from view from the river by topography and/or evergreen vegetation;

(j) Improvements needed for public outdoor recreation use or resource protection shall be designed to blend with the natural character of the landscape;

(k) Timber harvest activities, including thinning, shall be screened by topography or vegetation when seen from the river, developed recreation sites within scenic waterways, and trails adjacent to the river. Riparian vegetation shall be protected. Stumps shall be kept low, slash cleaned up promptly and remaining trees and brush protected from damage during harvest. Reforestation shall occur within one year of completion of harvest.

(3) Recreational River Area:

(a) One river segment shall be designated as a Recreational River Area:

(b) The segment of the scenic waterway beginning at Harper Bridge (Deschutes County Road — FAS 900) at approximately river mile 190.6 and extending downstream approximately five miles to the point at which the river intersects the Deschutes National Forest boundary in Section 20, Township 19 South, Range 11 East, of the Willamette Meridian, (Section 20, T 19S, R 11E, W.M.), at approximately river mile 184.8 is classified as a Recreational River Area;

(c) Within these areas, all new structures, improvements and development shall comply with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in

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OAR 736-040-0040(1)(c)(B), and be consistent with applicable Deschutes County land use and development regulations;

(d) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river and set back a minimum of 20 feet from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

(e) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purpose of this rule, landscape includes indigenous vegetation, soils and rock material;

(f) Natural evergreen vegetation shall be maintained between the structures and improvements and the river. The establishment of additional vegetative screening (native vegetation) may be required to further mitigate the visual impact of the structure as seen from the river;

(g) Roads, mines and similar forms of development shall be set back from the river consistent with county zoning and land development requirements and be screened from view from the river by topography, or by existing or established evergreen vegetation;

(h) New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County land use and development regulations and Oregon Department of State Lands regulations;

(i) New commercial public service facilities, including but not limited to resorts, hotels, motels, lodges, recreational vehicle parks, convenience stores and gas stations shall be screened from view from the river by topography;

(j) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing utility facilities will be permitted. New river crossings for new utility facilities will not be permitted;

(k) New, above ground river crossings will not be permitted;

(l) Improvements needed for public outdoor recreation use or resource protection shall be designed to blend with the natural character of the landscape;

(m) Timber harvest activities, including thinning, shall be screened by topography or vegetation when seen from the river, developed recreation sites with the scenic waterway, and trails adjacent to the river. Riparian areas shall be protected. Stumps shall be kept low, slash removed promptly and remaining trees and brush protected from damage during harvest. Reforestation shall occur within one year of completion of harvest. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 2-1988, f. & cert. ef. 3-25-88; PR 15-1992, f. & cert. ef. 11-12-92; PR 8-1994, f. & cert. ef. 7-11-94; PR 10-1996, f. & cert. ef. 10-9-96; Renumbered from 736-040-0079; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0080

Notification Procedures

(1)(a) Notification to the Commission of a proposal for change of existing use of related adjacent land, or improvement thereto, or any other activity for which the Act or these rules and regulations require notification, shall be written and shall contain a detailed description of the proposed change, improvement or activity, and such other information as the Commission may require;

(b) Notifications or request for information or assistance may be made to the nearest Oregon Parks and Recreation Department Region office: or to Headquarters, Oregon Parks and Recreation Department in Salem, addresses and phone numbers available at this web link: <http://www.oregonstateparks.org/searchpark.php>.

(c) The proposed change of use or improvement or activity shall not be carried out or commenced sooner than one year after the Department accepts such notification as complete unless the Commission has sooner given its written approval.

(2) Upon receipt of written notice provided in section (1) of this rule, the Commission shall:

(a) If the proposal will not impair substantially the natural beauty of the scenic waterway or be in violation of either the Act or these rules, give the landowner, or other applicant when that is appropriate, written notification that he/she may immediately proceed;

(b) Notify the owner or applicant in writing if the Commission determines the proposed use would impair the natural beauty of the scenic waterway or otherwise violate either the Act or these rules. The owner or applicant shall not proceed with the proposal until at least one year after the date the Department accepts as complete the original notice to the

Commission unless the owner and the Commission sooner reach agreement on an alternate plan.

Stat. Auth.: ORS 390.805 - 390.925

Stats. Implemented: ORS 390.845(3)

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72; PR 15-1992, f. & cert. ef. 11-12-92; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0085

Procedures in Event of Commission Denial

(1) During the period of one year following the original notice to the Commission:

(a) The Commission and the owner of the land involved may agree upon modifications or alterations of the proposal so that implementation thereof would not, in the judgment of the Commission, impair substantially the natural beauty of the scenic waterway or otherwise violate the provisions of the Act or these rules and regulations;

(b) The Commission may acquire by purchase, gift, or exchange, the land involved or interest therein, including scenic easements, for the purpose of preserving the natural beauty of the scenic waterway;

(c) The landowner may make a written request of the Commission to enter into further negotiations regarding use of the land as prescribed in section (2) of this rule.

(2) The Commission, upon receiving a written request from an owner of related adjacent land, shall enter into negotiations and endeavor to reach agreement with such owner establishing for the use of such land a plan that would not impair substantially the natural beauty of the scenic waterway. At the time of such request for negotiations, the owner may submit an alternate plan in writing setting forth in detail his proposed uses. Then:

(a) Three months after the owner makes such a request for negotiations, either the Commission or the owner may give written notice that the negotiations are terminated without agreement;

(b) Nine months after the notice of termination of negotiations, the owner may use his land in conformity with any specific written plan submitted by the owner prior to or during negotiations, in the event the Commission and the owner reach agreement establishing a plan for land use, such agreement is terminable upon at least one year's written notice by either the Commission or the owner;

(c) Twelve months after the Department accepts as complete the original notice to the Commission, the owner may use their land in conformity with the specific written plan submitted as a part of that notice unless the Commission has sooner instituted proceedings to acquire the land involved.

Stat. Auth.: ORS 390.845

Stats. Implemented: ORS 390.845(5)

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0090

Condemnation of Related Adjacent Land

With the concurrence of the Oregon Water Resources Commission, the Commission may institute condemnation proceedings to acquire related adjacent land for the purposes of the Act if:

(1) At any time subsequent to nine months after the receipt of an owner's proposal agreement cannot be reached by the Commission and the landowner; or

(2) At any time related adjacent land is used in a manner violating the Act or the rules and regulations promulgated by the Commission; or

(3) At any time related adjacent land is used in a manner which, in the judgment of the Commission, impairs substantially the natural beauty of a Scenic Waterway, if the Commission has not been given at least one year's advance written notice of such use and if there is not in effect Commission approval of such use.

Stat. Auth.: ORS 390.845

Stats. Implemented: ORS 390.845(6)

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72; PRD 6-2008, f. & cert. ef. 5-15-08

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**Public Utility Commission,
Board of Maritime Pilots
Chapter 856**

Rule Caption: Allows board discretion to waive any or all pre-petition notice provisions.

Adm. Order No.: BMP 5-2008

Filed with Sec. of State: 4-28-2008

Certified to be Effective: 4-28-08

Notice Publication Date: 4-1-2008

Rules Amended: 856-030-0002

ADMINISTRATIVE RULES

Subject: Allows board discretion to waive provisions of the rule to recognize agreements of the parties outside the dispute resolution process.

Rules Coordinator: Susan Johnson—(971) 673-1530

856-030-0002

Pre-Petition Notice and Dispute Resolution Process

(1) Any party intending to request a change in pilotage rates must, at least 90 days prior to petitioning the Board, file a notice of intent to petition with the Board, with a copy served on each pilot association, any association representing the interests of vessel owners or operators and any other party that participated in the most recent past rate proceedings. The notice shall contain an explanation of the proposed change, including a description of each new cost item not previously approved by the Board in a rate proceeding, any increase in a cost item previously approved by the Board where the increase is greater than five (5) percent over the amount expended during the prior calendar year, and any requested change in pilot compensation and benefits.

(2) Within 20 days after receipt of the first-filed notice of intent to petition, any other pilot association, any association representing the interests of vessel owners or operators, any other party that participated in the most recent past rate proceedings, shall file their response to the notice, including a description of any intended opposition, or notice of intent to petition for a change on another pilotage ground.

(3) Upon receipt of a notice of intent to petition pursuant to paragraph (1) above, the Board's members representing the public shall be formed as a rate subcommittee.

(4) The Board's rate subcommittee shall, within 45 days of the first filing of a notice of intent to petition, hold a meeting with the party filing the notice and with all respondents thereto. The purpose of the meeting shall be to clarify the issues and begin exploration of possible means of narrowing and simplifying the issues. The rate subcommittee shall encourage the interested parties to utilize mediation or other alternative dispute resolution processes to narrow and simplify issues as much as possible.

(5) Prior to filing of a petition, the rate subcommittee may convene or participate in such additional meetings with interested parties as it deems in the best interests of the Board and the public. The rate subcommittee may, if requested by the interested parties, participate in any mediation or other alternative dispute resolution process that is arranged by the interested parties.

(6) The Board may, in its discretion, waive any or all of the provisions of this rule.

Stat. Auth.: ORS 776 & 183
Stats. Implemented: ORS 776.115, 776.183, 183.415
Hist.: BMP 3-2003, f. & cert. ef. 5-23-03; BMP 5-2008, f. & cert. ef. 4-28-08

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**Secretary of State,
Elections Division
Chapter 165**

Rule Caption: Filing Deadlines for Vacancies in Partisan and Nonpartisan Offices.

Adm. Order No.: ELECT 5-2008(Temp)

Filed with Sec. of State: 5-2-2008

Certified to be Effective: 5-2-08 thru 10-29-08

Notice Publication Date:

Rules Adopted: 165-010-1001

Subject: This rules sets forth the deadlines for candidates to file declarations of candidacy or nominating petitions for the vacancies in the following offices: Commissioner of the Bureau of Labor and Industries; District Attorney Douglas County and State Senator 17th District for the 2008 General Election.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-010-1001

Filing Deadlines For Vacancy in Partisan and Nonpartisan Office

(1) The purpose of this rule is to establish a timeline for candidates to file for the partisan office of State Senator 17th District, and the nonpartisan offices of Commissioner of the Bureau of Labor and Industries and Douglas County District Attorney and for these candidates to file candidates' statements for the state voters' pamphlet. These offices will be filled at the November 4, 2008 General Election.

(2) The first day for a candidate to file a declaration of candidacy or a completed nominating petition is no sooner than June 4, 2008.

(3) The last day for a candidate to file a declaration of candidacy or a completed nominating petition is no later than August 26, 2008.

(4) The last day for a candidate to file a candidate's statement for State Voters' Pamphlet is no later than August 26, 2008.

Stat. Auth.: ORS 246.150 & 249.205

Stats. Implemented: ORS 171.051 & 249.205

Hist.: ELECT 5-2008(Temp), f. & cert. ef. 5-2-08 thru 10-29-08

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Rule Caption: Temporarily Amends Method for Submitting Required Accounts to Elections Division.

Adm. Order No.: ELECT 6-2008(Temp)

Filed with Sec. of State: 5-2-2008

Certified to be Effective: 5-2-08 thru 9-10-08

Notice Publication Date:

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 and provide timeline for review.

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) Chief petitioners must submit a completed SEL 320 detailing the nature of the accounts provided under ORS 260.262. No later than 10 business days after accounts are submitted the Elections Division shall review accounts to determine whether all of the required information appears to have been provided. If after review it is determined that the accounts submitted are incomplete the Elections Division may take action under ORS 260.262(6). If at the time accounts are submitted the petition has been suspended from circulating the suspension will not be rescinded until it has been determined that the accounts are complete.

ADMINISTRATIVE RULES

(6) 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.

(7) 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

Veterinary Medical Examining Board
Chapter 875

Rule Caption: Corrects filing error; makes rule consistent with reference citation (OAR 875-030-0040).

Adm. Order No.: VMEB 5-2008

Filed with Sec. of State: 5-12-2008

Certified to be Effective: 5-12-08

Notice Publication Date: 11-1-2007

Rules Amended: 875-030-0050

Subject: 875-030-0050 This is to be a permanent amendment, correcting a filing error that inadvertently omitted text. Text should read; (H) administer rabies vaccine.

Rules Coordinator: Lori V. Mäkinen—(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)(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), (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

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137-047-0430	1-1-2008	Amend	2-1-2008	137-060-0340	1-18-2008	Amend	3-1-2008
137-047-0575	1-1-2008	Amend	2-1-2008	137-060-0350	1-18-2008	Amend	3-1-2008
137-047-0610	1-1-2008	Amend	2-1-2008	137-060-0350	7-24-2008	Amend	6-1-2008
137-047-0730	1-1-2008	Amend	2-1-2008	137-060-0360	1-18-2008	Amend	3-1-2008
137-048-0100	1-1-2008	Amend	2-1-2008	137-060-0360	7-24-2008	Amend	6-1-2008
137-048-0130	1-1-2008	Amend	2-1-2008	137-060-0400	1-18-2008	Amend	3-1-2008
137-048-0200	1-1-2008	Amend	2-1-2008	137-060-0410	1-18-2008	Amend	3-1-2008
137-048-0210	1-1-2008	Amend	2-1-2008	137-060-0430	1-18-2008	Amend	3-1-2008
137-048-0220	1-1-2008	Amend	2-1-2008	137-060-0440	1-18-2008	Amend	3-1-2008
137-048-0240	1-1-2008	Amend	2-1-2008	137-060-0450	1-18-2008	Amend	3-1-2008
137-048-0250	1-1-2008	Amend	2-1-2008	137-079-0170	4-1-2008	Amend	5-1-2008
137-048-0300	1-1-2008	Amend	2-1-2008	137-079-0200	4-1-2008	Amend	5-1-2008
137-048-0320	1-1-2008	Amend	2-1-2008	137-084-0001	12-11-2007	Amend	1-1-2008
137-049-0100	1-1-2008	Amend	2-1-2008	137-084-0005	12-11-2007	Amend	1-1-2008
137-049-0140	1-1-2008	Amend	2-1-2008	137-084-0010	12-11-2007	Amend	1-1-2008
137-049-0150	1-1-2008	Amend	2-1-2008	137-084-0020	12-11-2007	Amend	1-1-2008
137-049-0160	1-1-2008	Amend	2-1-2008	137-084-0500	12-11-2007	Amend	1-1-2008
137-049-0200	1-1-2008	Amend	2-1-2008	141-085-0005	1-1-2008	Amend	1-1-2008
137-049-0210	1-1-2008	Amend	2-1-2008	141-085-0006	1-1-2008	Amend	1-1-2008
137-049-0280	1-1-2008	Amend	2-1-2008	141-085-0010	1-1-2008	Amend	1-1-2008
137-049-0290	1-1-2008	Amend	2-1-2008	141-085-0015	1-1-2008	Amend	1-1-2008
137-049-0310	1-1-2008	Amend	2-1-2008	141-085-0018	1-1-2008	Amend	1-1-2008
137-049-0390	1-1-2008	Amend	2-1-2008	141-085-0020	1-1-2008	Amend	1-1-2008
137-049-0395	1-1-2008	Amend	2-1-2008	141-085-0021	1-1-2008	Repeal	1-1-2008
137-049-0630	1-1-2008	Amend	2-1-2008	141-085-0022	1-1-2008	Amend	1-1-2008
137-049-0645	1-1-2008	Amend	2-1-2008	141-085-0023	1-1-2008	Amend	1-1-2008
137-049-0860	1-1-2008	Amend	2-1-2008	141-085-0025	1-1-2008	Amend	1-1-2008
137-055-3020	1-2-2008	Amend(T)	2-1-2008	141-085-0028	1-1-2008	Amend	1-1-2008
137-055-3020	4-1-2008	Amend	5-1-2008	141-085-0029	1-1-2008	Amend	1-1-2008
137-055-3060	1-2-2008	Amend(T)	2-1-2008	141-085-0034	1-1-2008	Amend	1-1-2008
137-055-3060	4-1-2008	Amend	5-1-2008	141-085-0036	1-1-2008	Amend	1-1-2008
137-055-3080	1-2-2008	Amend(T)	2-1-2008	141-085-0064	1-1-2008	Amend	1-1-2008
137-055-3080	4-1-2008	Amend	5-1-2008	141-085-0066	1-1-2008	Amend	1-1-2008
137-055-3100	1-2-2008	Amend(T)	2-1-2008	141-085-0068	1-1-2008	Adopt	1-1-2008
137-055-3100	4-1-2008	Amend	5-1-2008	141-085-0070	1-1-2008	Amend	1-1-2008
137-055-3140	1-2-2008	Amend(T)	2-1-2008	141-085-0075	1-1-2008	Amend	1-1-2008
137-055-3140	4-1-2008	Amend	5-1-2008	141-085-0079	1-1-2008	Amend	1-1-2008
137-055-4560	4-1-2008	Amend	5-1-2008	141-085-0085	1-1-2008	Amend	1-1-2008
137-055-4620	1-2-2008	Amend	2-1-2008	141-085-0090	1-1-2008	Amend	1-1-2008
137-060-0100	1-18-2008	Amend	3-1-2008	141-085-0095	1-1-2008	Amend	1-1-2008
137-060-0110	1-18-2008	Amend	3-1-2008	141-085-0096	1-1-2008	Amend	1-1-2008
137-060-0130	1-18-2008	Amend	3-1-2008	141-085-0115	1-1-2008	Amend	1-1-2008
137-060-0140	1-18-2008	Amend	3-1-2008	141-085-0121	1-1-2008	Amend	1-1-2008
137-060-0150	1-18-2008	Amend	3-1-2008	141-085-0126	1-1-2008	Amend	1-1-2008
137-060-0150	7-24-2008	Amend	6-1-2008	141-085-0131	1-1-2008	Amend	1-1-2008
137-060-0160	1-18-2008	Amend	3-1-2008	141-085-0136	1-1-2008	Amend	1-1-2008
137-060-0160	7-24-2008	Amend	6-1-2008	141-085-0141	1-1-2008	Amend	1-1-2008
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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
141-085-0176	1-1-2008	Amend	1-1-2008	141-089-0565	1-1-2008	Amend	1-1-2008
141-085-0256	1-1-2008	Amend	1-1-2008	141-089-0570	1-1-2008	Amend	1-1-2008
141-085-0257	1-1-2008	Amend	1-1-2008	141-089-0572	1-1-2008	Adopt	1-1-2008
141-085-0421	1-1-2008	Amend	1-1-2008	141-089-0585	1-1-2008	Amend	1-1-2008
141-085-0425	1-1-2008	Amend	1-1-2008	141-089-0595	1-1-2008	Amend	1-1-2008
141-085-0430	1-1-2008	Amend	1-1-2008	141-089-0600	1-1-2008	Amend	1-1-2008
141-089-0100	1-1-2008	Amend	1-1-2008	141-089-0605	1-1-2008	Amend	1-1-2008
141-089-0105	1-1-2008	Amend	1-1-2008	141-089-0607	1-1-2008	Adopt	1-1-2008
141-089-0110	1-1-2008	Amend	1-1-2008	141-090-0005	1-1-2008	Amend	1-1-2008
141-089-0115	1-1-2008	Amend	1-1-2008	141-090-0010	1-1-2008	Amend	1-1-2008
141-089-0120	1-1-2008	Amend	1-1-2008	141-090-0015	1-1-2008	Amend	1-1-2008
141-089-0135	1-1-2008	Amend	1-1-2008	141-090-0020	1-1-2008	Amend	1-1-2008
141-089-0140	1-1-2008	Amend	1-1-2008	141-090-0025	1-1-2008	Amend	1-1-2008
141-089-0150	1-1-2008	Amend	1-1-2008	141-090-0030	1-1-2008	Amend	1-1-2008
141-089-0155	1-1-2008	Amend	1-1-2008	141-090-0032	1-1-2008	Adopt	1-1-2008
141-089-0157	1-1-2008	Adopt	1-1-2008	141-090-0035	1-1-2008	Amend	1-1-2008
141-089-0170	1-1-2008	Amend	1-1-2008	141-090-0040	1-1-2008	Amend	1-1-2008
141-089-0175	1-1-2008	Amend	1-1-2008	141-090-0045	1-1-2008	Amend	1-1-2008
141-089-0180	1-1-2008	Amend	1-1-2008	141-090-0050	1-1-2008	Amend	1-1-2008
141-089-0185	1-1-2008	Amend	1-1-2008	141-090-0055	1-1-2008	Amend	1-1-2008
141-089-0190	1-1-2008	Amend	1-1-2008	141-102-0000	1-1-2008	Amend	1-1-2008
141-089-0192	1-1-2008	Adopt	1-1-2008	141-102-0020	1-1-2008	Amend	1-1-2008
141-089-0205	1-1-2008	Amend	1-1-2008	141-102-0030	1-1-2008	Amend	1-1-2008
141-089-0215	1-1-2008	Amend	1-1-2008	141-102-0045	1-1-2008	Repeal	1-1-2008
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141-089-0230	1-1-2008	Amend	1-1-2008	142-010-0020	4-14-2008	Amend	5-1-2008
141-089-0245	1-1-2008	Amend	1-1-2008	142-010-0045	4-14-2008	Amend	5-1-2008
141-089-0260	1-1-2008	Amend	1-1-2008	142-015-0000	4-14-2008	Adopt	5-1-2008
141-089-0265	1-1-2008	Amend	1-1-2008	142-015-0010	4-14-2008	Adopt	5-1-2008
141-089-0280	1-1-2008	Amend	1-1-2008	142-015-0020	4-14-2008	Adopt	5-1-2008
141-089-0285	1-1-2008	Amend	1-1-2008	142-015-0030	4-14-2008	Adopt	5-1-2008
141-089-0290	1-1-2008	Amend	1-1-2008	142-015-0040	4-14-2008	Adopt	5-1-2008
141-089-0295	1-1-2008	Amend	1-1-2008	142-015-0050	4-14-2008	Adopt	5-1-2008
141-089-0300	1-1-2008	Amend	1-1-2008	150-118.005	1-1-2008	Repeal	2-1-2008
141-089-0302	1-1-2008	Adopt	1-1-2008	150-18.385-(A)	1-1-2008	Amend	2-1-2008
141-089-0350	5-1-2008	Adopt	5-1-2008	150-293.250(2)	2-15-2008	Amend	3-1-2008
141-089-0355	5-1-2008	Adopt	5-1-2008	150-305.145(3)	1-1-2008	Amend	2-1-2008
141-089-0360	5-1-2008	Adopt	5-1-2008	150-305.220(2)	1-1-2008	Amend	2-1-2008
141-089-0365	5-1-2008	Adopt	5-1-2008	150-305.270(10)	1-1-2008	Amend	2-1-2008
141-089-0370	5-1-2008	Adopt	5-1-2008	150-305.270(4)-(A)	1-1-2008	Amend	2-1-2008
141-089-0375	5-1-2008	Adopt	5-1-2008	150-305.992	1-1-2008	Amend	2-1-2008
141-089-0380	5-1-2008	Adopt	5-1-2008	150-307.262(2)	1-1-2008	Repeal	2-1-2008
141-089-0385	5-1-2008	Adopt	5-1-2008	150-309.115(1)-(A)	1-1-2008	Repeal	2-1-2008
141-089-0390	5-1-2008	Adopt	5-1-2008	150-311.676	1-1-2008	Amend	2-1-2008
141-089-0400	1-1-2008	Amend	1-1-2008	150-311.676-(B)	1-1-2008	Repeal	2-1-2008
141-089-0405	1-1-2008	Amend	1-1-2008	150-311.684	1-1-2008	Amend	2-1-2008
141-089-0415	1-1-2008	Amend	1-1-2008	150-311.689	1-1-2008	Amend	2-1-2008
141-089-0420	1-1-2008	Amend	1-1-2008	150-311.806-(A)	1-1-2008	Amend	2-1-2008
141-089-0423	1-1-2008	Adopt	1-1-2008	150-314.258	1-1-2008	Adopt	2-1-2008
141-089-0500	1-1-2008	Amend	1-1-2008	150-314.280-(E)	1-1-2008	Amend	2-1-2008
141-089-0505	1-1-2008	Amend	1-1-2008	150-314.280-(G)	1-1-2008	Amend	2-1-2008
141-089-0515	1-1-2008	Amend	1-1-2008	150-314.280-(H)	1-1-2008	Amend	2-1-2008

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150-314.280-(J)	1-1-2008	Amend	2-1-2008	161-025-0030	5-13-2008	Amend	6-1-2008
150-314.280-(K)	1-1-2008	Amend	2-1-2008	161-025-0060	5-13-2008	Amend	6-1-2008
150-314.280-(L)	1-1-2008	Amend	2-1-2008	161-050-0000	5-13-2008	Amend	6-1-2008
150-314.308	1-1-2008	Adopt	2-1-2008	165-002-0020	12-31-2007	Amend	2-1-2008
150-314.415.(7)	1-1-2008	Amend	2-1-2008	165-004-0005	12-31-2007	Amend	2-1-2008
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150-314.615-(D)	1-1-2008	Amend	2-1-2008	165-005-0130	12-31-2007	Amend	2-1-2008
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150-315.262	1-1-2008	Amend	2-1-2008	165-010-0005	12-31-2007	Amend	2-1-2008
150-315.354(5)	1-1-2008	Amend	2-1-2008	165-010-0085	12-31-2007	Adopt	2-1-2008
150-315.521	1-1-2008	Adopt	2-1-2008	165-010-1001	5-2-2008	Adopt(T)	6-1-2008
150-316.127-(E)	1-1-2008	Amend	2-1-2008	165-012-0005	12-31-2007	Amend	2-1-2008
150-316.127(10)	1-1-2008	Adopt	2-1-2008	165-012-1020	1-29-2008	Adopt(T)	3-1-2008
150-317.010	5-5-2008	Adopt	6-1-2008	165-013-0010	12-31-2007	Amend	2-1-2008
150-317.092	1-1-2008	Adopt	2-1-2008	165-013-0020	12-31-2007	Amend	2-1-2008
150-317.705(3)(a)	1-1-2008	Amend	2-1-2008	165-014-0005	12-31-2007	Amend	2-1-2008
150-317.705(3)(b)	1-1-2008	Amend	2-1-2008	165-014-0027	12-31-2007	Repeal	2-1-2008
150-321.307(4)	1-1-2008	Repeal	2-1-2008	165-014-0030	12-31-2007	Amend	2-1-2008
150-321.485(4)	1-1-2008	Repeal	2-1-2008	165-014-0031	12-31-2007	Adopt	2-1-2008
150-323.320(1)(b)	2-4-2008	Adopt(T)	3-1-2008	165-014-0032	12-31-2007	Adopt	2-1-2008
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151-001-0010	12-13-2007	Amend(T)	1-1-2008	165-014-0100	5-2-2008	Amend(T)	6-1-2008
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151-001-0015	4-14-2008	Amend	5-1-2008	165-014-0260	12-31-2007	Amend	2-1-2008
151-020-0045	12-13-2007	Amend(T)	1-1-2008	165-014-0270	12-31-2007	Amend	2-1-2008
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160-005-0005	5-1-2008	Amend	5-1-2008	165-014-0280	12-3-2007	Adopt	1-1-2008
160-005-0007	5-1-2008	Adopt	5-1-2008	165-020-0005	12-31-2007	Amend	2-1-2008
160-005-0010	5-1-2008	Amend	5-1-2008	165-020-0020	12-31-2007	Amend	2-1-2008
160-010-0600	1-1-2008	Adopt	1-1-2008	165-020-0021	12-31-2007	Adopt	2-1-2008
160-010-0610	1-1-2008	Adopt	1-1-2008	165-020-0035	12-31-2007	Amend	2-1-2008
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160-050-0180	1-15-2008	Amend	2-1-2008	165-020-0055	12-31-2007	Amend	2-1-2008
160-050-0190	1-15-2008	Amend	2-1-2008	165-020-2021	2-21-2008	Adopt(T)	4-1-2008
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160-050-0215	1-15-2008	Adopt	2-1-2008	165-021-0010	12-31-2007	Repeal	2-1-2008
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177-050-0020	3-31-2008	Amend	5-1-2008	259-009-0070	1-15-2008	Amend	2-1-2008
177-050-0020(T)	3-31-2008	Repeal	5-1-2008	259-060-0010	4-15-2008	Amend	5-1-2008
177-050-0024	3-31-2008	Amend	5-1-2008	259-060-0060	4-15-2008	Amend	5-1-2008
177-050-0024(T)	3-31-2008	Repeal	5-1-2008	259-060-0120	4-15-2008	Amend	5-1-2008
177-050-0025	3-31-2008	Amend	5-1-2008	259-060-0130	4-15-2008	Amend	5-1-2008
177-050-0025(T)	3-31-2008	Repeal	5-1-2008	259-060-0135	4-15-2008	Amend	5-1-2008
177-050-0027	3-31-2008	Amend	5-1-2008	259-060-0450	4-15-2008	Amend	5-1-2008
177-050-0027(T)	3-31-2008	Repeal	5-1-2008	259-060-0500	4-15-2008	Amend	5-1-2008
177-050-0037	3-31-2008	Amend	5-1-2008	259-061-0015	4-15-2008	Amend	5-1-2008
177-050-0037(T)	3-31-2008	Repeal	5-1-2008	259-061-0040	5-15-2008	Amend(T)	6-1-2008
177-050-0070	3-31-2008	Amend	5-1-2008	259-061-0090	5-15-2008	Amend(T)	6-1-2008
177-050-0070(T)	3-31-2008	Repeal	5-1-2008	259-061-0230	5-15-2008	Amend(T)	6-1-2008
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199-005-0010	3-7-2008	Adopt	4-1-2008	274-012-0001	1-7-2008	Amend(T)	2-1-2008
199-005-0015	3-7-2008	Adopt	4-1-2008	274-012-0001	2-22-2008	Amend	4-1-2008
199-005-0020	3-7-2008	Adopt	4-1-2008	274-012-0100	1-7-2008	Amend(T)	2-1-2008
199-005-0025	3-7-2008	Adopt	4-1-2008	274-012-0100	2-22-2008	Amend	4-1-2008
199-005-0030	3-7-2008	Adopt	4-1-2008	274-012-0120	1-7-2008	Amend(T)	2-1-2008
199-005-0035	3-7-2008	Adopt	4-1-2008	274-012-0120	2-22-2008	Amend	4-1-2008
199-010-0068	1-2-2008	Adopt(T)	2-1-2008	274-015-0005	2-22-2008	Repeal	4-1-2008
199-010-0075	3-7-2008	Amend(T)	4-1-2008	274-025-0030	2-22-2008	Amend	4-1-2008
199-010-0095	3-7-2008	Amend(T)	4-1-2008	274-030-0500	1-1-2008	Amend	2-1-2008
199-020-0005	3-7-2008	Suspend	4-1-2008	274-030-0500	2-4-2008	Amend	3-1-2008
199-020-0007	3-7-2008	Adopt(T)	4-1-2008	274-030-0500(T)	1-1-2008	Repeal	2-1-2008
213-001-0010	4-12-2008	Adopt	2-1-2008	274-030-0505	1-1-2008	Amend	2-1-2008
213-003-0001	1-1-2008	Amend	2-1-2008	274-030-0505(T)	1-1-2008	Repeal	2-1-2008
213-017-0002	1-1-2008	Amend	2-1-2008	274-030-0506	1-1-2008	Amend	2-1-2008
213-017-0003	1-1-2008	Amend	2-1-2008	274-030-0506(T)	1-1-2008	Repeal	2-1-2008
213-017-0004	1-1-2008	Amend	2-1-2008	274-030-0510	1-1-2008	Amend	2-1-2008
213-017-0006	1-1-2008	Amend	2-1-2008	274-030-0510(T)	1-1-2008	Repeal	2-1-2008
213-017-0007	1-1-2008	Amend	2-1-2008	274-030-0515	1-1-2008	Amend	2-1-2008
213-017-0008	1-1-2008	Amend	2-1-2008	274-030-0520	1-1-2008	Amend	2-1-2008
213-017-0009	1-1-2008	Amend	2-1-2008	274-030-0520(T)	1-1-2008	Repeal	2-1-2008
213-017-0010	1-1-2008	Amend	2-1-2008	274-030-0535	1-1-2008	Amend	2-1-2008
213-018-0050	1-1-2008	Amend	2-1-2008	274-030-0545	1-1-2008	Amend	2-1-2008
213-018-0068	1-1-2008	Adopt	2-1-2008	274-030-0545(T)	1-1-2008	Repeal	2-1-2008
230-140-0000	1-29-2008	Adopt(T)	3-1-2008	274-030-0550	1-1-2008	Amend	2-1-2008
230-140-0010	1-29-2008	Adopt(T)	3-1-2008	274-030-0550(T)	1-1-2008	Repeal	2-1-2008
230-140-0020	1-29-2008	Adopt(T)	3-1-2008	274-030-0555	1-1-2008	Amend	2-1-2008
230-140-0030	1-29-2008	Adopt(T)	3-1-2008	274-030-0555(T)	1-1-2008	Repeal	2-1-2008
230-140-0040	1-29-2008	Adopt(T)	3-1-2008	274-030-0560	1-1-2008	Amend	2-1-2008
250-010-0075	12-10-2007	Adopt(T)	1-1-2008	274-030-0560(T)	1-1-2008	Repeal	2-1-2008
250-010-0075	5-1-2008	Adopt	5-1-2008	274-030-0565	1-1-2008	Amend	2-1-2008
250-010-0075(T)	5-1-2008	Repeal	5-1-2008	274-030-0565(T)	1-1-2008	Repeal	2-1-2008
250-015-0001	5-7-2008	Amend(T)	6-1-2008	274-030-0570	1-1-2008	Amend	2-1-2008
250-015-0003	5-7-2008	Adopt(T)	6-1-2008	274-030-0570(T)	1-1-2008	Repeal	2-1-2008
250-020-0102	4-26-2008	Amend	5-1-2008	274-030-0575	1-1-2008	Amend	2-1-2008
250-020-0221	1-15-2008	Amend	2-1-2008	274-030-0575(T)	1-1-2008	Repeal	2-1-2008
255-060-0011	1-11-2008	Amend	2-1-2008	274-030-0600	1-1-2008	Amend	2-1-2008
255-070-0003	4-9-2008	Amend	5-1-2008	274-030-0600(T)	1-1-2008	Repeal	2-1-2008
259-008-0010	1-15-2008	Amend(T)	2-1-2008	274-030-0602	1-1-2008	Adopt	2-1-2008
259-008-0010	4-15-2008	Amend	5-1-2008	274-030-0602(T)	1-1-2008	Repeal	2-1-2008
259-008-0010(T)	1-15-2008	Suspend	2-1-2008	274-030-0605	1-1-2008	Repeal	2-1-2008
259-008-0010(T)	4-15-2008	Repeal	5-1-2008	274-030-0610	1-1-2008	Amend	2-1-2008

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274-030-0620	1-1-2008	Amend	2-1-2008	291-070-0030	4-10-2008	Repeal	5-1-2008
274-030-0620(T)	1-1-2008	Repeal	2-1-2008	291-070-0035	4-10-2008	Repeal	5-1-2008
274-030-0630	1-1-2008	Amend	2-1-2008	291-070-0041	4-10-2008	Repeal	5-1-2008
274-030-0630(T)	1-1-2008	Repeal	2-1-2008	291-070-0043	4-10-2008	Repeal	5-1-2008
274-030-0640	1-1-2008	Amend	2-1-2008	291-070-0045	4-10-2008	Repeal	5-1-2008
274-030-0640(T)	1-1-2008	Repeal	2-1-2008	291-070-0050	4-10-2008	Repeal	5-1-2008
274-045-0060	2-22-2008	Amend	4-1-2008	291-070-0055	4-10-2008	Repeal	5-1-2008
274-045-0240	2-22-2008	Amend	4-1-2008	291-070-0056	4-10-2008	Repeal	5-1-2008
291-011-0010	4-1-2008	Amend(T)	5-1-2008	291-070-0080	4-10-2008	Repeal	5-1-2008
291-026-0005	3-4-2008	Amend(T)	4-1-2008	291-070-0115	4-10-2008	Adopt	5-1-2008
291-026-0010	3-4-2008	Amend(T)	4-1-2008	291-070-0120	4-10-2008	Adopt	5-1-2008
291-026-0015	3-4-2008	Amend(T)	4-1-2008	291-070-0125	4-10-2008	Adopt	5-1-2008
291-026-0025	3-4-2008	Amend(T)	4-1-2008	291-070-0130	4-10-2008	Adopt	5-1-2008
291-026-0030	3-4-2008	Suspend	4-1-2008	291-070-0135	4-10-2008	Adopt	5-1-2008
291-026-0050	3-4-2008	Adopt(T)	4-1-2008	291-070-0140	4-10-2008	Adopt	5-1-2008
291-026-0085	3-4-2008	Suspend	4-1-2008	291-082-0010	5-13-2008	Am. & Ren.(T)	6-1-2008
291-026-0095	3-4-2008	Suspend	4-1-2008	291-082-0020	5-13-2008	Am. & Ren.(T)	6-1-2008
291-026-0105	3-4-2008	Amend(T)	4-1-2008	291-082-0021	5-13-2008	Am. & Ren.(T)	6-1-2008
291-026-0115	3-4-2008	Amend(T)	4-1-2008	291-082-0025	5-13-2008	Suspend	6-1-2008
291-026-0125	3-4-2008	Amend(T)	4-1-2008	291-082-0026	5-13-2008	Suspend	6-1-2008
291-026-0140	3-4-2008	Adopt(T)	4-1-2008	291-082-0027	5-13-2008	Suspend	6-1-2008
291-041-0010	2-4-2008	Amend	3-1-2008	291-082-0035	5-13-2008	Am. & Ren.(T)	6-1-2008
291-041-0015	2-4-2008	Amend	3-1-2008	291-082-0045	5-13-2008	Am. & Ren.(T)	6-1-2008
291-041-0016	2-4-2008	Amend	3-1-2008	291-082-0110	5-13-2008	Adopt(T)	6-1-2008
291-041-0017	2-4-2008	Adopt	3-1-2008	291-082-0115	5-13-2008	Adopt(T)	6-1-2008
291-041-0020	2-4-2008	Amend	3-1-2008	291-082-0120	5-13-2008	Adopt(T)	6-1-2008
291-041-0030	2-4-2008	Amend	3-1-2008	291-082-0125	5-13-2008	Adopt(T)	6-1-2008
291-041-0035	2-4-2008	Amend	3-1-2008	291-082-0130	5-13-2008	Adopt(T)	6-1-2008
291-041-0040	2-4-2008	Repeal	3-1-2008	291-104-0005	5-13-2008	Am. & Ren.	6-1-2008
291-055-0010	4-1-2008	Amend(T)	5-1-2008	291-104-0010	5-13-2008	Repeal	6-1-2008
291-069-0010	12-1-2007	Suspend	1-1-2008	291-104-0015	5-13-2008	Repeal	6-1-2008
291-069-0020	12-1-2007	Suspend	1-1-2008	291-104-0025	5-13-2008	Repeal	6-1-2008
291-069-0031	12-1-2007	Suspend	1-1-2008	291-104-0030	5-13-2008	Repeal	6-1-2008
291-069-0040	12-1-2007	Suspend	1-1-2008	291-104-0033	5-13-2008	Repeal	6-1-2008
291-069-0050	12-1-2007	Suspend	1-1-2008	291-104-0035	5-13-2008	Repeal	6-1-2008
291-069-0060	12-1-2007	Suspend	1-1-2008	291-104-0111	5-13-2008	Amend	6-1-2008
291-069-0070	12-1-2007	Suspend	1-1-2008	291-104-0116	5-13-2008	Amend	6-1-2008
291-069-0090	12-1-2007	Suspend	1-1-2008	291-104-0125	5-13-2008	Amend	6-1-2008
291-069-0100	12-1-2007	Suspend	1-1-2008	291-104-0130	5-13-2008	Repeal	6-1-2008
291-069-0200	12-1-2007	Adopt(T)	1-1-2008	291-104-0135	5-13-2008	Amend	6-1-2008
291-069-0210	12-1-2007	Adopt(T)	1-1-2008	291-104-0140	5-13-2008	Adopt	6-1-2008
291-069-0220	12-1-2007	Adopt(T)	1-1-2008	291-127-0210	4-1-2008	Amend(T)	5-1-2008
291-069-0230	12-1-2007	Adopt(T)	1-1-2008	291-127-0260	4-1-2008	Amend(T)	5-1-2008
291-069-0240	12-1-2007	Adopt(T)	1-1-2008	291-131-0010	1-25-2008	Amend	3-1-2008
291-069-0250	12-1-2007	Adopt(T)	1-1-2008	291-131-0015	1-25-2008	Amend	3-1-2008
291-069-0260	12-1-2007	Adopt(T)	1-1-2008	291-131-0020	1-25-2008	Amend	3-1-2008
291-069-0270	12-1-2007	Adopt(T)	1-1-2008	291-131-0025	1-25-2008	Amend	3-1-2008
291-069-0280	12-1-2007	Adopt(T)	1-1-2008	291-131-0030	1-25-2008	Amend	3-1-2008
291-070-0005	4-10-2008	Am. & Ren.	5-1-2008	291-131-0035	1-25-2008	Amend	3-1-2008
291-070-0010	4-10-2008	Am. & Ren.	5-1-2008	291-131-0037	1-25-2008	Amend	3-1-2008
291-070-0015	4-10-2008	Repeal	5-1-2008	291-133-0005	4-1-2008	Amend(T)	5-1-2008
291-070-0020	4-10-2008	Repeal	5-1-2008	291-133-0010	4-1-2008	Amend(T)	5-1-2008
291-070-0025	4-10-2008	Repeal	5-1-2008	291-133-0015	4-1-2008	Amend(T)	5-1-2008
291-070-0026	4-10-2008	Repeal	5-1-2008	291-133-0025	4-1-2008	Amend(T)	5-1-2008
291-070-0027	4-10-2008	Repeal	5-1-2008	291-133-0035	4-1-2008	Amend(T)	5-1-2008

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291-133-0045	4-1-2008	Suspend	5-1-2008	330-007-0270	12-13-2007	Adopt	1-1-2008
291-164-0005	3-4-2008	Amend(T)	4-1-2008	330-007-0280	12-13-2007	Adopt	1-1-2008
291-164-0010	3-4-2008	Amend(T)	4-1-2008	330-007-0290	12-13-2007	Adopt	1-1-2008
291-164-0015	3-4-2008	Amend(T)	4-1-2008	330-007-0300	12-13-2007	Adopt	1-1-2008
291-164-0020	3-4-2008	Amend(T)	4-1-2008	330-007-0310	12-13-2007	Adopt	1-1-2008
291-164-0025	3-4-2008	Amend(T)	4-1-2008	330-007-0320	12-13-2007	Adopt	1-1-2008
291-164-0030	3-4-2008	Amend(T)	4-1-2008	330-007-0330	12-13-2007	Adopt	1-1-2008
291-164-0045	3-4-2008	Suspend	4-1-2008	330-070-0010	12-1-2007	Amend	1-1-2008
291-164-0050	3-4-2008	Adopt(T)	4-1-2008	330-070-0013	12-1-2007	Amend	1-1-2008
291-205-0010	5-15-2008	Adopt(T)	6-1-2008	330-070-0014	12-1-2007	Amend	1-1-2008
291-205-0020	5-15-2008	Adopt(T)	6-1-2008	330-070-0021	12-1-2007	Amend	1-1-2008
291-205-0030	5-15-2008	Adopt(T)	6-1-2008	330-070-0022	12-1-2007	Amend	1-1-2008
291-205-0040	5-15-2008	Adopt(T)	6-1-2008	330-070-0025	12-1-2007	Amend	1-1-2008
291-205-0050	5-15-2008	Adopt(T)	6-1-2008	330-070-0026	12-1-2007	Amend	1-1-2008
291-205-0060	5-15-2008	Adopt(T)	6-1-2008	330-070-0048	12-1-2007	Amend	1-1-2008
291-205-0070	5-15-2008	Adopt(T)	6-1-2008	330-070-0059	12-1-2007	Amend	1-1-2008
291-205-0080	5-15-2008	Adopt(T)	6-1-2008	330-070-0060	12-1-2007	Amend	1-1-2008
291-205-0090	5-15-2008	Adopt(T)	6-1-2008	330-070-0064	12-1-2007	Amend	1-1-2008
291-205-0100	5-15-2008	Adopt(T)	6-1-2008	330-070-0073	12-1-2007	Amend	1-1-2008
291-205-0110	5-15-2008	Adopt(T)	6-1-2008	330-070-0089	12-1-2007	Amend	1-1-2008
309-011-0100	12-5-2007	Adopt(T)	1-1-2008	330-070-0091	12-1-2007	Amend	1-1-2008
309-011-0100	2-12-2008	Suspend	3-1-2008	330-070-0097	12-1-2007	Amend	1-1-2008
309-031-0215	12-1-2007	Amend(T)	1-1-2008	330-090-0105	12-1-2007	Amend	1-1-2008
309-032-0455	12-11-2007	Amend	1-1-2008	330-090-0105	3-21-2008	Amend	5-1-2008
309-032-1095	4-15-2008	Adopt	5-1-2008	330-090-0110	12-1-2007	Amend	1-1-2008
309-032-1190	1-1-2008	Amend(T)	2-1-2008	330-090-0110	3-21-2008	Amend	5-1-2008
309-033-0735	1-1-2008	Adopt(T)	2-1-2008	330-090-0120	12-1-2007	Amend	1-1-2008
309-114-0000	12-1-2007	Amend(T)	1-1-2008	330-090-0120	3-21-2008	Amend	5-1-2008
309-114-0000	4-7-2008	Amend(T)	5-1-2008	330-090-0130	12-1-2007	Amend	1-1-2008
309-114-0000(T)	4-7-2008	Suspend	5-1-2008	330-090-0130	3-21-2008	Amend	5-1-2008
309-114-0005	12-1-2007	Amend(T)	1-1-2008	330-090-0135	12-1-2007	Amend	1-1-2008
309-114-0005	4-7-2008	Amend(T)	5-1-2008	330-090-0140	12-1-2007	Amend	1-1-2008
309-114-0005(T)	4-7-2008	Suspend	5-1-2008	330-090-0140	3-21-2008	Amend	5-1-2008
309-114-0010	12-1-2007	Amend(T)	1-1-2008	330-090-0150	12-1-2007	Amend	1-1-2008
309-114-0010	4-7-2008	Amend(T)	5-1-2008	330-090-0150	3-21-2008	Amend	5-1-2008
309-114-0010(T)	4-7-2008	Suspend	5-1-2008	330-092-0005	3-1-2008	Adopt	4-1-2008
309-114-0015	12-1-2007	Amend(T)	1-1-2008	330-092-0010	3-1-2008	Adopt	4-1-2008
309-114-0015	4-7-2008	Amend(T)	5-1-2008	330-092-0015	3-1-2008	Adopt	4-1-2008
309-114-0015(T)	4-7-2008	Suspend	5-1-2008	330-092-0020	3-1-2008	Adopt	4-1-2008
309-114-0020	12-1-2007	Amend(T)	1-1-2008	330-092-0025	3-1-2008	Adopt	4-1-2008
309-114-0020	4-7-2008	Amend(T)	5-1-2008	330-092-0030	3-1-2008	Adopt	4-1-2008
309-114-0020(T)	4-7-2008	Suspend	5-1-2008	330-092-0035	3-1-2008	Adopt	4-1-2008
309-114-0025	12-1-2007	Amend(T)	1-1-2008	330-092-0040	3-1-2008	Adopt	4-1-2008
309-114-0025	4-7-2008	Amend(T)	5-1-2008	330-092-0045	3-1-2008	Adopt	4-1-2008
309-114-0025(T)	4-7-2008	Suspend	5-1-2008	330-092-0050	3-1-2008	Adopt	4-1-2008
309-114-0030	4-7-2008	Adopt(T)	5-1-2008	330-092-0055	3-1-2008	Adopt	4-1-2008
309-118-0015	12-1-2007	Amend(T)	1-1-2008	330-092-0060	3-1-2008	Adopt	4-1-2008
325-001-0000	4-14-2008	Adopt	5-1-2008	330-092-0065	3-1-2008	Adopt	4-1-2008
325-001-0001	4-14-2008	Amend	5-1-2008	330-092-0070	3-1-2008	Adopt	4-1-2008
330-007-0200	12-13-2007	Adopt	1-1-2008	330-135-0010	1-2-2008	Adopt	2-1-2008
330-007-0210	12-13-2007	Adopt	1-1-2008	330-135-0015	1-2-2008	Adopt	2-1-2008
330-007-0220	12-13-2007	Adopt	1-1-2008	330-135-0020	1-2-2008	Adopt	2-1-2008
330-007-0230	12-13-2007	Adopt	1-1-2008	330-135-0025	1-2-2008	Adopt	2-1-2008
330-007-0240	12-13-2007	Adopt	1-1-2008	330-135-0030	1-2-2008	Adopt	2-1-2008
330-007-0250	12-13-2007	Adopt	1-1-2008	330-135-0035	1-2-2008	Adopt	2-1-2008
330-007-0260	12-13-2007	Adopt	1-1-2008	330-135-0040	1-2-2008	Adopt	2-1-2008

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330-135-0050	1-2-2008	Adopt	2-1-2008	333-050-0010	3-17-2008	Amend	5-1-2008
330-135-0055	1-2-2008	Adopt	2-1-2008	333-050-0020	1-8-2008	Amend(T)	2-1-2008
330-150-0005	1-30-2008	Adopt	3-1-2008	333-050-0020	3-17-2008	Amend	5-1-2008
330-150-0015	1-30-2008	Adopt	3-1-2008	333-050-0030	3-17-2008	Amend	5-1-2008
330-150-0020	1-30-2008	Adopt	3-1-2008	333-050-0040	3-17-2008	Amend	5-1-2008
330-150-0025	1-30-2008	Adopt	3-1-2008	333-050-0050	1-8-2008	Amend(T)	2-1-2008
330-150-0030	1-30-2008	Adopt	3-1-2008	333-050-0050	3-17-2008	Amend	5-1-2008
331-800-0010	3-15-2008	Adopt(T)	4-1-2008	333-050-0060	3-17-2008	Amend	5-1-2008
331-800-0020	3-15-2008	Adopt(T)	4-1-2008	333-050-0070	3-17-2008	Amend	5-1-2008
331-810-0020	3-15-2008	Adopt(T)	4-1-2008	333-050-0080	3-17-2008	Amend	5-1-2008
331-810-0030	3-15-2008	Adopt(T)	4-1-2008	333-050-0090	3-17-2008	Amend	5-1-2008
331-810-0035	3-15-2008	Adopt(T)	4-1-2008	333-050-0095	3-17-2008	Amend	5-1-2008
331-810-0040	3-15-2008	Adopt(T)	4-1-2008	333-050-0100	3-17-2008	Amend	5-1-2008
331-820-0010	3-15-2008	Adopt(T)	4-1-2008	333-050-0110	3-17-2008	Amend	5-1-2008
331-820-0020	3-15-2008	Adopt(T)	4-1-2008	333-050-0120	1-8-2008	Amend(T)	2-1-2008
331-850-0010	3-15-2008	Adopt(T)	4-1-2008	333-050-0120	3-17-2008	Amend	5-1-2008
333-003-0010	5-5-2008	Amend	6-1-2008	333-050-0130	3-17-2008	Amend	5-1-2008
333-003-0020	5-5-2008	Amend	6-1-2008	333-050-0140	3-17-2008	Amend	5-1-2008
333-003-0030	5-5-2008	Repeal	6-1-2008	333-052-0030	4-3-2008	Amend	5-1-2008
333-003-0040	5-5-2008	Amend	6-1-2008	333-052-0040	4-3-2008	Amend	5-1-2008
333-003-0050	5-5-2008	Amend	6-1-2008	333-052-0050	4-3-2008	Amend	5-1-2008
333-003-0060	5-5-2008	Repeal	6-1-2008	333-052-0060	4-3-2008	Amend	5-1-2008
333-003-0065	5-5-2008	Adopt	6-1-2008	333-052-0065	4-3-2008	Amend	5-1-2008
333-003-0070	5-5-2008	Amend	6-1-2008	333-052-0070	4-3-2008	Amend	5-1-2008
333-003-0080	5-5-2008	Amend	6-1-2008	333-052-0075	4-3-2008	Amend	5-1-2008
333-003-0105	5-5-2008	Amend	6-1-2008	333-052-0080	4-3-2008	Amend	5-1-2008
333-003-0110	5-5-2008	Amend	6-1-2008	333-052-0090	4-3-2008	Amend	5-1-2008
333-003-0115	5-5-2008	Amend	6-1-2008	333-052-0100	4-3-2008	Amend	5-1-2008
333-003-0125	5-5-2008	Amend	6-1-2008	333-052-0110	4-3-2008	Amend	5-1-2008
333-003-0130	5-5-2008	Amend	6-1-2008	333-052-0120	4-3-2008	Amend	5-1-2008
333-003-0200	5-5-2008	Adopt	6-1-2008	333-052-0130	4-3-2008	Amend	5-1-2008
333-008-0000	1-1-2008	Amend	2-1-2008	333-061-0030	2-15-2008	Amend	3-1-2008
333-008-0010	1-1-2008	Amend	2-1-2008	333-061-0032	2-15-2008	Amend	3-1-2008
333-008-0020	1-1-2008	Amend	2-1-2008	333-061-0034	2-15-2008	Amend	3-1-2008
333-008-0025	1-1-2008	Amend	2-1-2008	333-061-0036	2-15-2008	Amend	3-1-2008
333-008-0030	1-1-2008	Amend	2-1-2008	333-061-0040	2-15-2008	Amend	3-1-2008
333-008-0040	1-1-2008	Amend	2-1-2008	333-061-0043	2-15-2008	Amend	3-1-2008
333-008-0050	1-1-2008	Amend	2-1-2008	333-061-0045	2-15-2008	Amend	3-1-2008
333-008-0060	1-1-2008	Amend	2-1-2008	333-061-0050	2-15-2008	Amend	3-1-2008
333-008-0070	1-1-2008	Amend	2-1-2008	333-061-0061	2-15-2008	Amend	3-1-2008
333-008-0080	1-1-2008	Amend	2-1-2008	333-061-0070	2-15-2008	Amend	3-1-2008
333-008-0090	1-1-2008	Amend	2-1-2008	333-061-0072	2-15-2008	Amend	3-1-2008
333-008-0110	1-1-2008	Amend	2-1-2008	333-061-0076	2-15-2008	Amend	3-1-2008
333-008-0120	1-1-2008	Amend	2-1-2008	333-061-0215	2-15-2008	Amend	3-1-2008
333-049-0010	3-17-2008	Amend	5-1-2008	333-061-0245	2-15-2008	Amend	3-1-2008
333-049-0020	3-17-2008	Amend	5-1-2008	333-061-0250	2-15-2008	Amend	3-1-2008
333-049-0030	3-17-2008	Amend	5-1-2008	333-061-0260	2-15-2008	Amend	3-1-2008
333-049-0040	3-17-2008	Amend	5-1-2008	333-061-0265	2-15-2008	Amend	3-1-2008
333-049-0050	3-17-2008	Amend	5-1-2008	333-080-0040	7-1-2008	Adopt	4-1-2008
333-049-0060	3-17-2008	Amend	5-1-2008	333-080-0050	7-1-2008	Adopt	4-1-2008
333-049-0065	3-17-2008	Amend	5-1-2008	333-150-0000	3-5-2008	Amend	4-1-2008
333-049-0070	3-17-2008	Amend	5-1-2008	333-520-0073	3-7-2008	Adopt	4-1-2008
333-049-0080	3-17-2008	Amend	5-1-2008	333-520-0110	7-1-2008	Amend	4-1-2008
333-049-0090	3-17-2008	Amend	5-1-2008	333-536-0005	1-1-2008	Amend	2-1-2008
333-049-0110	3-17-2008	Repeal	5-1-2008	333-536-0010	1-1-2008	Amend	2-1-2008

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333-536-0020	1-1-2008	Amend	2-1-2008	340-150-0052	3-10-2008	Amend	4-1-2008
333-536-0030	1-1-2008	Amend	2-1-2008	340-150-0102	3-10-2008	Amend	4-1-2008
333-536-0040	1-1-2008	Amend	2-1-2008	340-150-0110	3-10-2008	Amend	4-1-2008
333-536-0050	1-1-2008	Amend	2-1-2008	340-150-0135	3-10-2008	Amend	4-1-2008
333-536-0070	1-1-2008	Amend	2-1-2008	340-150-0150	3-10-2008	Amend	4-1-2008
333-536-0075	1-1-2008	Amend	2-1-2008	340-150-0152	3-10-2008	Amend	4-1-2008
333-536-0080	1-1-2008	Amend	2-1-2008	340-150-0160	3-10-2008	Amend	4-1-2008
333-536-0085	1-1-2008	Amend	2-1-2008	340-150-0163	3-10-2008	Amend	4-1-2008
333-536-0090	1-1-2008	Amend	2-1-2008	340-150-0166	3-10-2008	Amend	4-1-2008
333-536-0095	1-1-2008	Amend	2-1-2008	340-150-0167	3-10-2008	Amend	4-1-2008
333-536-0100	1-1-2008	Repeal	2-1-2008	340-150-0168	3-10-2008	Amend	4-1-2008
333-536-0105	1-1-2008	Adopt	2-1-2008	340-150-0180	3-10-2008	Amend	4-1-2008
333-536-0115	1-1-2008	Adopt	2-1-2008	340-150-0200	3-10-2008	Amend	4-1-2008
335-001-0005	4-10-2008	Amend	5-1-2008	340-150-0210	3-10-2008	Adopt	4-1-2008
335-001-0008	4-10-2008	Adopt	5-1-2008	340-150-0250	3-10-2008	Amend	4-1-2008
335-001-0011	4-10-2008	Amend	5-1-2008	340-150-0300	3-10-2008	Amend	4-1-2008
335-005-0010	4-10-2008	Amend	5-1-2008	340-150-0310	3-10-2008	Amend	4-1-2008
335-005-0020	4-10-2008	Amend	5-1-2008	340-150-0350	3-10-2008	Amend	4-1-2008
335-060-0010	4-10-2008	Amend	5-1-2008	340-150-0352	3-10-2008	Amend	4-1-2008
335-070-0040	4-10-2008	Amend	5-1-2008	340-150-0354	3-10-2008	Amend	4-1-2008
335-095-0010	4-10-2008	Amend	5-1-2008	340-150-0360	3-10-2008	Amend	4-1-2008
335-095-0030	4-10-2008	Amend	5-1-2008	340-150-0410	3-10-2008	Amend	4-1-2008
335-095-0040	4-10-2008	Amend	5-1-2008	340-150-0430	3-10-2008	Amend	4-1-2008
335-095-0050	4-10-2008	Amend	5-1-2008	340-150-0450	3-10-2008	Amend	4-1-2008
335-095-0055	4-10-2008	Amend	5-1-2008	340-150-0455	3-10-2008	Amend	4-1-2008
335-095-0060	4-10-2008	Amend	5-1-2008	340-150-0460	3-10-2008	Amend	4-1-2008
335-095-0065	4-10-2008	Amend	5-1-2008	340-150-0465	3-10-2008	Amend	4-1-2008
340-011-0005	3-20-2008	Amend	5-1-2008	340-150-0470	3-10-2008	Amend	4-1-2008
340-011-0009	3-20-2008	Adopt	5-1-2008	340-150-0510	3-10-2008	Amend	4-1-2008
340-011-0010	2-25-2008	Amend	4-1-2008	340-150-0555	3-10-2008	Amend	4-1-2008
340-011-0029	2-25-2008	Amend	4-1-2008	340-150-0560	3-10-2008	Amend	4-1-2008
340-011-0510	3-20-2008	Amend	5-1-2008	340-160-0030	3-10-2008	Amend	4-1-2008
340-011-0515	3-20-2008	Amend	5-1-2008	340-160-0150	3-10-2008	Amend	4-1-2008
340-011-0573	3-20-2008	Adopt	5-1-2008	340-162-0005	3-10-2008	Amend	4-1-2008
340-011-0575	3-20-2008	Amend	5-1-2008	340-162-0010	3-10-2008	Amend	4-1-2008
340-041-0009	5-5-2008	Amend	6-1-2008	340-162-0020	3-10-2008	Amend	4-1-2008
340-054-0035	2-27-2008	Amend	4-1-2008	340-162-0040	3-10-2008	Amend	4-1-2008
340-054-0060	2-27-2008	Amend	4-1-2008	340-162-0054	3-10-2008	Repeal	4-1-2008
340-055-0005	5-5-2008	Amend	6-1-2008	340-162-0150	3-10-2008	Amend	4-1-2008
340-055-0007	5-5-2008	Amend	6-1-2008	340-200-0040	3-20-2008	Amend	5-1-2008
340-055-0010	5-5-2008	Amend	6-1-2008	340-222-0020	3-6-2008	Amend(T)	4-1-2008
340-055-0013	5-5-2008	Amend	6-1-2008	340-248-0260	11-30-2007	Amend	1-1-2008
340-055-0015	5-5-2008	Am. & Ren.	6-1-2008	350-011-0003	4-1-2008	Amend	4-1-2008
340-055-0015	5-5-2008	Am. & Ren.	6-1-2008	350-011-0011	4-1-2008	Adopt	4-1-2008
340-055-0015	5-5-2008	Am. & Ren.	6-1-2008	350-012-0007	4-1-2008	Amend	4-1-2008
340-055-0015	5-5-2008	Am. & Ren.	6-1-2008	350-012-0008	4-1-2008	Amend	4-1-2008
340-055-0020	5-5-2008	Amend	6-1-2008	350-016-0009	4-1-2008	Amend	4-1-2008
340-055-0025	5-5-2008	Amend	6-1-2008	407-005-0110	12-1-2007	Amend	1-1-2008
340-055-0030	5-5-2008	Amend	6-1-2008	407-007-0000	3-31-2008	Adopt(T)	5-1-2008
340-122-0210	3-10-2008	Amend	4-1-2008	407-007-0010	3-31-2008	Adopt(T)	5-1-2008
340-122-0330	3-10-2008	Amend	4-1-2008	407-007-0020	3-31-2008	Adopt(T)	5-1-2008
340-150-0006	3-10-2008	Amend	4-1-2008	407-007-0030	3-31-2008	Adopt(T)	5-1-2008
340-150-0008	3-10-2008	Amend	4-1-2008	407-007-0040	3-31-2008	Adopt(T)	5-1-2008
340-150-0010	3-10-2008	Amend	4-1-2008	407-007-0050	3-31-2008	Adopt(T)	5-1-2008
340-150-0020	3-10-2008	Amend	4-1-2008	407-007-0060	3-31-2008	Adopt(T)	5-1-2008

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407-007-0080	3-31-2008	Adopt(T)	5-1-2008	407-120-0370	1-1-2008	Adopt	2-1-2008
407-007-0090	3-31-2008	Adopt(T)	5-1-2008	407-120-0380	1-1-2008	Adopt	2-1-2008
407-007-0210	3-31-2008	Amend(T)	5-1-2008	410-001-0100	1-1-2008	Amend(T)	2-1-2008
407-007-0270	3-31-2008	Amend(T)	5-1-2008	410-001-0100	2-1-2008	Am. & Ren.	3-1-2008
407-007-0330	3-31-2008	Amend(T)	5-1-2008	410-001-0100(T)	2-1-2008	Repeal	3-1-2008
407-012-0005	12-1-2007	Adopt	1-1-2008	410-001-0110	1-1-2008	Amend(T)	2-1-2008
407-012-0010	12-1-2007	Adopt	1-1-2008	410-001-0110	2-1-2008	Am. & Ren.	3-1-2008
407-012-0015	12-1-2007	Adopt	1-1-2008	410-001-0110(T)	2-1-2008	Repeal	3-1-2008
407-012-0020	12-1-2007	Adopt	1-1-2008	410-001-0120	1-1-2008	Amend(T)	2-1-2008
407-012-0025	12-1-2007	Adopt	1-1-2008	410-001-0120	2-1-2008	Am. & Ren.	3-1-2008
407-014-0300	1-1-2008	Adopt	2-1-2008	410-001-0120(T)	2-1-2008	Repeal	3-1-2008
407-014-0305	1-1-2008	Adopt	2-1-2008	410-001-0130	1-1-2008	Amend(T)	2-1-2008
407-014-0310	1-1-2008	Adopt	2-1-2008	410-001-0130	2-1-2008	Am. & Ren.	3-1-2008
407-014-0315	1-1-2008	Adopt	2-1-2008	410-001-0130(T)	2-1-2008	Repeal	3-1-2008
407-014-0320	1-1-2008	Adopt	2-1-2008	410-001-0140	1-1-2008	Amend(T)	2-1-2008
407-045-0800	12-3-2007	Adopt(T)	1-1-2008	410-001-0140	2-1-2008	Am. & Ren.	3-1-2008
407-045-0810	12-3-2007	Adopt(T)	1-1-2008	410-001-0140(T)	2-1-2008	Repeal	3-1-2008
407-045-0820	12-3-2007	Adopt(T)	1-1-2008	410-001-0150	1-1-2008	Amend(T)	2-1-2008
407-045-0830	12-3-2007	Adopt(T)	1-1-2008	410-001-0150	2-1-2008	Am. & Ren.	3-1-2008
407-045-0840	12-3-2007	Adopt(T)	1-1-2008	410-001-0150(T)	2-1-2008	Repeal	3-1-2008
407-045-0850	12-3-2007	Adopt(T)	1-1-2008	410-001-0160	1-1-2008	Amend(T)	2-1-2008
407-045-0860	12-3-2007	Adopt(T)	1-1-2008	410-001-0160	2-1-2008	Am. & Ren.	3-1-2008
407-045-0870	12-3-2007	Adopt(T)	1-1-2008	410-001-0160(T)	2-1-2008	Repeal	3-1-2008
407-045-0880	12-3-2007	Adopt(T)	1-1-2008	410-001-0170	1-1-2008	Amend(T)	2-1-2008
407-045-0890	12-3-2007	Adopt(T)	1-1-2008	410-001-0170	2-1-2008	Am. & Ren.	3-1-2008
407-045-0900	12-3-2007	Adopt(T)	1-1-2008	410-001-0170(T)	2-1-2008	Repeal	3-1-2008
407-045-0910	12-3-2007	Adopt(T)	1-1-2008	410-001-0180	1-1-2008	Amend(T)	2-1-2008
407-045-0920	12-3-2007	Adopt(T)	1-1-2008	410-001-0180	2-1-2008	Am. & Ren.	3-1-2008
407-045-0930	12-3-2007	Adopt(T)	1-1-2008	410-001-0180(T)	2-1-2008	Repeal	3-1-2008
407-045-0940	12-3-2007	Adopt(T)	1-1-2008	410-001-0190	1-1-2008	Amend(T)	2-1-2008
407-045-0950	12-3-2007	Adopt(T)	1-1-2008	410-001-0190	2-1-2008	Am. & Ren.	3-1-2008
407-045-0960	12-3-2007	Adopt(T)	1-1-2008	410-001-0190(T)	2-1-2008	Repeal	3-1-2008
407-045-0970	12-3-2007	Adopt(T)	1-1-2008	410-001-0200	1-1-2008	Amend(T)	2-1-2008
407-045-0980	12-3-2007	Adopt(T)	1-1-2008	410-001-0200	2-1-2008	Am. & Ren.	3-1-2008
407-120-0112	1-1-2008	Adopt(T)	2-1-2008	410-001-0200(T)	2-1-2008	Repeal	3-1-2008
407-120-0112	2-1-2008	Adopt	3-1-2008	410-050-0100	1-25-2008	Amend	3-1-2008
407-120-0112(T)	2-1-2008	Repeal	3-1-2008	410-050-0110	1-25-2008	Amend	3-1-2008
407-120-0114	1-1-2008	Adopt(T)	2-1-2008	410-050-0120	1-25-2008	Amend	3-1-2008
407-120-0114	2-1-2008	Adopt	3-1-2008	410-050-0130	1-25-2008	Amend	3-1-2008
407-120-0114(T)	2-1-2008	Repeal	3-1-2008	410-050-0140	1-25-2008	Amend	3-1-2008
407-120-0116	1-1-2008	Adopt(T)	2-1-2008	410-050-0150	1-25-2008	Amend	3-1-2008
407-120-0116	2-1-2008	Adopt	3-1-2008	410-050-0160	1-25-2008	Amend	3-1-2008
407-120-0116(T)	2-1-2008	Repeal	3-1-2008	410-050-0170	1-25-2008	Amend	3-1-2008
407-120-0118	1-1-2008	Adopt(T)	2-1-2008	410-050-0180	1-25-2008	Amend	3-1-2008
407-120-0118	2-1-2008	Adopt	3-1-2008	410-050-0190	1-25-2008	Amend	3-1-2008
407-120-0118(T)	2-1-2008	Repeal	3-1-2008	410-050-0200	1-25-2008	Amend	3-1-2008
407-120-0165	1-1-2008	Adopt(T)	2-1-2008	410-050-0210	1-25-2008	Amend	3-1-2008
407-120-0165	2-1-2008	Adopt	3-1-2008	410-050-0220	1-25-2008	Amend	3-1-2008
407-120-0165(T)	2-1-2008	Repeal	3-1-2008	410-050-0230	1-25-2008	Amend	3-1-2008
407-120-0300	1-1-2008	Adopt	2-1-2008	410-050-0240	1-25-2008	Amend	3-1-2008
407-120-0310	1-1-2008	Adopt	2-1-2008	410-050-0250	1-25-2008	Amend	3-1-2008
407-120-0320	1-1-2008	Adopt	2-1-2008	410-050-0401	1-25-2008	Amend	3-1-2008
407-120-0330	1-1-2008	Adopt	2-1-2008	410-050-0411	1-25-2008	Amend	3-1-2008
407-120-0340	1-1-2008	Adopt	2-1-2008	410-050-0421	1-25-2008	Amend	3-1-2008
407-120-0350	1-1-2008	Adopt	2-1-2008	410-050-0431	1-25-2008	Amend	3-1-2008

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410-050-0451	1-25-2008	Amend	3-1-2008	410-121-0147	4-1-2008	Amend	5-1-2008
410-050-0461	1-25-2008	Amend	3-1-2008	410-121-0148	1-1-2008	Amend	1-1-2008
410-050-0471	1-25-2008	Amend	3-1-2008	410-121-0150	1-1-2008	Amend	1-1-2008
410-050-0481	1-25-2008	Amend	3-1-2008	410-121-0155	1-1-2008	Amend	1-1-2008
410-050-0491	1-25-2008	Amend	3-1-2008	410-121-0160	1-1-2008	Amend	1-1-2008
410-050-0501	1-25-2008	Amend	3-1-2008	410-121-0300	1-1-2008	Amend	1-1-2008
410-050-0511	1-25-2008	Amend	3-1-2008	410-122-0202	1-1-2008	Amend	1-1-2008
410-050-0521	1-25-2008	Amend	3-1-2008	410-122-0203	1-1-2008	Amend	1-1-2008
410-050-0531	1-25-2008	Amend	3-1-2008	410-122-0320	1-1-2008	Amend	1-1-2008
410-050-0541	1-25-2008	Amend	3-1-2008	410-122-0325	1-1-2008	Amend	1-1-2008
410-050-0551	1-25-2008	Amend	3-1-2008	410-122-0330	1-1-2008	Amend	1-1-2008
410-050-0561	1-25-2008	Amend	3-1-2008	410-122-0380	1-1-2008	Amend	1-1-2008
410-050-0571	1-25-2008	Repeal	3-1-2008	410-122-0662	1-1-2008	Adopt	1-1-2008
410-050-0581	1-25-2008	Repeal	3-1-2008	410-122-0678	1-1-2008	Amend	1-1-2008
410-050-0591	1-25-2008	Amend	3-1-2008	410-122-0720	1-1-2008	Amend	1-1-2008
410-050-0601	1-25-2008	Adopt	3-1-2008	410-123-1000	1-1-2008	Amend	1-1-2008
410-050-0700	1-25-2008	Amend	3-1-2008	410-123-1040	1-1-2008	Repeal	1-1-2008
410-050-0710	1-25-2008	Amend	3-1-2008	410-123-1060	1-1-2008	Amend	1-1-2008
410-050-0720	1-25-2008	Amend	3-1-2008	410-123-1100	1-1-2008	Amend	1-1-2008
410-050-0730	1-25-2008	Amend	3-1-2008	410-123-1160	1-1-2008	Amend	1-1-2008
410-050-0740	1-25-2008	Amend	3-1-2008	410-123-1200	1-1-2008	Amend	1-1-2008
410-050-0750	1-25-2008	Amend	3-1-2008	410-123-1220	1-1-2008	Amend	1-1-2008
410-050-0760	1-25-2008	Amend	3-1-2008	410-123-1240	1-1-2008	Amend	1-1-2008
410-050-0770	1-25-2008	Amend	3-1-2008	410-123-1260	1-1-2008	Amend	1-1-2008
410-050-0780	1-25-2008	Amend	3-1-2008	410-123-1490	1-1-2008	Amend	1-1-2008
410-050-0790	1-25-2008	Amend	3-1-2008	410-123-1620	1-1-2008	Amend	1-1-2008
410-050-0800	1-25-2008	Amend	3-1-2008	410-123-1670	1-1-2008	Amend	1-1-2008
410-050-0810	1-25-2008	Amend	3-1-2008	410-125-0080	12-20-2007	Amend(T)	2-1-2008
410-050-0820	1-25-2008	Amend	3-1-2008	410-125-0080	5-1-2008	Amend	6-1-2008
410-050-0830	1-25-2008	Amend	3-1-2008	410-127-0060	1-1-2008	Amend	1-1-2008
410-050-0840	1-25-2008	Amend	3-1-2008	410-129-0070	1-1-2008	Amend	1-1-2008
410-050-0850	1-25-2008	Amend	3-1-2008	410-129-0200	1-1-2008	Amend	1-1-2008
410-050-0860	1-25-2008	Amend	3-1-2008	410-130-0200	12-20-2007	Amend(T)	2-1-2008
410-050-0861	1-1-2008	Amend	2-1-2008	410-130-0200	5-1-2008	Amend	6-1-2008
410-050-0861	1-25-2008	Amend	3-1-2008	410-130-0580	12-20-2007	Amend(T)	2-1-2008
410-050-0870	1-25-2008	Amend	3-1-2008	410-130-0580	5-1-2008	Amend	6-1-2008
410-120-0000	1-1-2008	Amend	1-1-2008	410-130-0610	4-1-2008	Amend(T)	5-1-2008
410-120-0010	12-5-2007	Adopt(T)	1-1-2008	410-141-0180	1-1-2008	Amend	1-1-2008
410-120-0025	3-14-2008	Amend(T)	4-1-2008	410-141-0480	1-1-2008	Amend	1-1-2008
410-120-0025	5-1-2008	Amend	6-1-2008	410-141-0520	12-20-2007	Amend(T)	2-1-2008
410-120-0025(T)	5-1-2008	Repeal	6-1-2008	410-141-0520	3-27-2008	Amend	5-1-2008
410-120-0030	4-1-2008	Adopt(T)	5-1-2008	410-141-0520	4-1-2008	Amend(T)	5-1-2008
410-120-1200	1-1-2008	Amend	1-1-2008	410-141-0520(T)	12-20-2007	Suspend	2-1-2008
410-120-1230	3-1-2008	Amend	4-1-2008	410-142-0020	1-1-2008	Amend	1-1-2008
410-120-1295	1-1-2008	Amend	1-1-2008	410-146-0000	1-1-2008	Amend	1-1-2008
410-120-1320	1-1-2008	Amend	1-1-2008	410-146-0020	1-1-2008	Amend	1-1-2008
410-120-1340	1-1-2008	Amend	1-1-2008	410-146-0021	1-1-2008	Amend	1-1-2008
410-120-1397	1-1-2008	Amend	1-1-2008	410-146-0025	1-1-2008	Repeal	1-1-2008
410-120-1560	1-1-2008	Amend	1-1-2008	410-146-0040	1-1-2008	Amend	1-1-2008
410-120-1570	1-1-2008	Amend	1-1-2008	410-146-0060	1-1-2008	Amend	1-1-2008
410-121-0040	1-1-2008	Amend	1-1-2008	410-146-0075	1-1-2008	Amend	1-1-2008
410-121-0040	4-1-2008	Amend	5-1-2008	410-146-0080	1-1-2008	Am. & Ren.	1-1-2008
410-121-0135	1-1-2008	Amend	1-1-2008	410-146-0080	1-1-2008	Am. & Ren.	1-1-2008
410-121-0140	1-1-2008	Amend	1-1-2008	410-146-0080	1-1-2008	Amend	1-1-2008
410-121-0145	4-1-2008	Amend	5-1-2008	410-146-0100	1-1-2008	Amend	1-1-2008

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410-146-0120	1-1-2008	Amend	1-1-2008	411-070-0452	3-1-2008	Amend	4-1-2008
410-146-0130	1-1-2008	Amend	1-1-2008	411-070-0452(T)	3-1-2008	Repeal	4-1-2008
410-146-0140	1-1-2008	Amend	1-1-2008	411-070-0462	3-1-2008	Repeal	4-1-2008
410-146-0160	1-1-2008	Amend	1-1-2008	411-070-0465	3-1-2008	Amend	4-1-2008
410-146-0180	1-1-2008	Repeal	1-1-2008	411-070-0465(T)	3-1-2008	Repeal	4-1-2008
410-146-0200	1-1-2008	Amend	1-1-2008	411-085-0005	3-1-2008	Amend(T)	3-1-2008
410-146-0220	1-1-2008	Amend	1-1-2008	411-085-0200	3-6-2008	Amend	4-1-2008
410-146-0240	1-1-2008	Amend	1-1-2008	411-085-0310	3-6-2008	Amend	4-1-2008
410-146-0340	1-1-2008	Amend	1-1-2008	411-086-0100	3-1-2008	Amend(T)	3-1-2008
410-146-0380	1-1-2008	Amend	1-1-2008	411-086-0200	3-6-2008	Amend	4-1-2008
410-146-0400	1-1-2008	Repeal	1-1-2008	411-088-0070	3-6-2008	Amend	4-1-2008
410-146-0420	1-1-2008	Repeal	1-1-2008	411-330-0020	12-28-2007	Amend	2-1-2008
410-146-0440	1-1-2008	Amend	1-1-2008	411-330-0020(T)	12-28-2007	Repeal	2-1-2008
410-146-0460	1-1-2008	Amend	1-1-2008	411-330-0030	12-28-2007	Amend	2-1-2008
410-147-0365	1-1-2008	Amend	1-1-2008	411-330-0030(T)	12-28-2007	Repeal	2-1-2008
411-030-0020	4-1-2008	Amend(T)	5-1-2008	411-340-0020	1-1-2008	Amend(T)	2-1-2008
411-030-0040	4-1-2008	Amend(T)	5-1-2008	411-340-0060	1-1-2008	Amend(T)	2-1-2008
411-030-0050	4-1-2008	Amend(T)	5-1-2008	411-340-0070	1-1-2008	Amend(T)	2-1-2008
411-030-0070	4-1-2008	Amend(T)	5-1-2008	411-340-0130	1-1-2008	Amend(T)	2-1-2008
411-030-0100	4-1-2008	Adopt(T)	5-1-2008	411-340-0150	1-1-2008	Amend(T)	2-1-2008
411-031-0040	4-29-2008	Amend	6-1-2008	411-340-0170	1-1-2008	Amend(T)	2-1-2008
411-031-0040(T)	4-29-2008	Repeal	6-1-2008	411-355-0000	4-15-2008	Adopt(T)	5-1-2008
411-036-0000	4-1-2008	Suspend	5-1-2008	411-355-0010	4-15-2008	Adopt(T)	5-1-2008
411-036-0010	4-1-2008	Suspend	5-1-2008	411-355-0020	4-15-2008	Adopt(T)	5-1-2008
411-036-0020	4-1-2008	Suspend	5-1-2008	411-355-0030	4-15-2008	Adopt(T)	5-1-2008
411-036-0030	4-1-2008	Suspend	5-1-2008	411-355-0040	4-15-2008	Adopt(T)	5-1-2008
411-036-0040	4-1-2008	Suspend	5-1-2008	411-355-0050	4-15-2008	Adopt(T)	5-1-2008
411-036-0045	4-1-2008	Suspend	5-1-2008	411-355-0060	4-15-2008	Adopt(T)	5-1-2008
411-036-0050	4-1-2008	Suspend	5-1-2008	411-355-0070	4-15-2008	Adopt(T)	5-1-2008
411-036-0060	4-1-2008	Suspend	5-1-2008	411-355-0080	4-15-2008	Adopt(T)	5-1-2008
411-036-0070	4-1-2008	Suspend	5-1-2008	411-355-0090	4-15-2008	Adopt(T)	5-1-2008
411-036-0080	4-1-2008	Suspend	5-1-2008	411-355-0100	4-15-2008	Adopt(T)	5-1-2008
411-036-0090	4-1-2008	Suspend	5-1-2008	411-355-0110	4-15-2008	Adopt(T)	5-1-2008
411-036-0100	4-1-2008	Suspend	5-1-2008	411-355-0120	4-15-2008	Adopt(T)	5-1-2008
411-036-0110	4-1-2008	Suspend	5-1-2008	413-010-0400	12-1-2007	Amend	1-1-2008
411-036-0120	4-1-2008	Suspend	5-1-2008	413-010-0410	12-1-2007	Amend	1-1-2008
411-036-0130	4-1-2008	Suspend	5-1-2008	413-010-0420	12-1-2007	Amend	1-1-2008
411-036-0140	4-1-2008	Suspend	5-1-2008	413-010-0430	12-1-2007	Amend	1-1-2008
411-070-0005	3-1-2008	Amend	4-1-2008	413-010-0440	12-1-2007	Amend	1-1-2008
411-070-0005(T)	3-1-2008	Repeal	4-1-2008	413-010-0450	12-1-2007	Repeal	1-1-2008
411-070-0027	3-1-2008	Amend	4-1-2008	413-010-0460	12-1-2007	Repeal	1-1-2008
411-070-0027(T)	3-1-2008	Repeal	4-1-2008	413-010-0470	12-1-2007	Repeal	1-1-2008
411-070-0035	3-1-2008	Amend	4-1-2008	413-010-0480	12-1-2007	Amend	1-1-2008
411-070-0035(T)	3-1-2008	Repeal	4-1-2008	413-010-0490	12-1-2007	Repeal	1-1-2008
411-070-0045	3-1-2008	Amend	4-1-2008	413-015-0100	12-3-2007	Amend(T)	1-1-2008
411-070-0085	3-1-2008	Amend	4-1-2008	413-015-0100	4-1-2008	Amend	5-1-2008
411-070-0085(T)	3-1-2008	Repeal	4-1-2008	413-015-0110	4-1-2008	Amend	5-1-2008
411-070-0091	3-1-2008	Amend	4-1-2008	413-015-0115	12-3-2007	Amend(T)	1-1-2008
411-070-0091(T)	3-1-2008	Repeal	4-1-2008	413-015-0115	1-1-2008	Amend(T)	2-1-2008
411-070-0095	3-1-2008	Amend	4-1-2008	413-015-0115	4-1-2008	Amend	5-1-2008
411-070-0095(T)	3-1-2008	Repeal	4-1-2008	413-015-0115(T)	12-3-2007	Suspend	1-1-2008
411-070-0359	3-1-2008	Amend	4-1-2008	413-015-0115(T)	1-1-2008	Suspend	2-1-2008
411-070-0359(T)	3-1-2008	Repeal	4-1-2008	413-015-0205	12-3-2007	Amend(T)	1-1-2008
411-070-0428	3-1-2008	Repeal	4-1-2008	413-015-0205	1-1-2008	Amend(T)	2-1-2008
411-070-0442	3-1-2008	Amend	4-1-2008	413-015-0205	4-1-2008	Amend	5-1-2008
411-070-0442(T)	3-1-2008	Repeal	4-1-2008	413-015-0205(T)	1-1-2008	Suspend	2-1-2008

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413-015-0210	1-1-2008	Amend(T)	2-1-2008	413-100-0940	1-1-2008	Adopt(T)	2-1-2008
413-015-0211	1-1-2008	Amend(T)	2-1-2008	413-120-0060	12-12-2007	Amend(T)	1-1-2008
413-015-0212	1-1-2008	Amend(T)	2-1-2008	413-120-0400	1-1-2008	Amend(T)	2-1-2008
413-015-0215	1-1-2008	Amend(T)	2-1-2008	413-120-0400	5-15-2008	Amend	6-1-2008
413-015-0220	1-1-2008	Amend(T)	2-1-2008	413-120-0400(T)	5-15-2008	Repeal	6-1-2008
413-015-0405	1-1-2008	Amend(T)	2-1-2008	413-120-0410	1-1-2008	Amend(T)	2-1-2008
413-015-0415	1-1-2008	Amend(T)	2-1-2008	413-120-0410	5-15-2008	Amend	6-1-2008
413-015-0415	4-1-2008	Amend	5-1-2008	413-120-0410(T)	5-15-2008	Repeal	6-1-2008
413-015-0415(T)	1-1-2008	Suspend	2-1-2008	413-120-0420	1-1-2008	Amend(T)	2-1-2008
413-015-0420	4-1-2008	Amend	5-1-2008	413-120-0420	5-15-2008	Amend	6-1-2008
413-015-0520	1-1-2008	Adopt(T)	2-1-2008	413-120-0420(T)	5-15-2008	Repeal	6-1-2008
413-015-0525	1-1-2008	Adopt(T)	2-1-2008	413-120-0430	1-1-2008	Suspend	2-1-2008
413-015-0530	1-1-2008	Adopt(T)	2-1-2008	413-120-0430	5-15-2008	Repeal	6-1-2008
413-015-0535	1-1-2008	Adopt(T)	2-1-2008	413-120-0440	1-1-2008	Amend(T)	2-1-2008
413-015-0540	1-1-2008	Adopt(T)	2-1-2008	413-120-0440	5-15-2008	Amend	6-1-2008
413-015-0545	1-1-2008	Adopt(T)	2-1-2008	413-120-0440(T)	5-15-2008	Repeal	6-1-2008
413-015-0550	1-1-2008	Adopt(T)	2-1-2008	413-120-0450	1-1-2008	Amend(T)	2-1-2008
413-015-0555	1-1-2008	Adopt(T)	2-1-2008	413-120-0450	5-15-2008	Amend	6-1-2008
413-015-0560	1-1-2008	Adopt(T)	2-1-2008	413-120-0450(T)	5-15-2008	Repeal	6-1-2008
413-015-0565	1-1-2008	Adopt(T)	2-1-2008	413-120-0455	1-1-2008	Amend(T)	2-1-2008
413-015-1000	1-1-2008	Amend(T)	2-1-2008	413-120-0455	5-15-2008	Amend	6-1-2008
413-050-0200	4-1-2008	Amend	5-1-2008	413-120-0455(T)	5-15-2008	Repeal	6-1-2008
413-050-0200(T)	4-1-2008	Repeal	5-1-2008	413-120-0460	1-1-2008	Amend(T)	2-1-2008
413-050-0210	4-1-2008	Amend	5-1-2008	413-120-0460	5-15-2008	Amend	6-1-2008
413-050-0210(T)	4-1-2008	Repeal	5-1-2008	413-120-0460(T)	5-15-2008	Repeal	6-1-2008
413-050-0220	4-1-2008	Amend	5-1-2008	413-120-0470	1-1-2008	Amend(T)	2-1-2008
413-050-0220(T)	4-1-2008	Repeal	5-1-2008	413-120-0470	5-15-2008	Amend	6-1-2008
413-050-0230	4-1-2008	Amend	5-1-2008	413-120-0470(T)	5-15-2008	Repeal	6-1-2008
413-050-0230(T)	4-1-2008	Repeal	5-1-2008	413-200-0210	1-1-2008	Amend(T)	2-1-2008
413-050-0235	4-1-2008	Adopt	5-1-2008	413-200-0220	1-1-2008	Amend(T)	2-1-2008
413-050-0235(T)	4-1-2008	Repeal	5-1-2008	413-200-0404	1-1-2008	Adopt(T)	2-1-2008
413-050-0240	4-1-2008	Repeal	5-1-2008	413-200-0409	1-1-2008	Adopt(T)	2-1-2008
413-050-0250	4-1-2008	Repeal	5-1-2008	413-200-0414	1-1-2008	Adopt(T)	2-1-2008
413-050-0260	4-1-2008	Repeal	5-1-2008	413-200-0419	1-1-2008	Adopt(T)	2-1-2008
413-050-0270	4-1-2008	Repeal	5-1-2008	413-200-0424	1-1-2008	Adopt(T)	2-1-2008
413-050-0280	4-1-2008	Amend	5-1-2008	415-010-0005	12-5-2007	Adopt(T)	1-1-2008
413-050-0280(T)	4-1-2008	Repeal	5-1-2008	415-010-0005	2-12-2008	Suspend	3-1-2008
413-050-0290	4-1-2008	Repeal	5-1-2008	415-051-0045	12-11-2007	Amend	1-1-2008
413-050-0300	4-1-2008	Repeal	5-1-2008	423-010-0024	4-16-2008	Amend	6-1-2008
413-070-0600	1-1-2008	Amend(T)	2-1-2008	436-010-0210	1-2-2008	Amend(T)	1-1-2008
413-070-0620	1-1-2008	Amend(T)	2-1-2008	436-010-0220	1-2-2008	Amend(T)	1-1-2008
413-070-0625	1-1-2008	Amend(T)	2-1-2008	436-010-0280	1-2-2008	Amend(T)	1-1-2008
413-070-0640	1-1-2008	Amend(T)	2-1-2008	436-035-0500	12-28-2007	Amend(T)	2-1-2008
413-070-0810	1-1-2008	Amend(T)	2-1-2008	437-001-0015	3-1-2008	Amend	4-1-2008
413-070-0860	1-1-2008	Amend(T)	2-1-2008	437-001-0205	1-1-2008	Amend	1-1-2008
413-070-0880	1-1-2008	Amend(T)	2-1-2008	437-001-0215	1-1-2008	Amend	1-1-2008
413-090-0010	1-1-2008	Amend(T)	2-1-2008	437-001-0220	1-1-2008	Amend	1-1-2008
413-100-0040	1-1-2008	Suspend	2-1-2008	437-001-0240	1-1-2008	Amend	1-1-2008
413-100-0900	1-1-2008	Adopt(T)	2-1-2008	437-001-0255	1-1-2008	Amend	1-1-2008
413-100-0905	1-1-2008	Adopt(T)	2-1-2008	437-001-0295	12-3-2007	Amend	1-1-2008
413-100-0910	1-1-2008	Adopt(T)	2-1-2008	437-001-0700	1-1-2008	Amend	2-1-2008
413-100-0915	1-1-2008	Adopt(T)	2-1-2008	437-001-0706	1-1-2008	Adopt	2-1-2008
413-100-0920	1-1-2008	Adopt(T)	2-1-2008	437-001-0740	1-1-2008	Amend	2-1-2008
413-100-0925	1-1-2008	Adopt(T)	2-1-2008	437-002-0100	12-3-2007	Amend	1-1-2008
413-100-0930	1-1-2008	Adopt(T)	2-1-2008	437-002-0120	5-15-2008	Amend	6-1-2008
413-100-0935	1-1-2008	Adopt(T)	2-1-2008	437-002-0122	12-3-2007	Adopt	1-1-2008

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437-002-0142	5-1-2008	Amend	5-1-2008	441-755-0100	11-30-2007	Adopt	1-1-2008
437-002-0382	7-1-2008	Amend	6-1-2008	441-755-0110	11-30-2007	Adopt	1-1-2008
437-003-0001	5-15-2008	Amend	6-1-2008	441-755-0120	11-30-2007	Adopt	1-1-2008
437-003-1000	7-1-2008	Amend	6-1-2008	441-755-0130	11-30-2007	Adopt	1-1-2008
437-004-1005	5-15-2008	Amend	6-1-2008	441-755-0140	11-30-2007	Adopt	1-1-2008
437-004-1120	5-1-2008	Amend	5-1-2008	441-755-0150	11-30-2007	Adopt	1-1-2008
437-005-0001	5-15-2008	Amend	6-1-2008	441-755-0160	11-30-2007	Adopt	1-1-2008
437-005-0002	5-15-2008	Amend	6-1-2008	441-755-0170	11-30-2007	Adopt	1-1-2008
437-005-0003	5-15-2008	Amend	6-1-2008	441-755-0200	11-30-2007	Adopt	1-1-2008
437-007-0010	7-1-2008	Amend	4-1-2008	441-755-0210	11-30-2007	Adopt	1-1-2008
437-007-0025	7-1-2008	Amend	4-1-2008	441-755-0220	11-30-2007	Adopt	1-1-2008
437-007-0685	7-1-2008	Repeal	4-1-2008	441-755-0300	11-30-2007	Adopt	1-1-2008
437-007-0775	3-5-2008	Amend	4-1-2008	441-755-0310	11-30-2007	Adopt	1-1-2008
437-007-0780	3-5-2008	Amend	4-1-2008	441-850-0040	4-18-2008	Adopt(T)	6-1-2008
437-007-1500	7-1-2008	Adopt	4-1-2008	441-860-0010	5-7-2008	Amend	6-1-2008
437-007-1505	7-1-2008	Adopt	4-1-2008	441-865-0022	5-7-2008	Adopt(T)	6-1-2008
437-007-1510	7-1-2008	Adopt	4-1-2008	441-870-0030	5-7-2008	Amend	6-1-2008
437-007-1520	7-1-2008	Adopt	4-1-2008	441-870-0080	5-7-2008	Adopt	6-1-2008
437-007-1525	7-1-2008	Adopt	4-1-2008	442-005-0270	3-31-2008	Amend(T)	5-1-2008
437-007-1530	7-1-2008	Adopt	4-1-2008	443-002-0010	1-2-2008	Amend	2-1-2008
437-007-1535	7-1-2008	Adopt	4-1-2008	443-002-0030	1-2-2008	Amend(T)	2-1-2008
438-005-0046	1-1-2008	Amend	1-1-2008	443-002-0030	4-15-2008	Amend	5-1-2008
438-005-0050	1-1-2008	Amend	1-1-2008	443-002-0060	1-2-2008	Amend	2-1-2008
438-005-0055	1-1-2008	Amend	1-1-2008	443-002-0070	1-2-2008	Amend	2-1-2008
438-006-0020	1-1-2008	Amend	1-1-2008	443-002-0095	1-2-2008	Repeal	2-1-2008
438-006-0100	1-1-2008	Amend	1-1-2008	443-002-0100	1-2-2008	Amend	2-1-2008
438-009-0005	1-1-2008	Amend	1-1-2008	459-001-0005	4-4-2008	Amend	5-1-2008
438-009-0010	1-1-2008	Amend	1-1-2008	459-001-0030	4-2-2008	Amend	5-1-2008
438-009-0020	1-1-2008	Amend	1-1-2008	459-001-0032	4-2-2008	Adopt	5-1-2008
438-009-0022	1-1-2008	Amend	1-1-2008	459-001-0035	4-2-2008	Amend	5-1-2008
438-009-0025	1-1-2008	Amend	1-1-2008	459-001-0040	4-2-2008	Amend	5-1-2008
438-009-0028	1-1-2008	Amend	1-1-2008	459-007-0110	11-23-2007	Amend	1-1-2008
438-009-0030	1-1-2008	Amend	1-1-2008	459-007-0160	11-23-2007	Adopt	1-1-2008
438-009-0035	1-1-2008	Amend	1-1-2008	459-007-0290	11-23-2007	Amend	1-1-2008
438-011-0020	1-1-2008	Amend	1-1-2008	459-007-0530	11-23-2007	Amend	1-1-2008
438-012-0035	1-1-2008	Amend	1-1-2008	459-009-0084	11-23-2007	Amend	1-1-2008
438-015-0005	1-1-2008	Amend	1-1-2008	459-009-0085	11-23-2007	Amend	1-1-2008
438-015-0019	1-1-2008	Adopt	1-1-2008	459-009-0090	11-23-2007	Amend	1-1-2008
438-015-0022	1-1-2008	Adopt	1-1-2008	459-009-0130	4-2-2008	Amend	5-1-2008
438-015-0080	1-1-2008	Amend	1-1-2008	459-010-0003	11-23-2007	Amend	1-1-2008
438-019-0030	1-1-2008	Amend	1-1-2008	459-010-0014	11-23-2007	Amend	1-1-2008
441-500-0020	1-28-2008	Amend	3-1-2008	459-010-0014	4-2-2008	Amend(T)	5-1-2008
441-500-0030	1-28-2008	Amend	3-1-2008	459-010-0035	11-23-2007	Amend	1-1-2008
441-505-3045	4-18-2008	Adopt(T)	6-1-2008	459-010-0042	4-2-2008	Amend(T)	5-1-2008
441-710-0500	1-28-2008	Amend	3-1-2008	459-010-0055	11-23-2007	Amend	1-1-2008
441-720-0385	4-18-2008	Adopt(T)	6-1-2008	459-011-0050	11-23-2007	Amend	1-1-2008
441-730-0000	12-27-2007	Amend	1-1-2008	459-013-0110	11-23-2007	Amend	1-1-2008
441-730-0010	12-27-2007	Amend	1-1-2008	459-015-0055	4-2-2008	Amend	5-1-2008
441-730-0015	12-27-2007	Amend	1-1-2008	459-017-0060	11-23-2007	Amend	1-1-2008
441-730-0030	1-28-2008	Amend	3-1-2008	459-045-0030	11-23-2007	Amend	1-1-2008
441-730-0245	4-18-2008	Adopt(T)	6-1-2008	459-050-0040	4-2-2008	Amend	5-1-2008
441-730-0270	12-27-2007	Amend	1-1-2008	459-050-0080	11-23-2007	Amend	1-1-2008
441-730-0275	12-27-2007	Amend	1-1-2008	459-050-0220	11-23-2007	Amend	1-1-2008
441-730-0310	12-27-2007	Amend	1-1-2008	459-070-0001	11-23-2007	Amend	1-1-2008
441-755-0000	11-30-2007	Adopt	1-1-2008	459-075-0010	11-23-2007	Amend	1-1-2008
441-755-0010	11-30-2007	Adopt	1-1-2008	459-075-0020	11-23-2007	Adopt	1-1-2008

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459-080-0020	11-23-2007	Adopt	1-1-2008	461-130-0305(T)	3-1-2008	Repeal	4-1-2008
459-080-0250	11-23-2007	Amend	1-1-2008	461-130-0310	3-1-2008	Amend	4-1-2008
461-001-0000	1-1-2008	Amend	2-1-2008	461-130-0310(T)	3-1-2008	Repeal	4-1-2008
461-001-0000	1-1-2008	Amend(T)	2-1-2008	461-130-0315	3-1-2008	Amend	4-1-2008
461-001-0000	3-1-2008	Amend	4-1-2008	461-130-0315(T)	3-1-2008	Repeal	4-1-2008
461-001-0000	4-1-2008	Amend	5-1-2008	461-130-0323	3-1-2008	Adopt	4-1-2008
461-001-0000(T)	1-1-2008	Repeal	2-1-2008	461-130-0323(T)	3-1-2008	Repeal	4-1-2008
461-001-0000(T)	3-1-2008	Repeal	4-1-2008	461-130-0325	3-1-2008	Amend	4-1-2008
461-001-0025	3-1-2008	Amend	4-1-2008	461-130-0325(T)	3-1-2008	Repeal	4-1-2008
461-001-0025(T)	3-1-2008	Repeal	4-1-2008	461-130-0327	3-1-2008	Amend	4-1-2008
461-001-0035	1-1-2008	Amend	2-1-2008	461-130-0327(T)	3-1-2008	Repeal	4-1-2008
461-006-0452	4-1-2008	Am. & Ren.	5-1-2008	461-130-0330	3-1-2008	Amend	4-1-2008
461-025-0310	3-1-2008	Amend	4-1-2008	461-130-0330(T)	3-1-2008	Repeal	4-1-2008
461-025-0310	4-1-2008	Amend	5-1-2008	461-130-0335	3-1-2008	Amend	4-1-2008
461-025-0310(T)	3-1-2008	Repeal	4-1-2008	461-130-0335(T)	3-1-2008	Repeal	4-1-2008
461-025-0350	1-1-2008	Amend(T)	2-1-2008	461-135-0010	3-1-2008	Amend	4-1-2008
461-025-0350	4-1-2008	Amend	5-1-2008	461-135-0010(T)	3-1-2008	Repeal	4-1-2008
461-025-0350(T)	4-1-2008	Repeal	5-1-2008	461-135-0070	3-1-2008	Amend	4-1-2008
461-101-0010	3-1-2008	Amend	4-1-2008	461-135-0070(T)	3-1-2008	Repeal	4-1-2008
461-101-0010(T)	3-1-2008	Repeal	4-1-2008	461-135-0075	3-1-2008	Amend	4-1-2008
461-105-0010	3-1-2008	Amend	4-1-2008	461-135-0075(T)	3-1-2008	Repeal	4-1-2008
461-105-0010(T)	3-1-2008	Repeal	4-1-2008	461-135-0082	1-30-2008	Amend(T)	3-1-2008
461-110-0630	3-1-2008	Amend	4-1-2008	461-135-0082	2-22-2008	Amend(T)	4-1-2008
461-110-0630(T)	3-1-2008	Repeal	4-1-2008	461-135-0085	3-1-2008	Amend	4-1-2008
461-115-0030	3-1-2008	Amend	4-1-2008	461-135-0085(T)	3-1-2008	Repeal	4-1-2008
461-115-0030	4-17-2008	Amend(T)	6-1-2008	461-135-0089	3-1-2008	Amend	4-1-2008
461-115-0030(T)	3-1-2008	Repeal	4-1-2008	461-135-0089(T)	3-1-2008	Repeal	4-1-2008
461-115-0050	1-28-2008	Amend(T)	3-1-2008	461-135-0200	3-1-2008	Amend	4-1-2008
461-115-0190	3-1-2008	Amend	4-1-2008	461-135-0200(T)	3-1-2008	Repeal	4-1-2008
461-115-0190(T)	3-1-2008	Repeal	4-1-2008	461-135-0475	3-1-2008	Amend	4-1-2008
461-115-0430	3-1-2008	Amend	4-1-2008	461-135-0475(T)	3-1-2008	Repeal	4-1-2008
461-115-0430(T)	3-1-2008	Repeal	4-1-2008	461-135-0493	12-17-2007	Amend(T)	2-1-2008
461-115-0610	4-1-2008	Amend	5-1-2008	461-135-0505	3-1-2008	Amend	4-1-2008
461-115-0700	1-1-2008	Amend	2-1-2008	461-135-0505(T)	3-1-2008	Repeal	4-1-2008
461-115-0705	4-1-2008	Amend	5-1-2008	461-135-0506	3-1-2008	Amend	4-1-2008
461-115-0715	3-1-2008	Adopt	4-1-2008	461-135-0506(T)	3-1-2008	Repeal	4-1-2008
461-115-0715(T)	3-1-2008	Repeal	4-1-2008	461-135-0725	1-1-2008	Amend	2-1-2008
461-120-0120	1-30-2008	Amend(T)	3-1-2008	461-135-0750	4-7-2008	Amend(T)	5-1-2008
461-120-0125	1-30-2008	Amend(T)	3-1-2008	461-135-0780	1-1-2008	Amend	2-1-2008
461-120-0125	2-22-2008	Amend(T)	4-1-2008	461-135-0835	1-1-2008	Amend	2-1-2008
461-120-0310	12-1-2007	Amend(T)	1-1-2008	461-135-0900	1-30-2008	Amend(T)	3-1-2008
461-120-0310	3-1-2008	Amend	4-1-2008	461-135-0900	2-22-2008	Amend(T)	4-1-2008
461-120-0310(T)	12-1-2007	Suspend	1-1-2008	461-135-0910	4-1-2008	Amend	5-1-2008
461-120-0310(T)	3-1-2008	Repeal	4-1-2008	461-135-1102	1-28-2008	Amend(T)	3-1-2008
461-120-0340	3-1-2008	Amend	4-1-2008	461-135-1125	1-28-2008	Adopt(T)	3-1-2008
461-120-0340(T)	3-1-2008	Repeal	4-1-2008	461-135-1125	4-17-2008	Amend(T)	6-1-2008
461-120-0345	3-1-2008	Amend	4-1-2008	461-135-1125(T)	4-17-2008	Suspend	6-1-2008
461-120-0345(T)	3-1-2008	Repeal	4-1-2008	461-135-1175	4-1-2008	Amend	5-1-2008
461-125-0130	3-1-2008	Amend	4-1-2008	461-135-1185(T)	3-1-2008	Repeal	4-1-2008
461-125-0130(T)	3-1-2008	Repeal	4-1-2008	461-135-1195	3-1-2008	Adopt	4-1-2008
461-125-0260	3-1-2008	Adopt	4-1-2008	461-135-1250	3-1-2008	Adopt	4-1-2008
461-125-0260(T)	3-1-2008	Repeal	4-1-2008	461-135-1250(T)	3-1-2008	Repeal	4-1-2008
461-125-0310	4-1-2008	Amend	5-1-2008	461-140-0040	4-1-2008	Amend	5-1-2008
461-125-0810	3-1-2008	Amend	4-1-2008	461-140-0220	1-1-2008	Amend	2-1-2008
461-125-0810(T)	3-1-2008	Repeal	4-1-2008	461-145-0030	1-1-2008	Amend	2-1-2008

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461-145-0080	3-21-2008	Amend(T)	5-1-2008	461-160-0820	3-1-2008	Suspend	4-1-2008
461-145-0080(T)	3-1-2008	Repeal	4-1-2008	461-160-0850	3-1-2008	Suspend	4-1-2008
461-145-0108	1-1-2008	Amend	2-1-2008	461-160-0855	1-1-2008	Adopt	2-1-2008
461-145-0120	4-1-2008	Amend	5-1-2008	461-165-0030	3-1-2008	Amend	4-1-2008
461-145-0180	1-1-2008	Repeal	2-1-2008	461-165-0030(T)	3-1-2008	Repeal	4-1-2008
461-145-0220	1-1-2008	Amend	2-1-2008	461-170-0020	3-1-2008	Amend	4-1-2008
461-145-0370	4-1-2008	Amend	5-1-2008	461-170-0020(T)	3-1-2008	Repeal	4-1-2008
461-145-0410	3-1-2008	Amend	4-1-2008	461-170-0030	3-1-2008	Amend	4-1-2008
461-145-0410(T)	3-1-2008	Repeal	4-1-2008	461-170-0030(T)	3-1-2008	Repeal	4-1-2008
461-145-0450(T)	4-1-2008	Repeal	5-1-2008	461-170-0130	1-1-2008	Amend	2-1-2008
461-145-0470	4-1-2008	Amend	5-1-2008	461-175-0050	4-1-2008	Amend	5-1-2008
461-145-0490	4-1-2008	Amend	5-1-2008	461-175-0200	1-1-2008	Amend(T)	2-1-2008
461-145-0500	4-1-2008	Amend	5-1-2008	461-175-0200	4-1-2008	Amend	5-1-2008
461-145-0505	4-1-2008	Amend	5-1-2008	461-175-0200	4-7-2008	Amend(T)	5-1-2008
461-145-0520	4-1-2008	Amend	5-1-2008	461-175-0200(T)	4-1-2008	Repeal	5-1-2008
461-145-0530	4-1-2008	Amend	5-1-2008	461-175-0270	1-1-2008	Amend	2-1-2008
461-145-0530	4-1-2008	Amend(T)	5-1-2008	461-175-0340	1-1-2008	Amend(T)	2-1-2008
461-145-0550	4-1-2008	Amend	5-1-2008	461-175-0340	4-1-2008	Amend	5-1-2008
461-145-0580	1-1-2008	Amend	2-1-2008	461-175-0340(T)	4-1-2008	Repeal	5-1-2008
461-145-0585	4-1-2008	Amend	5-1-2008	461-180-0010	3-1-2008	Amend	4-1-2008
461-145-0910	4-1-2008	Amend	5-1-2008	461-180-0010(T)	3-1-2008	Repeal	4-1-2008
461-150-0047	1-1-2008	Amend	2-1-2008	461-180-0020	3-1-2008	Amend	4-1-2008
461-155-0150	3-1-2008	Amend	4-1-2008	461-180-0020(T)	3-1-2008	Repeal	4-1-2008
461-155-0150(T)	3-1-2008	Repeal	4-1-2008	461-180-0070	3-1-2008	Amend	4-1-2008
461-155-0180	1-24-2008	Amend(T)	3-1-2008	461-180-0070(T)	3-1-2008	Repeal	4-1-2008
461-155-0235	1-24-2008	Amend(T)	3-1-2008	461-180-0081	3-1-2008	Amend	4-1-2008
461-155-0250	1-1-2008	Amend	2-1-2008	461-180-0081(T)	3-1-2008	Repeal	4-1-2008
461-155-0250	3-1-2008	Amend(T)	4-1-2008	461-180-0085	1-1-2008	Amend	2-1-2008
461-155-0270	1-1-2008	Amend	2-1-2008	461-190-0051	3-1-2008	Amend	4-1-2008
461-155-0290	3-1-2008	Amend(T)	4-1-2008	461-190-0151(T)	3-1-2008	Repeal	4-1-2008
461-155-0290	4-1-2008	Amend	5-1-2008	461-190-0163	3-1-2008	Amend	4-1-2008
461-155-0290(T)	4-1-2008	Repeal	5-1-2008	461-190-0163(T)	3-1-2008	Repeal	4-1-2008
461-155-0291	3-1-2008	Amend(T)	4-1-2008	461-190-0171	3-1-2008	Amend	4-1-2008
461-155-0291	4-1-2008	Amend	5-1-2008	461-190-0171(T)	3-1-2008	Repeal	4-1-2008
461-155-0291(T)	4-1-2008	Repeal	5-1-2008	461-190-0201	10-1-2007	Suspend	2-1-2008
461-155-0295	3-1-2008	Amend(T)	4-1-2008	461-190-0201	3-1-2008	Repeal	4-1-2008
461-155-0295	4-1-2008	Amend	5-1-2008	461-190-0211	3-1-2008	Amend	4-1-2008
461-155-0295(T)	4-1-2008	Repeal	5-1-2008	461-190-0211(T)	3-1-2008	Repeal	4-1-2008
461-155-0300	1-1-2008	Amend	2-1-2008	461-190-0231	3-1-2008	Amend	4-1-2008
461-155-0320	1-1-2008	Amend(T)	2-1-2008	461-190-0231(T)	3-1-2008	Repeal	4-1-2008
461-155-0320	3-1-2008	Adopt	4-1-2008	461-190-0241	3-1-2008	Amend	4-1-2008
461-155-0320(T)	3-1-2008	Repeal	4-1-2008	461-190-0241(T)	3-1-2008	Repeal	4-1-2008
461-155-0670	3-1-2008	Amend	4-1-2008	461-190-0426	4-1-2008	Amend	5-1-2008
461-155-0670(T)	3-1-2008	Repeal	4-1-2008	461-195-0501	1-1-2008	Amend	2-1-2008
461-160-0030	4-1-2008	Amend	5-1-2008	461-195-0501	1-1-2008	Amend(T)	2-1-2008
461-160-0040	1-1-2008	Amend	2-1-2008	461-195-0501	3-1-2008	Amend	4-1-2008
461-160-0055	1-1-2008	Amend	2-1-2008	461-195-0501(T)	1-1-2008	Repeal	2-1-2008
461-160-0410	1-1-2008	Amend	2-1-2008	461-195-0501(T)	3-1-2008	Repeal	4-1-2008
461-160-0415	1-1-2008	Amend	2-1-2008	461-195-0511	1-1-2008	Amend	2-1-2008
461-160-0430	3-1-2008	Amend	4-1-2008	461-195-0521	1-1-2008	Amend	2-1-2008
461-160-0430(T)	3-1-2008	Repeal	4-1-2008	461-195-0521	4-1-2008	Amend	5-1-2008
461-160-0550	1-1-2008	Amend	2-1-2008	461-195-0551	1-1-2008	Amend	2-1-2008
461-160-0580	1-1-2008	Amend	2-1-2008	461-195-0551	1-1-2008	Amend(T)	2-1-2008
461-160-0620	1-1-2008	Amend	2-1-2008	461-195-0551	3-1-2008	Amend	4-1-2008
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461-195-0561	3-1-2008	Amend	4-1-2008	573-035-0040	3-14-2008	Amend	4-1-2008
461-195-0561(T)	3-1-2008	Repeal	4-1-2008	573-040-0005	4-15-2008	Amend	5-1-2008
461-195-0601	3-1-2008	Amend	4-1-2008	573-075-0100	3-14-2008	Amend	4-1-2008
461-195-0601(T)	3-1-2008	Repeal	4-1-2008	573-095-0010	3-14-2008	Amend	4-1-2008
462-160-0110	11-28-2007	Amend(T)	1-1-2008	574-050-0005	2-1-2008	Amend	3-1-2008
462-160-0110	4-7-2008	Amend	5-1-2008	575-095-0005	1-9-2008	Adopt	2-1-2008
462-160-0120	11-28-2007	Amend(T)	1-1-2008	575-095-0010	1-9-2008	Adopt	2-1-2008
462-160-0120	4-7-2008	Amend	5-1-2008	575-095-0015	1-9-2008	Adopt	2-1-2008
462-160-0130	11-28-2007	Amend(T)	1-1-2008	575-095-0020	1-9-2008	Adopt	2-1-2008
462-160-0130	4-7-2008	Amend	5-1-2008	575-095-0025	1-9-2008	Adopt	2-1-2008
462-200-0630	12-6-2007	Repeal	1-1-2008	575-095-0030	1-9-2008	Adopt	2-1-2008
471-010-0020	4-29-2008	Amend	6-1-2008	575-095-0035	1-9-2008	Adopt	2-1-2008
471-010-0050	1-7-2008	Suspend	2-1-2008	575-095-0040	1-9-2008	Adopt	2-1-2008
471-010-0051	1-7-2008	Suspend	2-1-2008	575-095-0045	1-9-2008	Adopt	2-1-2008
471-010-0052	1-7-2008	Suspend	2-1-2008	576-008-0200	2-19-2008	Suspend	4-1-2008
471-010-0054	1-7-2008	Suspend	2-1-2008	576-008-0205	2-19-2008	Suspend	4-1-2008
471-010-0055	1-7-2008	Suspend	2-1-2008	576-008-0210	2-19-2008	Suspend	4-1-2008
471-010-0057	1-7-2008	Suspend	2-1-2008	576-008-0215	2-19-2008	Suspend	4-1-2008
471-010-0080	2-26-2008	Adopt(T)	4-1-2008	576-008-0220	2-19-2008	Suspend	4-1-2008
471-010-0085	2-26-2008	Adopt(T)	4-1-2008	576-008-0223	2-19-2008	Suspend	4-1-2008
471-010-0090	2-26-2008	Adopt(T)	4-1-2008	576-008-0225	2-19-2008	Suspend	4-1-2008
471-010-0100	2-26-2008	Adopt(T)	4-1-2008	576-008-0228	2-19-2008	Suspend	4-1-2008
471-010-0105	2-26-2008	Adopt(T)	4-1-2008	576-008-0230	2-19-2008	Suspend	4-1-2008
471-010-0110	2-26-2008	Adopt(T)	4-1-2008	576-008-0235	2-19-2008	Suspend	4-1-2008
471-010-0115	2-26-2008	Adopt(T)	4-1-2008	576-008-0240	2-19-2008	Suspend	4-1-2008
471-010-0120	2-26-2008	Adopt(T)	4-1-2008	576-008-0245	2-19-2008	Suspend	4-1-2008
471-010-0125	2-26-2008	Adopt(T)	4-1-2008	576-008-0255	2-19-2008	Suspend	4-1-2008
471-030-0050	12-3-2007	Amend	1-1-2008	576-008-0260	2-19-2008	Suspend	4-1-2008
471-030-0052	2-15-2008	Amend(T)	3-1-2008	576-008-0275	2-19-2008	Suspend	4-1-2008
471-030-0215	4-24-2008	Adopt(T)	6-1-2008	576-008-0277	2-19-2008	Suspend	4-1-2008
471-041-0060	1-8-2008	Amend	2-1-2008	576-008-0280	2-19-2008	Suspend	4-1-2008
543-001-0005	1-17-2008	Amend	3-1-2008	576-008-0282	2-19-2008	Suspend	4-1-2008
571-040-0010	2-19-2008	Suspend	4-1-2008	576-008-0285	2-19-2008	Suspend	4-1-2008
571-040-0015	2-19-2008	Suspend	4-1-2008	576-008-0287	2-19-2008	Suspend	4-1-2008
571-040-0020	2-19-2008	Suspend	4-1-2008	576-008-0290	2-19-2008	Suspend	4-1-2008
571-040-0030	2-19-2008	Suspend	4-1-2008	576-008-0292	2-19-2008	Suspend	4-1-2008
571-040-0040	2-19-2008	Suspend	4-1-2008	576-008-0295	2-19-2008	Suspend	4-1-2008
571-040-0050	2-19-2008	Suspend	4-1-2008	577-001-0001	4-21-2008	Suspend	5-1-2008
571-040-0060	2-19-2008	Suspend	4-1-2008	577-001-0005	4-21-2008	Amend(T)	5-1-2008
571-040-0070	2-19-2008	Suspend	4-1-2008	577-001-0010	4-21-2008	Amend(T)	5-1-2008
571-040-0080	2-19-2008	Suspend	4-1-2008	577-001-0014	4-21-2008	Suspend	5-1-2008
571-040-0100	2-19-2008	Suspend	4-1-2008	577-001-0015	4-21-2008	Suspend	5-1-2008
571-040-0201	2-19-2008	Suspend	4-1-2008	577-001-0020	4-21-2008	Amend(T)	5-1-2008
571-040-0251	2-19-2008	Suspend	4-1-2008	577-001-0025	4-21-2008	Amend(T)	5-1-2008
571-040-0261	2-19-2008	Suspend	4-1-2008	577-001-0030	4-21-2008	Suspend	5-1-2008
571-040-0380	2-19-2008	Suspend	4-1-2008	577-001-0035	4-21-2008	Amend(T)	5-1-2008
571-040-0382	2-19-2008	Suspend	4-1-2008	577-001-0040	4-21-2008	Amend(T)	5-1-2008
571-040-0390	2-19-2008	Suspend	4-1-2008	577-001-0041	4-21-2008	Amend(T)	5-1-2008
571-040-0400	2-19-2008	Suspend	4-1-2008	577-001-0045	4-21-2008	Amend(T)	5-1-2008
571-040-0410	2-19-2008	Suspend	4-1-2008	577-001-0050	4-21-2008	Amend(T)	5-1-2008
571-040-0420	2-19-2008	Suspend	4-1-2008	577-030-0005	5-1-2008	Amend(T)	5-1-2008
571-040-0430	2-19-2008	Suspend	4-1-2008	577-030-0010	5-1-2008	Amend(T)	5-1-2008
571-040-0440	2-19-2008	Suspend	4-1-2008	577-030-0015	5-1-2008	Amend(T)	5-1-2008
571-040-0450	2-19-2008	Suspend	4-1-2008	577-030-0016	5-1-2008	Adopt(T)	5-1-2008
571-040-0460	2-19-2008	Suspend	4-1-2008	577-030-0020	5-1-2008	Amend(T)	5-1-2008

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577-030-0025	5-1-2008	Amend(T)	5-1-2008	580-040-0245	2-19-2008	Suspend	4-1-2008
577-030-0030	5-1-2008	Amend(T)	5-1-2008	580-040-0255	2-19-2008	Suspend	4-1-2008
577-030-0035	1-1-2008	Amend(T)	2-1-2008	580-040-0260	2-19-2008	Suspend	4-1-2008
577-030-0040	5-1-2008	Amend(T)	5-1-2008	580-040-0275	2-19-2008	Suspend	4-1-2008
577-030-0045	5-1-2008	Amend(T)	5-1-2008	580-040-0277	2-19-2008	Suspend	4-1-2008
577-030-0050	5-1-2008	Amend(T)	5-1-2008	580-040-0280	2-19-2008	Suspend	4-1-2008
577-030-0060	5-1-2008	Amend(T)	5-1-2008	580-040-0285	2-19-2008	Suspend	4-1-2008
577-030-0065	5-1-2008	Amend(T)	5-1-2008	580-040-0290	2-19-2008	Suspend	4-1-2008
577-030-0070	5-1-2008	Amend(T)	5-1-2008	580-040-0292	2-19-2008	Suspend	4-1-2008
577-030-0075	5-1-2008	Suspend	5-1-2008	580-040-0295	2-19-2008	Suspend	4-1-2008
577-030-0080	5-1-2008	Am. & Ren.(T)	5-1-2008	580-042-0010	2-19-2008	Amend(T)	4-1-2008
577-577-030-0035	5-16-2008	Amend	6-1-2008	580-043-0060	1-14-2008	Amend	2-1-2008
579-020-0006	3-14-2008	Amend	4-1-2008	580-043-0065	1-14-2008	Amend	2-1-2008
579-020-0008	4-15-2008	Suspend	5-1-2008	580-043-0070	1-14-2008	Amend	2-1-2008
579-020-0012	4-15-2008	Suspend	5-1-2008	580-043-0075	1-14-2008	Amend	2-1-2008
579-020-0017	4-15-2008	Suspend	5-1-2008	580-043-0085	1-14-2008	Amend	2-1-2008
579-030-0005	3-14-2008	Amend	4-1-2008	580-043-0090	1-14-2008	Amend	2-1-2008
579-030-0010	3-14-2008	Amend	4-1-2008	580-043-0095	1-14-2008	Amend	2-1-2008
579-030-0015	3-14-2008	Amend	4-1-2008	580-043-0100	1-14-2008	Adopt	2-1-2008
579-030-0020	3-14-2008	Amend	4-1-2008	580-050-0001	2-19-2008	Suspend	4-1-2008
580-023-0005	2-19-2008	Suspend	4-1-2008	580-050-0005	2-19-2008	Suspend	4-1-2008
580-023-0010	2-19-2008	Suspend	4-1-2008	580-050-0010	2-19-2008	Suspend	4-1-2008
580-023-0015	2-19-2008	Suspend	4-1-2008	580-050-0015	2-19-2008	Suspend	4-1-2008
580-023-0020	2-19-2008	Suspend	4-1-2008	580-050-0020	2-19-2008	Suspend	4-1-2008
580-023-0025	2-19-2008	Suspend	4-1-2008	580-050-0025	2-19-2008	Suspend	4-1-2008
580-023-0030	2-19-2008	Suspend	4-1-2008	580-050-0032	2-19-2008	Suspend	4-1-2008
580-023-0035	2-19-2008	Suspend	4-1-2008	580-050-0033	2-19-2008	Suspend	4-1-2008
580-023-0040	2-19-2008	Suspend	4-1-2008	580-050-0040	2-19-2008	Suspend	4-1-2008
580-023-0045	2-19-2008	Suspend	4-1-2008	580-050-0041	2-19-2008	Suspend	4-1-2008
580-023-0050	2-19-2008	Suspend	4-1-2008	580-050-0042	2-19-2008	Suspend	4-1-2008
580-023-0055	2-19-2008	Suspend	4-1-2008	580-050-0100	2-19-2008	Suspend	4-1-2008
580-023-0060	2-19-2008	Suspend	4-1-2008	580-050-0105	2-19-2008	Suspend	4-1-2008
580-023-0065	2-19-2008	Suspend	4-1-2008	580-060-0000	2-19-2008	Adopt(T)	4-1-2008
580-023-0105	2-19-2008	Adopt(T)	4-1-2008	580-060-0005	2-19-2008	Adopt(T)	4-1-2008
580-023-0110	2-19-2008	Adopt(T)	4-1-2008	580-060-0010	2-19-2008	Adopt(T)	4-1-2008
580-023-0115	2-19-2008	Adopt(T)	4-1-2008	580-060-0015	2-19-2008	Adopt(T)	4-1-2008
580-023-0120	2-19-2008	Adopt(T)	4-1-2008	580-060-0020	2-19-2008	Adopt(T)	4-1-2008
580-023-0125	2-19-2008	Adopt(T)	4-1-2008	580-060-0025	2-19-2008	Adopt(T)	4-1-2008
580-023-0130	2-19-2008	Adopt(T)	4-1-2008	580-060-0030	2-19-2008	Adopt(T)	4-1-2008
580-023-0135	2-19-2008	Adopt(T)	4-1-2008	580-060-0035	2-19-2008	Adopt(T)	4-1-2008
580-023-0140	2-19-2008	Adopt(T)	4-1-2008	580-060-0040	2-19-2008	Adopt(T)	4-1-2008
580-023-0145	2-19-2008	Adopt(T)	4-1-2008	580-060-0045	2-19-2008	Adopt(T)	4-1-2008
580-023-0150	2-19-2008	Adopt(T)	4-1-2008	580-060-0050	2-19-2008	Adopt(T)	4-1-2008
580-040-0035	1-14-2008	Amend	2-1-2008	580-060-0055	2-19-2008	Adopt(T)	4-1-2008
580-040-0040	3-20-2008	Amend(T)	5-1-2008	580-060-0060	2-19-2008	Adopt(T)	4-1-2008
580-040-0100	2-19-2008	Suspend	4-1-2008	580-061-0000	2-19-2008	Adopt(T)	4-1-2008
580-040-0200	2-19-2008	Suspend	4-1-2008	580-061-0005	2-19-2008	Adopt(T)	4-1-2008
580-040-0205	2-19-2008	Suspend	4-1-2008	580-061-0010	2-19-2008	Adopt(T)	4-1-2008
580-040-0210	2-19-2008	Suspend	4-1-2008	580-061-0015	2-19-2008	Adopt(T)	4-1-2008
580-040-0215	2-19-2008	Suspend	4-1-2008	580-061-0020	2-19-2008	Adopt(T)	4-1-2008
580-040-0220	2-19-2008	Suspend	4-1-2008	580-061-0025	2-19-2008	Adopt(T)	4-1-2008
580-040-0223	2-19-2008	Suspend	4-1-2008	580-061-0030	2-19-2008	Adopt(T)	4-1-2008
580-040-0225	2-19-2008	Suspend	4-1-2008	580-061-0035	2-19-2008	Adopt(T)	4-1-2008
580-040-0230	2-19-2008	Suspend	4-1-2008	580-061-0040	2-19-2008	Adopt(T)	4-1-2008
580-040-0235	2-19-2008	Suspend	4-1-2008	580-061-0045	2-19-2008	Adopt(T)	4-1-2008

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580-061-0055	2-19-2008	Adopt(T)	4-1-2008	581-022-1940	12-12-2007	Amend	1-1-2008
580-061-0060	2-19-2008	Adopt(T)	4-1-2008	581-022-1941	12-12-2007	Adopt	1-1-2008
580-061-0065	2-19-2008	Adopt(T)	4-1-2008	581-023-0035	2-22-2008	Amend	4-1-2008
580-061-0070	2-19-2008	Adopt(T)	4-1-2008	581-023-0040	3-21-2008	Amend	5-1-2008
580-061-0075	2-19-2008	Adopt(T)	4-1-2008	581-023-0041	2-22-2008	Amend	4-1-2008
580-061-0080	2-19-2008	Adopt(T)	4-1-2008	581-023-0104	12-12-2007	Amend	1-1-2008
580-061-0085	2-19-2008	Adopt(T)	4-1-2008	581-023-0112	4-21-2008	Amend	6-1-2008
580-061-0090	2-19-2008	Adopt(T)	4-1-2008	581-024-0285	12-12-2007	Amend	1-1-2008
580-061-0095	2-19-2008	Adopt(T)	4-1-2008	581-053-5556	4-18-2008	Amend	6-1-2008
580-061-0100	2-19-2008	Adopt(T)	4-1-2008	582-001-0010	2-4-2008	Amend	3-1-2008
580-061-0105	2-19-2008	Adopt(T)	4-1-2008	582-001-0010	3-3-2008	Amend	4-1-2008
580-061-0110	2-19-2008	Adopt(T)	4-1-2008	582-001-0010	4-10-2008	Amend	5-1-2008
580-061-0115	2-19-2008	Adopt(T)	4-1-2008	582-030-0005	2-4-2008	Amend	3-1-2008
580-061-0120	2-19-2008	Adopt(T)	4-1-2008	582-030-0008	2-4-2008	Amend	3-1-2008
580-061-0125	2-19-2008	Adopt(T)	4-1-2008	582-070-0020	2-4-2008	Amend	3-1-2008
580-061-0130	2-19-2008	Adopt(T)	4-1-2008	582-070-0020	3-3-2008	Amend	4-1-2008
580-061-0135	2-19-2008	Adopt(T)	4-1-2008	582-070-0020	4-10-2008	Amend	5-1-2008
580-061-0140	2-19-2008	Adopt(T)	4-1-2008	582-070-0025	2-4-2008	Amend	3-1-2008
580-061-0145	2-19-2008	Adopt(T)	4-1-2008	582-070-0030	2-4-2008	Amend	3-1-2008
580-061-0150	2-19-2008	Adopt(T)	4-1-2008	582-080-0020	3-3-2008	Amend	4-1-2008
580-061-0155	2-19-2008	Adopt(T)	4-1-2008	583-050-0011	2-7-2008	Amend	3-1-2008
580-061-0160	2-19-2008	Adopt(T)	4-1-2008	583-070-0002	4-14-2008	Adopt	5-1-2008
580-062-0000	2-19-2008	Adopt(T)	4-1-2008	583-070-0011	4-14-2008	Adopt	5-1-2008
580-062-0005	2-19-2008	Adopt(T)	4-1-2008	583-070-0015	4-14-2008	Adopt	5-1-2008
580-062-0010	2-19-2008	Adopt(T)	4-1-2008	583-070-0020	4-14-2008	Adopt	5-1-2008
580-062-0015	2-19-2008	Adopt(T)	4-1-2008	584-005-0005	4-15-2008	Amend	5-1-2008
580-062-0020	2-19-2008	Adopt(T)	4-1-2008	584-010-0006	4-15-2008	Adopt	5-1-2008
580-063-0000	2-19-2008	Adopt(T)	4-1-2008	584-010-0010	4-15-2008	Amend	5-1-2008
580-063-0005	2-19-2008	Adopt(T)	4-1-2008	584-010-0015	4-15-2008	Amend	5-1-2008
580-063-0010	2-19-2008	Adopt(T)	4-1-2008	584-010-0020	4-15-2008	Amend	5-1-2008
580-063-0015	2-19-2008	Adopt(T)	4-1-2008	584-010-0025	4-15-2008	Amend	5-1-2008
580-063-0020	2-19-2008	Adopt(T)	4-1-2008	584-010-0030	4-15-2008	Amend	5-1-2008
580-063-0025	2-19-2008	Adopt(T)	4-1-2008	584-010-0035	4-15-2008	Amend	5-1-2008
580-063-0030	2-19-2008	Adopt(T)	4-1-2008	584-010-0040	4-15-2008	Repeal	5-1-2008
580-063-0035	2-19-2008	Adopt(T)	4-1-2008	584-010-0045	4-15-2008	Amend	5-1-2008
580-063-0040	2-19-2008	Adopt(T)	4-1-2008	584-010-0050	4-15-2008	Amend	5-1-2008
580-063-0045	2-19-2008	Adopt(T)	4-1-2008	584-010-0055	4-15-2008	Amend	5-1-2008
581-011-0140	1-25-2008	Amend	3-1-2008	584-010-0060	4-15-2008	Amend	5-1-2008
581-015-0055	2-22-2008	Repeal	4-1-2008	584-010-0065	4-15-2008	Repeal	5-1-2008
581-015-0065	2-22-2008	Repeal	4-1-2008	584-010-0070	4-15-2008	Repeal	5-1-2008
581-015-2035	4-21-2008	Adopt	6-1-2008	584-010-0080	4-15-2008	Amend	5-1-2008
581-015-2570	12-12-2007	Amend	1-1-2008	584-010-0090	4-15-2008	Amend	5-1-2008
581-015-2595	12-12-2007	Amend	1-1-2008	584-010-0100	4-15-2008	Amend	5-1-2008
581-019-0033	2-22-2008	Adopt(T)	4-1-2008	584-010-0120	4-15-2008	Repeal	5-1-2008
581-020-0060	1-25-2008	Amend	3-1-2008	584-010-0140	4-15-2008	Amend	5-1-2008
581-020-0065	1-25-2008	Amend	3-1-2008	584-017-0001	4-15-2008	Am. & Ren.	5-1-2008
581-020-0070	1-25-2008	Amend	3-1-2008	584-017-0175	4-15-2008	Amend	5-1-2008
581-020-0075	1-25-2008	Amend	3-1-2008	584-017-0185	2-15-2008	Amend(T)	3-1-2008
581-020-0080	1-25-2008	Amend	3-1-2008	584-017-0350	4-15-2008	Repeal	5-1-2008
581-020-0085	1-25-2008	Amend	3-1-2008	584-017-0351	12-14-2007	Adopt	1-1-2008
581-020-0090	1-25-2008	Amend	3-1-2008	584-017-0355	4-15-2008	Amend	5-1-2008
581-020-0250	12-12-2007	Adopt	1-1-2008	584-017-0442	4-15-2008	Repeal	5-1-2008
581-020-0359	3-21-2008	Adopt	5-1-2008	584-017-0452	4-15-2008	Repeal	5-1-2008
581-020-0361	3-21-2008	Adopt	5-1-2008	584-019-0002	12-14-2007	Amend	1-1-2008
581-022-1065	1-25-2008	Amend	3-1-2008	584-019-0003	12-14-2007	Amend	1-1-2008

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584-019-0025	12-14-2007	Amend	1-1-2008	584-065-0070	4-15-2008	Amend	5-1-2008
584-019-0035	12-14-2007	Amend	1-1-2008	584-065-0080	4-15-2008	Amend	5-1-2008
584-019-0040	12-14-2007	Amend	1-1-2008	584-070-0011	12-14-2007	Repeal	1-1-2008
584-020-0000	12-14-2007	Amend	1-1-2008	584-070-0014	12-14-2007	Amend	1-1-2008
584-020-0005	12-14-2007	Amend	1-1-2008	584-070-0021	12-14-2007	Repeal	1-1-2008
584-020-0010	12-14-2007	Amend	1-1-2008	584-070-0132	4-15-2008	Amend	5-1-2008
584-020-0015	12-14-2007	Amend	1-1-2008	584-070-0320	4-15-2008	Repeal	5-1-2008
584-020-0020	12-14-2007	Amend	1-1-2008	603-011-0610	11-28-2007	Amend	1-1-2008
584-020-0025	12-14-2007	Amend	1-1-2008	603-011-0620	11-28-2007	Amend	1-1-2008
584-020-0030	12-14-2007	Amend	1-1-2008	603-014-0016	2-6-2008	Amend	3-1-2008
584-020-0035	12-14-2007	Amend	1-1-2008	603-014-0055	2-6-2008	Amend	3-1-2008
584-020-0040	12-14-2007	Amend	1-1-2008	603-014-0065	2-6-2008	Amend	3-1-2008
584-020-0041	12-14-2007	Amend	1-1-2008	603-014-0095	2-6-2008	Amend	3-1-2008
584-023-0005	12-14-2007	Amend	1-1-2008	603-014-0100	2-6-2008	Repeal	3-1-2008
584-023-0015	12-14-2007	Amend	1-1-2008	603-014-0135	2-6-2008	Amend	3-1-2008
584-023-0025	12-14-2007	Amend	1-1-2008	603-027-0410	2-15-2008	Amend	3-1-2008
584-036-0067	4-15-2008	Amend	5-1-2008	603-027-0410	3-17-2008	Amend(T)	4-1-2008
584-038-0004	4-15-2008	Amend	5-1-2008	603-027-0420	11-29-2007	Amend(T)	1-1-2008
584-038-0080	12-14-2007	Amend	1-1-2008	603-027-0420	2-15-2008	Amend	3-1-2008
584-038-0335	12-14-2007	Amend	1-1-2008	603-027-0420	3-17-2008	Amend(T)	4-1-2008
584-038-0336	12-14-2007	Amend	1-1-2008	603-027-0420(T)	11-29-2007	Suspend	1-1-2008
584-040-0080	12-14-2007	Amend	1-1-2008	603-027-0430	11-29-2007	Amend(T)	1-1-2008
584-040-0310	12-14-2007	Amend	1-1-2008	603-027-0430	2-15-2008	Amend	3-1-2008
584-040-0315	12-14-2007	Amend	1-1-2008	603-027-0430	3-17-2008	Amend(T)	4-1-2008
584-044-0011	4-15-2008	Amend	5-1-2008	603-027-0430(T)	11-29-2007	Suspend	1-1-2008
584-044-0015	4-15-2008	Amend	5-1-2008	603-027-0440	2-15-2008	Amend	3-1-2008
584-044-0023	4-15-2008	Amend	5-1-2008	603-027-0440	3-17-2008	Amend(T)	4-1-2008
584-046-0020	4-15-2008	Amend	5-1-2008	603-027-0470	2-15-2008	Amend	3-1-2008
584-046-0024	4-15-2008	Amend	5-1-2008	603-027-0490	2-15-2008	Amend	3-1-2008
584-048-0105	4-15-2008	Amend	5-1-2008	603-027-0490	3-17-2008	Amend(T)	4-1-2008
584-050-0002	12-14-2007	Amend	1-1-2008	603-052-0127	2-8-2008	Amend	3-1-2008
584-050-0005	12-14-2007	Amend	1-1-2008	603-052-0129	2-8-2008	Amend	3-1-2008
584-050-0006	12-14-2007	Amend	1-1-2008	603-052-0130	2-8-2008	Repeal	3-1-2008
584-050-0009	12-14-2007	Amend	1-1-2008	603-052-0132	2-8-2008	Repeal	3-1-2008
584-050-0012	12-14-2007	Amend	1-1-2008	603-052-0134	2-8-2008	Repeal	3-1-2008
584-050-0015	12-14-2007	Amend	1-1-2008	603-052-0136	2-8-2008	Repeal	3-1-2008
584-050-0016	12-14-2007	Amend	1-1-2008	603-052-0138	2-8-2008	Repeal	3-1-2008
584-050-0018	12-14-2007	Amend	1-1-2008	603-052-0140	2-8-2008	Repeal	3-1-2008
584-050-0019	12-14-2007	Amend	1-1-2008	603-052-0142	2-8-2008	Repeal	3-1-2008
584-050-0020	12-14-2007	Amend	1-1-2008	603-052-0145	2-8-2008	Repeal	3-1-2008
584-050-0035	12-14-2007	Amend	1-1-2008	603-052-0347	1-11-2008	Amend	2-1-2008
584-050-0040	12-14-2007	Amend	1-1-2008	603-052-0360	2-8-2008	Amend	3-1-2008
584-050-0042	12-14-2007	Amend	1-1-2008	603-052-0395	2-28-2008	Adopt	4-1-2008
584-050-0065	12-14-2007	Amend	1-1-2008	603-052-0880	1-7-2008	Amend	2-1-2008
584-050-0066	12-14-2007	Amend	1-1-2008	603-052-1200	3-7-2008	Amend	4-1-2008
584-050-0067	12-14-2007	Amend	1-1-2008	603-052-1221	2-8-2008	Amend	3-1-2008
584-050-0070	12-14-2007	Amend	1-1-2008	603-052-1230	1-16-2008	Amend	3-1-2008
584-052-0015	4-15-2008	Amend	5-1-2008	603-052-1240	1-7-2008	Amend	2-1-2008
584-052-0032	12-14-2007	Amend	1-1-2008	603-052-1250	1-16-2008	Amend	3-1-2008
584-060-0002	4-15-2008	Amend	5-1-2008	603-054-0016	1-7-2008	Amend	2-1-2008
584-060-0012	12-14-2007	Amend	1-1-2008	603-054-0016	4-15-2008	Amend	5-1-2008
584-060-0012	4-15-2008	Amend	5-1-2008	603-054-0017	1-7-2008	Amend	2-1-2008
584-060-0014	4-15-2008	Amend	5-1-2008	603-054-0017	4-15-2008	Amend	5-1-2008
584-060-0051	2-15-2008	Amend(T)	3-1-2008	603-054-0018	1-7-2008	Amend	2-1-2008
584-060-0052	4-15-2008	Amend	5-1-2008	603-054-0018	4-15-2008	Amend	5-1-2008

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603-054-0035	2-15-2008	Amend	3-1-2008	635-005-0064	1-23-2008	Amend	3-1-2008
603-058-0032	1-1-2009	Adopt	6-1-2008	635-005-0065	1-23-2008	Amend	3-1-2008
620-020-0010	1-25-2008	Adopt	3-1-2008	635-005-0066	1-23-2008	Amend	3-1-2008
620-020-0020	1-25-2008	Adopt	3-1-2008	635-006-0225	4-1-2008	Amend(T)	5-1-2008
620-020-0030	1-25-2008	Adopt	3-1-2008	635-006-0230	4-1-2008	Amend(T)	5-1-2008
623-040-0005	12-3-2007	Adopt	1-1-2008	635-006-0232	1-15-2008	Amend	2-1-2008
623-040-0010	12-3-2007	Adopt	1-1-2008	635-006-0850	1-1-2008	Amend(T)	2-1-2008
623-040-0015	12-3-2007	Adopt	1-1-2008	635-006-0850	1-23-2008	Amend	3-1-2008
629-001-0005	3-7-2008	Amend	4-1-2008	635-006-0850(T)	1-23-2008	Repeal	3-1-2008
629-041-0555	5-12-2008	Amend	6-1-2008	635-006-0910	1-23-2008	Amend	3-1-2008
629-041-0557	5-12-2008	Amend	6-1-2008	635-006-0930	1-23-2008	Amend	3-1-2008
629-043-0040	1-1-2008	Amend	2-1-2008	635-006-1015	1-15-2008	Amend	2-1-2008
629-043-0041	1-1-2008	Repeal	2-1-2008	635-006-1065	1-15-2008	Amend	2-1-2008
629-043-0043	1-1-2008	Repeal	2-1-2008	635-006-1075	1-15-2008	Amend	2-1-2008
629-048-0001	1-1-2008	Adopt	2-1-2008	635-008-0115	4-24-2008	Amend	6-1-2008
629-048-0005	1-1-2008	Adopt	2-1-2008	635-008-0120	4-24-2008	Amend	6-1-2008
629-048-0010	1-1-2008	Adopt	2-1-2008	635-011-0100	1-1-2008	Amend	2-1-2008
629-048-0020	1-1-2008	Adopt	2-1-2008	635-013-0003	1-1-2008	Amend	2-1-2008
629-048-0100	1-1-2008	Adopt	2-1-2008	635-013-0003	5-1-2008	Amend	6-1-2008
629-048-0110	1-1-2008	Adopt	2-1-2008	635-013-0004	1-1-2008	Amend	2-1-2008
629-048-0120	1-1-2008	Adopt	2-1-2008	635-013-0004	3-15-2008	Amend(T)	4-1-2008
629-048-0130	1-1-2008	Adopt	2-1-2008	635-013-0009	3-15-2008	Amend(T)	4-1-2008
629-048-0140	1-1-2008	Adopt	2-1-2008	635-014-0080	1-1-2008	Amend	2-1-2008
629-048-0150	1-1-2008	Adopt	2-1-2008	635-014-0090	1-1-2008	Amend	2-1-2008
629-048-0160	1-1-2008	Adopt	2-1-2008	635-014-0090	3-15-2008	Amend(T)	4-1-2008
629-048-0200	1-1-2008	Adopt	2-1-2008	635-016-0080	1-1-2008	Amend	2-1-2008
629-048-0210	1-1-2008	Adopt	2-1-2008	635-016-0090	1-1-2008	Amend	2-1-2008
629-048-0220	1-1-2008	Adopt	2-1-2008	635-016-0090	1-1-2008	Amend	2-1-2008
629-048-0230	1-1-2008	Adopt	2-1-2008	635-017-0080	1-1-2008	Amend	2-1-2008
629-048-0300	1-1-2008	Adopt	2-1-2008	635-017-0090	1-1-2008	Amend	2-1-2008
629-048-0310	1-1-2008	Adopt	2-1-2008	635-017-0090	1-1-2008	Amend	2-1-2008
629-048-0320	1-1-2008	Adopt	2-1-2008	635-017-0090	1-9-2008	Amend(T)	2-1-2008
629-048-0330	1-1-2008	Adopt	2-1-2008	635-017-0090	2-1-2008	Amend(T)	3-1-2008
629-048-0400	1-1-2008	Adopt	2-1-2008	635-017-0090	3-1-2008	Amend(T)	4-1-2008
629-048-0450	1-1-2008	Adopt	2-1-2008	635-017-0090	5-12-2008	Amend(T)	6-1-2008
629-048-0500	1-1-2008	Adopt	2-1-2008	635-017-0090(T)	2-1-2008	Suspend	3-1-2008
635-001-0210	1-1-2008	Amend	2-1-2008	635-017-0090(T)	5-12-2008	Suspend	6-1-2008
635-003-0003	5-1-2008	Amend	6-1-2008	635-017-0095	1-1-2008	Amend	2-1-2008
635-003-0004	3-15-2008	Amend(T)	4-1-2008	635-017-0095	1-1-2008	Amend(T)	2-1-2008
635-004-0018	1-1-2008	Amend	1-1-2008	635-017-0095	2-11-2008	Amend	3-1-2008
635-004-0019	11-28-2007	Amend(T)	1-1-2008	635-017-0095(T)	1-1-2008	Suspend	2-1-2008
635-004-0019	12-11-2007	Amend(T)	1-1-2008	635-017-0095(T)	2-11-2008	Repeal	3-1-2008
635-004-0019	5-1-2008	Amend(T)	6-1-2008	635-018-0080	1-1-2008	Amend	2-1-2008
635-004-0019(T)	11-28-2007	Suspend	1-1-2008	635-018-0090	1-1-2008	Amend	2-1-2008
635-004-0027	1-1-2008	Amend(T)	2-1-2008	635-018-0090	4-15-2008	Amend(T)	5-1-2008
635-004-0033	11-28-2007	Amend(T)	1-1-2008	635-018-0090	5-1-2008	Amend(T)	5-1-2008
635-004-0033	1-1-2008	Amend	1-1-2008	635-019-0080	1-1-2008	Amend	2-1-2008
635-004-0033(T)	11-28-2007	Suspend	1-1-2008	635-019-0090	1-1-2008	Amend	2-1-2008
635-004-0170	11-28-2007	Amend(T)	1-1-2008	635-021-0080	1-1-2008	Amend	2-1-2008
635-004-0170	1-1-2008	Amend	1-1-2008	635-021-0090	1-1-2008	Amend	2-1-2008
635-005-0005	1-23-2008	Amend	3-1-2008	635-023-0080	1-1-2008	Amend	2-1-2008
635-005-0055	12-11-2007	Amend(T)	1-1-2008	635-023-0090	1-1-2008	Amend	2-1-2008
635-005-0055	12-14-2007	Amend(T)	1-1-2008	635-023-0095	1-1-2008	Amend	2-1-2008
635-005-0055	12-14-2007	Suspend	1-1-2008	635-023-0095	1-1-2008	Amend(T)	2-1-2008
635-005-0055	3-25-2008	Amend(T)	5-1-2008	635-023-0095	2-11-2008	Amend	3-1-2008

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635-023-0095	3-26-2008	Amend(T)	5-1-2008	635-042-0170	5-12-2008	Amend(T)	6-1-2008
635-023-0095(T)	1-1-2008	Suspend	2-1-2008	635-042-0170(T)	5-12-2008	Suspend	6-1-2008
635-023-0095(T)	2-11-2008	Repeal	3-1-2008	635-042-0180	1-31-2008	Amend(T)	3-1-2008
635-023-0125	1-1-2008	Amend	2-1-2008	635-042-0180	3-2-2008	Amend(T)	4-1-2008
635-023-0125	2-25-2008	Amend(T)	4-1-2008	635-042-0180	5-12-2008	Amend(T)	6-1-2008
635-023-0125	2-27-2008	Amend(T)	4-1-2008	635-042-0180(T)	3-2-2008	Suspend	4-1-2008
635-023-0125	4-21-2008	Amend(T)	6-1-2008	635-042-0180(T)	5-12-2008	Suspend	6-1-2008
635-023-0125	5-13-2008	Amend(T)	6-1-2008	635-043-0120	4-24-2008	Adopt	6-1-2008
635-023-0125(T)	4-21-2008	Suspend	6-1-2008	635-048-0005	1-1-2008	Amend	2-1-2008
635-023-0125(T)	5-13-2008	Suspend	6-1-2008	635-048-0010	1-1-2008	Amend	2-1-2008
635-023-0128	1-1-2008	Amend	2-1-2008	635-048-0030	1-1-2008	Amend	2-1-2008
635-023-0128	5-1-2008	Amend	6-1-2008	635-051-0048	4-21-2008	Amend(T)	6-1-2008
635-023-0130	1-1-2008	Amend	2-1-2008	635-055-0000	2-21-2008	Amend	4-1-2008
635-023-0130	5-1-2008	Amend	6-1-2008	635-055-0000	2-29-2008	Amend	4-1-2008
635-023-0134	4-26-2008	Amend(T)	6-1-2008	635-055-0020	2-21-2008	Amend	4-1-2008
635-039-0080	1-1-2008	Amend	2-1-2008	635-055-0020	2-29-2008	Amend	4-1-2008
635-039-0090	1-1-2008	Amend	2-1-2008	635-055-0030	2-21-2008	Amend	4-1-2008
635-041-0050	2-11-2008	Amend	3-1-2008	635-055-0030	2-29-2008	Amend	4-1-2008
635-041-0065	1-31-2008	Amend(T)	3-1-2008	635-055-0035	2-21-2008	Amend	4-1-2008
635-041-0065	2-29-2008	Amend(T)	4-1-2008	635-055-0035	2-29-2008	Amend	4-1-2008
635-041-0065	3-5-2008	Amend(T)	4-1-2008	635-055-0075	2-21-2008	Amend	4-1-2008
635-041-0065	3-10-2008	Amend(T)	4-1-2008	635-055-0075	2-29-2008	Amend	4-1-2008
635-041-0065(T)	3-10-2008	Suspend	4-1-2008	635-056-0010	11-19-2007	Amend	1-1-2008
635-041-0076	5-5-2008	Amend(T)	6-1-2008	635-056-0020	11-19-2007	Amend	1-1-2008
635-041-0076	5-11-2008	Amend(T)	6-1-2008	635-057-0000	11-19-2007	Adopt	1-1-2008
635-041-0076(T)	5-11-2008	Suspend	6-1-2008	635-060-0008	5-14-2008	Amend(T)	6-1-2008
635-042-0010	2-11-2008	Amend	3-1-2008	635-060-0023	12-1-2007	Amend	1-1-2008
635-042-0022	4-1-2008	Amend(T)	5-1-2008	635-079-0000	2-21-2008	Adopt	4-1-2008
635-042-0022	4-8-2008	Amend(T)	5-1-2008	635-079-0005	2-21-2008	Adopt	4-1-2008
635-042-0022	4-15-2008	Amend(T)	5-1-2008	635-079-0010	2-21-2008	Adopt	4-1-2008
635-042-0022(T)	4-15-2008	Suspend	5-1-2008	635-200-0090	12-31-2007	Amend(T)	2-1-2008
635-042-0110	5-12-2008	Amend(T)	4-1-2008	635-200-0090	4-24-2008	Amend	6-1-2008
635-042-0130	12-1-2007	Amend(T)	1-1-2008	635-600-0000	4-24-2008	Adopt	6-1-2008
635-042-0130	1-1-2008	Amend(T)	2-1-2008	635-600-0005	4-24-2008	Adopt	6-1-2008
635-042-0130	2-11-2008	Amend	3-1-2008	635-600-0010	4-24-2008	Adopt	6-1-2008
635-042-0130(T)	1-1-2008	Suspend	2-1-2008	635-600-0015	4-24-2008	Adopt	6-1-2008
635-042-0130(T)	2-11-2008	Repeal	3-1-2008	635-600-0020	4-24-2008	Adopt	6-1-2008
635-042-0135	1-1-2008	Amend(T)	2-1-2008	635-600-0025	4-24-2008	Adopt	6-1-2008
635-042-0135	1-31-2008	Amend(T)	3-1-2008	635-600-0030	4-24-2008	Adopt	6-1-2008
635-042-0135	2-11-2008	Amend	3-1-2008	635-600-0035	4-24-2008	Adopt	6-1-2008
635-042-0135	2-21-2008	Amend(T)	4-1-2008	635-600-0040	4-24-2008	Adopt	6-1-2008
635-042-0135(T)	1-31-2008	Suspend	3-1-2008	635-600-0050	4-24-2008	Adopt	6-1-2008
635-042-0135(T)	2-11-2008	Repeal	3-1-2008	635-600-0055	4-24-2008	Adopt	6-1-2008
635-042-0145	1-31-2008	Amend(T)	3-1-2008	635-600-0065	4-24-2008	Adopt	6-1-2008
635-042-0145	3-2-2008	Amend(T)	4-1-2008	641-020-0010	3-22-2008	Adopt	3-1-2008
635-042-0145	3-30-2008	Amend(T)	5-1-2008	641-020-0020	3-22-2008	Adopt	3-1-2008
635-042-0145	5-12-2008	Amend(T)	6-1-2008	641-020-0030	3-22-2008	Adopt	3-1-2008
635-042-0145(T)	3-2-2008	Suspend	4-1-2008	642-020-0010	3-22-2008	Adopt	3-1-2008
635-042-0145(T)	3-30-2008	Suspend	5-1-2008	642-020-0020	3-22-2008	Adopt	3-1-2008
635-042-0145(T)	5-12-2008	Suspend	6-1-2008	642-020-0030	3-22-2008	Adopt	3-1-2008
635-042-0160	1-31-2008	Amend(T)	3-1-2008	644-040-0010	2-15-2008	Adopt	3-1-2008
635-042-0160	3-2-2008	Amend(T)	4-1-2008	644-040-0020	2-15-2008	Adopt	3-1-2008
635-042-0160	5-12-2008	Amend(T)	6-1-2008	644-040-0030	2-15-2008	Adopt	3-1-2008
635-042-0160(T)	3-2-2008	Suspend	4-1-2008	646-040-0000	1-23-2008	Adopt	3-1-2008
635-042-0160(T)	5-12-2008	Suspend	6-1-2008	646-040-0010	1-23-2008	Adopt	3-1-2008

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647-040-0000	4-1-2008	Adopt	4-1-2008	660-026-0040	4-18-2008	Repeal	6-1-2008
647-040-0010	4-1-2008	Adopt	4-1-2008	660-027-0005	2-13-2008	Adopt	3-1-2008
647-040-0020	4-1-2008	Adopt	4-1-2008	660-027-0010	2-13-2008	Adopt	3-1-2008
655-040-0000	4-1-2008	Adopt	3-1-2008	660-027-0020	2-13-2008	Adopt	3-1-2008
655-040-0010	4-1-2008	Adopt	3-1-2008	660-027-0030	2-13-2008	Adopt	3-1-2008
655-040-0020	4-1-2008	Adopt	3-1-2008	660-027-0040	2-13-2008	Adopt	3-1-2008
657-020-0010	3-22-2008	Adopt	3-1-2008	660-027-0050	2-13-2008	Adopt	3-1-2008
657-020-0020	3-22-2008	Adopt	3-1-2008	660-027-0060	2-13-2008	Adopt	3-1-2008
657-020-0030	3-22-2008	Adopt	3-1-2008	660-027-0070	2-13-2008	Adopt	3-1-2008
660-002-0010	12-10-2007	Amend(T)	1-1-2008	660-027-0080	2-13-2008	Adopt	3-1-2008
660-002-0010	2-21-2008	Amend(T)	4-1-2008	660-033-0020	4-18-2008	Amend	6-1-2008
660-002-0015	12-10-2007	Amend(T)	1-1-2008	660-033-0030	4-18-2008	Amend	6-1-2008
660-002-0015	2-21-2008	Amend(T)	4-1-2008	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	660-041-0010	12-10-2007	Amend(T)	1-1-2008
660-006-0026	4-18-2008	Amend	6-1-2008	660-041-0010	2-21-2008	Amend(T)	4-1-2008
660-006-0055	4-18-2008	Amend	6-1-2008	660-041-0020	2-21-2008	Amend(T)	4-1-2008
660-007-0005	4-18-2008	Amend	6-1-2008	660-041-0030	12-10-2007	Amend(T)	1-1-2008
660-008-0005	4-18-2008	Amend	6-1-2008	660-041-0030	2-21-2008	Amend(T)	4-1-2008
660-011-0060	2-13-2008	Amend	3-1-2008	660-041-0040	12-10-2007	Amend(T)	1-1-2008
660-011-0060	4-18-2008	Amend	6-1-2008	660-041-0040	2-21-2008	Amend(T)	4-1-2008
660-015-0000	4-18-2008	Amend	6-1-2008	660-041-0050	12-10-2007	Suspend	1-1-2008
660-015-0005	4-18-2008	Amend	6-1-2008	660-041-0050	2-21-2008	Suspend	4-1-2008
660-015-0010	4-18-2008	Amend	6-1-2008	660-041-0060	12-10-2007	Adopt(T)	1-1-2008
660-018-0005	4-18-2008	Amend	6-1-2008	660-041-0060	2-21-2008	Adopt(T)	4-1-2008
660-018-0010	4-18-2008	Amend	6-1-2008	660-041-0070	12-10-2007	Adopt(T)	1-1-2008
660-018-0020	4-18-2008	Amend	6-1-2008	660-041-0070	2-21-2008	Adopt(T)	4-1-2008
660-018-0021	4-18-2008	Amend	6-1-2008	660-041-0080	2-21-2008	Adopt(T)	4-1-2008
660-018-0022	4-18-2008	Amend	6-1-2008	660-041-0090	2-21-2008	Adopt(T)	4-1-2008
660-018-0025	4-18-2008	Amend	6-1-2008	660-041-0100	2-21-2008	Adopt(T)	4-1-2008
660-018-0030	4-18-2008	Amend	6-1-2008	660-041-0500	12-10-2007	Adopt(T)	1-1-2008
660-018-0035	4-18-2008	Amend	6-1-2008	660-041-0500	2-21-2008	Adopt(T)	4-1-2008
660-018-0040	4-18-2008	Amend	6-1-2008	660-041-0510	12-10-2007	Adopt(T)	1-1-2008
660-018-0045	4-18-2008	Amend	6-1-2008	660-041-0510	2-21-2008	Adopt(T)	4-1-2008
660-018-0050	4-18-2008	Amend	6-1-2008	660-041-0520	12-10-2007	Adopt(T)	1-1-2008
660-018-0055	4-18-2008	Amend	6-1-2008	660-041-0520	2-21-2008	Adopt(T)	4-1-2008
660-018-0060	4-18-2008	Amend	6-1-2008	660-041-0530	12-10-2007	Adopt(T)	1-1-2008
660-018-0085	4-18-2008	Amend	6-1-2008	660-041-0530	2-21-2008	Adopt(T)	4-1-2008
660-018-0140	4-18-2008	Amend	6-1-2008	664-020-0010	4-1-2008	Adopt	3-1-2008
660-018-0150	4-18-2008	Amend	6-1-2008	664-020-0020	4-1-2008	Adopt	3-1-2008
660-021-0010	2-13-2008	Amend	3-1-2008	664-020-0030	4-1-2008	Adopt	3-1-2008
660-021-0020	2-13-2008	Amend	3-1-2008	670-020-0010	3-22-2008	Adopt	3-1-2008
660-021-0030	2-13-2008	Amend	3-1-2008	670-020-0020	3-22-2008	Adopt	3-1-2008
660-021-0040	2-13-2008	Amend	3-1-2008	670-020-0030	3-22-2008	Adopt	3-1-2008
660-021-0050	2-13-2008	Amend	3-1-2008	678-030-0000	1-11-2008	Adopt	2-1-2008
660-021-0060	2-13-2008	Amend	3-1-2008	678-030-0010	1-11-2008	Adopt	2-1-2008
660-021-0070	2-13-2008	Amend	3-1-2008	678-030-0020	1-11-2008	Adopt	2-1-2008
660-021-0080	2-13-2008	Amend	3-1-2008	678-030-0030	1-11-2008	Adopt	2-1-2008
660-024-0030	4-18-2008	Amend	6-1-2008	695-003-0010	3-25-2008	Adopt	5-1-2008
660-025-0040	2-13-2008	Amend	3-1-2008	695-003-0020	3-25-2008	Adopt	5-1-2008
660-026-0000	4-18-2008	Repeal	6-1-2008	695-003-0030	3-25-2008	Adopt	5-1-2008
660-026-0010	4-18-2008	Repeal	6-1-2008	695-003-0040	3-25-2008	Adopt	5-1-2008

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731-005-0450	1-24-2008	Amend(T)	3-1-2008	735-062-0090	2-22-2008	Amend(T)	4-1-2008
731-005-0550	12-24-2007	Amend(T)	2-1-2008	735-062-0090	4-24-2008	Amend	6-1-2008
732-035-0010	4-24-2008	Adopt	6-1-2008	735-062-0090(T)	4-24-2008	Repeal	6-1-2008
732-035-0020	4-24-2008	Adopt	6-1-2008	735-062-0110	2-4-2008	Amend(T)	3-1-2008
732-035-0030	4-24-2008	Adopt	6-1-2008	735-062-0200	1-1-2008	Amend	2-1-2008
732-035-0040	4-24-2008	Adopt	6-1-2008	735-062-0320	1-1-2008	Amend	2-1-2008
732-035-0050	4-24-2008	Adopt	6-1-2008	735-062-0330	1-1-2008	Amend	2-1-2008
732-035-0060	4-24-2008	Adopt	6-1-2008	735-062-0380	1-1-2008	Amend	2-1-2008
732-035-0070	4-24-2008	Adopt	6-1-2008	735-062-0390	1-1-2008	Adopt	2-1-2008
732-035-0080	4-24-2008	Adopt	6-1-2008	735-064-0005	2-4-2008	Amend	3-1-2008
734-001-0025	4-24-2008	Amend	6-1-2008	735-064-0040	1-1-2008	Amend	2-1-2008
734-010-0230	1-24-2008	Amend(T)	3-1-2008	735-064-0070	1-1-2008	Amend	1-1-2008
734-010-0260	1-24-2008	Amend(T)	3-1-2008	735-064-0100	1-25-2008	Amend	3-1-2008
734-059-0020	12-24-2007	Adopt	2-1-2008	735-064-0220	1-1-2008	Amend	2-1-2008
734-059-0025	12-24-2007	Adopt	2-1-2008	735-064-0230	1-25-2008	Amend	3-1-2008
734-059-0030	12-24-2007	Adopt	2-1-2008	735-070-0010	2-4-2008	Amend(T)	3-1-2008
734-059-0050	12-24-2007	Adopt	2-1-2008	735-070-0080	1-1-2008	Amend	1-1-2008
734-075-0010	4-24-2008	Amend(T)	6-1-2008	735-070-0190	12-24-2007	Amend	2-1-2008
735-010-0045	12-24-2007	Amend	2-1-2008	735-072-0035	1-1-2008	Amend	2-1-2008
735-010-0130	2-4-2008	Amend(T)	3-1-2008	735-074-0080	1-1-2008	Amend	2-1-2008
735-016-0030	2-4-2008	Amend	3-1-2008	735-074-0140	1-1-2008	Amend	2-1-2008
735-016-0040	2-4-2008	Amend	3-1-2008	735-074-0180	1-1-2008	Amend	2-1-2008
735-020-0075	11-30-2007	Adopt	1-1-2008	735-074-0260	1-1-2008	Am. & Ren.	2-1-2008
735-024-0070	1-1-2008	Amend(T)	2-1-2008	735-074-0270	1-1-2008	Am. & Ren.	2-1-2008
735-024-0080	1-1-2008	Amend(T)	2-1-2008	735-074-0280	1-1-2008	Am. & Ren.	2-1-2008
735-028-0100	3-21-2008	Amend	5-1-2008	735-074-0290	1-1-2008	Am. & Ren.	2-1-2008
735-030-0300	1-1-2008	Adopt	2-1-2008	735-076-0002	1-1-2008	Amend	2-1-2008
735-030-0310	1-1-2008	Adopt	2-1-2008	735-076-0005	2-22-2008	Amend(T)	4-1-2008
735-030-0320	1-1-2008	Adopt	2-1-2008	735-076-0007	1-1-2008	Amend	2-1-2008
735-030-0330	1-1-2008	Adopt	2-1-2008	735-076-0018	1-1-2008	Amend	2-1-2008
735-032-0020	1-1-2008	Amend(T)	2-1-2008	735-076-0020	1-1-2008	Amend	2-1-2008
735-032-0050	1-1-2008	Amend	2-1-2008	735-076-0035	1-1-2008	Amend	2-1-2008
735-040-0040	1-1-2008	Amend(T)	2-1-2008	735-080-0010	1-1-2008	Repeal	2-1-2008
735-040-0050	1-1-2008	Amend(T)	2-1-2008	735-080-0020	1-1-2008	Amend	2-1-2008
735-040-0080	1-1-2008	Amend(T)	2-1-2008	735-080-0030	1-1-2008	Repeal	2-1-2008
735-040-0090	1-1-2008	Amend(T)	2-1-2008	735-080-0040	1-1-2008	Amend	2-1-2008
735-040-0100	1-1-2008	Amend(T)	2-1-2008	735-080-0080	1-1-2008	Amend	2-1-2008
735-046-0010	1-1-2008	Amend(T)	2-1-2008	735-090-0000	12-24-2007	Amend	2-1-2008
735-046-0050	1-1-2008	Amend(T)	2-1-2008	735-090-0020	12-24-2007	Amend	2-1-2008
735-050-0000	2-4-2008	Amend	3-1-2008	735-090-0051	12-24-2007	Amend	2-1-2008
735-050-0060	2-4-2008	Amend	3-1-2008	735-090-0120	12-24-2007	Amend	2-1-2008
735-050-0062	2-4-2008	Amend	3-1-2008	735-090-0130	12-24-2007	Amend	2-1-2008
735-050-0064	2-4-2008	Amend	3-1-2008	735-152-0000	1-1-2008	Amend(T)	2-1-2008
735-060-0120	1-1-2008	Amend	2-1-2008	735-152-0040	1-1-2008	Amend(T)	2-1-2008
735-062-0000	1-1-2008	Amend	2-1-2008	735-152-0050	1-1-2008	Amend(T)	2-1-2008
735-062-0000	2-4-2008	Amend(T)	3-1-2008	735-152-0060	1-1-2008	Amend(T)	2-1-2008
735-062-0005	2-4-2008	Amend(T)	3-1-2008	735-158-0000	11-30-2007	Amend	1-1-2008
735-062-0010	2-4-2008	Amend(T)	3-1-2008	735-160-0115	12-24-2007	Amend	2-1-2008
735-062-0020	2-4-2008	Amend(T)	3-1-2008	736-002-0010	2-15-2008	Amend	3-1-2008
735-062-0021	2-4-2008	Adopt(T)	3-1-2008	736-002-0020	2-15-2008	Amend	3-1-2008
735-062-0030	2-4-2008	Amend	3-1-2008	736-002-0030	2-15-2008	Amend	3-1-2008
735-062-0030	2-4-2008	Amend(T)	3-1-2008	736-002-0032	2-15-2008	Adopt	3-1-2008
735-062-0050	1-1-2008	Amend	2-1-2008	736-002-0038	2-15-2008	Adopt	3-1-2008
735-062-0073	1-1-2008	Amend	2-1-2008	736-002-0040	2-15-2008	Repeal	3-1-2008
735-062-0090	1-1-2008	Amend	2-1-2008	736-002-0042	2-15-2008	Adopt	3-1-2008

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736-002-0052	2-15-2008	Adopt	3-1-2008	800-015-0030	2-1-2008	Amend	2-1-2008
736-002-0058	2-15-2008	Adopt	3-1-2008	800-020-0015	2-1-2008	Amend	2-1-2008
736-002-0060	2-15-2008	Repeal	3-1-2008	800-020-0020	2-1-2008	Amend	2-1-2008
736-002-0070	2-15-2008	Amend	3-1-2008	800-020-0022	2-1-2008	Amend	2-1-2008
736-002-0080	2-15-2008	Repeal	3-1-2008	800-020-0025	2-1-2008	Amend	2-1-2008
736-002-0082	2-15-2008	Adopt	3-1-2008	800-020-0026	2-1-2008	Amend	2-1-2008
736-002-0090	2-15-2008	Repeal	3-1-2008	800-020-0030	2-1-2008	Amend	2-1-2008
736-002-0092	2-15-2008	Adopt	3-1-2008	800-020-0031	2-1-2008	Amend	2-1-2008
736-002-0100	2-15-2008	Repeal	3-1-2008	800-020-0035	2-1-2008	Amend	2-1-2008
736-002-0102	2-15-2008	Adopt	3-1-2008	800-025-0020	2-1-2008	Amend	2-1-2008
736-002-0150	2-15-2008	Adopt	3-1-2008	800-025-0023	2-1-2008	Amend	2-1-2008
736-002-0160	2-15-2008	Adopt	3-1-2008	800-025-0025	2-1-2008	Amend	2-1-2008
736-006-0100	3-1-2008	Amend	3-1-2008	800-025-0030	2-1-2008	Amend	2-1-2008
736-006-0110	3-1-2008	Amend(T)	3-1-2008	800-025-0060	2-1-2008	Amend	2-1-2008
736-006-0110	5-15-2008	Amend	6-1-2008	800-025-0070	2-1-2008	Amend	2-1-2008
736-006-0115	3-1-2008	Amend	3-1-2008	800-030-0025	2-1-2008	Amend	2-1-2008
736-006-0125	3-1-2008	Amend	3-1-2008	800-030-0050	2-1-2008	Amend	2-1-2008
736-006-0140	3-1-2008	Amend	3-1-2008	801-001-0035	1-1-2008	Amend	2-1-2008
736-006-0150	3-1-2008	Amend	3-1-2008	801-010-0340	1-1-2008	Amend	2-1-2008
736-040-0005	5-15-2008	Amend	6-1-2008	801-030-0010	1-1-2008	Amend	2-1-2008
736-040-0015	5-15-2008	Amend	6-1-2008	801-030-0015	1-1-2008	Amend	2-1-2008
736-040-0020	5-15-2008	Amend	6-1-2008	801-030-0020	1-1-2008	Amend	2-1-2008
736-040-0035	5-15-2008	Amend	6-1-2008	801-040-0030	1-1-2008	Amend	2-1-2008
736-040-0041	5-15-2008	Amend	6-1-2008	804-022-0010	2-4-2008	Amend	3-1-2008
736-040-0042	5-15-2008	Amend	6-1-2008	804-025-0020	2-4-2008	Amend	3-1-2008
736-040-0043	5-15-2008	Amend	6-1-2008	804-030-0015	2-4-2008	Am. & Ren.	3-1-2008
736-040-0044	5-15-2008	Amend	6-1-2008	804-030-0020	3-20-2008	Amend	5-1-2008
736-040-0046	5-15-2008	Amend	6-1-2008	804-030-0035	2-4-2008	Am. & Ren.	3-1-2008
736-040-0056	5-15-2008	Amend	6-1-2008	804-035-0010	3-20-2008	Amend	5-1-2008
736-040-0070	5-15-2008	Amend	6-1-2008	804-040-0000	3-20-2008	Amend	5-1-2008
736-040-0071	5-15-2008	Amend	6-1-2008	806-010-0010	2-28-2008	Amend	4-1-2008
736-040-0072	5-15-2008	Amend	6-1-2008	806-010-0015	2-28-2008	Repeal	4-1-2008
736-040-0073	5-15-2008	Amend	6-1-2008	806-010-0020	2-28-2008	Amend	4-1-2008
736-040-0080	5-15-2008	Amend	6-1-2008	806-010-0033	2-28-2008	Amend	4-1-2008
736-040-0085	5-15-2008	Amend	6-1-2008	806-010-0035	2-28-2008	Amend	4-1-2008
736-040-0090	5-15-2008	Amend	6-1-2008	806-010-0090	7-1-2008	Amend	4-1-2008
736-054-0005	2-15-2008	Amend	3-1-2008	806-010-0105	7-1-2008	Amend	4-1-2008
736-054-0010	2-15-2008	Amend	3-1-2008	806-010-0145	7-1-2008	Amend	4-1-2008
736-054-0015	2-15-2008	Amend	3-1-2008	808-001-0005	4-25-2008	Amend	6-1-2008
736-054-0025	2-15-2008	Amend	3-1-2008	808-001-0020	1-1-2008	Amend	2-1-2008
740-100-0010	4-1-2008	Amend	5-1-2008	808-001-0020	1-1-2008	Amend	2-1-2008
740-100-0060	4-1-2008	Amend	5-1-2008	808-001-0020	4-11-2008	Amend	5-1-2008
740-100-0070	4-1-2008	Amend	5-1-2008	808-001-0020	4-23-2008	Amend(T)	6-1-2008
740-100-0080	4-1-2008	Amend	5-1-2008	808-002-0020	1-1-2008	Amend	2-1-2008
740-100-0090	4-1-2008	Amend	5-1-2008	808-002-0210	1-1-2008	Amend	2-1-2008
740-100-0140	3-21-2008	Am. & Ren.	5-1-2008	808-002-0220	1-1-2008	Amend	2-1-2008
740-110-0010	4-1-2008	Amend	5-1-2008	808-002-0220	1-1-2008	Amend	2-1-2008
740-300-0140	3-21-2008	Am. & Ren.	5-1-2008	808-002-0220	4-11-2008	Amend	5-1-2008
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800-010-0017	2-1-2008	Amend	2-1-2008	808-002-0325	1-1-2008	Amend	2-1-2008
800-010-0025	2-1-2008	Amend	2-1-2008	808-002-0328	1-1-2008	Amend	2-1-2008
800-010-0030	2-1-2008	Amend	2-1-2008	808-002-0330	1-1-2008	Amend	2-1-2008
800-010-0041	2-1-2008	Amend	2-1-2008	808-002-0500	1-1-2008	Amend	2-1-2008
800-015-0005	2-1-2008	Amend	2-1-2008	808-002-0540	1-1-2008	Amend	2-1-2008
800-015-0010	2-1-2008	Amend	2-1-2008	808-002-0590	1-1-2008	Adopt	2-1-2008

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808-002-0870	1-1-2008	Amend	2-1-2008	808-030-0010	1-1-2008	Adopt	2-1-2008
808-002-0900	1-1-2008	Amend	2-1-2008	808-030-0020	1-1-2008	Adopt	2-1-2008
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808-003-0010	1-1-2008	Amend	2-1-2008	808-030-0040	1-1-2008	Adopt	2-1-2008
808-003-0015	1-1-2008	Amend	2-1-2008	808-030-0050	1-1-2008	Adopt	2-1-2008
808-003-0015	1-1-2008	Amend	2-1-2008	808-030-0060	1-1-2008	Adopt	2-1-2008
808-003-0015	4-11-2008	Amend	5-1-2008	808-030-0070	1-1-2008	Adopt	2-1-2008
808-003-0018	4-11-2008	Amend	5-1-2008	808-040-0010	1-1-2008	Adopt	2-1-2008
808-003-0020	1-1-2008	Amend	2-1-2008	808-040-0020	1-1-2008	Adopt	2-1-2008
808-003-0030	1-1-2008	Amend	2-1-2008	808-040-0025	1-1-2008	Adopt	2-1-2008
808-003-0035	1-1-2008	Amend	2-1-2008	808-040-0030	1-1-2008	Adopt	2-1-2008
808-003-0035	1-1-2008	Amend	2-1-2008	808-040-0040	1-1-2008	Adopt	2-1-2008
808-003-0035	4-11-2008	Amend	5-1-2008	808-040-0050	1-1-2008	Adopt	2-1-2008
808-003-0040	1-1-2008	Amend	2-1-2008	808-040-0060	1-1-2008	Adopt	2-1-2008
808-003-0040	1-1-2008	Amend	2-1-2008	808-040-0070	1-1-2008	Adopt	2-1-2008
808-003-0040	4-11-2008	Amend	5-1-2008	808-040-0080	1-1-2008	Adopt	2-1-2008
808-003-0045	1-1-2008	Amend	2-1-2008	809-030-0025	3-20-2008	Amend	5-1-2008
808-003-0045	1-1-2008	Amend	2-1-2008	811-001-0005	1-31-2008	Amend	1-1-2008
808-003-0060	1-1-2008	Amend	2-1-2008	811-010-0085	11-30-2007	Amend	1-1-2008
808-003-0090	1-1-2008	Amend	2-1-2008	811-010-0086	11-30-2007	Amend	1-1-2008
808-003-0095	1-1-2008	Amend	2-1-2008	811-010-0090	11-30-2007	Amend	1-1-2008
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808-003-0105	1-1-2008	Amend	2-1-2008	811-015-0010	11-30-2007	Amend	1-1-2008
808-003-0110	1-1-2008	Amend	2-1-2008	811-015-0025	11-30-2007	Amend	1-1-2008
808-003-0112	1-1-2008	Amend	2-1-2008	811-021-0005	11-30-2007	Amend	1-1-2008
808-003-0125	1-1-2008	Amend	2-1-2008	812-001-0120	5-1-2008	Amend	6-1-2008
808-003-0130	1-1-2008	Amend	2-1-2008	812-001-0160	5-1-2008	Amend	6-1-2008
808-003-0130	1-1-2008	Amend	2-1-2008	812-001-0200	1-1-2008	Amend	1-1-2008
808-003-0130	4-11-2008	Amend	5-1-2008	812-001-0200	1-2-2008	Amend(T)	2-1-2008
808-003-0135	1-1-2008	Amend	2-1-2008	812-001-0200	5-1-2008	Amend	6-1-2008
808-003-018	1-1-2008	Amend	2-1-2008	812-001-0200(T)	5-1-2008	Repeal	6-1-2008
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808-003-0220	1-1-2008	Amend	2-1-2008	812-002-0143	1-1-2008	Amend	1-1-2008
808-003-0225	1-1-2008	Amend	2-1-2008	812-002-0170	1-1-2008	Adopt	1-1-2008
808-003-0230	1-1-2008	Amend	2-1-2008	812-002-0265	1-1-2008	Adopt	1-1-2008
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808-003-0230	4-11-2008	Amend	5-1-2008	812-002-0380	7-1-2008	Amend	4-1-2008
808-003-0235	1-1-2008	Amend	2-1-2008	812-002-0420	1-1-2008	Amend	1-1-2008
808-003-0255	1-1-2008	Amend	2-1-2008	812-002-0580	1-1-2008	Amend	1-1-2008
808-003-0440	1-1-2008	Amend	2-1-2008	812-002-0630	1-1-2008	Adopt	1-1-2008
808-004-0120	1-1-2008	Amend	2-1-2008	812-002-0635	1-1-2008	Adopt	1-1-2008
808-004-0120	4-11-2008	Amend	5-1-2008	812-002-0640	1-1-2008	Amend	1-1-2008
808-004-0250	1-1-2008	Amend	2-1-2008	812-002-0760	1-1-2008	Amend	1-1-2008
808-004-0320	1-1-2008	Amend	2-1-2008	812-002-0840	1-1-2008	Repeal	1-1-2008
808-004-0340	1-1-2008	Amend	2-1-2008	812-003-0130	7-1-2008	Amend	4-1-2008
808-004-0340	1-1-2008	Amend	2-1-2008	812-003-0131	7-1-2008	Adopt	4-1-2008
808-004-0400	1-1-2008	Amend	2-1-2008	812-003-0140	1-10-2008	Amend(T)	2-1-2008
808-004-0450	1-1-2008	Amend	2-1-2008	812-003-0140	7-1-2008	Amend	4-1-2008
808-004-0530	1-1-2008	Adopt	2-1-2008	812-003-0150	1-1-2008	Amend	1-1-2008
808-004-0540	1-1-2008	Amend	2-1-2008	812-003-0152	7-1-2008	Adopt	4-1-2008
808-004-0600	1-1-2008	Amend	2-1-2008	812-003-0153	7-1-2008	Adopt	4-1-2008
808-005-0020	1-1-2008	Amend	2-1-2008	812-003-0155	1-1-2008	Adopt	1-1-2008
808-005-0020	1-1-2008	Amend	2-1-2008	812-003-0155	7-1-2008	Amend	4-1-2008
808-005-0020	4-11-2008	Amend	5-1-2008	812-003-0160	1-1-2008	Amend	1-1-2008

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812-003-0170	7-1-2008	Amend	4-1-2008	812-009-0420	5-1-2008	Amend	6-1-2008
812-003-0171	7-1-2008	Adopt	4-1-2008	812-009-0435	5-1-2008	Adopt	6-1-2008
812-003-0175	1-1-2008	Amend	1-1-2008	812-010-0420	1-1-2008	Amend	1-1-2008
812-003-0175	7-1-2008	Amend	4-1-2008	812-010-0470	1-1-2008	Amend	1-1-2008
812-003-0180	1-1-2008	Amend	1-1-2008	812-012-0110	1-1-2008	Adopt	1-1-2008
812-003-0190	1-1-2008	Amend	1-1-2008	812-012-0130	1-1-2008	Adopt	1-1-2008
812-003-0200	1-1-2008	Amend	1-1-2008	812-012-0130	1-18-2008	Amend(T)	3-1-2008
812-003-0200	7-1-2008	Amend	4-1-2008	812-012-0130	5-1-2008	Amend	6-1-2008
812-003-0220	7-1-2008	Amend	4-1-2008	812-012-0130(T)	5-1-2008	Repeal	6-1-2008
812-003-0221	7-1-2008	Adopt	4-1-2008	813-110-0005	4-11-2008	Amend	5-1-2008
812-003-0230	7-1-2008	Amend	4-1-2008	813-110-0005(T)	4-11-2008	Repeal	5-1-2008
812-003-0240	1-1-2008	Amend	1-1-2008	813-110-0010	4-11-2008	Amend	5-1-2008
812-003-0250	1-1-2008	Amend	1-1-2008	813-110-0010(T)	4-11-2008	Repeal	5-1-2008
812-003-0260	1-1-2008	Amend	1-1-2008	813-110-0013	4-11-2008	Adopt	5-1-2008
812-003-0260	3-24-2008	Amend	5-1-2008	813-110-0013(T)	4-11-2008	Repeal	5-1-2008
812-003-0260	7-1-2008	Amend	4-1-2008	813-110-0015	4-11-2008	Amend	5-1-2008
812-003-0260	7-1-2008	Amend	6-1-2008	813-110-0015(T)	4-11-2008	Repeal	5-1-2008
812-003-0270	1-10-2008	Amend(T)	2-1-2008	813-110-0020	4-11-2008	Amend	5-1-2008
812-003-0270	7-1-2008	Amend	4-1-2008	813-110-0020(T)	4-11-2008	Repeal	5-1-2008
812-003-0280	1-1-2008	Amend	1-1-2008	813-110-0021	4-11-2008	Amend	5-1-2008
812-003-0280	7-1-2008	Amend	4-1-2008	813-110-0021(T)	4-11-2008	Repeal	5-1-2008
812-003-0290	1-1-2008	Amend	1-1-2008	813-110-0022	4-11-2008	Amend	5-1-2008
812-003-0290	7-1-2008	Amend	4-1-2008	813-110-0022(T)	4-11-2008	Repeal	5-1-2008
812-003-0300	1-1-2008	Amend	1-1-2008	813-110-0025	4-11-2008	Amend	5-1-2008
812-003-0300	7-1-2008	Amend	4-1-2008	813-110-0025(T)	4-11-2008	Repeal	5-1-2008
812-003-0310	1-1-2008	Amend	1-1-2008	813-110-0030	4-11-2008	Amend	5-1-2008
812-003-0340	7-1-2008	Amend	4-1-2008	813-110-0030(T)	4-11-2008	Repeal	5-1-2008
812-003-0360	7-1-2008	Amend	4-1-2008	813-110-0035	4-11-2008	Amend	5-1-2008
812-003-0380	1-1-2008	Amend	1-1-2008	813-110-0035(T)	4-11-2008	Repeal	5-1-2008
812-003-0400	1-1-2008	Amend	1-1-2008	813-120-0001	1-28-2008	Amend	3-1-2008
812-003-0420	7-1-2008	Amend	4-1-2008	813-120-0010	1-28-2008	Amend	3-1-2008
812-003-0440	7-1-2008	Amend	4-1-2008	813-120-0020	1-28-2008	Amend	3-1-2008
812-003-0450	7-1-2008	Amend	4-1-2008	813-120-0030	1-28-2008	Am. & Ren.	3-1-2008
812-004-0240	1-1-2008	Amend	1-1-2008	813-120-0040	1-28-2008	Amend	3-1-2008
812-004-0250	1-1-2008	Amend	1-1-2008	813-120-0050	1-28-2008	Amend	3-1-2008
812-004-0260	1-1-2008	Amend	1-1-2008	813-120-0060	1-28-2008	Amend	3-1-2008
812-004-0560	1-1-2008	Amend	1-1-2008	813-120-0070	1-28-2008	Amend	3-1-2008
812-004-0590	1-1-2008	Amend	1-1-2008	813-120-0080	1-28-2008	Amend	3-1-2008
812-004-0600	1-1-2008	Amend	1-1-2008	813-120-0090	1-28-2008	Amend	3-1-2008
812-004-0600	7-1-2008	Amend	4-1-2008	813-120-0100	1-28-2008	Am. & Ren.	3-1-2008
812-005-0200	1-1-2008	Amend	1-1-2008	813-120-0110	1-28-2008	Amend	3-1-2008
812-005-0210	1-1-2008	Amend	1-1-2008	813-120-0120	1-28-2008	Amend	3-1-2008
812-005-0250	1-1-2008	Amend	1-1-2008	813-120-0130	1-28-2008	Amend	3-1-2008
812-005-0270	1-1-2008	Adopt	1-1-2008	813-120-0140	1-28-2008	Amend	3-1-2008
812-005-0270	7-1-2008	Amend	4-1-2008	813-140-0010	12-18-2007	Amend(T)	2-1-2008
812-005-0800	1-2-2008	Amend(T)	2-1-2008	813-140-0050	12-18-2007	Amend(T)	2-1-2008
812-005-0800	7-1-2008	Amend	4-1-2008	813-140-0090	12-18-2007	Amend(T)	2-1-2008
812-007-0040	7-1-2008	Amend	4-1-2008	813-140-0095	12-18-2007	Adopt(T)	2-1-2008
812-008-0030	7-1-2008	Amend	4-1-2008	813-220-0001	3-31-2008	Amend	5-1-2008
812-008-0040	1-1-2008	Amend	1-1-2008	813-220-0005	3-31-2008	Amend	5-1-2008
812-008-0040	7-1-2008	Amend	4-1-2008	813-220-0010	3-31-2008	Amend	5-1-2008
812-008-0060	1-1-2008	Amend	1-1-2008	813-220-0015	3-31-2008	Amend	5-1-2008
812-008-0070	1-1-2008	Amend	1-1-2008	813-220-0020	3-31-2008	Amend	5-1-2008
812-008-0110	1-1-2008	Amend	1-1-2008	813-220-0030	3-31-2008	Amend	5-1-2008
812-009-0140	1-1-2008	Amend	1-1-2008	813-220-0050	3-31-2008	Amend	5-1-2008

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813-250-0000	4-11-2008	Amend	5-1-2008	836-052-0666	1-1-2008	Amend	1-1-2008
813-250-0010	4-11-2008	Amend	5-1-2008	836-052-0676	1-1-2008	Amend	1-1-2008
813-250-0020	4-11-2008	Amend	5-1-2008	836-052-0696	1-1-2008	Amend	1-1-2008
813-250-0030	4-11-2008	Amend	5-1-2008	836-052-0700	1-1-2008	Am. & Ren.	1-1-2008
813-250-0040	4-11-2008	Amend	5-1-2008	836-052-0706	1-1-2008	Amend	1-1-2008
813-300-0010	3-18-2008	Amend	5-1-2008	836-052-0726	1-1-2008	Amend	1-1-2008
813-300-0010(T)	3-18-2008	Repeal	5-1-2008	836-052-0736	1-1-2008	Amend	1-1-2008
813-300-0020	3-18-2008	Amend	5-1-2008	836-052-0738	1-1-2008	Adopt	1-1-2008
813-300-0020(T)	3-18-2008	Repeal	5-1-2008	836-052-0740	1-1-2008	Adopt	1-1-2008
813-300-0030	3-18-2008	Amend	5-1-2008	836-052-0746	1-1-2008	Amend	1-1-2008
813-300-0030(T)	3-18-2008	Repeal	5-1-2008	836-052-0756	1-1-2008	Amend	1-1-2008
813-300-0060	3-18-2008	Amend	5-1-2008	836-052-0766	1-1-2008	Amend	1-1-2008
813-300-0060(T)	3-18-2008	Repeal	5-1-2008	836-052-0776	1-1-2008	Amend	1-1-2008
813-300-0080	3-18-2008	Amend	5-1-2008	836-052-0786	1-1-2008	Amend	1-1-2008
813-300-0080(T)	3-18-2008	Repeal	5-1-2008	836-052-1000	1-1-2008	Adopt	2-1-2008
813-300-0100	3-18-2008	Amend	5-1-2008	836-053-0007	4-18-2008	Adopt	6-1-2008
813-300-0100(T)	3-18-2008	Repeal	5-1-2008	836-053-0016	2-11-2008	Repeal	3-1-2008
813-300-0120	3-18-2008	Amend	5-1-2008	836-053-0021	2-11-2008	Amend	3-1-2008
813-300-0120(T)	3-18-2008	Repeal	5-1-2008	836-053-0026	2-11-2008	Repeal	3-1-2008
818-001-0087	11-30-2007	Amend	1-1-2008	836-053-0030	2-11-2008	Amend	3-1-2008
818-012-0030	11-30-2007	Amend	1-1-2008	836-053-0040	2-11-2008	Amend	3-1-2008
818-021-0060	11-30-2007	Amend	1-1-2008	836-053-0050	2-11-2008	Amend	3-1-2008
818-021-0070	11-30-2007	Amend	1-1-2008	836-053-0060	2-11-2008	Amend	3-1-2008
818-035-0030	11-30-2007	Amend	1-1-2008	836-053-0065	2-11-2008	Amend	3-1-2008
818-035-0040	11-30-2007	Amend	1-1-2008	836-053-0065(T)	2-11-2008	Repeal	3-1-2008
818-035-0065	11-30-2007	Amend	1-1-2008	836-053-0081	4-18-2008	Adopt	6-1-2008
818-042-0040	11-30-2007	Amend	1-1-2008	836-053-0910	12-21-2007	Amend(T)	2-1-2008
818-042-0060	11-30-2007	Amend	1-1-2008	836-053-1400	4-18-2008	Amend	6-1-2008
818-042-0095	11-30-2007	Adopt	1-1-2008	836-054-0050	1-16-2008	Repeal	3-1-2008
820-010-0236	3-12-2008	Adopt	4-1-2008	836-054-0055	1-16-2008	Repeal	3-1-2008
820-010-0300	3-12-2008	Amend	4-1-2008	836-054-0060	1-16-2008	Repeal	3-1-2008
820-010-0305	3-12-2008	Amend	4-1-2008	836-054-0065	1-16-2008	Repeal	3-1-2008
820-010-0325	3-12-2008	Amend	4-1-2008	836-071-0130	12-11-2007	Amend(T)	1-1-2008
820-010-0415	3-12-2008	Amend	4-1-2008	836-071-0135	12-11-2007	Amend(T)	1-1-2008
820-010-0425	3-12-2008	Amend	4-1-2008	836-071-0145	12-11-2007	Amend(T)	1-1-2008
820-010-0427	3-12-2008	Amend	4-1-2008	836-200-0105	4-7-2008	Adopt	5-1-2008
820-010-0450	3-12-2008	Amend	4-1-2008	836-200-0110	4-7-2008	Adopt	5-1-2008
820-010-0605	3-12-2008	Amend	4-1-2008	836-200-0120	4-7-2008	Adopt	5-1-2008
834-010-0030	4-9-2008	Amend	5-1-2008	836-200-0130	4-7-2008	Adopt	5-1-2008
836-009-0007	12-11-2007	Amend(T)	1-1-2008	836-200-0140	4-7-2008	Adopt	5-1-2008
836-042-0045	4-7-2008	Amend	5-1-2008	836-200-0200	4-14-2008	Adopt	5-1-2008
836-043-0068	4-7-2008	Amend	5-1-2008	836-200-0210	4-14-2008	Adopt	5-1-2008
836-052-0500	1-1-2008	Amend	1-1-2008	836-200-0215	4-14-2008	Adopt	5-1-2008
836-052-0508	1-1-2008	Adopt	1-1-2008	836-200-0220	4-14-2008	Adopt	5-1-2008
836-052-0516	1-1-2008	Amend	1-1-2008	837-012-0520	1-25-2008	Amend(T)	3-1-2008
836-052-0526	1-1-2008	Amend	1-1-2008	837-012-0520	5-1-2008	Amend	5-1-2008
836-052-0531	1-1-2008	Adopt	1-1-2008	837-020-0035	11-30-2007	Amend(T)	1-1-2008
836-052-0546	1-1-2008	Amend	1-1-2008	837-020-0035	5-1-2008	Amend	5-1-2008
836-052-0556	1-1-2008	Amend	1-1-2008	837-020-0115	11-30-2007	Amend(T)	1-1-2008
836-052-0566	1-1-2008	Amend	1-1-2008	837-020-0115	5-1-2008	Amend	5-1-2008
836-052-0576	1-1-2008	Amend	1-1-2008	837-035-0000	11-16-2007	Adopt	1-1-2008
836-052-0616	1-1-2008	Amend	1-1-2008	837-035-0020	11-16-2007	Adopt	1-1-2008
836-052-0626	1-1-2008	Amend	1-1-2008	837-035-0040	11-16-2007	Adopt	1-1-2008
836-052-0636	1-1-2008	Amend	1-1-2008	837-035-0060	11-16-2007	Adopt	1-1-2008
836-052-0639	1-1-2008	Adopt	1-1-2008	837-035-0080	11-16-2007	Adopt	1-1-2008

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837-035-0120	11-16-2007	Adopt	1-1-2008	839-003-0200	3-25-2008	Amend(T)	5-1-2008
837-035-0140	11-16-2007	Adopt	1-1-2008	839-003-0205	1-1-2008	Adopt	2-1-2008
837-035-0160	11-16-2007	Adopt	1-1-2008	839-003-0205	3-25-2008	Amend(T)	5-1-2008
837-035-0180	11-16-2007	Adopt	1-1-2008	839-003-0210	1-1-2008	Adopt	2-1-2008
837-035-0200	11-16-2007	Adopt	1-1-2008	839-003-0210	3-25-2008	Amend(T)	5-1-2008
837-035-0220	11-16-2007	Adopt	1-1-2008	839-003-0215	1-1-2008	Adopt	2-1-2008
837-035-0240	11-16-2007	Adopt	1-1-2008	839-003-0215	3-25-2008	Amend(T)	5-1-2008
837-035-0260	11-16-2007	Adopt	1-1-2008	839-003-0220	1-1-2008	Adopt	2-1-2008
837-035-0280	11-16-2007	Adopt	1-1-2008	839-003-0220	3-25-2008	Amend(T)	5-1-2008
837-035-0300	11-16-2007	Adopt	1-1-2008	839-003-0225	1-1-2008	Adopt	2-1-2008
837-035-0320	11-16-2007	Adopt	1-1-2008	839-003-0225	3-25-2008	Amend(T)	5-1-2008
837-035-0340	11-16-2007	Adopt	1-1-2008	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	839-005-0195	1-1-2008	Adopt	2-1-2008
839-002-0080	1-1-2008	Adopt	2-1-2008	839-005-0195	3-25-2008	Amend(T)	5-1-2008
839-003-0005	1-1-2008	Amend	2-1-2008	839-005-0200	1-1-2008	Adopt	2-1-2008
839-003-0005	3-25-2008	Amend(T)	5-1-2008	839-005-0200	3-25-2008	Amend(T)	5-1-2008
839-003-0010	3-25-2008	Amend(T)	5-1-2008	839-005-0205	1-1-2008	Adopt	2-1-2008
839-003-0020	1-1-2008	Amend	2-1-2008	839-005-0205	3-25-2008	Amend(T)	5-1-2008
839-003-0020	3-25-2008	Amend(T)	5-1-2008	839-005-0210	1-1-2008	Adopt	2-1-2008
839-003-0025	3-25-2008	Amend(T)	5-1-2008	839-005-0215	1-1-2008	Adopt	2-1-2008
839-003-0040	3-25-2008	Amend(T)	5-1-2008	839-005-0220	1-1-2008	Adopt	2-1-2008
839-003-0045	3-25-2008	Amend(T)	5-1-2008	839-005-0220	3-25-2008	Amend(T)	5-1-2008
839-003-0050	3-25-2008	Amend(T)	5-1-2008	839-006-0105	1-1-2008	Amend	2-1-2008
839-003-0055	1-1-2008	Amend	2-1-2008	839-006-0130	1-1-2008	Amend	2-1-2008
839-003-0055	3-25-2008	Amend(T)	5-1-2008	839-006-0131	1-1-2008	Amend	2-1-2008
839-003-0060	1-1-2008	Amend	2-1-2008	839-006-0135	1-1-2008	Amend	2-1-2008
839-003-0060	3-25-2008	Amend(T)	5-1-2008	839-006-0136	1-1-2008	Amend	2-1-2008
839-003-0065	3-25-2008	Amend(T)	5-1-2008	839-006-0150	1-1-2008	Amend	2-1-2008
839-003-0070	3-25-2008	Amend(T)	5-1-2008	839-006-0400	1-1-2008	Repeal	2-1-2008
839-003-0080	1-1-2008	Amend	2-1-2008	839-006-0405	1-1-2008	Repeal	2-1-2008
839-003-0080	3-25-2008	Amend(T)	5-1-2008	839-006-0410	1-1-2008	Repeal	2-1-2008
839-003-0085	3-25-2008	Amend(T)	5-1-2008	839-006-0415	1-1-2008	Repeal	2-1-2008
839-003-0090	1-1-2008	Amend	2-1-2008	839-006-0425	1-1-2008	Repeal	2-1-2008
839-003-0090	3-25-2008	Amend(T)	5-1-2008	839-007-0075	1-1-2008	Adopt	2-1-2008
839-003-0095	3-25-2008	Amend(T)	5-1-2008	839-009-0210	1-1-2008	Amend	2-1-2008
839-003-0100	3-25-2008	Amend(T)	5-1-2008	839-009-0240	1-1-2008	Amend	2-1-2008

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839-009-0260	1-1-2008	Amend	2-1-2008	839-025-0340	1-1-2008	Amend	2-1-2008
839-009-0280	1-1-2008	Amend	2-1-2008	839-025-0500	1-1-2008	Amend	2-1-2008
839-009-0320	1-1-2008	Amend	2-1-2008	839-025-0520	1-1-2008	Amend	2-1-2008
839-009-0325	1-1-2008	Adopt	2-1-2008	839-025-0530	1-1-2008	Amend	2-1-2008
839-009-0330	1-1-2008	Adopt	2-1-2008	839-025-0540	1-1-2008	Amend	2-1-2008
839-009-0335	1-1-2008	Adopt	2-1-2008	839-025-0700	11-23-2007	Amend	1-1-2008
839-009-0340	1-1-2008	Adopt	2-1-2008	839-025-0700	1-1-2008	Amend	2-1-2008
839-009-0345	1-1-2008	Adopt	2-1-2008	839-025-0700	1-4-2008	Amend	2-1-2008
839-009-0350	1-1-2008	Adopt	2-1-2008	839-025-0700	1-11-2008	Amend	2-1-2008
839-009-0355	1-1-2008	Adopt	2-1-2008	839-025-0700	2-21-2008	Amend	4-1-2008
839-009-0360	1-1-2008	Adopt	2-1-2008	839-025-0700	3-13-2008	Amend	4-1-2008
839-009-0362	1-1-2008	Adopt	2-1-2008	839-025-0700	4-1-2008	Amend	5-1-2008
839-009-0363	1-1-2008	Adopt	2-1-2008	839-025-0700	4-14-2008	Amend	5-1-2008
839-009-0365	1-1-2008	Adopt	2-1-2008	839-025-0700	4-24-2008	Amend	6-1-2008
839-010-0000	1-1-2008	Amend	2-1-2008	839-025-0700	4-30-2008	Amend	6-1-2008
839-010-0010	1-1-2008	Amend	2-1-2008	839-025-0750	4-23-2008	Amend	6-1-2008
839-010-0020	1-1-2008	Amend	2-1-2008	845-001-0007	4-1-2008	Amend	5-1-2008
839-010-0040	1-1-2008	Amend	2-1-2008	845-003-0670	2-1-2008	Amend	3-1-2008
839-010-0100	1-1-2008	Amend	2-1-2008	845-005-0416	1-1-2008	Adopt(T)	1-1-2008
839-010-0110	1-1-2008	Repeal	2-1-2008	845-005-0416	4-18-2008	Amend(T)	6-1-2008
839-015-0140	1-1-2008	Amend	2-1-2008	845-005-0416(T)	4-18-2008	Suspend	6-1-2008
839-015-0141	5-5-2008	Amend(T)	6-1-2008	845-005-0417	1-1-2008	Adopt(T)	1-1-2008
839-015-0508	1-1-2008	Amend	2-1-2008	845-005-0417	4-18-2008	Amend(T)	6-1-2008
839-015-0509	1-1-2008	Adopt	2-1-2008	845-005-0417(T)	4-18-2008	Suspend	6-1-2008
839-015-0605	3-10-2008	Amend	4-1-2008	845-005-0420	1-1-2008	Amend(T)	1-1-2008
839-020-0012	1-1-2008	Amend	2-1-2008	845-005-0422	1-1-2008	Suspend	1-1-2008
839-020-0015	1-1-2008	Amend	2-1-2008	845-005-0423	1-1-2008	Suspend	1-1-2008
839-020-0050	1-1-2008	Amend	2-1-2008	845-005-0424	1-1-2008	Amend(T)	1-1-2008
839-020-0051	1-1-2008	Adopt	2-1-2008	845-005-0425	1-1-2008	Adopt(T)	1-1-2008
839-020-0080	1-1-2008	Amend	2-1-2008	845-005-0426	1-1-2008	Adopt(T)	1-1-2008
839-020-0260	1-1-2008	Amend	2-1-2008	845-005-0430	2-18-2008	Adopt(T)	3-1-2008
839-020-1010	1-1-2008	Amend	2-1-2008	845-005-0430(T)	3-17-2008	Suspend	5-1-2008
839-025-0004	1-1-2008	Amend	2-1-2008	845-005-0440	1-1-2008	Amend	2-1-2008
839-025-0005	1-1-2008	Adopt	2-1-2008	845-006-0340	1-1-2008	Amend	2-1-2008
839-025-0007	1-1-2008	Amend	2-1-2008	845-006-0340	6-1-2008	Amend	6-1-2008
839-025-0008	1-1-2008	Amend	2-1-2008	845-006-0391	1-1-2008	Adopt(T)	1-1-2008
839-025-0008	3-10-2008	Amend	4-1-2008	845-006-0391	4-18-2008	Amend(T)	6-1-2008
839-025-0010	1-1-2008	Amend	2-1-2008	845-006-0391(T)	4-18-2008	Suspend	6-1-2008
839-025-0013	1-1-2008	Amend	2-1-2008	845-006-0392	1-1-2008	Adopt(T)	1-1-2008
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839-025-0020	1-1-2008	Amend	2-1-2008	845-006-0392(T)	4-18-2008	Suspend	6-1-2008
839-025-0025	1-1-2008	Amend	2-1-2008	845-006-0395	1-1-2008	Suspend	1-1-2008
839-025-0035	1-1-2008	Amend	2-1-2008	845-006-0396	1-1-2008	Amend(T)	1-1-2008
839-025-0037	1-1-2008	Amend	2-1-2008	845-006-0396	4-18-2008	Amend(T)	6-1-2008
839-025-0080	1-1-2008	Amend	2-1-2008	845-006-0396(T)	4-18-2008	Suspend	6-1-2008
839-025-0085	1-1-2008	Amend	2-1-2008	845-006-0398	1-1-2008	Suspend	1-1-2008
839-025-0090	1-1-2008	Amend	2-1-2008	845-006-0400	1-1-2008	Adopt(T)	1-1-2008
839-025-0095	1-1-2008	Amend	2-1-2008	845-006-0401	1-1-2008	Adopt(T)	1-1-2008
839-025-0100	1-1-2008	Amend	2-1-2008	845-006-0451	2-18-2008	Adopt(T)	3-1-2008
839-025-0150	1-1-2008	Amend	2-1-2008	845-006-0451(T)	3-17-2008	Suspend	5-1-2008
839-025-0200	1-1-2008	Amend	2-1-2008	845-007-0015	1-1-2008	Amend	2-1-2008
839-025-0210	1-1-2008	Amend	2-1-2008	845-015-0141	1-1-2008	Adopt(T)	1-1-2008
839-025-0220	1-1-2008	Amend	2-1-2008	845-015-0165	1-1-2008	Amend	2-1-2008
839-025-0230	1-1-2008	Amend	2-1-2008	845-020-0035	3-16-2008	Amend	3-1-2008
839-025-0310	1-1-2008	Amend	2-1-2008	847-005-0005	1-22-2008	Amend	3-1-2008

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847-008-0022	4-24-2008	Amend	6-1-2008	855-019-0150	2-20-2008	Adopt	4-1-2008
847-008-0023	4-24-2008	Amend	6-1-2008	855-019-0220	2-20-2008	Adopt	4-1-2008
847-008-0037	1-22-2008	Amend	3-1-2008	855-019-0240	2-20-2008	Adopt	4-1-2008
847-008-0037	4-24-2008	Amend	6-1-2008	855-019-0250	2-20-2008	Adopt	4-1-2008
847-008-0055	1-22-2008	Amend	3-1-2008	855-019-0300	2-20-2008	Adopt	4-1-2008
847-010-0060	1-22-2008	Amend	3-1-2008	855-035-0005	2-20-2008	Amend	4-1-2008
847-010-0064	1-22-2008	Amend	3-1-2008	855-035-0020	2-20-2008	Amend	4-1-2008
847-010-0070	1-22-2008	Amend	3-1-2008	855-041-0020	2-20-2008	Amend	4-1-2008
847-010-0073	1-22-2008	Amend	3-1-2008	855-041-0050	2-20-2008	Am. & Ren.	4-1-2008
847-015-0030	4-24-2008	Amend	6-1-2008	855-041-0060	2-20-2008	Amend	4-1-2008
847-017-0010	4-24-2008	Amend	6-1-2008	855-041-0061	2-5-2008	Adopt	3-1-2008
847-020-0155	1-22-2008	Amend	3-1-2008	855-041-0063	2-20-2008	Am. & Ren.	4-1-2008
847-020-0183	1-22-2008	Amend	3-1-2008	855-041-0085	2-20-2008	Am. & Ren.	4-1-2008
847-023-0005	1-22-2008	Amend	3-1-2008	855-041-0086	2-20-2008	Amend	4-1-2008
847-035-0030	4-24-2008	Amend	6-1-2008	855-041-0100	2-20-2008	Am. & Ren.	4-1-2008
847-050-0020	1-22-2008	Amend	3-1-2008	855-041-0210	2-20-2008	Am. & Ren.	4-1-2008
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847-080-0010	4-24-2008	Amend	6-1-2008	855-041-0400	2-20-2008	Am. & Ren.	4-1-2008
847-080-0018	4-24-2008	Amend	6-1-2008	855-041-0500	2-20-2008	Am. & Ren.	4-1-2008
848-035-0020	2-19-2008	Amend(T)	4-1-2008	855-041-0510	2-20-2008	Am. & Ren.	4-1-2008
850-030-0020	6-10-2008	Amend	6-1-2008	855-041-0520	2-20-2008	Am. & Ren.	4-1-2008
850-030-0035	6-10-2008	Amend	6-1-2008	855-042-0020	2-20-2008	Am. & Ren.	4-1-2008
850-030-0090	6-10-2008	Amend	6-1-2008	855-045-0200	2-20-2008	Adopt	4-1-2008
850-030-0195	6-10-2008	Amend	6-1-2008	855-045-0210	2-20-2008	Adopt	4-1-2008
850-060-0225	2-19-2008	Amend	4-1-2008	855-045-0220	2-20-2008	Adopt	4-1-2008
850-060-0225	3-21-2008	Amend	5-1-2008	855-045-0230	2-20-2008	Adopt	4-1-2008
850-060-0226	2-19-2008	Amend	4-1-2008	855-045-0250	2-20-2008	Adopt	4-1-2008
850-060-0226	3-21-2008	Amend	5-1-2008	855-045-0260	2-20-2008	Adopt	4-1-2008
851-045-0015	11-21-2007	Amend	1-1-2008	855-045-0270	2-20-2008	Adopt	4-1-2008
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851-061-0090	2-25-2008	Amend	4-1-2008	856-001-0005	1-24-2008	Amend	3-1-2008
851-061-0120	2-25-2008	Amend	4-1-2008	856-010-0003	1-24-2008	Amend	3-1-2008
852-001-0001	12-7-2007	Amend	1-1-2008	856-010-0010	1-24-2008	Amend	3-1-2008
852-001-0002	12-7-2007	Amend	1-1-2008	856-010-0012	1-24-2008	Amend	3-1-2008
852-050-0006	12-7-2007	Amend	1-1-2008	856-010-0014	1-24-2008	Amend	3-1-2008
852-080-0030	1-1-2008	Amend	1-1-2008	856-010-0015	1-24-2008	Amend	3-1-2008
855-006-0005	2-20-2008	Amend	4-1-2008	856-010-0016	1-24-2008	Amend	3-1-2008
855-006-0015	2-5-2008	Adopt	3-1-2008	856-010-0018	1-24-2008	Amend	3-1-2008
855-010-0045	2-20-2008	Adopt	4-1-2008	856-010-0020	1-24-2008	Amend	3-1-2008
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858-010-0075	3-26-2008	Amend	5-1-2008	918-225-0345	1-1-2008	Adopt	2-1-2008
858-020-0015	3-26-2008	Amend	5-1-2008	918-225-0600	1-1-2008	Amend	2-1-2008
858-020-0045	3-26-2008	Amend	5-1-2008	918-225-0610	1-1-2008	Amend	2-1-2008
858-020-0075	3-26-2008	Amend	5-1-2008	918-225-0640	1-1-2008	Amend	2-1-2008
858-030-0005	3-26-2008	Amend	5-1-2008	918-282-0130	1-1-2008	Amend	2-1-2008
858-040-0015	3-26-2008	Amend	5-1-2008	918-282-0210	1-1-2008	Repeal	2-1-2008
858-040-0025	3-26-2008	Amend	5-1-2008	918-282-0220	1-1-2008	Amend	2-1-2008
858-040-0035	3-26-2008	Amend	5-1-2008	918-282-0240	1-1-2008	Amend	2-1-2008
858-040-0036	3-26-2008	Amend	5-1-2008	918-282-0270	4-1-2008	Amend	4-1-2008
858-040-0055	3-26-2008	Amend	5-1-2008	918-282-0300	1-1-2008	Repeal	2-1-2008
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858-040-0075	3-26-2008	Amend	5-1-2008	918-282-0355	1-1-2008	Amend	2-1-2008
858-040-0085	3-26-2008	Amend	5-1-2008	918-305-0005	4-1-2008	Amend	4-1-2008
858-040-0095	3-26-2008	Amend	5-1-2008	918-305-0030	4-1-2008	Amend	4-1-2008
858-050-0100	3-26-2008	Amend	5-1-2008	918-305-0100	4-1-2008	Amend	4-1-2008
858-050-0105	3-26-2008	Amend	5-1-2008	918-305-0105	4-1-2008	Amend	4-1-2008
858-050-0110	3-26-2008	Amend	5-1-2008	918-305-0110	4-1-2008	Amend	4-1-2008
858-050-0120	3-26-2008	Amend	5-1-2008	918-305-0120	4-1-2008	Amend	4-1-2008
858-050-0125	3-26-2008	Amend	5-1-2008	918-305-0130	4-1-2008	Amend	4-1-2008
858-050-0140	3-26-2008	Amend	5-1-2008	918-305-0150	4-1-2008	Amend	4-1-2008
858-050-0145	3-26-2008	Amend	5-1-2008	918-305-0160	4-1-2008	Amend	4-1-2008
858-050-0150	3-26-2008	Amend	5-1-2008	918-305-0165	4-1-2008	Amend	4-1-2008
860-012-0100	3-11-2008	Amend	4-1-2008	918-305-0180	4-1-2008	Amend	4-1-2008
860-038-0005	12-31-2007	Amend	2-1-2008	918-305-0190	4-1-2008	Amend	4-1-2008
860-038-0480	12-31-2007	Amend	2-1-2008	918-305-0205	4-1-2008	Amend	4-1-2008
863-015-0125	1-18-2008	Amend(T)	3-1-2008	918-305-0210	4-1-2008	Amend	4-1-2008
875-005-0005	2-11-2008	Amend	3-1-2008	918-305-0250	4-1-2008	Amend	4-1-2008
875-010-0026	2-11-2008	Amend	3-1-2008	918-305-0270	4-1-2008	Amend	4-1-2008
875-010-0050	2-11-2008	Amend	3-1-2008	918-305-0280	4-1-2008	Amend	4-1-2008
875-010-0090	2-11-2008	Amend	3-1-2008	918-305-0290	4-1-2008	Amend	4-1-2008
875-010-0090	2-11-2008	Amend(T)	3-1-2008	918-305-0300	4-1-2008	Amend	4-1-2008
875-011-0010	3-19-2008	Amend	5-1-2008	918-305-0310	4-1-2008	Amend	4-1-2008
875-015-0030	2-11-2008	Amend	3-1-2008	918-305-0320	4-1-2008	Amend	4-1-2008
875-020-0005	4-21-2008	Amend(T)	5-1-2008	918-400-0280	1-1-2008	Amend	2-1-2008
875-030-0030	2-11-2008	Amend	3-1-2008	918-400-0333	1-1-2008	Amend	2-1-2008
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875-030-0050	2-11-2008	Amend	3-1-2008	918-400-0380	1-1-2008	Amend	2-1-2008
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918-001-0010	3-18-2008	Amend	5-1-2008	918-480-0005	4-1-2008	Amend	4-1-2008
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